

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 6th day of May, 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, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Fire Chief Scott Cordes, Assistant City Engineer Mark Dolachek, Water & Sewer Director Dennis Watts, Library Director Jessica Chamberlain 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 Merrill moved, seconded by Councilmember Fauss to amend the consent agenda as follows: move Item 8, Woodland Park Parshall Flume; Item 12, Resolution No. 2013-11; Item 18, Indoor Rec Task Force request; Item 26, Petersen Ag System LB 840 application to the regular agenda; amend Item 14 to read as follows: "Consideration of approval of the plans, specifications, and engineer's estimate on file in the City offices for the Concrete Improvements 2013-2, 20th Street project, and authorization for the City Clerk to advertise for bids" and move to the regular agenda; and delete Item 27 (Resolution 2013-12, Fox Ridge Estates Addition Phase IV) and Item 31, ED Funding Agreement with Madison County, from the agenda, and to 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 Lange moved, seconded by Councilmember Coy to adopt the full agenda as amended with the addition of the items from the consent agenda.

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 April 15, 2013, City Council meeting

Plans, specifications, and engineer's estimate on file in the City offices for the Concrete Improvements 2013-1 (First Street; Norfolk Avenue to Braasch Avenue) project and authorize the City Clerk to advertise for bids

Madison County Fire Protection Mutual Finance Organization Interlocal cooperation agreement allowing members to levy to an agreed limit of 4 cents

Special Designated Liquor License for Mudder's, Inc., dba Mudder's Sports Bar & Grill, 1032 South 13th Street, to serve beer, wine and distilled spirits on June 8, 2013 at The Loft, 311 West Norfolk Avenue, from 3:00 p.m. to 1:00 a.m. for a dance and reception

Sacred Heart Parish agreement to have a parade on June 2, 2013 from Sacred Heart Church to Saint Mary's Church

Purchase replacement computer equipment off the State of Nebraska contract from Dell for a total of \$44,523.75

Temporary Construction Easement Agreement with Pamela M. Acklie for construction of the Michigan Avenue Improvements project in the amount of \$50.00

Advertise separately the electrical, fencing, lighting, irrigation, and concrete improvements for the Ta-Ha-Zouka Phase II Project

Midwest Bank agreement to serve as the City's depository bank for a four year term beginning June 1, 2013 with the option of renewing the agreement for two additional one (1) year periods upon the same terms and conditions with the agreement covering accounts with the City of Norfolk, Community Development Agency of the City of Norfolk, and the Northeast Nebraska Solid Waste Coalition (NNSWC)

School District No. 2 of Madison County, Nebraska (also known as Norfolk Public Schools and a Political Subdivision of the State of Nebraska) agreement for use of the City's Council Chambers and Training Room located in the City's Administration building at 309 N 5th Street

Temporary Construction Easement Agreement with Jacqueline Maye Marshall for construction of the Michigan Avenue Improvements project in the amount of \$50.00

Special Designated Liquor Licenses for Fifth Street Tavern, Inc., dba Fifth Street Tavern, to serve beer, wine and distilled spirits in outdoor beer gardens at 500 West Norfolk Avenue, Norfolk, Nebraska, as follows: June 15, 2013 from 4 p.m. to 1 a.m.; August 10, 2013 from 4 p.m. to 1 a.m.; August 23, 2013 from 5 p.m. to 1 a.m.; and August 24, 2013 from 4 p.m. to 1 a.m.

Norfolk Arts Center (a Nebraska Nonprofit Corporation) agreement to utilize the Central Park performance stage for placement of a projection screen to host five summer scheduled outdoor movie nights and to hold a Shakespeare in the Park event

Norfolk Soccer Club, Inc., (a Nebraska Nonprofit Corporation) agreement to hold a league game at Memorial Field on Saturday, May 11, 2013

Brown Traffic Products, Inc. low bid of \$27,960 for replacement traffic controllers at three designated intersections and the alternate bid of \$7,130 for an additional unit with a total bid cost of \$35,090 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Two sealed bids were received at the April 12, 2013 bid letting. The other bidder was General Traffic Controls, Inc., \$29,668 and the alternate bid of \$9,970 for an additional unit with a total bid cost of \$39,638.

