

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 7th day of December, 2015, 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: Corey Granquist, Jim Lange, Rob Merrill, Shane Clausen, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Thad Murren.

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, Risk Manager Lyle Lutt, Fire Chief Scott Cordes, City Planner Val Grimes, Prevention Manager Trent Howard, Staff Engineer John Heine, City Engineer Mark Dolechek, Water & Sewer Director Dennis Watts and Communications Director Diane Becker.

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

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

Consent Agenda Items Approved

Minutes of the November 16, 2015, City Council meeting

Elkhorn Paving Construction Co., Inc. Change Order No. 2 for Paving District No. 505 (Fox Ridge Estates Addition Phase IV) resulting in a net increase of \$1,626.00

Maintenance Agreement No. 19 with the Nebraska Department of Roads for calendar year 2016 and authorization for the Mayor to execute a Certificate of Compliance at the end of 2016

Mayor's appointment of Lisa Blackman to the Vehicle Parking District Advisory Board as an alternate board member for a term ending August 2018

Mayor to execute the Storm Water Management Plan Program Grant Intergovernmental Agreement

Northern Truck Equipment low bid of \$68,807.00 to purchase a new live floor transfer trailer for the Transfer Station

Vessco Inc. bid for SBR diffusers at the Water Pollution Control Plant in the amount of \$74,940.00

Elkhorn Paving Construction Company Change Order No. 1 for Paving District No. 508, Walters' East Knolls 11th Addition, resulting in a net decrease of \$960.00

Letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Patrick J. Dytrych in connection with the Class DK liquor license of STL of Nebraska, Inc., dba Target Store T-0856, 1510 Market Lane, Norfolk, Nebraska

Letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Steven C. Roker in connection with the Class D liquor license of Walgreen Company, dba Walgreens #04531, 1300 West Norfolk Avenue, Norfolk, Nebraska

Olsson Associates, Inc. Amendment #3 to Letter Agreement for professional engineering services for the Victory Road Detention Cell project for an amount not to exceed \$19,700.00

Assignment of Lease wherein the City assigns to the YMCA its interest in the January 20, 2015 Lease between the City and Mennonite Disaster Service for rental of portions of the auditorium

YMCA agreement to trade snow removal responsibilities of certain sidewalks and the auditorium parking lot

Advertise for bids from towing operators to contract with the City to provide official police towing services

Advertise for bids for Farm Management Services for City of Norfolk properties

Bills in the amount of \$1,424,289.81

Public Hearings and Related Items

Public Hearing
(708 McKinley Avenue)

A public hearing was held to comply with the provisions of N.R.S. 18-1755 to acquire property at 708 McKinley Avenue. City Administrator Shane Weidner provided information to the Mayor and City Council. The property was formerly owned by Randy Hupp, Personal Representative of the Estate of James C. Hupp. The property is located along McKinley Avenue by Ta-Ha-Zouka Park and is now being managed by RS Resources LLC. Weidner said elected

officials had the purchase of the property as one of their goals several years ago for future expansion/enhancement of Ta-Ha-Zouka Park.

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

Real Estate Purchase Agreement
(RS Resources, LLC, 708 McKinley Ave)

Councilmember Fauss moved, seconded by Councilmember Moenning, to approve a Real Estate Purchase Agreement with RS Resources, LLC providing for the City's purchase of property at 708 McKinley Avenue for the purchase price of \$164,000.00.

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

Public Hearing
(OCT Pipe, LLC Redevelopment Plan)

A public hearing was held to consider the OCT Pipe, LLC Redevelopment Plan. Economic Development Director Courtney Dentlinger provided information to the Mayor and City Council. OCT Pipe, L.L.C., the Redeveloper, has submitted the proposed Redevelopment Plan included in the agenda packet. The Plan was recommended and approved by the Norfolk Planning Commission on November 17, 2015 and approved by the Community Development Agency on November 30, 2015. However, since then the Redeveloper submitted a revised construction cost schedule. Total cost is still approximately \$127 million, but there were significant changes to some of the items in the cost schedule. For example, rail is now \$3,190,000 compared \$9,180,854 in the original schedule and grading is now \$3,350,000 compared to \$690,335 in the original schedule. Also, there have been some major reclassifications in equipment costs. The Agency approved the modified plan with the revised construction cost schedule at the 5:15 p.m. Agency meeting on December 7, 2015.

The Plan is for 102.5 acres and located south of Eisenhower Avenue, west of Victory Road, north of Magnet Drive, and is bordered on the west by the Nebraska Central Railroad. This land is all within the area determined to be blighted and substandard by City Council Resolution No. 2007-12. The Redeveloper plans to construct a 1,103,404 square foot industrial building for pipe manufacture and a new headquarters office building of 6,500 square feet. Redeveloper will employ 180 employees with an annual payroll of \$13,458,000. The Plan contemplates issuance of a tax increment financing (TIF) bond for permissible costs of the redevelopment, defined as the cost of: 1) constructing access to Eisenhower Avenue to the north and Victory Road to the east of the Project Area; 2) constructing adequate water and sewer systems to service the Project Area and the surrounding area; 3) concrete and asphalt paving and construction of rail access; 4) site preparation to include removal of abandoned building foundations, filling and grading the site; and 5) construction period interest incurred by Redeveloper as permissible costs. The Redeveloper has indicated that without TIF it is not economically feasible to develop the site.

Bill Mowinkle, ESU #8, has concerns with infrastructure and emergency response because of the high needs students who attend ESU #8. Mowinkle feels infrastructure improvements need to be made to this area because of the new industries locating north of Norfolk.

No one else appeared either in favor of or in opposition to the OCT Pipe Redevelopment Plan and the Mayor declared the hearing closed.

