

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 5th day of December, 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, Mayor Sue Fuchtman called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, 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, Wastewater Superintendent Todd Boling, Housing Director Gary Hilkemann, Water & Sewer Director Dennis Watts, City Engineer John Heine, Economic Development Director Andy Colvin, Communications Director Diane Becker, Park Superintendent Pat Mrsny, Library Director Jessica Chamberlain, Human Resources Director Sheila Schukei, Information Systems Manager Jim McKenzie, Risk Manager Lyle Lutt, City Planner Val Grimes, Fire Chief Scott Cordes, Police Chief Bill Mizner and Police Captain Don Miller and numerous police officers and fire fighters.

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.

Oaths of Office

The Honorable Judge Ross Stoffer administered the oaths of office to newly elected officials: Josh Moenning, Mayor; Dick Pfeil, Ward 1; Jim Lange, Ward 2; Gary L. Jackson, Ward 3; and Thad Murren, Ward 4.

Following the swearing in ceremony, Mayor Moenning requested roll call.

Roll call found the following Councilpersons present: Corey Granquist, Jim Lange, Rob Merrill, Shane Clausen, Thad Murren, Gary L. Jackson, Dave Fauss and Dick Pfeil. Absent: None.

Council President Selection

The Mayor requested nominations for President of the Council.

Councilmember Murren moved, seconded by Councilmember Pfeil to nominate Councilmember Jim Lange as President of the Council.

There being no further nominations, a motion was made by Councilmember Merrill and seconded by Councilmember Fauss to cease nominations and elected Councilmember Jim Lange as President of the Council Roll call: Ayes: All Ayes. Nays: None. Motion carried.

Mayor Moenning declared Councilmember Lange as President of the Council.

Agenda Motions

Dick Johnson, Johnson Engineer, requested Item #11, Resolution No. 2016-62, Rickert's 4th Addition, be pulled from the agenda.

Councilmember Merrill moved, seconded by Councilmember Fauss to remove Item 11, Resolution No. 2016-62, Rickert's 4th Addition, from the agenda and approve the consent agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

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

Consent Agenda Items Approved

Minutes of the November 21, 2016, City Council meeting

November sales tax report (September sales)

Resolution No. 2016-60 approving the final plat and subdivision agreement of NHDC Oak Street Addition

Resolution No. 2016-61 releasing all retained easements from vacated Madison Avenue street right-of-way, except the south 21 feet of the north half thereof, from the west right-of-way line of South Pine Street to the east bank of the North Fork of the Elkhorn River, as vacated by Ordinance No. 5058 approved on March 16, 2009 all located in the Northwest ¼ of Section 26, Township 24 North, Range 1 West, of the 6th P.M., Madison County, Nebraska

Advertise for bids for the library expansion and renovation project

Ratify approval to advertise for bids to purchase SBR diffusers for one of four SBR basins at the Water Pollution Control Plant that staff will replace

Negotiate an engineering services contract with Felsburg Holt and Ullevig (FHU) to develop a Stormwater Management Post Construction BMP Master Plan

Resolution No. 2016-63 declaring the City's official intent under Internal Revenue Code Regulations to incur indebtedness which includes reimbursement of expenditures for a storm water detention cell and related storm sewer improvements

Easement Agreement with the John L. and Norma J. Nordhues Trust for the trail portion of the Norfolk Avenue Bridge and Roadway project for an amount of \$16,000.00

Advertise for Request for Qualifications from engineering firms to conduct a Transfer Station Site Master Plan

Bills in the amount of \$1,130,675.36

Special Presentations

Hanna Keelan Presentation

Tim Keelan, Hanna Keelan, presented the Norfolk Housing Study to the Mayor and City Council. Points presented included: Community Housing/Neighborhood observations; Comprehensive Citizen Participation Program; Housing Goals and Action Steps; Five-Year Housing Action Plan; and Target Housing Goals & Survey Results. Keelan said overall, Norfolk should target 762 new housing units (444 owner units and 318 rental units) by 2021. Important to the cause for housing in Norfolk will be creation of a Community-Wide Housing Partnership comprised of housing stakeholders throughout the community.

Woodland Park Update

Water & Sewer Director Dennis Watts and Wastewater Plant Superintendent Todd Boling updated elected officials on Woodland Park sewer update. The project is nearing completion and staff feel that, once the automated valve is installed, the City of Norfolk will be protected from Woodland Park rain events. A manual valve is in place at this time to protect sewer flow to the City's system.

Public Hearings and Related Items

Public Hearing

(Northwest Corner of 13th Street and Omaha Avenue Redevelopment Area)

A public hearing was held to consider a blighted and substandard declaration for the area referred to as the "Northwest Corner of 13th Street and Omaha Avenue Redevelopment Area". Economic Development Director Andy Colvin, and Jan Merrill, Northeast Economic Development District (NENEDD), provided information to the Mayor and City Council. The study comprises approximately 9.015 acres. The study identified three substandard factors: (1) dilapidation/deterioration; (2) age or obsolescence; and (3) other conditions conducive to ill health, transmission of disease, etc. The study also identified three blighted factors in the area: (1) substantial number of deteriorated or deteriorating structures; (2) unsanitary or unsafe conditions; and average age of residential or commercial units in the area. Colvin said that if elected officials approve the resolution to declare the area as blighted and substandard, the Study will be referred to the Norfolk Planning Commission for consideration.