Bills in the amount of \$1,325,831.48

Special Presentations

The Mayor proclaimed Saturday, May 18, 2013, as "Poppy Day" for the American Legion Auxiliary; the month of May, 2013, as "National Foster Care Month"; May 5-11, 2013, as "National Drinking Water Week"; May 12-18, 2013 as "Police Week" and "Peace Officers' Memorial Day" as May 15, 2013; and recognized and congratulated Petersen Ag Systems, Inc., for the Nebraska Small Business of the Year for 2013 Award given by the U.S. Small Business Administration.

James Wapelhorst, Downtown Vehicle Parking District representative, gave a presentation on the proposed parking reorganization plan/policy. Wapelhorst stated there are currently 144 different businesses and entities in Downtown Norfolk with 844 employees and tenants. There are a total of 1,300 private or public parking stalls in Downtown Norfolk; however, many of those stalls are located by the Salvation Army between 6th and 7th Streets and a distance from most of the stores. There are 418 stalled located on the streets. Wapelhorst provided the following information to elected officials:

Downtown Vehicle Parking District Parking Reorganization Plan/Policy

Purpose:

The purpose of this plan is to provide organization for parking in the downtown and give businesses and residents in the downtown a parking enforcement tool to utilize as needed. The plan is designed to provide a designated parking area for all employees and residents in the downtown and allow for customer parking in the spaces closest to the entrances of businesses they are patronizing. This policy will be reviewed for revision by the Vehicle Parking District board annually or as needed.

Parking will be provided for customers, employees and residents in the downtown as follows:

Customer Parking:

Customer parking is free parking with no cost or fee to customers.

Customer parking will be permitted on all streets in the downtown and in those areas in parking lots marked as set aside for customers.

Customer parking in the parking lots will be clearly marked with white striping and green signage that clearly provides information on the color coding plan used for marking customer parking and employee/resident only parking.

Employee and Resident Parking:

Employee and Resident parking is provided for with areas set aside in parking lots for which a permit per parking space must be purchased.

Employee and Resident parking will be off street parking. This off street parking for employees and residents will be in "permit- required" parking areas of designated parking lots in the downtown vehicle parking district. Employee parking areas in these lots will be clearly marked with yellow striping and red signage clearly designating these areas as reserved for employee permit parking only. Resident parking areas in these lots will be clearly marked with blue striping and blue signage clearly designating these areas as reserved for resident permit parking only. Employees and residents will pay a parking fee and receive a permit tag to hang on the rear view mirrors of their vehicles. Permit tags are required to be clearly visible at all times employees and residents are using a permit required parking space. Employees and residents are allowed to park in downtown spaces other than their designated areas when they are customers in the downtown.

Employee/Resident Parking Rates:

Parking fee rate will be effective for one year periods of time and will be set or renewed annually by the Downtown Vehicle Parking District board an advisory/recommendation board to the City of Norfolk.

The annual rate is as follows:

\$15.00 per quarter/ \$55.00 per year (one month free on one year fee payments received in advance)

The calendar year for the fee is July 1st through June 30th of the following year. Anyone interested in purchasing a permit should contact the City of Norfolk at 402-844-2000.

Downtown Businesses and Residents located within the Vehicle Parking District boundaries will be given first priority for space in the Vehicle Parking District owned parking lots.

Enforcement:

Vehicles parked in customer parking areas for more than 2 hours, whether on street or off street or in reserved employee/resident parking will be given a courtesy card for a first time offense. The courtesy card has information reminding the driver of the vehicle not to park in the customer, employee or resident parking area and provides contact information for obtaining a parking space and parking permit in the downtown.

Vehicles that continue to park in free customer, employee or resident parking after receiving a courtesy card notice on their vehicle will be ticketed by Norfolk Police Department.

All Businesses in the downtown are provided courtesy cards to place on vehicle windows and are the reporting agents to contact Norfolk Police Department to report vehicles that are repeat offenders parking in customer designated parking or employee/resident parking spaces without a permit tag.

Hours of Enforcement:

Employee and Customer: Monday through Friday 6:00 a.m. to 6:00 p.m.

Resident: 24 hours a day, 7 days a week.

All parking (except for Resident Parking) is open parking and is not subject to the Parking Reorganization Plan for hours prior to 6:00 a.m. or after 6:00 p.m. Monday through Friday or any hours on Saturday and Sunday. Parking on any downtown streets will not be permitted between the hours of 2:00 am to 6:00 am. In case of snow emergency City of Norfolk City wide parking regulations will be enforced in the Downtown.