Resolution No. 2015-37
(OCT Pipe Redevelopment Plan)

Councilmember Merrill moved, seconded by Councilmember Lange, to adopt Resolution No. 2015-37 approving the OCT Pipe Redevelopment Plan as discussed.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Resolution No. 2015-37 was adopted.

Regular Agenda

Sales Tax Report

Finance Officer Randy Gates provided information on the November sales tax report (September sales).

Resolution No. 2015-38
(Eisenhower Avenue Bridge)

Councilmember Fauss moved, seconded by Councilmember Lange to adopt Resolution No. 2015-38 approving Madison County closing Eisenhower Avenue from 1,188 feet east of 13th Street to 3,383 feet east of 13th Street including the bridge over the North Fork of the Elkhorn River.

City Administrator Shane Weidner explained State Statute Section 39-1725 provides that a county board can only vacate and abandon a part of a county road located within a municipality's zoning jurisdiction with prior approval of the municipality's governing body. Weidner said the bridge was built in 1906, has a 5-ton weight limit, and emergency response vehicles cannot use the road. Northeast Industrial Highway is located one-half mile to the north of Eisenhower Avenue to handle traffic. According to a traffic study completed by Madison County, approximately 275 vehicles use that portion of Eisenhower on a daily basis. Weidner also has liability concerns because of public safety issues.

Fire Chief Scott Cordes said the bridge/road is not a viable option for emergency vehicles because of the weight limit and angle of the bridge.

Doug Stevens, Apache Mfg, spoke in opposition to closing Eisenhower Avenue. Stevens feels the road has a lot of traffic and ESU #8 needs it for access to the school.

Kay Jaeger, 115 W Cedar Avenue, spoke in opposition to closing the road and read the following information presented at the Madison County Commissioners meeting on December 1, 2015 into the record: "We have 20 plus students with special needs, some of our students have health issues that at times require immediate care, including transportation via rescue unit to the hospital. Our school is surrounded by farm ground and there will soon be a chemical fertilizer facility located at 1st and Eisenhower, just east of our school. If there were to be a fire, an incident at the fertilizer facility or any type of accident that would force the closure of 1st Street or the east end of our road, we would have no way to evacuate our students. We use that bridge

many times during the school day. We go to Norfolk High School each day to pick up our hot lunch. We have groups of students that travel to job sites at Golden Living, Greenline, HyVee West, Sunset Plaza, Little Ceasars, Mercy Meals, Norfolk Senior Center, Culver's Divot's, Faith Regional and Pizza Hut. We understand that road and bridge maintenance can be costly but if saving this bridge saves even one life, we would like to believe that you would consider it worth the cost. Respectfully, Employees of Eastern Learning Center (ESU #8)."

Dick Johnson, Madison County Highway Superintendent, stated the Eisenhower Bridge is structurally deficient. The bridge is inspected annually and shows deterioration but the biggest concern is the alignment of the bridge which has two 90 degree angles and is a public safety issue. The estimated cost to replace the bridge is \$2 to 2.5 million. Johnson does not recommend replacing the bridge. Some grant funding may be available for bridge replacement but there currently is \$10 million available and \$16 to \$18 million in projects and the funds would probably not be available for 6-7 years.

Councilmember Clausen questioned whether the bridge would ever be reopened once it is closed. Clausen suggested considering this issue once the new industries are up and operating.

Johnson said the county does have two buyers interested in the bridge and it could be reopened in the future. Johnson said another issue with the road is the terrible connection of Eisenhower Avenue to Highway 81.

Councilmember Lange feels the school would be safer for loading and unloading students with the bridge closed. Lange said the City Council resolution doesn't necessarily mean the bridge will be closed but it gives Madison County the option to close it if warranted.

Councilmember Fauss and Moenning feel traffic will increase on Benjamin Avenue if the Eisenhower Avenue Bridge is closed.

Ron Schmidt, Madison County Commissioner, spoke with Tim Baxter from NERMA, Madison County insurer, who said if the road is signed correctly, liability concerns should not be an issue.

Roll call on Resolution No. 2015-38. Ayes: Lange and Pfeil. Nays: Granquist, Merrill, Clausen, Moenning and Fauss. Absent: Murren. Motion on Resolution No. 2015-38 failed.

Ordinance No. 5375
(Purchasing)

Councilmember Fauss introduced, seconded by Councilmember Moenning, Ordinance No. 5375 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-110 OF THE OFFICIAL CITY CODE TO ALLOW THE CITY TO PURCHASE SUPPLIES, EQUIPMENT, OR SERVICES FROM A VENDOR BY WAY OF A CONTRACT OR AGREEMENT AUTHORIZED BY THE INTERLOCAL COOPERATION ACT OR UNDER A CONTRACT OR AGREEMENT WITH A JOINT PUBLIC AGENCY WHERE THE ACQUISITION COST OF THE ITEM BEING PURCHASED HAS BEEN ESTABLISHED THROUGH A PUBLIC PROCUREMENT PROCESS; TO PROVIDE WHTN THE IORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLCIATION OF THIS ORDINACE 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 Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5375 passed on first reading.

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

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

Thereafter Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5375 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. 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. 5375 as required by law.

Omaha-Council Bluffs Metropolitan Area Planning Agency
(Oblique Aerial Photography)

Councilmember Merrill moved, seconded by Councilmember Fauss to approve an agreement with the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) to obtain oblique aerial photography for the region with the City of Norfolk's cost share totaling \$52,172.00 to be made in three equal payments over 3 years (2016, 2017, 2018).

Public Works Director Dennis Smith explained one of the benefits of the City of Norfolk working with MAPA on this project is the benefit of MAPA subject experts.

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

There being no further business, the Mayor declared the meeting adjourned at 6:58 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 7, 2015, 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)