Agenda Packet

NORFOLK CITY COUNCIL MEETING

Monday, July 01, 2013
5:30 p.m.

Created 6/27/2013 10:05 AM

City of Norfolk
NEBRASKA
right at home.

309 N 5th Street
Norfolk, NE 68701
P402-844-2012 F402-844-2028
www.ci.norfolk.ne.us

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, July 01, 2013, in the Council Chambers, 309 N. 5th St., 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, 309 N 5th St, 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 (June 28, 2013)
1 P.O.P.

EQUAL HOUSING OPPORTUNITY

AGENDA

NORFOLK CITY COUNCIL MEETING

July 01, 2013

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 June 17, 2013, City Council meeting. **Motion**
8. Consideration of approval of an Easement Agreement between the City and Vicki Volquardsen for the construction of the Michigan Avenue Improvements project for an amount of $50.00. **Motion**
9. Consideration of City Council approval of the plans, specifications, and engineer's estimate on file in the City offices for Sewer Reconstruction West of WPC project and authorization for the City Clerk to advertise for bids. **Motion**
10. Consideration of approval of a Temporary Construction Easement Agreement between the City and Richard E. Pinkston and Amy M. Pinkston for the construction of the Michigan Avenue Improvements project for an amount of $50.00. **Motion**

11.	Consideration of approval of an agreement with The Norfolk Softball Association (NSA), a Nebraska Nonprofit Corporation, for the use of the adult softball complex at Ta-Ha-Zouka Park to hold a 14U Class B Girls Fastpitch State Tournament from Friday, July 5, 2013 through Sunday, July 7, 2013.	**Motion**
12.	Consideration of approval of a Special Designated Liquor License for Sacred Heart Church, 204 South 5th Street, to serve beer, wine and distilled spirits for an annual Spirit Gala Fundraiser at Sacred Heart Parish & Activities Center, 2301 West Madison Avenue, on October 12, 2013 from 5:00 p.m. to 1:00 a.m.	**Motion**
13.	Consideration of approval of an Easement Agreement between the City and Guillermo Mendez-Contreras for the construction of the Michigan Avenue Improvements project for an amount of $210.00.	**Motion**
14.	Consideration of approval to accept the low bid of $22,000 from Green Stripe, L.L.C., for the irrigation portion of the Ta-Ha-Zouka Phase II Improvement Plan.	**Motion**
15.	Consideration of approval of Resolution 2013-20 authorizing the Mayor to execute Supplemental Agreement No. 1 to the Federal-Aid Transportation Fund Purchase-Sale Agreement between Nebraska Department of Roads (NDOR) and the City of Norfolk.	**Resolution 2013-20**
16.	Consideration of Resolution No. 2013-21 releasing the 5' side yard utility easements on either side of the common lot line of Lots 55 and 56, less the North 10' thereof, and the 5' side yard utility easements on either side of the common lot line of Lots 56 and 57, less the North 10' thereof, Royal Oaks 4th Addition, Stanton County, Nebraska, being part of the South 1/2 of the NW 1/4 of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska.	**Resolution 2013-21**
17.	Consideration of approval of all bills on file.	**Motion**

REGULAR AGENDA

18.	Consideration of Ordinance No. 5256 amending Section 24-150 of the City Code to increase the fine for a parking violation from $10.00 to $25.00. Ordinance No. 5256 passed on first reading at the June 3, 2013 City Council meeting, and on second reading as amended at the June 17, 2013 City Council meeting.	**Ordinance No. 5256**
19.	Consideration of Ordinance No. 5257 amending Section 24-167 of the City Code to reduce the parking time limit in off-street parking lots from 3 hours to 2 hours between 6:00 a.m. and 6:00 p.m., Monday through Friday. Ordinance No. 5257 was approved on first reading at the June 17, 2013 City Council meeting.	**Ordinance No. 5257**
20.	Consideration of Ordinance No. 5258 amending Section 24-165.2 of the City Code to change the days of the 6:00 a.m. to 6:00 p.m. parking restriction in downtown so that the restriction will be in effect Monday through Friday	**Ordinance No. 5258**

rather than Monday through Saturday. Ordinance No. 5258 passed on first reading at the June 17, 2013 City Council meeting.

21. Consideration of Ordinance No. 5259 amending Section 2-5 of the Code to update the City's comprehensive fee schedule. Ordinance No. 5259 was approved on first reading at the June 17, 2013 City Council meeting. **Ordinance No. 5259**

22. Consideration of Resolution No. 2013-22 authorizing submittal of the Blight & Substandard Determination Study for the area referred to as "Northeast Corner of 13th Street & Omaha Avenue" to the City of Norfolk Planning Commission. **Resolution 2013-22**

23. Consideration of approval to accept the low bid of $28,312 from Elkhorn Fence Company for the fencing and backstop portion of the Ta-Ha-Zouka Phase II Improvement Plan. **Motion**

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STAFF MEMORANDUM

NORFOLK CITY COUNCIL MEETING

July 01, 2013

CALL TO ORDER

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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 June 17, 2013, City Council meeting. **Motion**

   See Enclosure 7.

8. Consideration of approval of an Easement Agreement between the City and Vicki Volquardsen for the construction of the Michigan Avenue Improvements project for an amount of $50.00. **Motion**

   This Agreement is a permanent and temporary easement for the construction and maintenance of concrete pavement and utilities and construction of a sidewalk along Michigan Avenue from Wood Street to 10th Street.

   Staff request approval of this Easement Agreement with Vicki Volquardsen for an amount of $50.00.

   See Enclosure 8.

9. Consideration of City Council approval of the plans, specifications, and engineer's estimate on file in the City offices for Sewer Reconstruction West of WPC project and authorization for the City Clerk to advertise for bids. **Motion**

   This project includes reconstructing the sanitary sewer line west of the WPC plant, which collapsed during the 2010 flood. Plans for this project were prepared by HDR Engineering, Inc. A bid letting is planned for July 24, 2013 with Council approval of apparent low bidder at the August 5, 2013 meeting. This project is being partially funded with FEMA grant funds.

   See Enclosure 9.

10. Consideration of approval of a Temporary Construction Easement Agreement between the City and Richard E. Pinkston and Amy M. Pinkston for the construction of the Michigan Avenue Improvements project for an amount of $50.00. **Motion**

    This is a temporary construction easement for the construction of concrete pavement, utilities, sidewalk, and any necessary grading along Michigan Avenue from Wood Street to 10th Street.

    Staff request approval of this Temporary Construction Easement Agreement with Richard E. Pinkston and Amy M. Pinkston for an amount of $50.00.

    See Enclosure 10.

11. Consideration of approval of an agreement with The Norfolk Softball Association (NSA), a Nebraska Nonprofit Corporation, for the use of the adult softball complex at Ta-Ha-Zouka Park to hold a 14U Class B Girls Fastpitch State Tournament from Friday, July 5, 2013 through Sunday, July 7, 2013. **Motion**

    See Enclosure 11.

12. Consideration of approval of a Special Designated Liquor License for Sacred Heart Church, 204 South 5th Street, to serve beer, wine and distilled spirits for an annual Spirit Gala Fundraiser at Sacred Heart Parish & Activities Center, 2301 West Madison Avenue, on October 12, 2013 from 5:00 p.m. to 1:00 a.m. **Motion**

    See Enclosure 12.

13. Consideration of approval of an Easement Agreement between the City and Guillermo Mendez-Contreras for the construction of the Michigan Avenue Improvements project for an amount of $210.00. **Motion**

This Agreement is a permanent and temporary easement for the construction and maintenance of concrete pavement and utilities and construction of a sidewalk along Michigan Avenue from Wood Street to 10th Street.

Staff request approval of this Easement Agreement with Guillermo Mendez-Contreras for an amount of $210.00.

See Enclosure 13.

14. Consideration of approval to accept the low bid of $22,000 from Green Stripe, L.L.C., for the irrigation portion of the Ta-Ha-Zouka Phase II Improvement Plan. **Motion**

On May 6, 2013, the Norfolk City Council approved advertisement of bids for the irrigation project at Ta-Ha-Zouka Park. On June 20, 2013, three bids were received with Green Stripe, L.L.C., having the low bid of $22,000.

15. Consideration of approval of Resolution 2013-20 authorizing the Mayor to execute Supplemental Agreement No. 1 to the Federal-Aid Transportation Fund Purchase-Sale Agreement between Nebraska Department of Roads (NDOR) and the City of Norfolk. **Resolution 2013-20**

The Federal Funds Purchase Program was established in 2011 providing a way for NDOR to purchase federal funds currently used by Local Public Agencies (LPAs) in exchange for state cash. The current Federal Transportation Bill, MAP-21, eliminated the Highway Bridge Program (HBP) funding category, which the current agreement identified as eligible for purchase. NDOR intends to replace the HBP funds with funds from other federal funding categories, which will allow NDOR to continue to provide funds to the LPA to accomplish repair and non-routine maintenance for bridges.

Additionally, provisions have been added to Section 4 of this supplemental agreement to address National Bridge Inspection Standard compliance issues to ensure continued availability of Federal funds.

Staff recommend approval of Resolution 2013-20 authorizing the Mayor to execute the Supplemental Agreement No. 1 to the Federal-Aid Transportation Fund Purchase-Sale Agreement between NDOR and the City for continued availability of Federal funds.

See Enclosure 15.

16. Consideration of Resolution No. 2013-21 releasing the 5' side yard utility easements on either side of the common lot line of Lots 55 and 56, less the North 10' thereof, and the 5' side yard utility easements on either side of the **Resolution 2013-21**

common lot line of Lots 56 and 57, less the North 10' thereof, Royal Oaks 4th Addition, Stanton County, Nebraska, being part of the South 1/2 of the NW 1/4 of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska.

Johnson Engineering Company on behalf of the property owners, Chad Carter and Amy Carter, requests the release of these easements.

Staff recommend approval of Resolution No. 2013-21 releasing the 5' side yard utility easements on either side of the common lot line of Lots 55 and 56, less the North 10' thereof, and the 5' side yard utility easements on either side of the common lot line of Lots 56 and 57, less the North 10' thereof, Royal Oaks 4th Addition, Stanton County, Nebraska, being part of the South 1/2 of the NW 1/4 of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska.

See Enclosure 16.

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

REGULAR AGENDA

18. Consideration of Ordinance No. 5256 amending Section 24-150 of the City Code to increase the fine for a parking violation from $10.00 to $25.00. Ordinance No. 5256 passed on first reading at the June 3, 2013 City Council meeting, and on second reading as amended at the June 17, 2013 City Council meeting. **Ordinance No. 5256**

    The current $10.00 fine for a parking ticket was set by Ordinance January 7, 1986. Applying inflation rates since 1986 would bring that $10.00 amount to $21.22 by today's standards. This Ordinance increases the fine for a parking ticket and is necessary to implement the Downtown Vehicle Parking District Reorganization Plan/Policy approved by the Council on May 20, 2013.

    This Ordinance was passed on first reading by the Council on June 3, 2013. Section 2 was proposed and the ordinance approved on second reading as amended at the June 17, 2013 City Council meeting to create an operative date of October 1, 2013, since it is desired that this Ordinance become effective at the same time as implementation of the Downtown Vehicle Parking District Reorganization Plan/Policy on October 1, 2013.

    See Enclosure 18.

19. Consideration of Ordinance No. 5257 amending Section 24-167 of the City Code to reduce the parking time limit in off-street parking lots from 3 hours to 2 hours between 6:00 a.m. and 6:00 p.m., Monday through Friday. **Ordinance No. 5257**

Ordinance No. 5257 was approved on first reading at the June 17, 2013 City Council meeting.

This Ordinance has an operative date of October 1, 2013 to coincide with implementation of the Downtown Vehicle Parking District Reorganization Plan/Policy approved by the Council on May 20, 2013.

See Enclosure 19.

20. Consideration of Ordinance No. 5258 amending Section 24-165.2 of the City Code to change the days of the 6:00 a.m. to 6:00 p.m. parking restriction in downtown so that the restriction will be in effect Monday through Friday rather than Monday through Saturday. Ordinance No. 5258 passed on first reading at the June 17, 2013 City Council meeting. **Ordinance No. 5258**

This Ordinance has an operative date of October 1, 2013 to coincide with implementation of the Downtown Vehicle Parking District Reorganization Plan/Policy approved by the Council on May 20, 2013.

See Enclosure 20.

21. Consideration of Ordinance No. 5259 amending Section 2-5 of the Code to update the City's comprehensive fee schedule. Ordinance No. 5259 was approved on first reading at the June 17, 2013 City Council meeting. **Ordinance No. 5259**

This Ordinance amending the fee schedule contains fee increases/additions to the following items:

a. Ambulance fees (pages 2-3)
b. Appeal to Zoning Board of Adjustment (page 22)
c .Parking stall rental (page 26)
d. Blood/urine test related to DUI (page 27)

This Ordinance has an operative date of October 1, 2013.

See Enclosure 21.

22. Consideration of Resolution No. 2013-22 authorizing submittal of the Blight & Substandard Determination Study for the area referred to as "Northeast Corner of 13th Street & Omaha Avenue" to the City of Norfolk Planning Commission. **Resolution 2013-22**

A Blight & Substandard Determination Study has been completed by Northeast Nebraska Economic Development District for the area referred to as "Northeast Corner of 13th Street & Omaha Avenue". Council is asked to submit this study to the Planning Commission for review, and for a recommendation on whether

this area should be declared blighted and substandard, to allow for the potential use of Tax Increment Financing to encourage redevelopment in the area.

See Enclosure 22.

23. Consideration of approval to accept the low bid of $28,312 from Elkhorn Fence Company for the fencing and backstop portion of the Ta-Ha-Zouka Phase II Improvement Plan. **Motion**

On June 26, 2013, four bids were received and opened with Elkhorn Fence Company being the low bid.

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 17th day of June, 2013, 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: Dale Coy, Jim Lange, Shane Clausen, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Rob Merrill.

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, Wastewater Plant Superintendent Todd Boling, Administrative Secretary Bethene Hoff, Assistant City Engineer Mark Dolachek and Operations Manager Gary Miller.

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

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

Consent Agenda Items Approved

Minutes of the June 3, 2013, City Council meeting

Special Designated Liquor License for Sacred Heart Church, 204 South 5th Street, to serve beer and wine at an alumni reunion reception at Sacred Heart Parish Center, 2301 West Madison Avenue, on July 26, 2013 from 5:00 p.m. to 1:00 a.m.

Easement Agreement with Knull Rentals-6 for construction of the Michigan Avenue Improvements project for $204.60

Flooring Solutions, L.L.C. agreement (a Nebraska Limited Liability Company) to accept Flooring Solution's bid of $7,623 for the City Housing Division carpet, base, sundries, labor for moving furniture, floor preparation, and installation.

Plans, specifications, and engineer's estimate on file in the City offices for the Concrete Improvements 2013-3 (Sunset Avenue and 18th Street) project and authorization for the City Clerk to advertise for bids

Norfolk Community Theatre, Inc. agreement (a Nebraska Nonprofit Corporation) to use Central Park stage for performances on June 27-30, 2013

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, to serve beer and wine in an outdoor area at St. Mary's Catholic Church, 2301 West Madison Avenue, on September 8, 2013 from 12:30 p.m. to 9:00 p.m. for a sampling/tasting event

Norfolk Lodge #46 IOOF agreement for a parade on July 4, 2013

Diamond Dick District of the Mid-American Council of the Boy Scouts of America agreement allowing the Boy Scouts to hold a day camp at Ta-Ha-Zouka Park and Woodland Cabin on June 22, 2013

Accept the low bid of $98,800 from Pruss Excavation for the site grading portion of the Ta-Ha-Zouka Phase II Improvement Plan

Purchase a pickup at or below the State of Nebraska contract from Norfolk GM Auto for the Fire Division

Bills in the amount of $1,756,434.72

Special Presentation

The Mayor proclaimed the week of June 10 to 14, 2013 as “The Arc of Norfolk’s 60th Anniversary”.

Public Hearings and Related Items

Public Hearing
(CDBG application, CR activities, $150,000)

A public hearing was held to consider submitting an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) in the amount of $150,000 for Comprehensive Revitalization (CR) activities. Tom Higginbotham, Northeast Nebraska Economic Development District (NENEDD), provided information to the Mayor and City Council.

The City of Norfolk is requesting $150,000 of Community Development Block Grant funds for Phase I Comprehensive Revitalization activities in the targeted area including $40,500 for street

improvements; $50,000 for single-family housing rental rehabilitation; $4,000 for housing management; $3,000 for lead based paint risk assessment/testing; $37,500 for commercial rehabilitation; and $15,000 for general administration of the project. The City of Norfolk and property owners participating in the program will provide $135,000 of matching funds for the improvements in the targeted area. The total estimated project cost is $285,000. This project will benefit at least 51% low-to-moderate income individuals. There will be no persons displaces as a result of the CDBG activities.

Higginbotham clarified that the notice stated the $50,000 would be for multi-family housing rental rehabilitation; however, NENEDD explained the regulations actually stated that 1 – 4 units are considered single-family with 5 or more units considered multi-family. Higginbotham stated the match required for the grant funding will come from street improvements; property owners for the housing rental rehabilitation; and downtown property owners for the commercial rehabilitation.