Customers Ticketed:

The first reported parking violation any vehicle receives while parked in two hour limit parking or employee parking area in the downtown will have a fine of zero dollars (\$0.00) each. These violations will be recorded by the Norfolk Police Department and a warning ticket will be issued for these violations. All tickets received after the first reported violation will have a fine of \$25.00 each. This rate may be adjusted by the Vehicle Parking District. This is to minimize the chance that any customer in the downtown will pay for a parking ticket received in the downtown. Parking violations in Resident Parking will be ticketed for the first reported violation.

Guest Parking:

Vehicles of persons attending meetings or doing construction projects at businesses located in the downtown during hours of parking enforcement will be allowed to park on downtown streets. Meeting attendees or construction workers should display a "Visitor" parking tag on the rear view mirror of their vehicle. Vehicles displaying a current "Visitor" parking tag in their vehicle will not be ticketed. Visitor parking tags will be provided to businesses by the Vehicle Parking District board upon request. Businesses conducting meetings or with construction projects will be responsible for contacting the Vehicle Parking District board and ensuring that vehicles of those attending meetings or doing construction at their business have a "Visitor" tag. To obtain "Visitor" parking tags contact the Norfolk Area Chamber of Commerce at 402-371-4862.

This item was for informational purposes only at this time and no action was taken.

Regular Agenda ItemsWoodland Park Parshall Flume

Councilmember Coy moved, seconded by Councilmember Fauss to approve rejecting all bids received for the Woodland Park Parshall flume project.

City Administrator Shane Weidner explained City staff was able to install a regulating valve in the existing parshall flume structure which resulted in no need to construct a new parshall flume.

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

Resolution No. 2013-11 – Elkhorn River Trail

Councilmember Lange moved, seconded by Councilmember Merrill to adopt Resolution No. 2013-11 approving use of a portion of land owned by the City of Norfolk to be used for construction, operation, and maintenance of a transportation trail facility as part of the Nebraska Department of Roads project ENH-59(22) identified as the Elkhorn River Trail.

Public Works Director Dennis Smith explained this is for right-of-way required for the trail project. The NDOR requires a 25 year dedication of the property for the project.

Roll call: Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2013-11 was adopted.

Concrete Improvements 2013-2 – 20th Street

Councilmember Merrill moved, seconded by Councilmember Murren to approve the plans, specifications, and engineer's estimate on file in the City offices for the Concrete Improvements 2013-2, 20th Street project, and authorize the City Clerk to advertise for bids.

Public Works Director Dennis Smith explained the project includes reconstruction of 20th Street from 150 feet south of Pasewalk Avenue, south approximately 940 feet. A bid letting is planned for May 23, 2013.

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

Indoor Rec Task Force

Councilmember Coy moved, seconded by Councilmember Lange to approve a request from the Indoor Rec Task Force for a \$10,000 financial commitment to assist with the implementation and delivery of a feasibility study for a new indoor sports complex in Madison County.

Kim Kwapnioski, Indoor Rec Task Force chair, explained the group has been working to fundraise for a feasibility study of a new indoor sports complex in Madison County. To date, \$30,000 has been raised with the following community partners: Madison County, YMCA, Faith Regional Health Services, Northeast Community College, Norfolk Area Visitors Bureau/Norfolk Area Sports Council, Vulcraft/Nucor, Norfolk Iron and Metal, Bechenhauer Construction, Jim Bradford, Bernie Auten, Copple, Rockey, McKeever & Schlecht, Dinkel Implement and Tim Brungardt.

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

LB 840 Application – Petersen Ag Systems

Councilmember Murren moved, seconded by Councilmember Merrill to approve the LB840 application for Petersen Ag Systems to receive up to \$60,000 with the terms to be determined upon written agreement.

Economic Development Director Courtney Klein explained Petersen Ag Systems is looking to expand their headquarters in Norfolk. Petersen Ag is committing to add five (5) employees with additional payroll of approximately \$200,000 to \$240,000 annually. Klein stated Petersen Ag must locate within Norfolk or its two mile zoning jurisdiction to obtain the funding.

