

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 16th day of December, 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, Rob Merrill, Shane Clausen, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Police Chief Bill Mizner, Administrative Secretary Bethene Hoff, Water & Sewer Director Dennis Watts, Prevention Manager Trent Howard, Park Superintendent Pat Mrsny, Fire Chief Scott Cordes, and Assistant City Engineer Mark Dolechek.

The Mayor presided and the City Clerk recorded the proceedings.

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

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

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

Agenda Motions

Councilmember Merrill moved, seconded by Councilmember Lange to amend the consent agenda with the removal of Item #13, Special Designated Liquor License for NWTF, and approve the consent agenda as amended. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Councilmember Fauss moved, seconded by Councilmember Moenning to adopt the full agenda as amended with the addition of Item #13, Special Designated Liquor License for NWTF. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Consent Agenda Items Approved

Minutes of the December 2, 2013, City Council meeting

Benjamin and Sarah Conover Real Estate Purchase Agreement to purchase abandoned Chicago & Northwestern Railroad right-of-way property located on the west side of Queen City Boulevard between Walnut Avenue and Maple Avenue for \$40,000.00

Exclude a tract of land located by Elkhorn Street and Husker Road in the NW 1/4 of Section 36, Township 24 North, Range 1 West of the 6th P.M. from the designated county industrial tract at the request of Daniel Geary

Sanitary and Improvement District No. 13 of Madison County Assignment of Sewer Agreement for the right, title and interest in the Assignment of Sewer Agreement between First Bank and Sanitary and Improvement District No. 13 dated June 13, 1996

Mayor's reappointments to the Railroad Transportation Safety District of Councilmembers Jim Lange, Thad Murren, and Dick Pfeil for a one-year term expiring in January 2015 as required by state statutes

Northeast Nebraska Beards and Spurs Chapter of the National Wild Turkey Federation (a nonprofit organization) agreement to rent the City Auditorium, to exhibit or display firearms or explosive devices, to allow raffles conducted in full compliance with applicable Nebraska Statutes, and to have beer, wine and distilled spirits on the premises for a fundraising banquet and Hunting Heritage Auction on February 1, 2014

Staff to negotiate an engineering services contract with Morrissey Engineering, Inc. for the planning, design, bid phase, and construction services for an HVAC upgrade to the Norfolk Police Division

Resolution No. 2013-46 declaring the City's official intent under Internal Revenue Code Regulations to incur indebtedness which includes reimbursement of expenditures for Police Station heating/ventilation/air conditioning upgrade, pumper, software, and the public safety portion of equipment storage building

Resolution No. 2013-47 approving an agreement between the Nebraska Department of Roads and the City for the reconstruction of the intersection of U.S. Highway 275 and 37th Street, which is designated as Project No. HSIP-275-5(143)

Resolution No. 2013-48 directing Operations Manager of the City of Norfolk, Gary Miller, to perform the duties of Street Superintendent for the City of Norfolk

Advertise for bids for a transportation contract for the Transfer Station

Bills in the amount of \$3,477,272.06

Special Presentations

Fire Chief Scott Cordes summarized the Norfolk Fire Division's 2012/2013 Annual Report for elected officials.

Regular Agenda Items

The City Clerk received an email from Mike Noelle with the Northeast Nebraska Beards & Spurs Chapter requesting the time of the Special Designated Liquor License be changed from 6:00 p.m. to 5:00 p.m. for an event on February 1, 2014, which is Item #13 on the agenda.

Councilmember Coy moved, seconded By Councilmember Fauss to approve a Special Designated Liquor License for NWTF Northeast Nebraska Beards & Spurs Chapter to serve beer, wine and distilled spirits on February 1, 2014 from 5:00 p.m. to 11:59 p.m. for their annual fund raising event at the Norfolk City Auditorium, 127 N 1st Street.

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

Public Hearings and Related Items

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 December 3, 2013 and discussed/reviewed the following:

- Review current Funding of the City's Economic Development Fund (ED)
- Review revised CARC checklist
- Update on Petersen Ag project
- Review of City Attorney's opinion that industrial site planning is allowed under the City of Norfolk Economic Development Plan
- Economic Development update
- Consideration of CARC findings and suggestions for the public hearing at the December 16, 2013 Council meeting

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.

No action was needed on this item.

Regular Agenda Items

Event Guide

(Guide for use of City's facilities)

Councilmember Merrill moved, seconded by Councilmember Fauss, to approve a City of Norfolk Event Guide to provide guidance for organizers planning to request the use of City of Norfolk facilities.

Diane Becker, Communications correspondent for the City of Norfolk, explained the Event Guide with elected officials. The Guide contains three sections: Section A – Steps to get approval for an event; Section B – Application for event; and Section C – Insurance Requirements.