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

Resolution No. 2013-18
(CDBG grant application – CR activities)

Councilmember Coy moved, seconded by Councilmember Fauss, to adopt Resolution No. 2013-18 approving an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of $150,000 for Community Revitalization (CR) activities and authorizing and directing the Mayor to proceed with the formulation of any and all contracts and documents to affect acceptance of the grant application.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Resolution No. 2013-18 was adopted.

Public Hearing
(Citizen Advisory Review Committee semi-annual report)

A public hearing was held to receive a report on findings and suggestions from the economic development Citizen Advisory Review Committee (CARC) as required by State Statutes Section 18-2715. Finance Officer Randy Gates provided information to the Mayor and City Council.

State Statutes require a Citizen Advisory Review Committee (CARC). The citizens serving on committee are: Bill Canham, Cindy Morrow, Jim Mangels, Aaron Otten, and Jan Einspahr and the City's Finance Officer serves as an ex officio non-voting member. As required by State Statutes, the CARC met on June 11, 2013 and discussed/reviewed the following:

- Current Funding of the City’s Economic Development Fund (ED)
- Resolution No. 2013-13 approved by the City Council which removes the Guidelines and procedures from the ED Program and removes the requirement that the approved forms be used as part of the ED Program

- Revised CARC checklist
- Premier Senior Marketing project
- Petersen Ag application

As noted in the report, the CARC found that the City's Economic Development Program (EDP) is operating in compliance with the budget and EDP Guidelines and Procedures.

No one appeared either in favor of or in opposition to the CARC findings and suggestions and the Mayor declared the hearing closed.

Regular Agenda Items

Resolution No. 2013-19
(Mayor's reappointment of city staff)

Councilmember Fauss moved, seconded by Councilmember Lange, to adopt Resolution No. 2013-19 approving the mayor's reappointment of the clerk, treasurer, engineer, attorney and administrator as required by State Statute.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Resolution No. 2013-19 was adopted.

City Administrator employment agreement

Councilmember Coy moved, seconded by Councilmember Clausen, to approve an Employment Agreement with Shane Weidner for the position of Norfolk City Administrator.

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

Ordinance No. 5255
(annexation, Norfolk Nursery Addition)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5255 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5255 passed on third reading. 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. 5255 as required by law.

Ordinance No. 5256
(parking violation fine increase)

Councilmember Coy introduced, seconded by Councilmember Murren, Ordinance No. 5256 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-150 OF THE OFFICIAL CITY CODE TO IMPOSE AN INCREASE IN THE FINE FOR A PARKING VIOLATION FROM TEN DOLLARS ($10.00) TO TWENTY-FIVE DOLLARS ($25.00); 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 second reading. Said ordinance was then read into the record by title by the City Clerk.

Staff requested the ordinance be amended to include an operative date of October 1, 2013 to coincide with implementation of the Downtown Vehicle Parking District Reorganization Plan/Policy approved by the Council on May 20, 2013.

Councilmember Murren moved, seconded by Councilmember Lange to amend Ordinance No. 5256 to include an operative date of October 1, 2013 to coincide with implementation of the Downtown Vehicle Parking District Reorganization Plan/Policy approved by the Council on May 20, 2013.

Roll call on the amendment: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried.

Roll call on second reading of Ordinance No. 5256 as amended: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5256, as amended, passed on second reading only.

Ordinance No. 5257
(off-street parking lot parking time limit)

Councilmember Murren introduced, seconded by Councilmember Lange, Ordinance No. 5257 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-167 OF THE OFFICIAL CITY CODE TO REDUCE THE PARKING TIME LIMIT IN OFF-STREET PARKING LOTS FROM THREE (3) HOURS TO TWO (2) HOURS BETWEEN 6:00 A.M. AND 6:00 P.M., MONDAY THROUGH FRIDAY; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5257 passed on first reading only.

Ordinance No. 5258
(amend downtown parking restrictions)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5258 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165.2 OF THE OFFICIAL CITY CODE TO CHANGE THE DAYS OF THE 6:00 A.M. TO 6:00 P.M. PARKING RESTRICTION IN DOWNTOWN SO THAT THE RESTRICTION WILL BE IN EFFECT MONDAY THROUGH FRIDAY RATHER THAN MONDAY THROUGH SATURDAY; 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5258 passed on first reading only.

Ordinance No. 5259
(amend comprehensive fee schedule)

Councilmember Coy introduced, seconded by Councilmember Lange, Ordinance No. 5259 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, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5259 passed on first reading only.

Letters to support the Marketplace Fairness Act.

Councilmember Fauss moved, seconded by Councilmember Murren, to approve sending letters supporting the Marketplace Fairness Act to Nebraska's three United States Representatives: Lee Terry, Adrian Smith and Jeff Fortenberry.

Finance Officer Randy Gates explained that passage of the Marketplace Fairness Act is one of the Mayor and City Council goals for the current fiscal year. The Marketplace Fairness Act was approved 69 to 27 by the Senate on May 6 with both Senator Johanns and Senator Fischer voting for it. President Obama supports the Act and will sign it if it passes in the House.

The Marketplace Fairness Act does not impose any new taxes, but simply requires collection of taxes already owed. Since remote sellers are not currently required to collect sales tax, and it is estimated that state and local governments are losing over $23 billion annually of sales tax on remote sales of which $118 million is in Nebraska.

Councilmember Moenning declared a conflict of interest and did not participate in discussion or voting on this item.

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

Public Comment Period

Tom Wragge, 1806 Mulberry Drive, spoke about Morrissey Motors parking concerns.

Bob Huntley, 301 Highway 35, requested elected officials look into a drainage study for the areas located east of Norfolk.

There being no further business, the Mayor declared the meeting adjourned at 6:26 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, June 17, 2013, 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, 309 North 5th Street, Norfolk, NE 68701

EASEMENT

THIS AGREEMENT, made and entered into the 30 day of May, 2013, by and between Vicki Volquardsen, a single person, party of the first part, and the City of Norfolk, a Municipal Corporation, party of the second part, Witnesseth:

WHEREAS, the party of the first part owns and has title to the real estate hereinafter described as:

Lot 12, Block 7, Glenwood Addition to the City of Norfolk, Madison County, Nebraska, and

WHEREAS, the party of the second part desires easements allowing for the construction and maintenance of Michigan Avenue Improvements project from Wood Street to 10th Street.

NOW THEREFORE, it is agreed as follows:

1. The party of the first part does hereby grant, assign, and set over to the party of the second part a permanent easement for the construction and maintenance of concrete pavement and utilities and construction of a sidewalk along Michigan Avenue Improvements project from Wood Street to 10th Street over, on and under the following described property as shown and described on the attached Exhibit 'A'.

   See attached Exhibit 'A'.

2. The party of the first part does hereby grant, assign, and set over to the party of the second part a temporary easement for the construction of concrete pavement, utilities, sidewalk, and any necessary grading for Michigan Avenue Improvements project from Wood Street to 10th Street

over, on and under the following described property as shown and described on the attached Exhibit 'A'.

See attached Exhibit 'A'.

3. The party of the first part shall fully use and enjoy the aforesaid premises, except as to the rights herein granted and except as to the right to erect permanent buildings on the property described in item one (1) of this agreement.

4. The party of the second part will relinquish all rights to the temporary easement upon the completion of the construction of the said project and its acceptance by the City, but not later than December 31, 2014.

5. The party of the second part agrees to hold and save said party of the first part harmless from any damages arising from its use of such easements.

6. The party of the first part agrees that for and in consideration of the sum of Fifty Dollars and 00 Cents, ($50.00), and other valuable consideration, cash in hand, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold by these presents does bargain, sell, convey, transfer, and deliver unto the party of the second part the aforesaid easements.

Vicki Volquardsen

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me this 30th day of May, 20 13, by Vicki Volquardsen, a single person to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her voluntary act and deed.

GENERAL NOTARY - State of Nebraska
NICOLE M. BUCKENDAHL
My Comm. Exp. Sept. 23, 2016

Nicole M Buckendahl
Notary Public - Signature

NICOLE M BUCKENDAHL
Notary Public – Printed Name

My commission expires the 23rd day of September 20 16.

ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City of Norfolk, Nebraska, a Municipal Corporation.

ATTEST:

_____ _____

City Clerk Mayor

(S E A L)

Approved as to form: _____

City Attorney

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public, in and for said County and State, personally came Sue Fuchtman, Mayor and Elizabeth Deck, City Clerk of the City of Norfolk, to me known to be the identical person or persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

_____

Notary Public - signature

_____

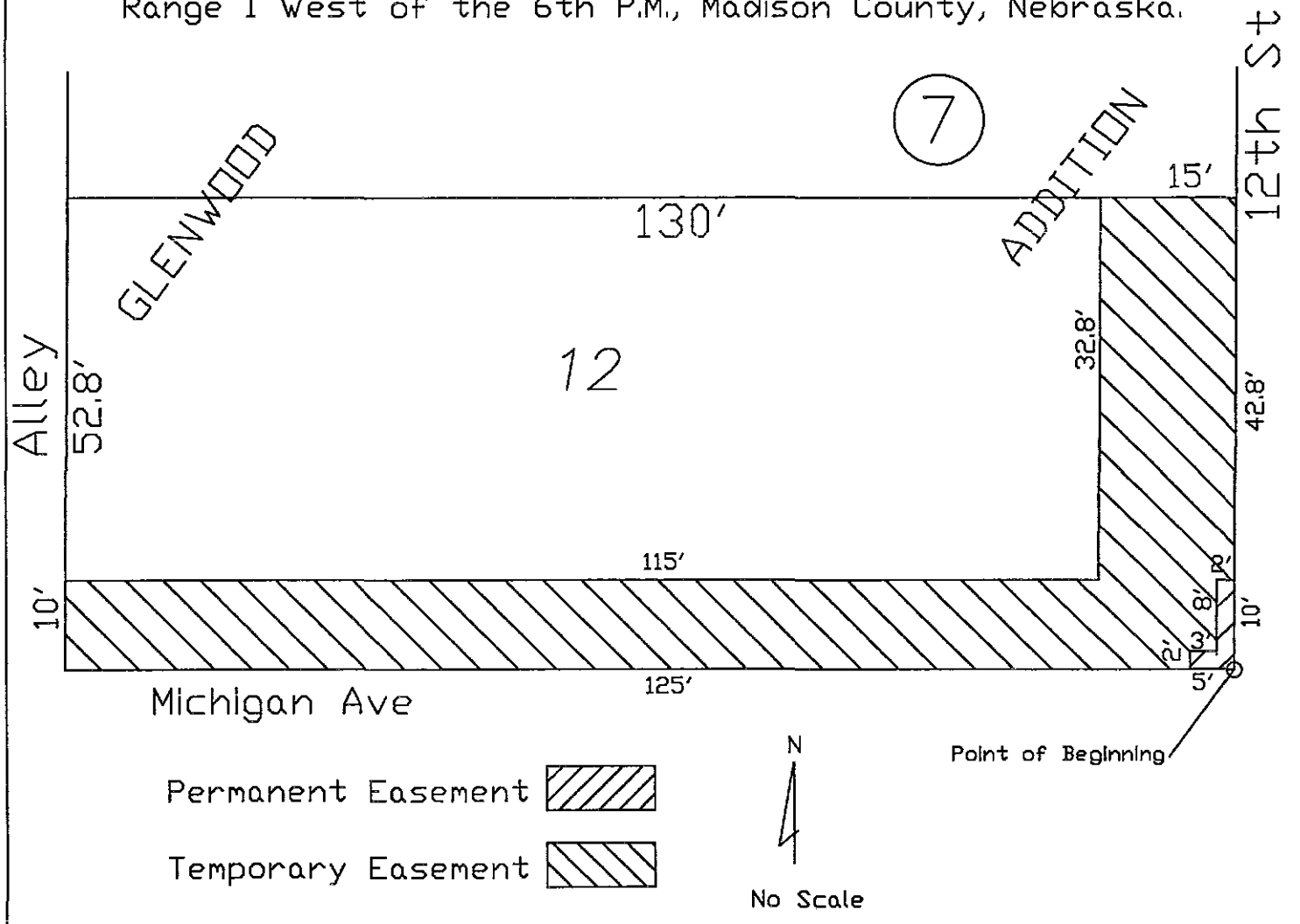
Notary Public – printed name

My commission expires the _____ day of _____, 20____

PERMANENT & TEMPORARY EASEMENT

Lot 12, Block 7, Glenwood Addition to the City of Norfolk, Madison County, Nebraska

Located in the SW 1/4 of Section 27, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.



Permanent Easement

Beginning at the Southeast Corner of Lot 12, Block 7, Glenwood Addition; thence West 5' along the North Right of Way Line of Michigan Avenue; thence North 2'; thence East 3' thence North 8'; thence East 2' to the West Right of Way Line of 12th Street; thence thence South 10' along the West Right of Way Line of 12th Street to the Point of Beginning. Containing 26 S.F. more or less.

Temporary Easement

Beginning at the Southeast Corner of Lot 12, Block 8, Glenwood Addition; thence West 130' along the North Right of Way Line of Michigan Avenue; thence North 10'; thence East 115', 10' from and Parallel to Michigan Avenue; thence North 32.8'; thence East 15'; thence South 52.8' to the Point of Beginning. Less the Permanent Easement described above. Containing 1916 S.F. more or less.

Exhibit 'A'

INVITATION TO BID

RECEIPT OF BIDS

Sealed bids for the construction of Sewer Construction West of Water Pollution Control (WPC) will be received for City of Norfolk, Nebraska, represented by the Mayor and City Council. Bids will be received at the City Clerk's Office, 309 N. 5th Street, Norfolk, Nebraska, 68701 until 2:00 PM on July 24, 2013, and shortly thereafter the bids will be opened publicly and read aloud in the City Administration Building.

GENERAL DESCRIPTION OF WORK

The Work for Sewer Construction West of WPC involves the furnishing of labor, materials and equipment for the construction of 36" and 42" sanitary sewer, manholes, pavement removal and replacement, installation of erosion controls, and other associated work and services.

TYPE OF BID

Bid shall be on a firm Unit Price basis for each of the Bid Items identified in the Bid Form.

DOCUMENT EXAMINATION AND PROCUREMENTS
The Bidding and Contract Documents may be examined at the following locations:

Norfolk Engineering Division
309 N. 5th Street
Norfolk, Nebraska 68701

HDR Engineering, Inc.
4th Floor Gold Conference Room – By Appointment
8404 Indian Hills Drive
Omaha, Nebraska 68114-4049

Copies of the Bidding and Contract Documents may be purchased from the Issuing Office which is as follows:

City of Norfolk
309 N. 5th Street
Norfolk, Nebraska 68701
Attn: Engineering Division
Telephone: 402-844-2020
Email: ksvitak@ci.norfolk.ne.us

The cost of Bidding and Contract Documents is:
Set of Bidding and Contract Documents with full size drawings: $ 75.00.

Refunds will not be issued.

No partial sets of Specifications or Drawings will be issued.

BID SECURITY

Each Bid shall be accompanied by bid security as described in Specification Section 00100 - INSTRUCTIONS TO BIDDERS.

CONTRACT SECURITY

The successful BIDDER will be required to furnish Performance and Payment Bonds as described in Section 00700 - GENERAL CONDITIONS.

PREBID CONFERENCE

A prebid conference will be held on Wednesday, July 17, 2013 at 10:30 AM at the City Offices, 309 N. 5th Street, as described in Specification Section 00100 - INSTRUCTIONS TO BIDDERS.

CONTRACT TIME

The Contract Time is defined in Section 00700 - GENERAL CONDITIONS, and specified in Specification Section 00500 - AGREEMENT.

QUALIFICATION OF BIDDERS

Requirements concerning the qualifications of BIDDERS are described in Section Specification 00100 - INSTRUCTIONS TO BIDDERS.

OWNER'S RIGHT TO REJECT BIDS

City of Norfolk, Nebraska reserves the right to waive irregularities and to reject bids.

By order of the Mayor and City Council this 1st day of July, 2013.

City of Norfolk
Elizabeth A Deck
City Clerk

Publish (Publish July 5, 12, 2013)
1 P.O.P.

City of Norfolk, 309 North 5th Street, Norfolk, NE 68701

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT, made and entered into the 19 day of June, 2013, by and between Richard E. Pinkston and Amy M. Pinkston, husband and wife, party of the first part, and the City of Norfolk, a Municipal Corporation, party of the second part, Witnesseth:

WHEREAS, the party of the first part owns and has title to the real estate hereinafter described as:

Lot 1, Block 3, Southern Addition to the City of Norfolk, Madison County, Nebraska, and

WHEREAS, the party of the second part desires temporary construction easement for the construction of Michigan Avenue Improvements project from Wood Street to 10th Street.

NOW THEREFORE, it is agreed as follows:

1. The party of the first part does hereby grant, assign, and set over to the party of the second part a temporary easement for the construction of concrete pavement, utilities, sidewalk, and any necessary grading for Michigan Avenue Improvements project from Wood Street to 10th Street over, on and under the following described property as shown and described on the attached Exhibit 'A'.

   See attached Exhibit 'A'.

2. The party of the second part will relinquish all rights to the temporary easement upon the completion of the construction of the said project and its acceptance by the City, but not later than December 31, 2014.

3. The party of the second part agrees to hold and save said party of the first part harmless from any damages arising from its use of such easement.

4. The party of the first part agrees that for and in consideration of the sum of Fifty Dollars and 00 Cents, ($50.00), and other valuable consideration, cash in hand, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold by these presents does bargain, sell, convey, transfer, and deliver unto the party of the second part the aforesaid easement.