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

Public Hearing

Public Hearing

CDBG project #11-ED-001 (Premier Senior Marketing)

A public hearing was held regarding performance of the Nebraska Department of Economic Development CDBG project #11-ED-001 (Premier Senior Marketing) as required by CDBG. Tom Higginbotham, Executive Director of the Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. This hearing is the second hearing as required by the grant. Premier Senior Marketing, Inc. received a \$500,000, 0% fixed interest CDBG loan for the purpose of purchasing and renovating an existing building to be utilized as the business headquarters. In October 2011, work began on the renovation of the former SunMart building. Premier Senior Marketing, Inc. is an insurance wholesaler with locations in Nebraska, Kansas and Texas. Premier Senior Marketing bridges the gap between agents and insurance companies, by providing superior and exceptional service. This project was estimated to create 20 new fulltime clerical and sales jobs. As of the December 2012 Project Status Report for the Department of Economic Development, Premier Senior Marketing has created 25 new fulltime positions all the while retaining 50 fulltime positions. Total Project Costs were \$3,274,950, of which \$500,000 was Community Development Block Grant Funds, \$155,750 Norfolk LB840 funds, \$1,992,100 bank financing and \$627,100 Business Equity.

No one else spoke either in favor of or opposition to the project and the Mayor closed the hearing. No action was required on this item.

Regular Agenda Items

Ordinance No. 5253

(street vendor and temporary merchant permits)

Councilmember Fauss introduced, seconded by Councilmember Lange, Ordinance No. 5253 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 13-113 OF THE OFFICIAL CITY CODE TO CHANGE STREET VENDOR AND TEMPORARY MERCHANT PERMITS FROM THREE-MONTH PERMITS TO ANNUAL PERMITS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5253 passed on first reading.

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

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

Thereafter Councilmember Fauss moved, seconded by Councilmember Coy, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5253 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5253 as required by law.

Comprehensive Revitalization (CR) Needs Assessment/Strategy study

Councilmember Lange moved, seconded by Councilmember Clausen to approve the Comprehensive Revitalization (CR) Needs Assessment/Strategy study completed by the Northeast Nebraska Economic Development District (NENEDD) and to approve moving forward with applications for the next three phases of the grant.

Tom Higginbotham, Executive Director of the Northeast Nebraska Economic Development District (NENEDD), reviewed the Executive Summary and Key Findings with elected officials. Both the Executive Summary and the Needs Assessment/Strategy 2013 were included in the agenda packets. The purpose of the Comprehensive Revitalization (CR) Needs Assessment/Strategy for the City of Norfolk was to identify revitalization needs that will stabilize and enhance clearly defined residential neighborhoods (referred to as target areas) that have concentrations of persons with low to moderate income levels. Similar needs assessments/strategies were conducted for the City of Norfolk in 2005 and 2009 with subsequent implementation of projects being conducted and completed in the target areas.

Higginbotham explained the CR program has been highly successful producing over \$2.4 million in various improvements in the target areas. To date, 17 vacant, dilapidated properties have been acquired, demolished and the lots cleared, partnering with NeighborWorks Northeast Nebraska, Habitat for Humanity and local developers with nine homes being reconstruction and eight businesses have benefited from the façade improvement program. The City has matched the CR funds with owner-occupied rehabilitation funds for four homes, contracted to have an Analysis of Impediments to Fair Housing Choice study completed, and made infrastructure improvements consisting of streets and alley improvements in the downtown area, as well as street, sidewalk, water and sewer improvements throughout the target area.

Key findings of the citizen on-line surveys and town hall meetings show the following as high priorities for the targeted areas: available jobs, 69.5%; streets, 68.4%; housing disrepair, 65.3%; additional downtown housing, 53.6%; youth center, \$50.0%; and improve existing housing stock and provide quality rental housing (town hall meetings input).

The City of Norfolk identified three-year strategy goals within the target areas that may include the following: rental rehabilitation assistance; commercial rehabilitation assistance; and infrastructure improvements. The application for the 1st Phase of the next CR grant is due in June 2013.

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

Resolution No. 2013-13

(rescind Program Guidelines and Procedures, Economic Development Program)

Councilmember Coy moved, seconded by Councilmember Merrill to adopt Resolution No. 2013-13 rescinding the Program Guidelines and Procedures for the City of Norfolk Economic Development (ED) Program.

Economic Development Director Courtney Klein and Attorney Dave Copple spoke in favor of rescinding the Program Guidelines and Procedures. The City of Norfolk ED program guidelines and procedures will now follow state statutes.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.. Resolution No. 2013-13 was adopted.

There being no further business, the Mayor adjourned the meeting at 6:37 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, May 6, 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)