Councilmember Clausen questioned whether the insurance requirements are a guide only.

City Attorney Clint Schukei stated the insurance requirements outlined in the Event Guide need to be in place for staff to process agreements and move forward with events requested. Staff does not anticipate deviating from the insurance requirements in the Event Guide.

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

Resolution No. 2013-49

(Mark's Landing final plat & subdivision agreement)

Councilmember Lange moved, seconded by Councilmember Merrill, to approve the final plat of Mark's Landing and the accompany subdivision agreement. This is a one lot subdivision on the north end of 43rd Street in Cedar Heights Subdivision. The owner is platting this one lot to separate it from the remainder of the parcel.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2013-49 was adopted.

Resolution No. 2013-50

(Mark's Landing sidewalk waiver)

Councilmember Fauss moved, seconded by Councilmember Pfeil, to adopt Resolution No. 2013-50 approving a sidewalk waiver for Mark's Landing.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2013-50 was adopted.

Resolution No. 2013-51

(Mark's landing paving requirements)

Councilmember Lange moved, seconded by Councilmember Fauss, to adopt Resolution No. 2013-51 approving the modification of the paving requirements in Mark's Landing.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2013-51 was adopted.

Letter to Rural Water System Advisory Committee
(improvement project area immediately south of Elkhorn River)

Councilmember Merrill moved, seconded by Councilmember Fauss to approve the Mayor signing and conveying by letter to the Rural Water System Advisory Committee the City of Norfolk's support to partner with the Lower Elkhorn Natural Resources District (LENRD) to serve portions of the improvement project area immediately south of the Elkhorn River.

City Administrator Shane Weidner stated the LENRD requested a letter of commitment from the City. Weidner explained the Mayor's letter reiterates that the City of Norfolk has throughout the process been willing to partner with the Lower Elkhorn Natural Resources District and Rural Water Advisory Board to expand the City's municipal system to the area immediately south of the Elkhorn River, as well as provide wholesale water for some or all of the rural water district. The letter commits the City of Norfolk to expand its municipal water system south of the Elkhorn River concurrent with the rural water system build out. This letter further provides that the City of Norfolk will explore with potential users the expansion of its municipal water system even if the rural water district doesn't materialize. Weidner stated the City is currently in the design phase of taking sewer south of the river to help with future development.

Stan Staab, General Manager of the Lower Elkhorn Natural Resources District, provided a brief history of the rural water system project, problems with domestic wells and water quality issues, especially for residents living south of Norfolk. The Rural Water District (RWD) would include Humphrey and Clarkson with the City of Madison providing water for the District. Staab said the City of Norfolk is being considered as an alternate/backup source for water for the RWD. Staab said JEO completed a study of the proposed Rural Water District and the NRD would like to get moving on the project. Staab would like to get Rural Water Advisory Board approval by the end of the year to be able to submit the study to the USDA. The USDA review process takes about 3-4 months, then financing needs to be put in place for the project. Staab feels the Rural Water District could then be constructed in 2014. Staab said USDA grant funding may be available and the District wants to partner with Norfolk on the project. Staab said 220 of approximately 900 to 1,000 property owners have signed up to be a part of the Rural Water District. Staab would like more commitment from the City Council than stated in the letter.

Elected officials reiterated the City of Norfolk supports the Rural Water District but no other commitments can be made at this time.

Councilmember Coy explained the dynamics of the issue changes completely if the City of Norfolk would be the main provider of water to the Rural Water District.

Staab stated the City of Norfolk would be a supplemental supplier of water for the Rural Water District. However, Staab said there are 57 property owners in the Norfolk zoning jurisdiction that want direction on water issues.

Weidner explained the letter states the City of Norfolk is prepared to take water south of the river in conjunction with building a rural water system.

Staab stated the USDA still needs to evaluate the study completed by JEO to see if the Rural Water District is economically viable.

Bonnie Smith, Chair for the Rural Water District, feels it is important to move forward with the District because of the water problems and quality of water issues for residents south of Norfolk.

Paul Medelman serves on the Rural Water District Advisory Board. Medelman said the Board would like a commitment from the City of Norfolk to provide the District with water. Medelman also referenced 57 property owners south of Norfolk and said if those people don't participate in the Rural Water District it would have a negative impact on revenue and viability of the RWD.

Public Works Director Dennis Smith questioned whether other alternatives are being considered for the Rural Water District.

Staab said the intent is to get all options in the report, which isn't completed yet, but the City of Madison will be the primary water supplier for the RWD. The District only paid for a basic feasibility study from JEO.

Councilmember Fauss left the meeting at 6:32 p.m.

Roll call on the letter to the Rural Water District Advisory Board: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Public Comment Period

No comments were received during the public comment period.

There being no further business, the Mayor declared the meeting adjourned at 6:35 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, December 16, 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)