Richard E. Pinkston

Amy M. Pinkston

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me this 19th day of June, 2013, by Richard E. Pinkston and Amy M. Pinkston, husband and wife to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

Notary Public - Signature

Shirley L. Pohlman
Notary Public – Printed Name

My commission expires the 21st day of August, 2015.

SHIRLEY L. POHLMAN
MY COMMISSION EXPIRES
August 21, 2015

ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City of Norfolk, Nebraska, a Municipal Corporation.

ATTEST:

_____ _____

City Clerk Mayor

(S E A L)

Approved as to form: _____

City Attorney

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public, in and for said County and State, personally came Sue Fuchtman, Mayor and Elizabeth Deck, City Clerk of the City of Norfolk, to me known to be the identical person or persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

_____

Notary Public - signature

_____

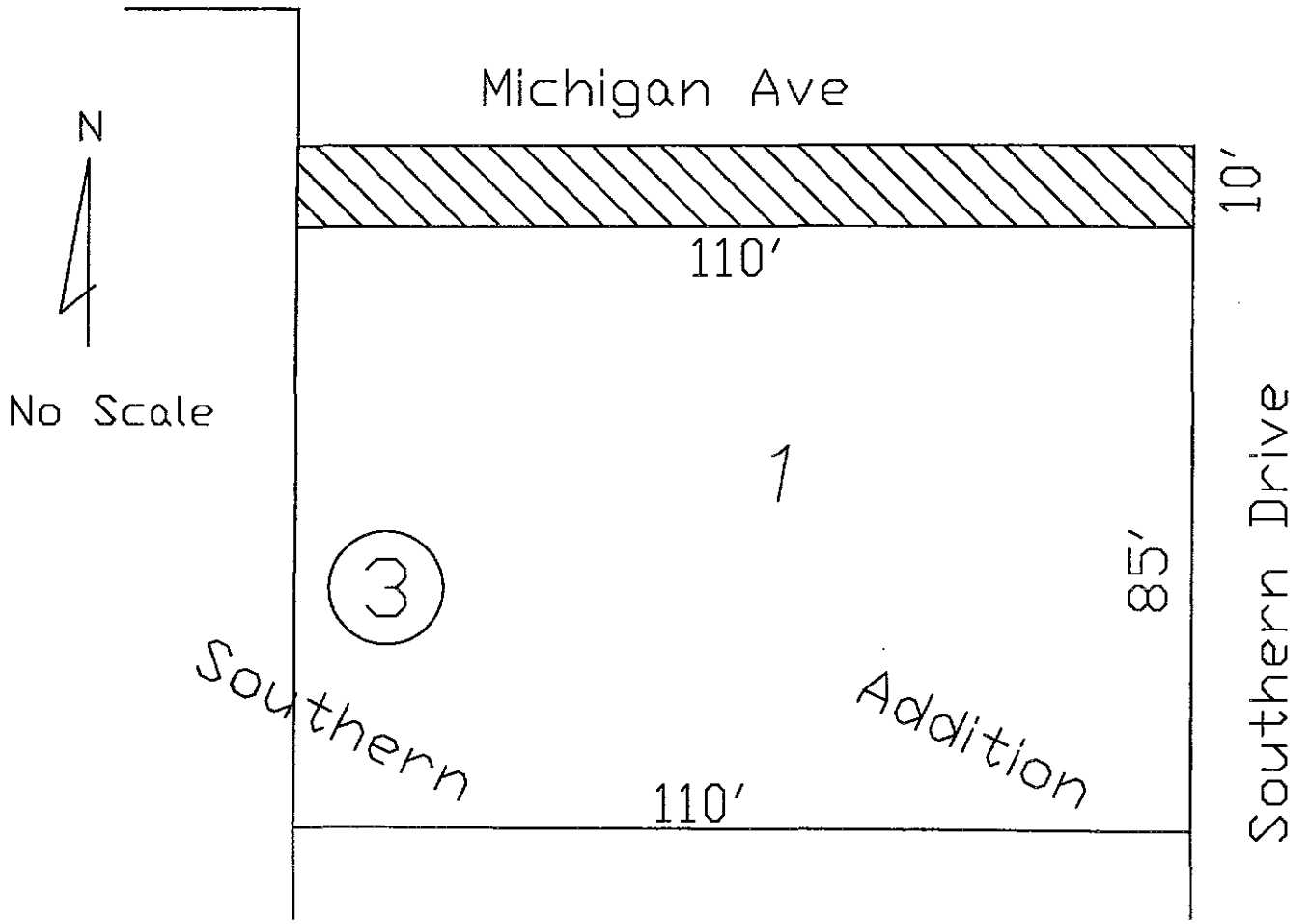
Notary Public – printed name

My commission expires the _____ day of _____, 20____.

TEMPORARY EASEMENT

Lot 1, Block 3, Southern Addition to the City of Norfolk, Madison County, Nebraska

Located in the SW 1/4 of Section 27, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.



Temporary Easement

Temporary Easement

The North 10' of Lot 1, Block 3, Southern Addition to Norfolk, Madison County, Nebraska. Containing 1100 S.F. more or less.

Exhibit 'A'

Pinkston

AGREEMENT

This Agreement is made and entered into the _____ day of _____, 2013, by and between the City of Norfolk, Nebraska, a Municipal Corporation, hereinafter referred to as "CITY", and The Norfolk Softball Association (NSA), a Nebraska Nonprofit Corporation, hereinafter referred to as "NSA", WITNESSETH:

WHEREAS, CITY is the owner of Ta-Ha-Zouka Park in Norfolk, Nebraska, which has softball fields located within the park; and

WHEREAS, NSA is desirous of utilizing the adult softball complex in Ta-Ha-Zouka Park to hold a 14Under Girls Fastpitch Class B State softball tournament Friday, July 5, 2013, through Sunday, July 7, 2013; and

WHEREAS, CITY is desirous of allowing NSA to hold said softball tournament in Ta-Ha-Zouka Park.

NOW, THEREFORE, in consideration of the foregoing recitals, and the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. CITY shall allow NSA to utilize the adult softball complex at Ta-Ha-Zouka Park Friday, July 5, 2013, through Sunday, July 7, 2013, to hold a softball tournament. NSA's use of the adult softball complex shall be exclusive for the dates set forth in this paragraph.

2. NSA shall pay a fee to CITY in the amount of Three Hundred Dollars ($300.00) for the use of the adult complex softball fields in Ta-Ha-Zouka Park for the tournament July 5, 2013 through July 7, 2013. Said fee shall be paid to CITY by 4:30 p.m. on July 5, 2013.

3. NSA 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, NSA shall name CITY as an additional insured. The policy issued shall cover all activities sponsored by NSA while using CITY's softball fields at Ta-Ha-Zouka Park with no exclusions. A certificate of insurance shall be filed with the City Clerk's office upon execution of this Agreement. In the event the certificate of insurance is not filed upon execution of this Agreement, then this Agreement shall be voidable by CITY's operations manager.

4. NSA agrees to indemnify, defend and save harmless CITY or its representatives, agents, or employees from and against all claims, demands, suits, actions, loss, claim of loss, payments or judgments arising from any negligent act, or omission, of NSA or its representatives, agents, volunteers, or employees during performance of this Agreement or use of CITY's softball facilities.

5. Notwithstanding any other provision of this Agreement, CITY retains the right at any time to cancel any activities scheduled on CITY property due to inclement weather or for any other reason.

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

CITY OF NORFOLK, NEBRASKA,
A Municipal Corporation

ATTEST:

_____ By_____
Elizabeth A. Deck, City Clerk Sue Fuchtman, Mayor

Approved as to Form: _____
Clint Schukei, City Attorney

THE NORFOLK SOFTBALL ASSOCIATION
(NSA), A Nebraska Nonprofit Corporation

By_____
Presiding Member of the Board of Directors
Printed Name: _____

By_____
Title: _____
Printed Name: _____

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/

DO YOU NEED POSTERS? YES ☑ NO ☐

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 ☑ Wine ☑ 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 7

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 and/or wives? YES ☑ NO ☐

c. Is this location within 300' of any university or college campus? YES ☐ NO ☑

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

Date	Date	Date	Date	Date	Date
October 12, 2013					
Hours	**Hours**	**Hours**	**Hours**	**Hours**	**Hours**
From	From	From	From	From	From
5:00 pm					
To	To	To	To	To	To
1:00 am					

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'
(not square feet or acres)
*Outdoor area dimensions of area to be covered **IN FEET** _____ x _____
***SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?
___Fence; ___snow fence __chain link __cattle panel
___other _____
___Tent

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. **Retailer: Will you be purchasing your alcohol from a wholesaler? YES ___ NO ___**
Non-Profit: Where will you be purchasing your alcohol?

Wholesaler X **Retailer** ____ **Both** _____ **BYO** _____
(includes wineries)

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. **PLEASE PRINT LEGIBLY**

Print name of Event Supervisor Leisa Piper

Signature of Event Supervisor _____

Event Supervisor phone: Before 402-841-2486 During 402-841-2486

Email address leisapiper@sacredheartnorfolk.com

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 5-22-13

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 Church of Norfolk
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 22 DAY OF May, 2013.

GENERAL NOTARY-State of Nebraska
REGINA V. LONG
My Comm. Exp. June 30, 2016

NOTARY PUBLIC SIGNATURE & SEAL

Sacred Heart Parish
Norfolk Catholic School

June 18, 2013

Beth Deck
City Clerk
309 N. 5th Street
Norfolk, NE 68701

Dear Beth:

Enclosed, please find the Application for Special Designated License for Non-Profits for the purpose of our annual Spirit Gala Fundraiser.

Should you have any questions regarding this application, feel free to contact me at any time:

cell phone: 841-2486
office: 371-2621
e-mail: leisapiper@sacredheartnorfolk.com

Thank you for your consideration of this application.

Sincerely,

Leisa Piper
Advancement Officer

Encl: Application (4 pages)
$40 check payable to Nebraska Liquor Control Commission

City of Norfolk, 309 North 5th Street, Norfolk, NE 68701

EASEMENT

THIS AGREEMENT, made and entered into the 21 day of June, 2013, by and between Guillermo Mendez-Contreras, a single person, party of the first part, and the City of Norfolk, a Municipal Corporation, party of the second part, Witnesseth:

WHEREAS, the party of the first part owns and has title to the real estate hereinafter described as:

The West 70 feet of Lots 1 and 2 and the West 70 feet of the North 10 feet of Lot 3, Block 8, C.B. Durland's 2nd Addition to Norfolk, Madison County, Nebraska, and

WHEREAS, the party of the second part desires easements allowing for the construction and maintenance of Michigan Avenue Improvements project from Wood Street to 10th Street.

NOW THEREFORE, it is agreed as follows:

1. The party of the first part does hereby grant, assign, and set over to the party of the second part a permanent easement for the construction and maintenance of concrete pavement and utilities and construction of a sidewalk along Michigan Avenue Improvements project from Wood Street to 10th Street over, on and under the following described property as shown and described on the attached Exhibit 'A'.

   See attached Exhibit 'A'.

2. The party of the first part does hereby grant, assign, and set over to the party of the second part a temporary easement for the construction of concrete pavement, utilities, sidewalk, and any necessary grading for Michigan Avenue Improvements project from Wood Street to 10th Street

over, on and under the following described property as shown and described on the attached Exhibit 'A'.

See attached Exhibit 'A'.

3. The party of the first part shall fully use and enjoy the aforesaid premises, except as to the rights herein granted and except as to the right to erect permanent buildings on the property described in item one (1) of this agreement.

4. The party of the second part will relinquish all rights to the temporary easement upon the completion of the construction of the said project and its acceptance by the City, but not later than December 31, 2014.

5. The party of the second part agrees to hold and save said party of the first part harmless from any damages arising from its use of such easements.

6. The party of the first part agrees that for and in consideration of the sum of Two Hundred Ten Dollars and 00 Cents, ($210.00), and other valuable consideration, cash in hand, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold by these presents does bargain, sell, convey, transfer, and deliver unto the party of the second part the aforesaid easements.

Guillermo Mendez-Contreras

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

The foregoing instrument was acknowledged before me this 21 day of June, 2013, by Guillermo Mendez-Contreras, a single person to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed.

Mary J. Unger
Notary Public - Signature

Mary J. Unger
Notary Public – Printed Name

My commission expires the 23 day of Oct, 2013.

GENERAL NOTARY - State of Nebraska
MARY J. UNGER
My Comm. Exp. Oct. 23, 2013

ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City of Norfolk, Nebraska, a Municipal Corporation.

ATTEST:

_____ _____

City Clerk Mayor

(S E A L)

Approved as to form: _____

City Attorney

STATE OF NEBRASKA)
)ss
COUNTY OF MADISON)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public, in and for said County and State, personally came Sue Fuchtman, Mayor and Elizabeth Deck, City Clerk of the City of Norfolk, to me known to be the identical person or persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

_____

Notary Public - signature

_____

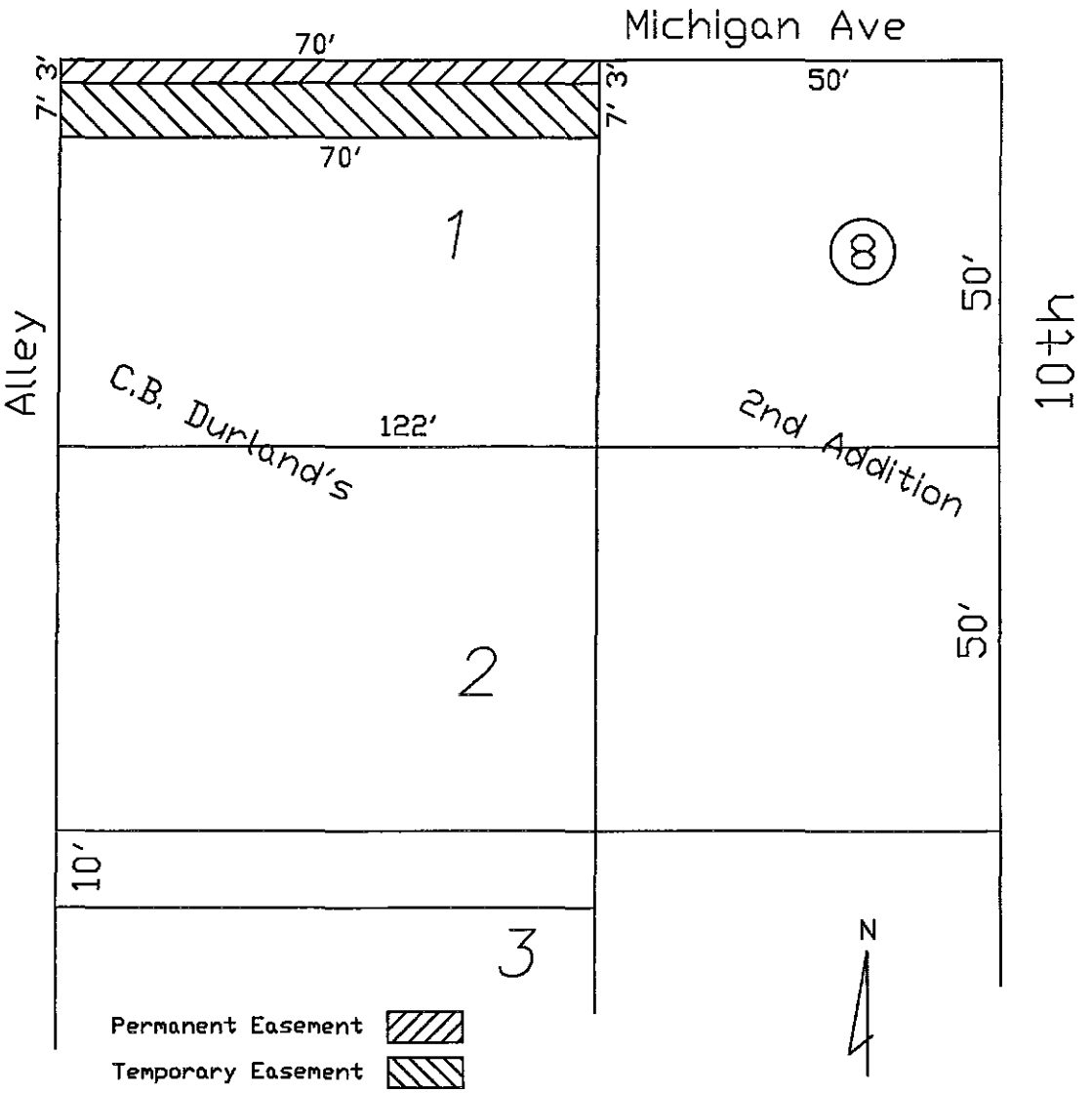
Notary Public – printed name

My commission expires the _____ day of _____, 20____

PERMANENT & TEMPORARY EASEMENT

The West 70 feet of Lots 1 and 2 and the West 70 feet of the North 10 feet of Lot 3, Block 8, C.B. Durland's 2nd Addition to Norfolk, Madison County, Nebraska

Located in the SW 1/4 of Section 27, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.



Permanent Easement

The North 3' of the West 70 feet of Lots 1 and 2 and the West 70 feet of the North 10 feet of Lot 3, Block 8, C.B. Durland's 2nd Addition to Norfolk, Madison County, Nebraska. Containing 210 S.F. more or less.

