CITY OF NORFOLK, NEBRASKA

The City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 21st day of March, 2016, 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 and in the absence of Mayor Sue Fuchtman, Council President Lange 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, Administrative Secretary Bethene Hoff, City Engineer Mark Dolechek, City Planner Val Grimes and Communications Director Diane Becker.

The Council President presided and the City Clerk recorded the proceedings.

The Council President 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 Fauss 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 Merrill moved, seconded by Councilmember Granquist 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 March 7, 2016, City Council meeting

Tina M. Kassmeier (doing business as Kelly's Fast Pitch Softball) agreement, to use softball fields in Ta-Ha-Zouka Park, Liberty Bell Park, and Warren Cook Park for practice and games for their 2016 softball season from April 1, 2016 through September 30, 2016
Amendment No. 1 to the JEO Consulting Group, Inc. Engineering Agreement for the Norfolk Riverfront Trail Project for an amount of $5,750.00 for additional easement staking and additional right-of-way acquisition services

Grant of Easement from Randall S. Walters, Lisa S. Walters, Lisa A. Walters, and Linda Ragan for access to a sanitary sewer easement consisting of the North 20 feet of the SW 1/4 of the NE 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

Nebraska USSSA Baseball, LLC (a Nebraska Limited Liability Company) agreement to use the City's baseball facilities in Ta-Ha-Zouka Park to hold a baseball tournament on Saturday, May 7, 2016 and Sunday, May 8, 2016

Grant of Easement from Randall S. Walters and Lisa S. Walters to the City of Norfolk for construction and maintenance of storm sewer facilities over, across, under, and through the South 15 feet of Lot 2, Block 12, Walters’ East Knolls 11th Addition to the City of Norfolk, Madison County, Nebraska

American Cancer Society, Inc. (a New York Nonprofit Corporation and d/b/a Norfolk Area Relay for Life) agreement to use Skyview Park and Lake to hold a Norfolk Area Relay for Life Fun-Run event on Saturday, April 2, 2016

Luis Cortez, doing business as Norfolk Adult Soccer League, agreement to use soccer fields located in North Pine Park for their 2016 summer/fall soccer season from April 17, 2016 through September 25, 2016

Don and Theresa Miller lease agreement for office space at 124 S 5th Street, Norfolk, Nebraska for the SNARE Task Force

Grant of Easement from Kyle M. Deets and Maegan N. Deets for construction and maintenance of storm sewer facilities over, across, under, and through a tract of land lying wholly in Lot 13, Block 6, Walters’ East Knolls 11th Addition to the City of Norfolk, Madison County, Nebraska

Nebraska Community Foundation grant agreement on behalf of its affiliated fund, Rudolph R. Elis Donor-Advised Fund, providing $150,000 over three years to assist in Norfolk Area workforce initiatives

Advertise for bids for a replacement wheel loader to be used by the Street Division

Norfolk Soccer Club, Inc., (a Nebraska Nonprofit Corporation) agreement to use the soccer fields and green space located in North Pine Park, Winter Park, Warren Cook Park, Liberty Bell Park, Johnson Park, and Ta-Ha-Zouka Park for soccer practice, scheduling for North Pine Park to be designated by the park and building maintenance superintendent, and the other locations on a first-come-first-served basis from April 1, 2016 through November 1, 2016

Hanna:Keelan Associates, P.C. agreement in the amount of $24,000 for preparation of a Community Housing Study for the City of Norfolk and Norfolk Housing Agency
Advertise the sale of the City buildings located at Johnson Park to allow space for the Park’s renovation to begin.

Keno report for February 2016.

Bills in the amount of $1,061,578.01.

Public Hearings and Related Items

Public Hearings
(Comprehensive Plan & Zone Change)
(213 N 7th Street, Mercer Development)

Public hearings were held simultaneously to consider the feasibility of amending the present Comprehensive Plan to change from single family residential to commercial and a zone change from I-1 (Light Industrial District) to C-1 (Local Business District) on property located at 213 North 7th Street at the request of Mercer Development, LLC. City Planner Valeria Grimes provided information to the City Council stating the developer wants to locate a commercial storage building with small office space on the property.

On March 8, 2016, the Norfolk Planning Commission held public hearings regarding the Comprehensive Plan and zone change at 213 North 7th Street. The City Clerk read the Planning Commission’s recommendations for approval into the record.

Councilmember Merrill declared a conflict of interest for the four agenda items related to Mercer Development regarding the property at 213 N 7th Street because he is employed by the organization and did not participate in discussion or voting on these items.

No one appeared either in favor of or in opposition to the Comprehensive Plan and zone change requests at 213 North 7th Street and the Council President declared the hearings closed.

Ordinance No. 5384
(Comprehensive Plan)
(213 N 7th Street)

Councilmember Moenning introduced, seconded by Councilmember Clausen, Ordinance No. 5384 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Abstaining: Merrill. 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 Moenning, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Council President then stated the question "Shall Ordinance No. 5384 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Abstaining: Merrill. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5384 as required by law.