Temporary Easement

The North 10' of the West 70 feet of Lots 1 and 2 and the West 70 feet of the North 10 feet of Lot 3, Block 8, C.B. Durland's 2nd Addition to Norfolk, Madison County, Nebraska. Less the Permanent Easement described above. Containing 490 S.F. more or less.

Exhibit 'A'

RESOLUTION NO. 2013 - 20
SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM
SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, the City of Norfolk and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

BE IT RESOLVED, by the City Council of City of Norfolk, Nebraska, that:
Mayor or designated official, is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between the City of Norfolk, Nebraska and the NDOR.

PASSED AND APPROVED this _____day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Approved as to form: _____
City Attorney

SUPPLEMENTAL AGREEMENT NO. 1
TO THE
FEDERAL-AID TRANSPORTATION FUND
PURCHASE-SALE AGREEMENT

Nebraska Department of Roads

City of Norfolk

THIS SUPPLEMENTAL AGREEMENT made and entered into by and between the State of Nebraska, Department of Roads, hereinafter referred to as the "State," and the City of Norfolk hereinafter referred to as Local Public Agency, or "LPA."

RECITALS

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

NOW, THEREFORE, in consideration of these facts, the State and the LPA agree as follows:

SECTION 1. Except for the provisions specifically modified herein, all terms and provisions of the Original Agreement between the State and the LPA remain in full force and effect.

SECTION 2. Section 2 of the Original Agreement entitled "Federal Funds Eligible for Purchase" is hereby superseded and replaced in total and shall hereafter state as follows:

> This Agreement applies to the following categories of federal-aid funds: (a) STP Funds (both for Populations less than 5,000, and Populations 5,001 to 200,000), and (b) Federal-aid funds from sources in lieu of the former Highway Bridge Program (HBP) funds. The new Federal Highway Authorization, enacted into law on July 6, 2012,

known as Moving Ahead for Progress in the 21st Century Act (MAP-21), restructured core highway formula programs and eliminated the Highway Bridge Program. Consequently, the State will use historic data as the basis for establishing the total amount of funds that will be eligible for purchase (hereinafter "the Purchase Pool") for the Bridge Funding Category under this agreement. This historic data reflects that the HBP program averaged 10% of the total annual federal-aid funding received by State from FHWA. This method of calculating the Bridge Funding Category will be used for the duration of this Agreement unless a future Federal Highway Authorization re-establishes a separate fund dedicated to the construction or reconstruction of highway bridges. In the event that a fund similar to the former Highway Bridge Fund is re-established by the federal government, then the original agreement language of Section 2 shall automatically be reinstated 30 days after written notice from the State and the changes made in Sections 2 and 3 of this Supplemental Agreement will be null and void and all previous Section 2 language will apply except the name of the new fund will be substituted in for "Highway Bridge Program" in the Original Agreement.

SECTION 3. The references in the recitals and operative sections of the Original Agreement to "HBP" or the "Highway Bridge Program" shall be replaced, modified or interpreted as follows:

(a) The title of Section 3B of the Original Agreement "HBP Funds Calculation" is hereby superseded and replaced with the title "Bridge Funding Category Calculation."

(b) The reference in paragraph one of Section 5 of the Original Agreement to "HBP Funds" is hereby superseded and replaced with the phrase "Bridge Funds." The two references to "HBP portions" in the third paragraph of Section 5 of the Original Agreement are hereby superseded and replaced with the phrase "Bridge funding portions."

(c) All other references to HBP in the Original Agreement shall have no force and effect; however, if the context requires, the reference to HBP is hereby replaced with the phrase "the non-STP federal-aid funds described in Section 2 of this Supplemental Agreement."

SECTION 4. The following shall be added at the end of subsection I of Section 7, of the Original Agreement, which Section is entitled "Bridges:"

The parties to this agreement understand that when any of Nebraska's LPAs fail to comply with the obligations of the National Bridge Inspection Standards (NBIS), or with Federal Highway Administration (FHWA) directive, on a bridge or bridges that are the jurisdictional responsibility of the LPA, the State may be required to expend funds to remedy such LPA bridge non-compliance. LPA agrees that the State may pay the costs to comply with any NBIS non-compliance or FHWA directive from the purchase pool (off the top) under Supplemental Section 2. Additionally, any non-compliant LPA will be subject to any or all of the following sanctions that will continue until the costs have been repaid in full, **and** LPA's bridge is, or bridges are, in full compliance with NBIS requirements and FHWA directives:

(a) Each year LPA's share of the purchase pool will be forfeited and returned to the pool for distribution to the other LPAs.

(b) LPA will not receive any additional federal-aid funds for existing projects to become effective 30 days after written notice to LPA.

(c) LPA will not be allowed to program any new Federal-aid or State-aid projects, and existing projects will not be advanced, and federal-aid reimbursements will be suspended.

(d) Any State-aid Bridge, State Recreation Road, or Federal-aid funds of LPA held by the State will be retained by the State.

IN WITNESS WHEREOF, the LPA and State hereto have caused this Supplemental Agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this ____ day of _____, 2013.

WITNESS:

City of Norfolk

_____
LPA Clerk

By _____

Title _____

EXECUTED by the State this ____ day of _____, 2013.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Mick Syslo, P.E.

_____
Material & Research Division Engineer

City of Norfolk, 309 North 5th Street, Norfolk, NE 68701

RESOLUTION NO. 2013 - 21

WHEREAS, Johnson Engineering Company, on behalf of Chad Carter and Amy Carter, the property owners, of the East half of Lot 54, and all of Lot 55, and Lot 57 except the East 31.50 feet thereof, and all of Lot 56, Royal Oaks 4th Addition, Stanton County, Nebraska, being part of the South ½ of the NW ¼ of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska, have asked the City of Norfolk, Nebraska to release the utility easements as shown and described on the attached EXHIBIT "A", and

WHEREAS, the utility companies which may have utilized said easements have no objection to the release of said easements;

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

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska, that the 5' side yard utility easements on either side of the common lot line of Lots 55 and 56, less the North 10' thereof, and the 5' side yard utility easements on either side of the common lot line of Lots 56 and 57, less the North 10' thereof, Royal Oaks 4th Addition, Stanton County, Nebraska, being part of the South ½ of the NW ¼ of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska, as filed of record in Volume 29 of Misc. Records on Page 206 at the Register of Deeds office on the 3rd day of June, 2002 and described on the attached EXHIBIT "A" be and the same are hereby released.

PASSED AND APPROVED this _____day of _____, 20___.

ATTEST

_____ _____

City Clerk Mayor

Approved as to form: _____

City Attorney

State of Nebraska
County of Madison

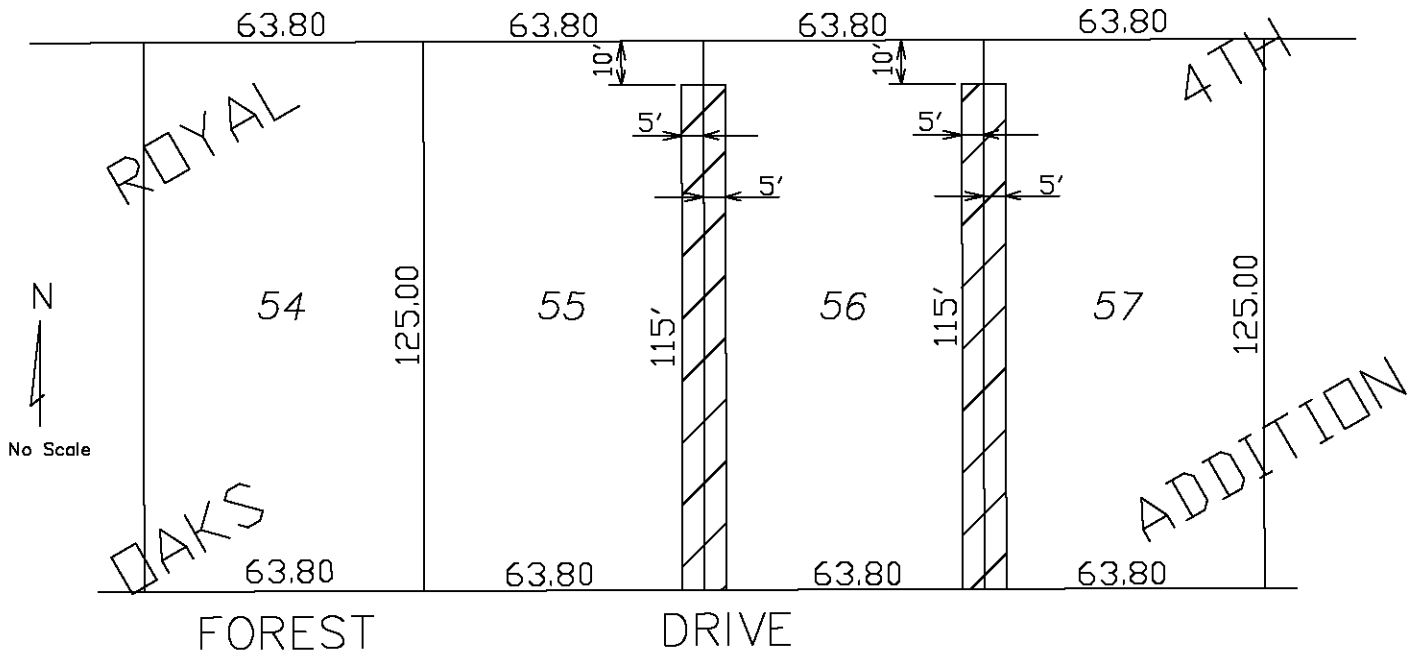
The foregoing instrument was acknowledged before me this _____ by Sue Fuchtman, Mayor of the City of Norfolk and Elizabeth A. Deck, City Clerk of the City of Norfolk on behalf of the City of Norfolk, Nebraska, a Municipal Corporation.

_____

Bethene A. Hoff
Notary Public

EASEMENT TO BE RELEASED

Located in the South 1/2 of the NW 1/4 of Section 17, Township 24 North, Range 1 East, of the 6th P.M., Stanton County, Nebraska.



EASEMENT TO BE RELEASED

EASEMENT TO BE RELEASED

The 5'side yard utility easements on either side of the common lot line of Lots 55 and 56, less the North 10' thereof, and the 5' side yard utility easements on either side of the common lot line of Lots 56 and 57, less the North 10' thereof, Royal Oaks 4th Addition, Stanton County, Nebraska. Containing 2300 S. F. more or less.

EXHIBIT 'A'

ORDINANCE NO. 5256

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-150 OF THE OFFICIAL CITY CODE TO IMPOSE AN INCREASE IN THE FINE FOR A PARKING VIOLATION FROM TEN DOLLARS ($10.00) TO TWENTY-FIVE DOLLARS ($25.00); TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE 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 Section 24-150 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 24-150. Penalty for violation of article; presumption of responsibility.

(a) Any person who violates the provisions of this article, other than section 24-153(b), section 24-163(c) or section 24-169, shall be subject to having placed on his, her, their or its vehicle a parking ticket by any police officer or person or persons designated by the chief of police with such enforcement authority. Said parking ticket shall be for the sum of ~~ten dollars ($10.00)~~ twenty-five dollars ($25.00) and the owner or operator of any such vehicle shall, within seventy-two (72) hours, pay the same to the office of the city clerk. If said ticket is not paid within said seventy-two (72) hour period, the parking violation shall constitute an offense, and the owner or operator of said vehicle shall upon conviction thereof be subject to a fine of ~~ten dollars ($10.00)~~ twenty-five dollars ($25.00). If the identity of the operator of a motor vehicle cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction.

(b) Any person who violates the provisions of section 24-163(c) shall be subject to having placed on his, her, their or its vehicle a parking ticket by any police officer or person or persons designated by the chief of police with such enforcement authority. Said parking ticket shall be for the sum of twenty-five dollars ($25.00) provided that, in addition to the requirements set forth in Section 24-163(e) herein, the sign for said lot clearly sets forth the twenty-five dollar ($25.00) fine for a violation. In the event the sign for said lot does not clearly set forth a twenty-five dollar ($25.00) fine for a violation, the parking ticket shall be for the sum of ten dollars ($10.00). The

owner or operator of any vehicle receiving a ticket for parking in a privately-owned lot shall, within seventy-two (72) hours, pay the same to the office of the city clerk. If said ticket is not paid within said seventy-two (72) hour period, the parking violation shall constitute an offense, and the owner or operator of said vehicle shall upon conviction thereof be subject to a fine of twenty-five dollars ($25.00). If the identity of the operator of a motor vehicle cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction.

(c) Any person who violates the provisions of section 24-153(b) or 24-169 shall be guilty of an offense, and upon conviction thereof, be subject to the general penalty section (section 1-16) of this Code. If the identity of the operator of a motor vehicle cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such infraction.

Section 2. That the operative date of this Ordinance shall be October 1, 2013.

Section 3. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of June, 2013.

ATTEST:

_____
Sue Fuchtman, Mayor

_____
Elizabeth A. Deck, City Clerk

Approved as to form: _____
Clint Schukei, City Attorney

ORDINANCE NO. 5257

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-167 OF THE OFFICIAL CITY CODE TO REDUCE THE PARKING TIME LIMIT IN OFF-STREET PARKING LOTS FROM THREE (3) HOURS TO TWO (2) HOURS BETWEEN 6:00 A.M. AND 6:00 P.M., MONDAY THROUGH FRIDAY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE 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 Section 24-167 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 24-167. Restriction in off-street lots.

It shall be unlawful for any person to park and allow to remain parked, between the hours of 6:00 a.m. and 6:00 p.m. ~~Friday~~ Monday through ~~Wednesday and between the hours of 6:00 a.m. and 9:00 p.m. Thursday~~ Friday, any vehicle in any city-owned off-street parking lots for a period in excess of ~~three (3)~~ two (2) hours, unless any particular lot or lots are otherwise designated by resolution of the mayor and city council setting other parking restrictions and are signed accordingly.

Section 2. That the operative date of this Ordinance shall be October 1, 2013.

Section 3. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of June, 2013.

ATTEST:

_____
Sue Fuchtman, Mayor

_____
Elizabeth A. Deck, City Clerk

Approved as to form: _____
Clint Schukei, City Attorney

ORDINANCE NO. 5258

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165.2 OF THE OFFICIAL CITY CODE TO CHANGE THE DAYS OF THE 6:00 A.M. TO 6:00 P.M. PARKING RESTRICTION IN DOWNTOWN SO THAT THE RESTRICTION WILL BE IN EFFECT MONDAY THROUGH FRIDAY RATHER THAN MONDAY THROUGH SATURDAY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE 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 Section 24-165.2 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 24-165.2. Same--Same During certain hours.

(a) It shall be unlawful for any person to park a motor vehicle for a period in excess of two (2) hours, between the hours of 6:00 a.m. and 6:00 p.m., Monday through ~~Saturday~~ Friday, on the following streets:

Street	*Sides (Both if not indicated)*	*From*	*To*
Braasch Avenue		1st St.	2nd St.
Braasch Avenue		3rd St.	4th St.
Braasch Avenue	South	4th St.	5th St.
Madison Avenue		1st St.	7th St.
Norfolk Avenue		1st St.	8th St.
1st Street		Madison Ave.	Braasch Ave.
2nd Street		Madison Ave.	Braasch Ave.
3rd Street		Madison Ave.	Braasch Ave.
4th Street		Madison Ave.	Braasch Ave.
5th Street		Madison Ave.	Braasch Ave.
5th Street	West	Alley south of Madison Ave.	Madison Ave.
8th Street		Alley south of Norfolk Ave.	Norfolk Ave.

Section 2. That the operative date of this Ordinance shall be October 1, 2013.

Section 3. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of June, 2013.

ATTEST:

_____
Sue Fuchtman, Mayor

_____
Elizabeth A. Deck, City Clerk

Approved as to form: _____
Clint Schukei, City Attorney

ORDINANCE NO. 5259

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.

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

Section 1. That Section 2-5 of the Official City Code be and the same are hereby amended to read as follows:

Sec. 2-5. Schedule of Fees.

(a) As used in this section:

Category 1 group shall mean a group physically located or having its principal place of business physically located within the city and its zoning jurisdiction.

Category 2 group shall mean a group physically located or having its principal place of business physically located outside of the city and its zoning jurisdiction.

Norfolk schools shall mean all public and private schools physically located within the city and its zoning jurisdiction.

(b) Schedule of Fees:

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Ambulance Fees	Basic life support, non-emergency.	2-2	~~$300.00~~ $450.00	(Date of Ordinance)
Ambulance Fees	Basic life support, emergency.	2-2	~~$450.00~~ $600.00	(Date of Ordinance)
Ambulance Fees	Basic life support, assist only.	2-2	$50.00	
Ambulance Fees	Advanced life support (1), non-emergency.	2-2	~~$500.00~~ $650.00	(Date of Ordinance)
Ambulance Fees	Advanced life support (1), emergency (one or two ALS interventions).	2-2	~~$550.00~~ $750.00	(Date of Ordinance)
Ambulance Fees	Advanced life support (2), emergency (at least three different medications/procedures).	2-2	~~$600.00~~ $850.00	(Date of Ordinance)
Ambulance Fees	Advanced life support, assist only.	2-2	$150.00	
Ambulance Fees	Specialty care transport (inter-hospital service beyond scope of paramedic).	2-2	$700.00	
Ambulance Fees	Fee per mile loaded outside Norfolk corporate city limits from 1 to 17 miles. Not including basic life support assistance or advanced life support assistance.	2-2	~~$12.00~~ $14.00	(Date of Ordinance)
Ambulance Fees	Fee per mile loaded outside Norfolk corporate city limits from 18-50 miles. Not including basic life support assistance or advanced life support assistance.	2-2	~~$10.00~~ $12.00	(Date of Ordinance)

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Ambulance Fees	Fee per mile loaded outside Norfolk corporate city limits for 50+ miles. Not including basic life support assistance or advanced life support assistance.	2-2	~~$8.00~~ $10.00	(Date of Ordinance)
Blighted Property	Processing fee to declare real property blighted.	2-3	$100.00	
Alarm Systems	Digital alarm monitoring fee per day in advance for up to two alarms.	2.5-4(k)	$0.75	
Alarm Systems	False alarms, not including fire alarms, occurring 7-10 times within a permit year, per occurrence.	2.5-5(a)	$25.00	
Alarm Systems	False alarms, not including fire alarms, occurring 11-15 times within a permit year, per occurrence.	2.5-5(a)	$50.00	
Alarm Systems	False alarms, not including fire alarms, occurring 16-20 times within a permit year, per occurrence.	2.5-5(a)	$75.00	
Alarm Systems	False alarms, not including fire alarms, occurring 21 or more times within a permit year, per occurrence.	2.5-5(a)	$100.00	
Alarm Systems	Fire false alarms occurring 7-10 times within a permit year, per occurrence.	2.5-5(b)	$150.00	
Alarm Systems	Fire false alarms occurring 11-15 times within a permit year, per occurrence.	2.5-5(b)	$500.00	
Alarm Systems	Fire false alarms occurring 16 or more times within a permit year, per occurrence.	2.5-5(b)	$630.00	
Alcoholic Beverage Occupation Taxes	Manufacturer of alcohol and spirits.	3-27(a)	$2,000.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Alcoholic Beverage Occupation Taxes	Manufacturer of beer.	3-27(a)	Same as license	
Alcoholic Beverage Occupation Taxes	Manufacturer of wine.	3-27(a)	$500.00	
Alcoholic Beverage Occupation Taxes	Alcoholic liquors distributor.	3-27(a)	$1,500.00	
Alcoholic Beverage Occupation Taxes	Beer distributor.	3-27(a)	$1000.00	
Alcoholic Beverage Occupation Taxes	Retailer of beer only, for consumption on the premises.	3-27(a)	$200.00	
Alcoholic Beverage Occupation Taxes	Retailer of beer only, for consumption off the premises.	3-27(a)	$200.00	
Alcoholic Beverage Occupation Taxes	Retailer of alcoholic liquors for consumption on the premises and off the premises.	3-27(a)	$600.00	
Alcoholic Beverage Occupation Taxes	Retailer of alcoholic liquors for consumption off the premises.	3-27(a)	$400.00	
Alcoholic Beverage Occupation Taxes	Retailer of alcoholic liquors for consumption on the premises.	3-27(a)	$500.00	
Alcoholic Beverage Occupation Taxes	Special designated permit, per day.	3-27(a)	$80.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Alcoholic Beverage Occupation Taxes	Non-beverage user: Class 1.	3-27(a)	$10.00	
Alcoholic Beverage Occupation Taxes	Non-beverage user: Class 2.	3-27(a)	$50.00	
Alcoholic Beverage Occupation Taxes	Non-beverage user: Class 3.	3-27(a)	$100.00	
Alcoholic Beverage Occupation Taxes	Non-beverage user: Class 4.	3-27(a)	$200.00	
Alcoholic Beverage Occupation Taxes	Non-beverage user: Class 5.	3-27(a)	$500.00	
Alcoholic Beverage Occupation Taxes	Catering permit for Class C, D or I licensees.	3-27(a)	$200.00	
Alcoholic Beverage Occupation Taxes	Bottle club.	3-27(a)	$500.00	
Animals and Fowl	Animal impoundment fee for returned loose animals.	4-6	$10.00	
Animals and Fowl	Dog and cat pet licenses.	4-11	Free	
Animals and Fowl	Daily boarding fee, payable along with impoundment fee.	4-25	$5.00	
Animals and Fowl	First violation per owner or animal, payable along with impoundment fee.	4-25	$15.00	
Animals and Fowl	Second violation per owner or animal, payable along with impoundment fee.	4-25	$20.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Animals and Fowl	Third violation per owner or animal, payable along with impoundment fee.	4-25	$30.00	
Bicycles and Scooters	Bicycle registration.	5-2(b)	$2.00	
Bicycles and Scooters	Duplicate bicycle registration.	5-2(b)	$2.00	
Bicycles and Scooters	Motor scooter (gas/electric) registration.	5-25(c)	$5.00	
Bicycles and Scooters	Duplicate scooter (gas/electric) registration.	5-25(c)	$5.00	
Bicycles and Scooters	Release from impoundment (not inclusive of towing or removal fees).	5-27(c)	$25.00	
Building Permit Fees	Building permit fee per finished square foot for new construction and additions: ground floor and above.	6-18 6-162	$0.20	
Building Permit Fees	Building permit fee per finished square foot for new construction and additions: finished basement.	6-18 6-162	$0.13	
Building Permit Fees	Building permit fee per finished square foot for new construction and additions: unfinished basement.	6-18 6-162	$0.10	
Building Permit Fees	Building permit fee per finished square foot for new construction and additions: garage.	6-18 6-162	$0.10	
Building Permit Fees	Building permit fee per finished square foot for remodel of basement or finish.	6-18 6-162	$0.16	
Building Permit Fees	Building permit fee per square foot for unfinished and accessory structures: Garages, accessory buildings, decks and warehouses.	6-18 6-162	$0.13	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Building Permit Fees	Building permit fee per foot of height for new communication towers.	6-18 6-162	$5.00	
Building Permit Fees	Building permit fee per foot of height to co-locate on a tower.	6-18 6-162	$2.50	
Building Permit Fees	Permit fee to locate a manufactured home in a mobile home park.	6-18 6-162	$100.00	
Building Permit Fees	Permit fee to install an in-ground swimming pool.	6-18 6-162	$100.00	
Building Permit Fees	Building permit fee to install a sign from 0-99 sq. ft.	6-18	$25.00	
Building Permit Fees	Building permit fee to install a sign from 100-199 sq. ft.	6-18	$50.00	
Building Permit Fees	Building permit fee to install a sign from 200-300 sq. ft.	6-18	$100.00	
Building Permit Fees	Demolition permit (when disconnection of water & sewer is NOT requested).	6-18 6-162	$25.00	10/1/2011
Building Permit Fees	Demolition permit (when disconnection of water & sewer is requested).	6-18 6-162	$40.00	10/1/2011
Building Permit Fees	Miscellaneous/minimum permit fee.	6-18 6-162	$25.00	
Building Permit Fees	Permit fee when work commences prior to permit application.	6-18 6-162	Triple normal permit fee	
Building Permit Fees	Re-inspection fee for third and subsequent re-inspection.	6-18 6-162	$50.00	
Electrical Contractor Registration Fees	Original issuance of State of Nebraska electrical contractor, Class B electrical contractor, Class A master electrician, Class B master electrician, special electrician, or a fire alarm installer's license.	6-71	$75.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Electrical Contractor Registration Fees	Renewal issuance of State of Nebraska electrical contractor, Class B electrical contractor, Class A master electrician, Class B master electrician, special electrician, or a fire alarm installer's license.	6-71	$50.00	
Electrical Permit Fees	Electrical permit fee based on valuation of work to be completed from $1.00 - $1,500.00.	6-94	$25.00	
Electrical Permit Fees	Electrical permit fee for work valued between $1,501.00 and $34,000.00. Permit cost calculated at $5.00 per each $500.00 value increase or fraction thereof, plus $25.00 minimum permit fee.	6-94	$25.00 (permit) +$5.00/$500.00 value increase	
Electrical Permit Fees	Electrical permit fee for work valued at greater than $34,000.00. Permit cost calculated at $10.00 per each $1,000.00 value increase or fraction thereof, after $34,000.00, plus $350.00 minimum permit fee.	6-94	$350.00 (permit)+$10.00/$1000.00 value increase	
Electrical Permit Fees	Minimum permit fee.	6-94	$25.00	
Electrical Permit Fees	Permit fee when work commences prior to permit application.	6-94	Triple normal permit fee	
Electrical Permit Fees	Re-inspection fee for third and subsequent re-inspections.	6-94	$50.00	
Mechanical Permit Fees	New installation fee, per number of square feet conditioned.	6-107	$0.15	
Mechanical Permit Fees	Heating unit permit fee, under 140,000 BTU.	6-107	$35.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Mechanical Permit Fees	Heating unit permit fee, 141,000 BTU - 499,000 BTU (per unit).	6-107	$150.00	
Mechanical Permit Fees	Heating unit permit fee, greater than 499,000 BTU (per unit).	6-107	$250.00	
Mechanical Permit Fees	Cooling unit permit fee, residential (per unit).	6-107	$30.00	
Mechanical Permit Fees	Cooling unit permit fee, commercial (per ton).	6-107	$10.00	
Mechanical Permit Fees	Cooling unit permit fee, industrial chillers (per unit).	6-107	$750.00	
Mechanical Permit Fees	Miscellaneous installation fee (not requiring new/replacement equipment).	6-107	$25.00	
Mechanical Permit Fees	Mixing/VAV (variable air volume) boxes.	6-107	$25.00	
Mechanical Permit Fees	Commercial hood system permit fee, per square foot of hood.	6-107	$3.00	
Mechanical Permit Fees	Infrared pipe heating systems or hanging unit heaters permit fee (per unit).	6-107	$35.00	
Mechanical Permit Fees	Minimum permit fee.	6-107	$25.00	
Mechanical Permit Fees	Permit fee when work commences prior to permit application.	6-107	Triple normal permit fee	
Mechanical Permit Fees	Re-inspection fee for third and subsequent re-inspections.	6-107	$50.00	
Mechanical Contractor Registration Fees	Original mechanical contractor's registration.	6-109	$75.00	
Mechanical Contractor Registration Fees	Renewal of mechanical contractor's registration.	6-109	$50.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Gas Contractor Registration Fees	Original gas contractor's registration.	6-111	$75.00	
Gas Contractor Registration Fees	Renewal of gas contractor's registration.	6-111	$50.00	
Plumbing Permit Fees	1st trap installation.	6-122	$10.00	
Plumbing Permit Fees	Additional trap installation fee (per trap).	6-122	$5.00 plus $0.01 per finished square foot	
Sanitary Sewer Line Installation	Installation of 4 inch sanitary sewer line, per 100 feet of line or fraction thereof.	6-122	$12.00	
Sanitary Sewer Line Installation	Installation of sanitary sewer line greater than 4 inches, per 100 feet of line or fraction thereof.	6-122	$20.00	
Private Water Line Installation	Installation of private water line up to and including 1 inch line, per 100 feet of line or fraction thereof.	6-122	$12.00	
Private Water Line Installation	Installation of private water line greater than 1-inch, per 100 feet of line or fraction thereof.	6-122	$20.00	
Private Water Line Installation	Minimum permit fee.	6-122	$25.00	
Private Water Line Installation	Permit fee when work commences prior to permit application.	6-122	Triple normal fee	
Private Water Line Installation	Re-inspection fee for third and subsequent re-inspection.	6-122	$50.00	
Plumbing Contractor Registration Fee	Original plumbing contractor's registration.	6-143(a)	$75.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Plumbing Contractor Registration Fee	Renewal of plumbing contractor's registration.	6-143(a)	$50.00	
Journeyman and Apprentice Plumber's Registration Fees	Original journeyman plumber's registration fee.	6-144(b)	$50.00	
Journeyman and Apprentice Plumber's Registration Fees	Renewal of journeyman plumber's registration fee.	6-144(b)	$25.00	
Journeyman and Apprentice Plumber's Registration Fees	Apprentice plumber's registration fee.	6-145	$10.00	
Property Maintenance	Application fee for appeal of the decision of a code official.	6-183	$500.00	
Fireworks	Fireworks stand occupation tax (annually, per permit).	8-5	$200.00	
Fire Code Permit Fees	L.P.G. tank, 20 - 500 gallon water capacity.	8-28	$25.00	
Fire Code Permit Fees	L.P.G. tank, 501 - 90,000 gallon water capacity.	8-28	$35.00	
Fire Code Permit Fees	Flammable and combustible liquid tanks, 50 - 20,000 gallon water capacity.	8-28	$70.00	
Fire Sprinkler and Suppression Contractor Fees	Initial registration to install fire sprinkler and suppression systems.	8-29	$75.00	
Fire Code Permit Fees	Annual re-registration to install fire sprinkler and suppression systems.	8-29	$50.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Fire Sprinkler and Suppression Contractor Fees	Fire sprinkler system permit, per head.	8-29	$1.50	
Fire Sprinkler and Suppression Contractor Fees	Fire suppression system permit, per extinguishing agent discharge point.	8-29	$3.00	
Fire Alarm Installer Contractor Fees	Fire alarm installer contractor registration.	8-31	$75.00	
Fire Alarm Installer Contractor Fees	Renewal of fire alarm installer contractor registration.	8-31	$50.00	
Fire Alarm Installer Contractor Fees	Fire alarm system permit fee, per initiating device.	8-31	$2.00	
Garbage and Trash	Typical municipal solid waste, per ton.	10-27(1)	$52.55	
Garbage and Trash	NNSWC gate fee, per ton.	10-28(a)	$24.00	
Garbage and Trash	Transfer station inspection fee, per load.	10-28(b)	$8.00	
Garbage and Trash	Transfer station minimum MSW fee, per vehicle.	10-28(c)	$12.00	
Garbage and Trash	Transfer station operating fee, per ton.	10-28(c)	$28.55	
Garbage and Trash	Sorting labor, per hour.	10-28(d)	$40.00	
Garbage and Trash	Animal crematory, per hour.	10-28(d)	$15.00	
Garbage and Trash	Automotive battery, each.	10-28(d)	$5.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Garbage and Trash	Computer monitors, each.	10-28(d)	$10.00	
Garbage and Trash	Computer system disposal, each.	10-28(d)	$15.00	
Garbage and Trash	Concrete, clean and un-coated, per ton.	10-28(d)	$5.00	
Garbage and Trash	Concrete, coated and/or painted, per ton.	10-28(d)	$5.00	
Garbage and Trash	Construction and demolition, untreated dimensional lumber, per ton.	10-28(d)	$30.00	
Garbage and Trash	Car tires, each.	10-28(d)	$2.50	
Garbage and Trash	Hazardous waste.	10-28(d)	Actual costs associated with handling, storage and disposal	
Garbage and Trash	Light truck tires, each.	10-28(d)	$2.50	
Garbage and Trash	Truck tires, each.	10-28(d)	$10.00	
Garbage and Trash	Tractor tires, each.	10-28(d)	$25.00	
Garbage and Trash	Tire with rim, each.	10-28(d)	Twice the stated tire fee	
Garbage and Trash	Appliances, each.	10-30(a)	8.00	
Garbage and Trash	Appliances with Freon, each.	10-30(a)	$30.00	
Garbage and Trash	Yard waste, per 36 gallon bag.	10-30(b)	$0.60	
Garbage and Trash	Yard waste, per cubic yard.	10-30(b)	$3.00	10/1/2011
Garbage and Trash	Yard waste, per ton.	10-30(b)	$19.00	
Garbage and Trash	Yard waste, flat rate for standard size pickup boxes and smaller, each.	10-30(b)	$3.00	
Garbage and Trash	Tree waste, per ton.	10-30(c)	$19.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Garbage and Trash	Brush and limbs, flat rate for standard size pickup boxes and smaller, each.	10-30(c)	$3.00	
Health and Sanitation	Public pool operating permit (class B, C, D, E, or F pools).	11-47	$50.00	(Date of Ordinance)
Permits and Business Regulations	Circus, annual fee (not required for non-profit or civic clubs).	13-17(a)	$500.00	
Permits and Business Regulations	Carnival, daily fee.	13-17(b)	$50.00	
Permits and Business Regulations	Salvage yard permit annual fee.	13-42(a)	$50.00	
Permits and Business Regulations	Antique and used merchandise annual permit.	13-58(a)	$25.00	
Permits and Business Regulations	Auction permit, annual fee.	13-58(a)	$25.00	
Permits and Business Regulations	Second hand dealer permit, annual fee.	13-58(a)	$25.00	
Permits and Business Regulations	Pawnbroker's permit, annual fee.	13-71(b)	$100.00	11/21/2011
Permits and Business Regulations	Telecommunications occupation tax.	13-80(a)	3% gross receipts	
Permits and Business Regulations	Failure of telephone company to provide statement of quarterly gross receipts subject to occupation tax.	13-82(b)	$25,000.00	
Permits and Business Regulations	Itinerant merchant (occupation tax), per vehicle annually.	13-113(a)	$100.00	11/21/2011
Permits and Business Regulations	Peddler/solicitor (occupation tax), 3 month permit.	13-113(b)	$25.00	11/21/2011