**Ordinance No. 5385**
(Zone Change, 213 N 7th Street)

Councilmember Granquist introduced, seconded by Councilmember Fauss, Ordinance No. 5385 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.


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

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Abstaining: Merrill. 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 Granquist, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Council President then stated the question "Shall Ordinance No. 5385 be passed and adopted?"
Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Abstaining: Merrill. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5385 as required by law.

Public Hearing
(zone change)
(1305 North 9th Street & 902 West Benjamin Avenue)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) to C-3 (Service Commercial District) on property located at 1305 N 9th Street and 902 W Benjamin Avenue at the request of Terry Heimes, Sandra Heimes, Jeff Heimes and Jennifer Heimes. City Planner Val Grimes provided information to the City Council and said the amendment and zoning change are requested for construction of a coffee shop on the property.

On March 8, 2016, the Norfolk Planning Commission held a public hearing regarding the zone change request. The City Clerk read the Planning Commission’s recommendation for approval into the record.

No one appeared either in favor of or in opposition to the zone change and the Council President declared the hearing closed.

Ordinance No. 5386
(1305 North 9th St & 902 West Benjamin Avenue)

Councilmember Clausen introduced, seconded by Councilmember Fauss, Ordinance No. 5386 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.


Councilmember Fauss moved, seconded by Councilmember Pfeil, 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 Fauss moved, seconded by Councilmember Pfeil, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Council President then stated the question "Shall Ordinance No. 5386 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 Council President signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Council President then instructed the City Clerk to publish said Ordinance No. 5386 as required by law.

**Regular Agenda Items**

**Ordinance No. 5376**

(7th Street parking - Michigan & Pasewalk)

Councilmember Merrill moved, seconded by Councilmember Moenning to take Ordinance No. 5376 off the table. Ordinance No. 5376 was tabled at the January 29, 2016 City Council meeting. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Moenning, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried.

City Administrator Shane Weidner explained a neighborhood meeting was held regarding the proposed parking on 7th Street between Michigan and Pasewalk and options were discussed. Staff reviewed the options and said construction of an alleyway isn’t feasible and terrace parking is prohibited by City Code. The width of 7th Street is the same and carries about the same number of vehicles per day as Madison Avenue and Prospect Avenue that have parking on one side.

Councilmember Moenning said parking on the east side of the street is a workable option and questioned whether terrace parking has ever been allowed in Norfolk.

City Attorney Schukei said that going back as far as 1962, City Codes has prohibited parking on terraces.

Councilmember Lange agrees with Moenning and said the parking can be for a trial basis.

Councilmember Fauss agrees with the parking on a trial basis and maybe consider holding another neighborhood meeting.

Councilmember Clausen feels parking on 7th Street will not allow traffic to freely flow and feels others options should be considered. Clausen said the City has the ability to widen a street because of the setback on the east side of 7th Street and questioned whether bonds could be issued for a paving district. Clausen understands the cost would probably be at least $120,000) for paving the terrace. Clausen feels the railroad should be open to another 1-2 months to allow the City to review options.
City Administrator Weidner questioned whether Councilmember Clausen feels the property owners should be assessed for the paving.

Councilmember Clausen said ‘maybe’ and estimates a monthly cost to homeowners of $46 over a 15 year time frame.

Councilmember Lange would only be comfortable with a paving district if all the costs for the project would be paid for by property owners. Lange said terrace parking is still illegal and the railroad has made it clear that they do not want parking on their property. Lange feels the terrace parking needs to be discontinued.

Schukei explained that the City Council has normally not reassessed a street for improvements but it can be done. A paving district requires a remonstrance period and if more than 50% of the property owners object, the paving district can’t move forward. All property owners along the route, including the railroad, would be included in a paving district.

Councilmember Granquist questioned whether the street is used as an emergency route.

Weidner said 7th Street is used by emergency vehicles but both the police chief and fire chief have indicated the parking would not be an issue.

Councilmember Merrill questioned whether the speed limit would be changed if parking was placed on the east side of the street.

Police Chief Mizner doesn’t feel a change in speed limit would be necessary.

Kate Rabbass, 810 South 7th Street, spoke in opposition to allowing parking on the east side of 7th Street and does not want to be assessed for a paving district.

Councilmember Moenning said this issue has been delayed long enough and the terrace parking is illegal and enforcement should be consistent throughout the City. Moenning questioned whether the illegal terrace parking is going to be enforced.

Weidner would like direction from elected officials before moving forward with enforcing ticketing for the illegal terrace parking along 7th Street between Michigan and Pasewalk.


Councilmember Moenning introduced, seconded by Councilmember Pfeil, Ordinance No. 5376 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO ALLOW PARKING ON THE EAST SIDE OF SOUTH 7TH STREET BETWEEN MICHIGAN AVENUE AND PASEWALK AVENUE; 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.
City Attorney Clint Schukei explained that state statutes requires a majority vote of City Council members for passage of an ordinance.


Public Comment Period

No comments were received during the public comment period.

Councilmember Moenning moved, seconded by Councilmember Merrill to adjourn the meeting at 6:37 p.m. and the Council President declared the meeting adjourned.

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, March 21, 2016, 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 )