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Permits and Business Regulations	Peddler/solicitor (occupation tax) renewal, 3 month permit.	13-113(b)	$10.00	11/21/2011
Permits and Business Regulations	Peddler/solicitor (occupation tax) per vehicle, 3 month permit.	13-113(b)	$5.00	11/21/2011
Permits and Business Regulations	Street vendor/temporary merchant (occupation tax), annually.	13-113(c)	$75.00	11/21/2011
Permits and Business Regulations	Street vendor/temporary merchant (occupation tax), per vehicle, annually.	13-113(c)	$5.00	11/21/2011
Permits and Business Regulations	Appeal of denied itinerant merchant, peddler, solicitor, street vendor, or temporary merchant permit, non-refundable.	13-117	$100.00	11/21/2011
Permits and Business Regulations	Games of chance (occupation tax).	13-143	5% of gross receipts per quarter	
Permits and Business Regulations	Distributing gambling devices (occupation tax).	13-144	5% of gross receipts per quarter	
Permits and Business Regulations	Gambling device permit fee per location.	13-148	$10.00	
Permits and Business Regulations	Hotel lodging (occupation tax)	13-163	4% of gross receipts	2/1/2011
Permits and Business Regulations	Restaurant and alcohol sales (occupation tax)	13-183	2% of gross receipts	2/1/2011
Permits and Business Regulations	Horse-drawn carriage business license	13-202	$25.00	11/21/2011
Mobile Homes and Mobiles Home Parks	Mobile home park permit, plus $1.00 per space.	15-33	$25.00 + $1.00 per space	
Nuisances	Administrative weed/litter/drainage fee.	17-16	$25.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Nuisances	Weed abatement fee.	17-16	Cost as billed by contractor plus $0.01 per square foot if weeds are controlled by the city	
Nuisances	Litter removal.	17-16	Actual cost of litter removal	
Nuisances	Stagnant water mitigation.	17-16	Actual cost of draining and filling to remove stagnant water	
Nuisances	Graffiti removal.	17-55(c)	Actual cost to remove graffiti	
Response to Large Parties	Large party response fee.	20-8	Actual cost	
Streets and Sidewalks	Sidewalk mobilization fee.	22-23(c)	$100.00	
Streets and Sidewalks	Construction or repair of sidewalks per square foot.	22-23(c)	$10.00	
Streets and Sidewalks	Under concrete pavement minimum fee, includes first 2 square yards.	22-68(a)	$375.00	
Streets and Sidewalks	Under concrete pavement, cost per additional square yard or fraction thereof.	22-68(a)	$75.00	
Streets and Sidewalks	Under gravel or earth roads minimum fee, includes first 2 square yards.	22-68(a)	$120.00	
Streets and Sidewalks	Under gravel or earth roads, cost per additional square yard or fraction thereof.	22-68(a)	$40.00	
Streets and Sidewalks	Concrete paving cuts, cost per foot.	22-68(a)	$5.00	
Streets and Sidewalks	Concrete paving cuts, minimum fee.	22-68(a)	$50.00	
Streets and Sidewalks	Sawing and removing curbs, cost per foot.	22-68(a)	$8.00	
Streets and Sidewalks	Removing curb and gutter, cost per foot.	22-68(a)	$5.00	
Streets and Sidewalks	Curb removal minimum fee.	22-68(a)	$100.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Streets and Sidewalks	Curb removal by grinding, permit fee.	22-68(a)	$15.00	
Streets and Sidewalks	Curb removal by grinding, cost per lineal foot.	22-68(a)	$9.50	
Streets and Sidewalks	Curb removal by grinding, minimum fee (non-inclusive of permit fee).	22-68(a)	$100.00	
Streets and Sidewalks	Curb removal by grinding, contractor permit fee.	22-68(a)	$15.00	
Streets and Sidewalks	Fill material for backfilling, cost per cubic yard.	22-68(a)	$7.00	
Streets and Sidewalks	Rental price per day: 12 foot barricade with legs.	22-68(b)	$3.00	
Streets and Sidewalks	Rental price per day: solar lights.	22-68(b)	$2.00	
Streets and Sidewalks	Rental price per day: plastic drum.	22-68(b)	$3.50	
Streets and Sidewalks	Replacement fee: each 12 foot barricade.	22-68(b)	$20.00	
Streets and Sidewalks	Replacement fee: each damaged "A" frame leg.	22-68(b)	$20.00	
Streets and Sidewalks	Replacement fee: each solar light.	22-68(b)	$25.00	
Streets and Sidewalks	Replacement fee: each plastic drum.	22-68(b)	$75.00	
Moving Buildings	Annual building mover's registration.	22-88	$100.00	
Moving Buildings	Single event building mover's fee.	22-88	$50.00	
Moving Buildings	Permit to move buildings.	22-98	$25.00	
Subdivisions	Lot boundary change filing fee.	23-16.1(b)	$100.00	
Subdivisions	Preliminary plat approval.	23-21	$100.00	
Subdivisions	Preliminary plat fee per lot.	23-21	$5.00	
Subdivisions	Final plat approval.	23-21	$100.00	
Subdivisions	Final plat fee per lot.	23-21	$5.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Subdivisions	Request for a waiver of minimum subdivision improvements.	23-48	$250.00	
Traffic	Impounded vehicle storage fee, first day.	24-152(c)	$25.00	
Traffic	Impounded vehicle storage fee, subsequent days.	24-152(c)	$5.00	
Traffic	Cost of towing an impounded vehicle.	24-152(c)	Actual cost	
Trees and Shrubbery	Failure to reimburse city for abatement of nuisance, in addition to cost of abatement.	25-2(d)	$25.00	
Water	Final reading required before new water and/or sewer service.	26-2	$30.00	
Water	Water and/or sewer service turn on fee for newly constructed residences and businesses.	26-2	$30.00	
Water	Water system connection fee.	26-11(a)	$95.00	
Water	Extension or alteration of existing water connection, per front foot of property.	26-11(b)	$5.00	
Water	Restoration of water service during normal business hours.	26-18	$30.00	
Water	Restoration of water service outside of normal business hours.	26-18	$45.00	
Water Rates and Charges	Water usage rate for the first 660 cubic feet of water inside city limits.	26-41(b)	minimum fee for meter size	
Water Rates and Charges	Water usage rate per 100 cubic feet from 660 to 6,660 cubic feet of water inside city limits.	26-41(b)	$1.29	
Water Rates and Charges	Water usage rate per 100 cubic feet from 6,660 to 33,660 cubic feet of water inside city limits.	26-41(b)	$1.03	
Water Rates and Charges	Water usage rater per 100 cubic feet for water usage over 33,660 cubic feet inside city limits.	26-41(b)	$0.91	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Water Rates and Charges	Water usage rate for the first 660 cubic feet of water outside city limits.	26-41(b)	minimum fee for meter size	
Water Rates and Charges	Water usage rate per 100 cubic feet from 660 to 6,660 cubic feet of water outside city limits.	26-41(b)	$2.58	
Water Rates and Charges	Water usage rate per 100 cubic feet from 6,660 to 33,660 cubic feet of water outside city limits.	26-41(b)	$2.06	
Water Rates and Charges	Water usage rater per 100 cubic feet for water usage over 33,660 cubic feet outside city limits.	26-41(b)	$1.52	
Water Rates and Charges	Minimum charge for 5/8 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$11.40	4/5/2012
Water Rates and Charges	Minimum charge for 3/4 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$12.35	4/5/2012
Water Rates and Charges	Minimum charge for 1 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$14.50	4/5/2012
Water Rates and Charges	Minimum charge for 1 1/2 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$26.50	4/5/2012
Water Rates and Charges	Minimum charge for 2 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$41.00	4/5/2012
Water Rates and Charges	Minimum charge for 3 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$78.00	4/5/2012
Water Rates and Charges	Minimum charge for 4 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$120.00	4/5/2012
Water Rates and Charges	Minimum charge for 6 inch water meter within city limits, per bi-monthly billing period.	26-41(c)	$230.00	4/5/2012
Water Rates and Charges	Minimum charge for 5/8 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$22.80	4/5/2012

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Water Rates and Charges	Minimum charge for 3/4 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$24.70	4/5/2012
Water Rates and Charges	Minimum charge for 1 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$29.00	4/5/2012
Water Rates and Charges	Minimum charge for 1 1/2 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$53.00	4/5/2012
Water Rates and Charges	Minimum charge for 2 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$82.00	4/5/2012
Water Rates and Charges	Minimum charge for 3 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$156.00	4/5/2012
Water Rates and Charges	Minimum charge for 4 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$240.00	4/5/2012
Water Rates and Charges	Minimum charge for 6 inch water meter outside city limits, per bi-monthly billing period.	26-41(c)	$460.00	4/5/2012
Water Rates and Charges	Service fee: delinquent charges collected more than once in a 12 month period.	26-46(a)	$30.00	
Sewers	Connection to, alteration or extension of, existing sewer lines per front foot of property.	26-58(a)	$5.00	
Sewers	Building sewer permit and inspection fee.	26-59(b)	$20.00	
Sewers	Individual sewage system construction permit filing fee.	26-80	$50.00	
Water and Sewer Inspection	Inspection of water, sewer or disposal system as a condition of the sale of real estate or for the financing thereof.	26-86(c)	$50.00	
Wastewater Treatment	Residential and commercial waste water treatment, minimum bi-monthly charge.	26-97(e)	$22.11	10/1/2012

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Wastewater Treatment	Additional charge per 100 cubic feet of waste water over 400 cubic feet of waste water per bi-monthly billing period.	26-97(e)	$1.58	10/1/2012
Wastewater Treatment	Normal charge, per 1,000,000 gallons, for wastewater of greater strength than normal domestic sewage where BOD is equal or less than 300mg/L, TSS is equal or less than 300mg/L, and TKN is equal to or less than 40 mg/L.	26-97(f)	$2,106.51	10/1/2012
Wastewater Treatment	Charge for biological oxygen demand (BOD) for high strength waste.	26-97(f)	$0.1772 per pound above 300mg/L	10/1/2012
Wastewater Treatment	Charge for total suspended solids (TSS) for high strength waste.	26-97(f)	$0.1961 per pound above 300 mg/L	10/1/2012
Wastewater Treatment	Charge for total Kjeldahl nitrogen for high strength waste.	26-97(f)	$0.6843 per pound above 40 mg/L	10/1/2012
Wastewater Treatment	Minimum charge for mud pit waste disposed of at the wastewater plant's dump station.	26-97(i)	$120.00, plus transfer station tipping fees established in section 10-28	10/1/2011
Wastewater Treatment	Minimum charge for septic waste.	26-97(i)	$67.00 per 1,800 gallon load	10/1/2011
Wastewater Treatment	Sewer reconnection fee, inside normal business hours for users of city sewer and water.	26-99.5	$30.00	
Wastewater Treatment	Sewer reconnection fee, outside normal business hours for users of city sewer and water.	26-99.5	$45.00	
Wastewater Treatment	Sewer only customers, second attempt to collect delinquent payment.	26-99.6	$15.00	
Wastewater Treatment	Sewer only customers, third and subsequent attempts to collect delinquent payment.	26-99.6	$30.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Wastewater Treatment	Exposure and disconnection of sewer.	26-99.6	Actual cost	
Wastewater Treatment	Permit to discharge waste industrial waste into a public sewer.	26-141(c)	$100.00	
Zoning	Application of appeal to zoning board of adjustment.	27-31(3)	~~$250.00~~ $500.00 + publication costs	(Date of Ordinance)
Zoning	Amendment to zoning district map.	27-38(b)	$300.00 + publication costs	
Zoning	Conditional use permit.	27-56(2)a	$300.00 + publication costs	
Zoning	Release of a temporary sign removed from public right-of-way and held in the street division's enclosed yard.	27-323(a)4	$50.00	
Zoning	Post-platting hard surface waiver filing fee.	27-351	$250.00 + publication costs	
Miscellaneous: Administration	Returned check fee	NA	$25.00	10/1/2011
Miscellaneous: Cabin Rentals	Club house daily rental fee.	NA	$60.00	
Miscellaneous: Cabin Rentals	Club house refundable damage deposit (cash only).	NA	$100.00	2/19/2013
Miscellaneous: Cabin Rentals	Elkhorn lodge daily rental fee.	NA	$200.00	2/19/2013
Miscellaneous: Cabin Rentals	Elkhorn lodge refundable damage deposit (cash only).	NA	$200.00	2/19/2013
Miscellaneous: Cabin Rentals	Shelter house daily rental fee.	NA	$35.00	
Miscellaneous: Cabin Rentals	Shelter house refundable damage deposit (cash only).	NA	$100.00	2/19/2013
Miscellaneous: Cabin Rentals	Woodland cabin daily rental fee.	NA	$45.00	
Miscellaneous: Cabin Rentals	Woodland cabin refundable damage deposit (cash only).	NA	$100.00	2/19/2013

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: City Auditorium	Auditorium rental for parties, meetings, commercial or private entertainment, concerts, sports events, or banquets, per day.	NA	$250	
Miscellaneous: City Auditorium	Auditorium rental for craft, hobby, exhibit and flea market shows, per day.	NA	$350.00	
Miscellaneous: City Auditorium	Auditorium rental for merchandise sales and/or shows and commercial sales and/or events for in town venders, per day.	NA	$350.00	
Miscellaneous: City Auditorium	Auditorium rental for merchandise sales and/or shows and commercial sales and/or events for out of town venders more than 15 miles from Norfolk's corporate limits, per day.	NA	$500.00	
Miscellaneous: City Auditorium	Fee per hour for setup on dates outside of reservation.	NA	$25.00	
Miscellaneous: City Auditorium	Auditorium rental for school related sporting events, per day.	NA	$150.00	
Miscellaneous: City Auditorium	Use of 1-100 chairs, city sets up.	NA	$40.00	
Miscellaneous: City Auditorium	Use of 101-250 chairs, city sets up.	NA	$60.00	
Miscellaneous: City Auditorium	Use of 251-500 chairs, city sets up.	NA	$70.00	
Miscellaneous: City Auditorium	Use of 501-750 chairs, city sets up.	NA	$110.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: City Auditorium	Use of 751 or more chairs, city sets up.	NA	$150.00	
Miscellaneous: Fire Department	Copy of a fire report.	NA	$10.00	
Miscellaneous: Fire Department	Detailed zoning verification questionnaire response	NA	$50.00	10/1/2011
Miscellaneous: Fire Department	Detailed code compliance questionnaire response	NA	$50.00	10/1/2011
Miscellaneous: Fire Department	Special operations/activities.	NA	Actual cost	
Miscellaneous: Fire Department	Subpoenaed copy of a rescue report.	NA	$10.00	
Miscellaneous: Football/soccer Field	Adult practice Category 1 group, per hour (2 hour minimum)	NA	$100.00	4/5/2012
Miscellaneous: Football/soccer Field	Adult practice Category 2 group, per hour (2 hour minimum)	NA	$125.00	4/5/2012
Miscellaneous: Football/soccer Field	Adult game, single Category 1 group	NA	$750.00	4/5/2012
Miscellaneous: Football/soccer Field	Adult game, single Category 2 group	NA	$1,000.00	4/5/2012
Miscellaneous: Football/soccer Field	Adult tournament Category 1 group, per day	NA	$1,000.00	4/5/2012
Miscellaneous: Football/soccer Field	Adult tournament Category 2 group, per day	NA	$1,250.00	4/5/2012
Miscellaneous: Football/soccer Field	Youth practice, Category 1 group, per hour (2 hour minimum)	NA	$50.00	4/5/2012

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: Football/soccer Field	Youth practice, Category 2 group, per hour (2 hour minimum)	NA	$75.00	4/5/2012
Miscellaneous: Football/soccer Field	Youth games outside of regular season, (i.e. tournaments) Category 1 groups	NA	$250.00	4/5/2012
Miscellaneous: Football/soccer Field	Youth games outside of regular season, (i.e. tournaments) Category 2 groups	NA	$250.00	4/5/2012
Miscellaneous: Football/soccer Field	Special event	NA	To be determined by nature of event	4/5/2012
Miscellaneous: Football/soccer Lockers	Adult, per day (depending upon availability)	NA	$500.00	4/5/2012
Miscellaneous: Library	Late book fee, per day.	NA	$.10	10/1/2011
Miscellaneous: Library	Late DVD fee, per day.	NA	$1.00	
Miscellaneous: Library	Late E-reader fee, per day	NA	$5.00	10/1/2011
Miscellaneous: Library	Late video fee, per day.	NA	$1.00	
Miscellaneous: Library	Late audio book fee, per day.	NA	$0.10	
Miscellaneous: Library	Late CD fee, per day.	NA	$.25	10/1/2011
Miscellaneous: Library	Late video game fee, per day	NA	$1.00	10/1/2011
Miscellaneous: Library	Photo copy, each.	NA	$0.10	
Miscellaneous: Library	Lost materials.	NA	Actual cost of replacement	
Miscellaneous: Library	Genealogy research fee.	NA	$10.00	
Miscellaneous: Library	Interlibrary loan: microfilm/roll.	NA	$3.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: Parking stall rental	Annual fee	NA	$55.00	(Date of Ordinance)
Miscellaneous: Parking stall rental	Quarterly fee	NA	$15.00	(Date of Ordinance)
Miscellaneous: Parks	Overnight camping in Ta-Ha-Zouka Park, per night	NA	$18.00	10/1/2011
Miscellaneous: Parks	Overnight camping in Ta-Ha-Zouka Park (primitive), per night	NA	$12.00	4/5/2012
Miscellaneous: Parks	Reservable picnic shelter	NA	$35.00	10/1/2011
Miscellaneous: Police Department	Copy of an accident report, picked up.	NA	$3.00	
Miscellaneous: Police Department	Copy of an accident report, mailed.	NA	$4.00	
Miscellaneous: Police Department	Records subpoena.	NA	$18.00	
Miscellaneous: Police Department	Copy of a video.	NA	$20.00	
Miscellaneous: Police Department	Copy of a photo.	NA	$1.00/sheet	
Miscellaneous: Police Department	Criminal history check.	NA	$5.00	
Miscellaneous: Police Department	Finger printing.	NA	$10.00	
Miscellaneous: Police Department	Towed vehicle.	NA	Towing Cost	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: Police Department	Towed vehicle storage, first day.	NA	$25.00	
Miscellaneous: Police Department	Towed vehicle, subsequent days.	NA	$5.00	
Miscellaneous: Police Department	Gun permit (background check).	NA	$5.00	
Miscellaneous: Police Department	Breath test related to DUI.	NA	$35.00	
Miscellaneous: Police Department	Blood/urine test related to DUI.	NA	~~$120.00~~ $155.00	(Date of Ordinance)
Miscellaneous: Recreational Programs	Girls softball, per child.	NA	$15.00	10/1/2011
Miscellaneous: Recreational Programs	Girls softball, late registration, per child.	NA	$18.00	10/1/2011
Miscellaneous: Recreational Programs	Kreative Kids per child, per session.	NA	$20.00	10/1/2011
Miscellaneous: Recreational Programs	Men's basketball, per team.	NA	$255.00	10/1/2011
Miscellaneous: Recreational Programs	Women's volleyball, per team.	NA	$160.00	10/1/2011
Miscellaneous: Recreational Programs	Coed volleyball, per team.	NA	$160.00	10/1/2011
Miscellaneous: Recreational Programs	Summer girl's volleyball, per team.	NA	$120.00	
Miscellaneous: Recreational Programs	Summer girl's basketball, per team.	NA	$250.00	

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: Recreational Programs	Men's flag football, per team.	NA	$220.00	10/1/2011
Miscellaneous: Recreational Programs	Swimming lessons, per student.	NA	$30.00	10/1/2011
Miscellaneous: Street Department	Special operations/activities.	NA	Actual cost	
Miscellaneous: Swimming Pool Admissions	AquaVenture Daily admission: youth (age 5-15).	NA	$6.00	10/1/2012
Miscellaneous: Swimming Pool Admissions	AquaVenture Daily admission: adult (age 16-54).	NA	$8.00	10/1/2012
Miscellaneous: Swimming Pool Admissions	AquaVenture Daily admission: senior (age 55 & up).	NA	$7.00	10/1/2012
Miscellaneous: Swimming Pool Admissions	AquaVenture Family daily admission: (2 adults & up to 4 children).	NA	$32.00	10/1/2012
Miscellaneous: Swimming Pool Admissions	Liberty Bell, daily admission.	NA	$3.00	10/1/2011
Miscellaneous: Swimming Pool Admissions	Individual season pass: youth (age 5-15).	NA	$80.00	10/1/2011
Miscellaneous: Swimming Pool Admissions	Individual season pass: adult (age 16-54).	NA	$90.00	10/1/2011

Category	Description of Fee	Municipal Code Reference	Fee	Date Last Modified
Miscellaneous: Swimming Pool Admissions	Individual season pass: senior (age 55 & up).	NA	$80.00	10/1/2011
Miscellaneous: Swimming Pool Admissions	Family season pass.	NA	$190.00	10/1/2011
Miscellaneous: Swimming Pool Admissions	Children 4 and under.	NA	Free	10/1/2011

Section 2. That the operative date of this Ordinance shall be October 1, 2013.

Section 3. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2013.

ATTEST:

_____
Sue Fuchtman, Mayor

_____
Elizabeth A. Deck, City Clerk

Approved as to form: _____
Clint Schukei, City Attorney

City of Norfolk

Blight and Substandard Determination
Study for Area Referred to as

Northeast Corner of 13th Street & Omaha Avenue

April 11, 2013

NORTHEAST NEBRASKA
Economic Development District
Progress Requires Direction

Norfolk-Northeast Corner of 13th Street & Omaha Avenue

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Executive Summary

The purpose of this Study is to determine if all or part of the designated study area has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102.

Community Development Law

18-2102. Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and over-crowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

Objective Criteria

State statute establishes a series of five quantitative or "objective" criteria. An area must meet at least one of these initial criteria.

- ***Underemployment.*** The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average. Block group data from the 2010 Census, as well as subsequent geographic area studies available through the Nebraska Department of Labor, were utilized to determine qualifying areas under this standard.
- ***Average age of residential or commercial units in the area.*** The qualifying condition is an average age that is at least forty (40) years old.
- ***Unimproved land.*** Compliance with this standard involved examining the corporate limits and defining areas within those limits which remain unimproved. The qualification is if more than half of the plotted and subdivided property in the area has been within the city for forty years and has remained unimproved during that time.
- ***Per capita income***. The qualifying condition is a per capita income for the area that is lower than the average per capita income of the municipality in which the area is designated. Block group data from the 2010 Census was utilized to indicate the presence of this criterion.

- ***Population***. The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses. Block group data from 1990, 2000, and 2010 was examined to indicate the presence of this criterion.

Subjective Criteria

If an area met one of the objective qualifying requirements, it would then be subject to further review under the "Subjective Criteria" section of the statute. If one or more of these qualifiers was met, the area in question was determined to be "blighted and substandard." The subjective criteria include the following:

- 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,
- The 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.

Study Area:

The findings of this study are based upon analysis conducted for a location referred to as the "Northeast Corner of 13th Street & Omaha Avenue," which lies within the S1/2 of SW1/4 of Sec 27-T24-R1W Madison County. The legal description of the area is as follows: Commencing at the southwest corner of Sec 27-T24-R1W, traveling east on the centerline of Omaha Avenue (Nebraska State Highway 275 Road right of way) to the intersection of Highway 275 and 11th Street; thence north along the east right of way of 11th Street to the north property line of Corporation Gulch; thence westerly and northwesterly along the northern boundary of Corporation Gulch to the southeastern corner of tax lot 590041037; thence north along the east property line of tax lot 590041037 to the north edge of Michigan Avenue; thence west along the north right of way of Michigan Avenue to the center of the intersection of Michigan Avenue and State Highway 81; thence south to the point of beginning at the southwest corner of SW1/4 of Section 27-T24-R1W.

The area includes the following properties:

TAX PARCEL	PROPERTY ADDRESS	LEGAL DESCRIPTION
590041037	01001 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 LESS PT TO STATE
590041045	01019 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 LESS PT TO STATE
590041053	01021 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 LESS PT TO STATE
590041061	01023 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 LESS PT TO STATE
590041088	01025 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 (155 FT X 251.6 FT)
590041096	01201 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3-PT TRACT 1 LESS PT TO STATE 3.45 AC
590041118		TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 - PT TRACT 1 .75 AC
590041126	01203 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3-TRACT 6 LESS PT TO STATE
590041134	01105 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3-TRACT 4 1.25 AC
590041142	01029 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 TRACT 2A LESS PT TO STATE .38 AC
590041150		TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3-PT TRACTS 2 & 3
590041169	01204 OMAHA AVE	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 TRACT 5 LESS PT TO STATE
590041177	01109 SOUTH 13TH ST	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3-PT TRACTS 2 & 3
590041185	01200 OMAHA AVE	TAX LOTS SW1/4 SW1/4 27-24-1 TAX LOTS 4 & 5 1.97 AC
590067079		TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOT 3 (155 FT X 366.4 FT)
590084798		MIDWEST SUBDIVISION LOT 1
590084801	01033 SOUTH 13TH ST	MIDWEST SUBDIVISION LOT 2
590081497	STATE OF NEBRASKA	TAX LOTS SW1/4 SW1/4 27-24-1 PT TAX LOTS 3, 4 & 5
222	Corporation Gulch	
333	STATE OF NEBRASKA	Hwy 275/Omaha right of way
555	STATE OF NEBRASKA	Hwy 81/13th Street right of way
444	City of Norfolk	Street right of way

See Exhibit 1 for map.

Findings

Documentation of Qualifying Conditions – Objective Criteria

1) Unemployment.

   Madison County had a December 2012 unemployment rate of 3.5%. Nebraska had an unemployment rate of 3.7% and the United States had a rate of 7.8%.

   The study area does not meet the criteria of at least 120% of the state or national average.

2) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least 40 years old.

   There are twenty-four commercial and two residential structures within the redevelopment area which have dates of construction listed at the Madison County Assessor's office or had dates verified by the property owner. The average age for the properties in the area is 44.38 years.

Parcel	Year	Age		Parcel	Year	Age
590041037	1940	73		590041142	1950	63
590041045	2011	2			1993	20
590041053	1973	40			1989	24
590041088	1980	33		590041169	1977	36
590041096	1964	49		590041177	1969	44
	1964	49		590041185	1926	87
	1964	49			1971	42
	1964	49			1926	87
590041126	1950	63		590084798	1975	38
	1991	22			1975	38
590041134	1964	49		590084801	1978	35
	1967	46		590041193	1976	37
	1975	38		590041150	1972	41

*The study area **does** meet the qualifying condition for average age.*

3) Unimproved land

The study area has 18 tax lot properties in the boundary, with 4 vacant lots and 3 parcels having land which has development potential. However, this does not comprise over 50% of the area.

The study area does not meet the criteria of unimproved land.

4) Per capita income.

Per capita income data by census is not available for this specific area.

The study area does not meet the per capita income qualification.

5) Population.

Population has increased over the past two decennial censuses for the City of Norfolk. The study area does not line up with a block group to show a smaller area.

- 1990 Census: community: population-21,476
- 2000 Census: community: population-23,516
- 2010 Census: community: population-24,210

The study area does not meet the criteria of decreasing population.

As a result of meeting at least one of the objective criteria, the redevelopment area is subject to further review under the "subjective criteria" section of the statute.

Documentation of Qualifying Conditions – Subjective Criteria

1) A substantial number of deteriorated or deteriorating structures.

A field analysis was conducted on February 20, 2013 to determine if parcels within the redevelopment area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exteriors of the structures.

During analysis, the buildings were given a condition rating. The building conditions ratings were based on the following criteria:

Dilapidated: In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

Poor: Had visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

Fair: Usually had one sign visible of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

Good: Structure had no substantial signs of deterioration. However; cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. This would require very little to no cost to sell the home for top dollar.

Excellent: Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Good	Fair	Poor	Dilapidated	
Total: 25		18	4	0	1	
1 of 25 buildings (4%) rated “Dilapidated”						
1 of 25 buildings (4%) rated "Poor" or "Dilapidated"						

Of the total properties (buildings) assessed, 1 of the 25 were given ratings of poor or dilapidated. This accounts for 4% of the total properties in the redevelopment area.

The study area does not meet the criteria of a substantial number of deteriorated or deteriorating structures.

2) The existence of defective or inadequate street layout.

The street layout of the study area consists of perimeter streets of 13th Avenue, Omaha Avenue, and 11th Street along with one short frontage road running parallel to Omaha Avenue. Each business with property frontage to 13th Street has driveway access with two of these driveways shared by businesses. The area lacks a north-south and east-west street system which prevents direct public street access to five parcels with commercial buildings and one lot of vacant private land. Six properties are not directly adjacent to a public street and are dependent upon private property easements. Further development of vacant land within this study area may be inhibited by the lack of an established public street and sidewalk system. *See Exhibit 2.*

*The study area **does** meet the existence of defective or inadequate street layout criteria of blighted.*

3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness.

The faulty lot layout and the lack of access to public streets require business property owners to depend upon easements from adjoining property owners to allow customers, employees, and suppliers to access their businesses. Even though these easements are transferred with the sale of property, changes in property ownership can lead to strained relationships between adjoining property owners. If a public street infrastructure system is not developed to adequately serve the entire area, the future development of vacant lots or sub-division of large properties may be inhibited if conflicts between property owners occur. *See Exhibit 2.*

*The study area **does** meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.*

4) Unsanitary or unsafe conditions.

The presence of deteriorated sidewalks, ramps, streets, curbs and alleys located throughout the study area creates unsafe conditions for pedestrian and vehicle traffic. *See Exhibit 3.*

*The study area **does** meet the unsanitary or unsafe conditions criteria.*

5) Deterioration of site or other improvements.

The field survey evaluated the condition of site improvements. The property in the study area was determined to have inadequate sidewalks for pedestrian access to commercial businesses. Seventeen of the properties exhibited deteriorating business parking areas and frontage roads. *See Exhibit 3.*

*The study area **does** meet the deterioration of site or other improvements criteria.*

6) Diversity of ownership.

Based on the nineteen property records available, land in the study area is owned by ten different property owners. Four property owners are located outside of the Norfolk area. Recently, the study area has experienced business ownership transfers, new building construction, building renovations, and an expressed interested in multi-family housing development. Therefore, property ownership is not a factor which prevents development within the study area.

The study area does not meet the diversity of ownership criteria.

7) Tax or special delinquency exceeding the fair value of the land.

The Madison County Assessor's office records did not reveal any excessive tax or special assessment.

The study area does not meet the tax or special delinquency criteria.

8) Defective or unusual conditions of title.

No defective or unusual conditions of title were identified.

The study area does not meet the defective or unusual conditions of title criteria.

9) Improper subdivision or obsolete platting.

The configuration of antiquated narrow lots, in both residential and commercial areas, can inhibit development within the study area. The lot size and configuration combined with inadequate public street access has contributed to barriers to complete development of all areas of the study area. Successful business entities prefer to locate adjacent to 13th Street and Omaha Avenue where customers have easier access to business services. The vacant land located in the center of the project area lacks adequate access to public streets without easement agreements through other property owners' parking lots. *See Exhibit 2.*

*The study area **does** meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria.*

10) The existence of conditions that endanger life or property by fire and other causes.

Field analysis conducted on February 20, 2013 determined that there is not a predominance of conditions that endanger life or property by fire or other causes.

The study area does not meet the existence of conditions that endanger life or property by fire and other causes criteria.

11) Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

A combination of several factors exists in this area, which is detrimental to the development of the area and welfare of the community. Inadequate public street access for interior property creates dangerous traffic patterns which require owners and customers to drive or walk through parking lots to access business services located within the study area. The public sewer and water system infrastructure is located along public streets, which would require significant capital expenditures in order to develop vacant land within the redevelopment area. The development of public access could require changes to the lot layout in order to provide public right of ways for street and utility infrastructure to the interior vacant lots of the study area. *See Exhibit 4*

*The study area **does** meet the existence of conditions other factors which are detrimental to the public health, safety, morals, or welfare in its present condition and use.*

Conclusion

The purpose of this study is to determine if all or part of the designated study area is substandard and blighted. In order to make the determination of substandard and blighted, state statute establishes a series of five quantitative or objective criteria and that the area must meet at least one of these initial criteria. In this instance, it has been determined that the objective criteria of the following have been met:

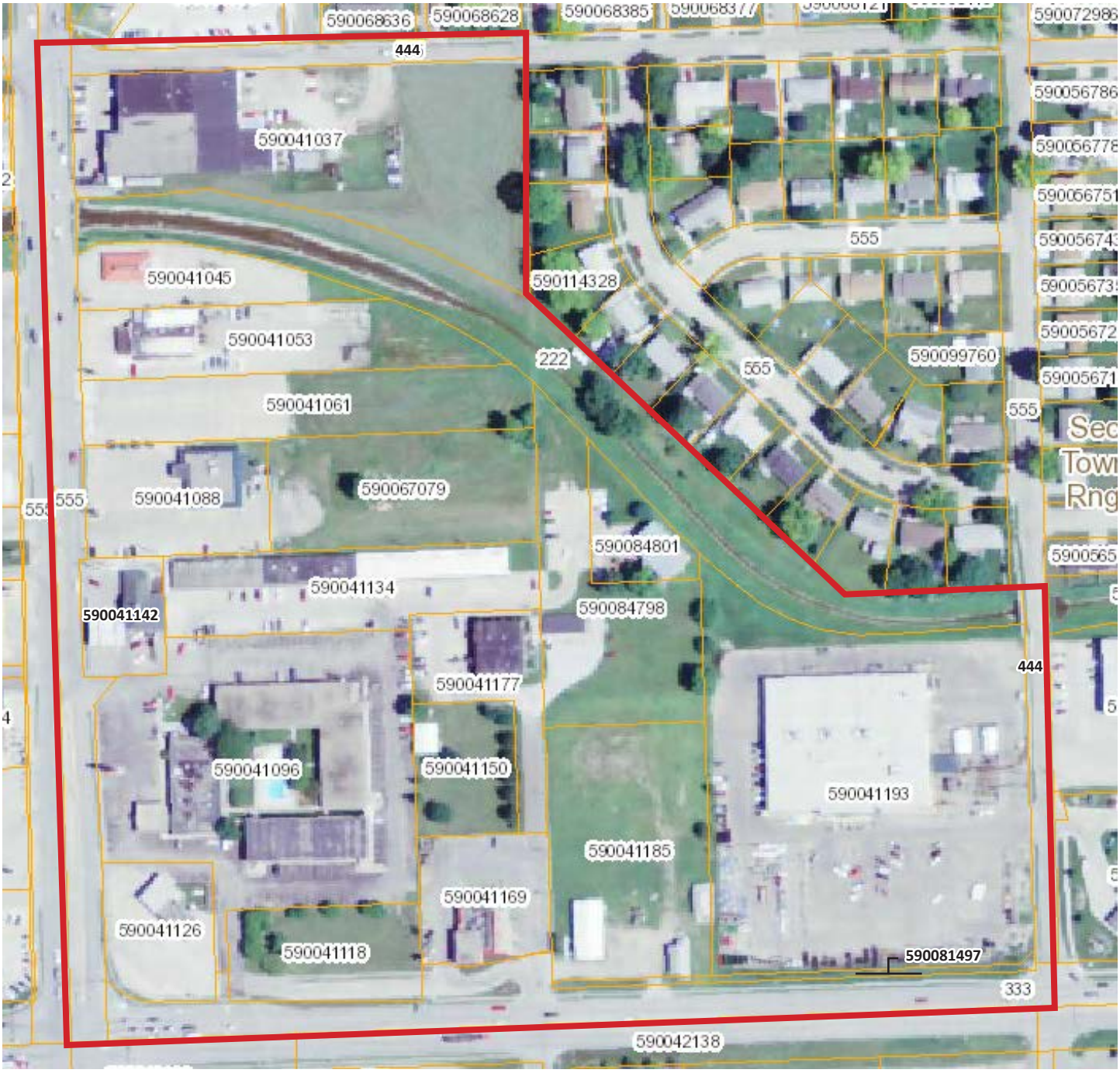
- Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least forty (40) years old.

If an area met one of the objective qualifying requirements, it would then be subject to further review under the subjective criteria section of the statute. In this instance, it has been determined that the subjective criteria of the following have been met:

- Existence of defective or inadequate street layout criteria,
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Improper subdivision or obsolete platting,
- 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.

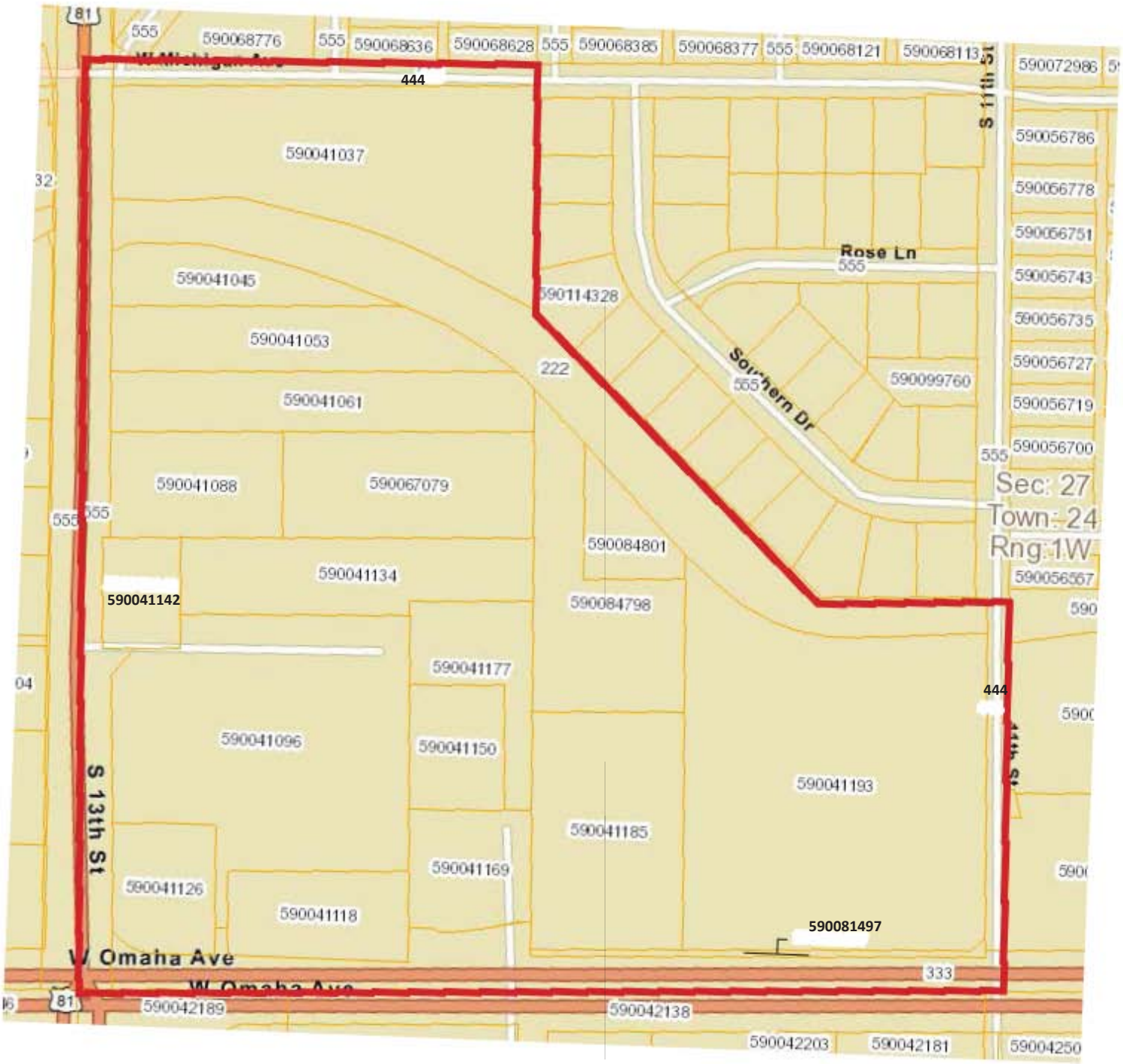
Having met both objective and subjective criteria of substandard and blighted as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, this study has determined that the study area is both substandard and blighted under the provisions identified and the general plan as required.

Northeast Corner of 13th Street & Omaha Avenue Study Area



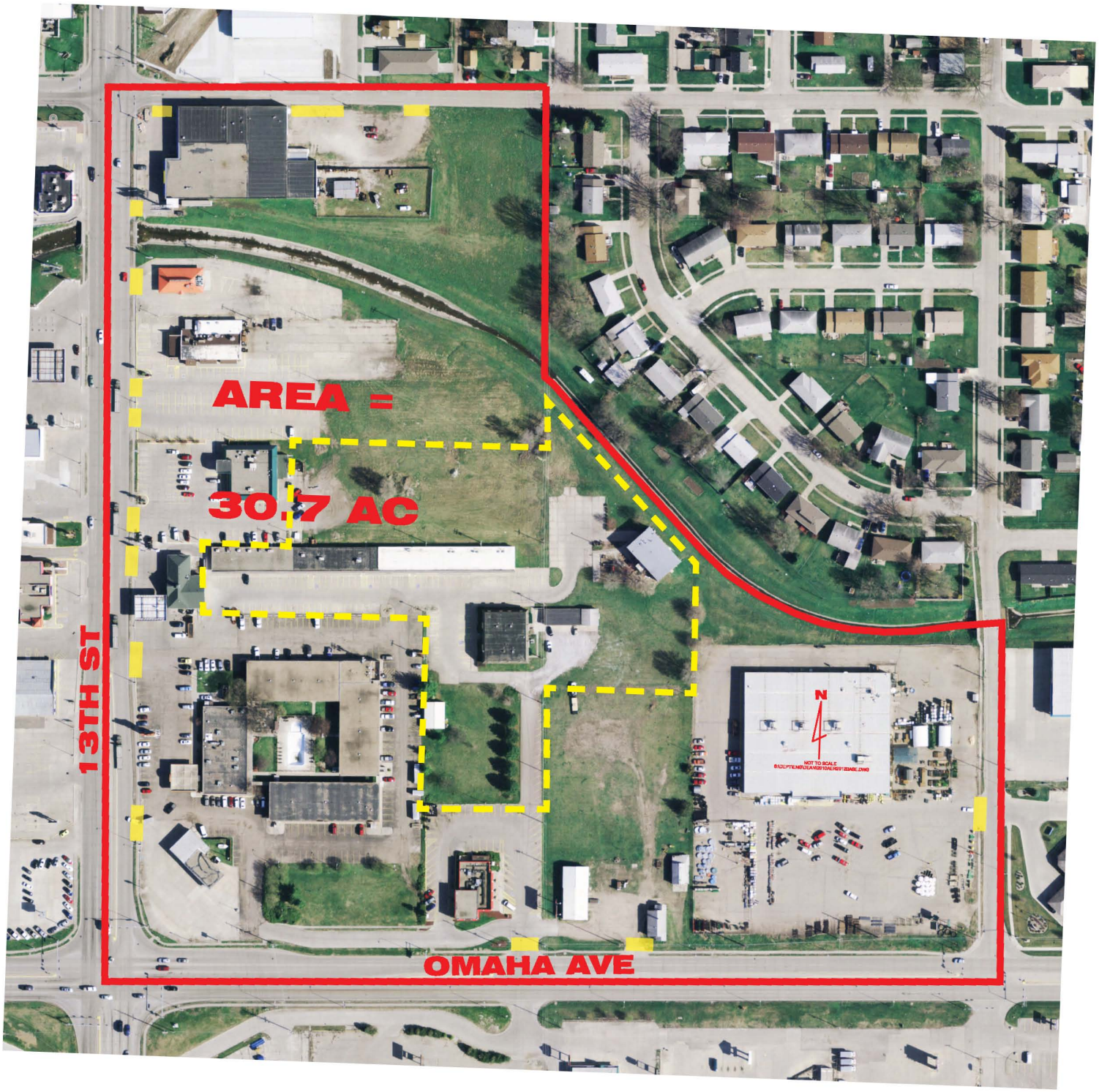
- Blight Area

Northeast Corner of 13th Street & Omaha Avenue Study Area



- Blight Area

Northeast Corner of 13th Street & Omaha Avenue
Street Access & Lot Layout



- Public street access points

- Interior lots with no street access

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

South view along 13th Street

Walkways are vital to making pedestrian travel safe.

This walkway shows the beginning signs of deterioration.

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top right:
East view along Michigan Avenue

Below:
West view from intersection of
Wood Street & Michigan Avenue

Lack of walkway makes
pedestrian travel either dangerous
or impractical.

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top right:
Southwest view from Michigan Avenue

Lack of walkway makes pedestrian travel either dangerous or impractical.

Above:
Southwest view from intersection of Wood Street & Michigan Avenue

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top left:
Northwest view
Bomgaars parking lot

Beginning signs of
surface deterioration

Bottom right:
North view
Bomgaars parking lot

Beginning signs of
surface deterioration

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top Right:
South view
Bomgaars parking lot

Bottom Right:
North view
Bomgaars parking lot

Beginning signs of
surface deterioration

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top Right:
East view
Holiday Plaza parking lot

Bottom Right:
East view
Holiday Plaza parking lot

- Beginning signs of surface deterioration
- No street access - business commercial property must depend on property easement for public access

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Top:
East view
Holiday Plaza parking lot

Bottom:
East view
Holiday Plaza parking lot

- Shows entrance to only accessible drive for Montessori Preschool & Daycare
- Surface breakup
- Deteriorating curbs

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Left:
Holiday Plaza parking lot

- Surface breakup
- Curb deterioration

Right:
West view
Holiday Plaza parking lot

- Extensive surface deterioration

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Above: North view

Montessori Preschool & Childcare

Top: Northeast view

Below: East view

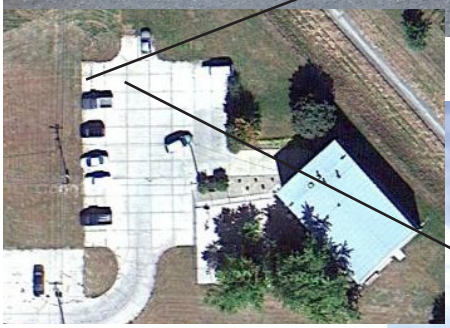
- Extensive surface deterioration
- Crumbling curb
- No walkways
- Single entrance designed for vehicles only
- Lack of walkway makes pedestrian travel either dangerous or impractical

Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Montessori Preschool & Childcare parking lot

Top:
Northwest view

Below:
North view



Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Montessori Preschool & Childcare parking lot

Top left:
East view

- Deteriorating surface

Holiday Plaza parking lot

Bottom right:
South view

- Deteriorating surface
- Lack of street entrance

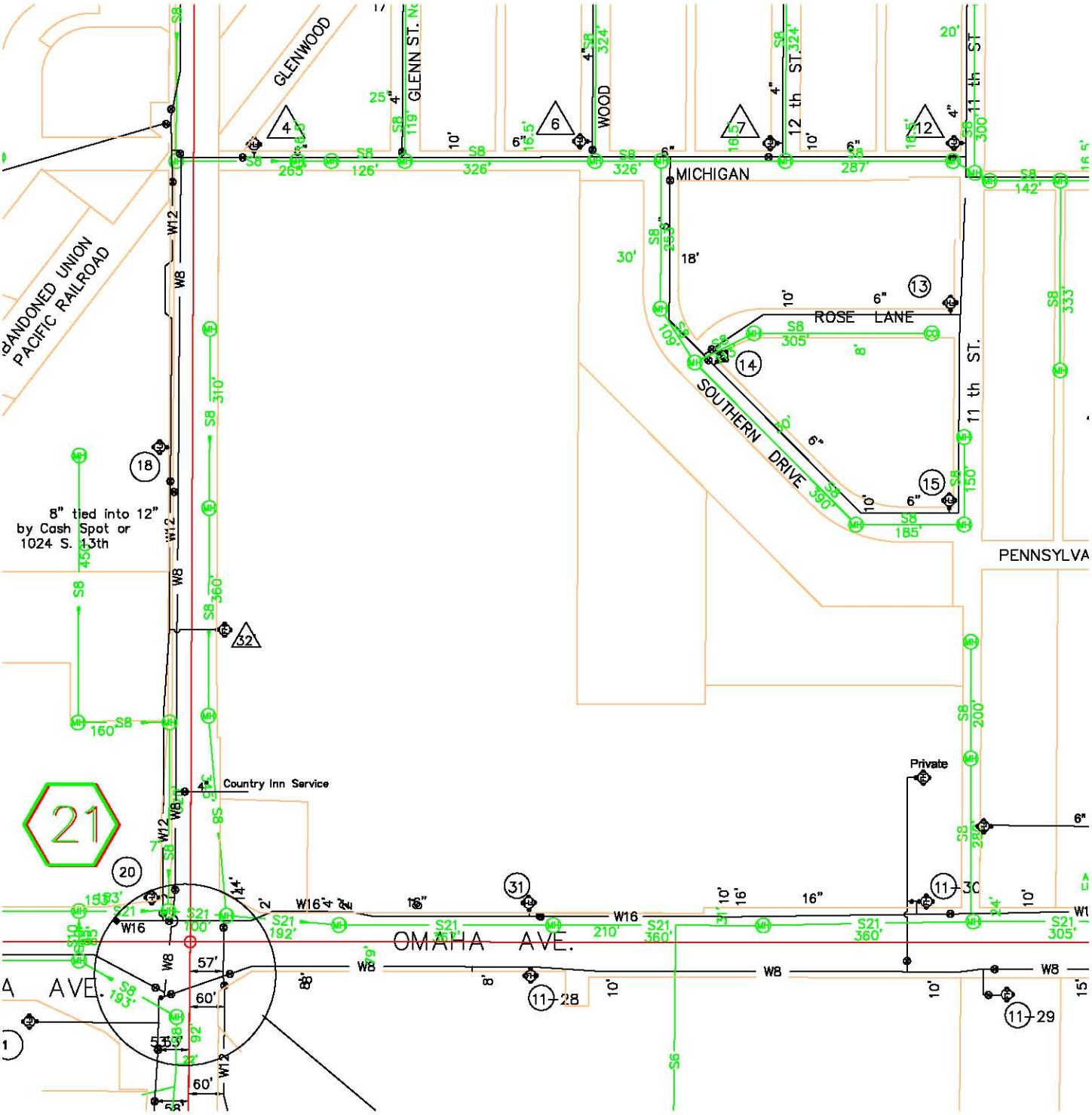
Northeast Corner of 13th Street & Omaha Avenue Infrastructure

Holiday Plaza parking lot

North view

- Unsafe conditions
- Deteriorating curb
- Surface breakup

Northeast Corner of 13th Street & Omaha Avenue Water & Sewer



RESOLUTION NO. 2013-22

BE IT RESOLVED, by the Mayor and Council of the City of Norfolk, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine: that that there has been placed on file with the City Clerk a study entitled blight & Substandard Determination Study for Area Referred to as "Northeast Corner of 13th Street & Omaha Avenue" prepared by the Northeast Nebraska Economic Development District (the "Study"); that under Section 18-2109, R.R.S.Neb. 1997, it is necessary and appropriate to refer the Study to the Planning Commission of the City of Norfolk, Nebraska for its review and recommendation.

Section 2. The Study is hereby ordered submitted to the Planning Commission of the City of Norfolk for its review and recommendation.

Section 3. The City Clerk is hereby directed to set a public hearing upon the Study for the next practicable meeting of the Mayor and City Council for which notice can be given in accordance with such Section 18-2109 and 18-2115, R.R.S. Neb. 1997, and which is to occur after the Planning Commission's recommendations are to be received. The City Clerk shall give notice of such hearing as required by law.

PASSED AND APPROVED this _____ day of _____, 20__.

_____
Mayor

_____
City Clerk

Approved as to form: _____
City Attorney