Bruce Finley spoke in opposition to the blight and substandard declaration.

On November 22, 2016, the Norfolk Planning Commission held a public hearing regarding the blighted and substandard area. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the blight and substandard declaration and the Mayor declared the hearing closed.

Resolution No. 2016-64

Councilmember Merrill moved, seconded by Councilmember Fauss, to adopt Resolution No. 2016-64 approving declaration of the area referred to as the "Northwest Corner of 13th Street and Omaha Avenue Redevelopment Area" as blighted and substandard.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2016-64 was adopted.

Public Hearing (Special assessment)

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to levy a special assessment in the amount of \$325.67 against property located at 203 North Pine Street for mowing, weed control, litter removal and property maintenance.

Councilmember Lange moved, seconded by Councilmember Fauss to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize a special assessment for mowing, weed control, litter removal and property maintenance in the amount of \$325.67 against property on Lot 6, Block 7, Park Addition (203 North Pine Street).

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

City Clerk Beth Deck provided information to elected officials. The public hearing is to consider levying a special assessment for mowing, weed control, litter removal and property maintenance in the amount of \$325.67 against property on Lot 6, Block 7, Park Addition (203 North Pine Street). The Health Official notified the property owner by certified mail prior to completion of the work. The property owner did not respond and the work was completed at the owner's expense. The City billed the property owner and mailed notice by certified mail of the public hearing to levy special assessment. Following adoption of a resolution to levy a special assessment, the City files a lien against the property and interest accrues in the same manner as the special assessment. This is the usual and customary way the City of Norfolk uses to assure payment and the City followed State Statutes procedures.

Bruce Finley spoke in opposition to levying the special assessment.

No one else appeared either in favor of or in opposition to levying the special assessment and the Mayor declared the hearing closed.

Councilmember Fauss moved, seconded by Councilmember Merrill to adjourn as a Board of Equalization and reconvene as Mayor and City Council.

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

Resolution No. 2016-65

Councilmember Lange moved, seconded by Councilmember Pfeil, to adopt Resolution No. 2016-65 levying a special assessment in the amount of \$325.67 against property at 203 N. Pine Street for mowing, weed control, litter removal and property maintenance.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Resolution No. 2016-65 was adopted.

Public Hearing

(Feilmeier hard-surface waiver)

A public hearing was held to consider a hard-surfacing modification on property at 3201 W Eisenhower Avenue at the request of Paul Feilmeier. City Planner Valerie Grimes provided information to the Mayor and City Council. The recommended modification would reduce the requirement to a minimum of 75 feet long by 10 feet wide to the edge of the existing hard surfacing of Eisenhower Avenue unless the code section requiring hard surfacing is amended to require a length other than 75 feet, then the amended code shall be followed.

Paul Feilmeier requested a total waiver of hard surfacing but said 75' is better than paving the entire lane. However, the City has granted numerous hard surfacing waivers in the past.

Matt Gilmore, 1406 Channel Road, supports Feilmeier's request for a total waiver of hard surfacing and said the State of Nebraska only requires 15' of paving connecting a lane to a paved road. Gilmore would rather put off paving the entire 75' at this time and said the City of Norfolk has approved six (6) hard surfacing waivers already in 2016.

City Administrator Shane Weidner understands the applicant wants to move forward with the project and that is why the waiver request is before elected officials.

Councilmember Clausen feels elected officials need to wait on making a decision on the waiver until the current City Code is amended to be specific as to the amount of hard surfacing required.

Councilmember Lange said the City Code currently requires the entire area to be hard surfaced and this waiver is a reduction of required hard surfacing for the property owner.

Councilmember Murren said hard surfacing costs most likely will be more expensive in the future.

On November 22, 2016, the Norfolk Planning Commission held a public hearing regarding the hard-surfacing waiver at 3201 West Eisenhower Avenue. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the hard-surfacing waiver and the Mayor declared the hearing closed.

Resolution No. 2016-66

Councilmember Lange moved, seconded by Councilmember Murren, to adopt Resolution No. 2016-66 approving the hard-surfacing modification for Paul Feilmeier on property addressed as 3201 West Eisenhower Avenue.

Following further discussion, Paul Feilmeier requested Resolution No. 2016-66 be tabled at this time.

Councilmember Merrill moved, seconded by Councilmember Clausen to table consideration of Resolution No. 2016-66.

Further discussion ensued and Mayor Moenning requested consideration of the original motion which is to adopt Resolution No. 2016-66.

Roll call on Resolution No. 2016-66: Ayes: Councilmembers Lange, Merrill, Jackson, Fauss and Pfeil. Nays: Granquist, Clausen and Murren. Absent: None. Motion carried. Resolution No. 2016-66 was adopted.

Public Hearing
(Gilmore hard-surface waiver)

A public hearing was held to consider a hard-surfacing modification on property at 1406 Channel Road at the request of Matthew B. and Amanda M. Gilmore. City Planner Valerie Grimes provided information to the Mayor and City Council. The recommended modification would reduce the requirement to a minimum of 75 feet long by 10 feet wide to the edge of the existing hard surfacing of Highway 24 unless the code section requiring hard surfacing is amended to require a length other than 75 feet, then the amended code shall be followed.

Gilmore said access to the property is actually an easement of about 150 feet which meets the minimum state requirement for hard surfacing. Gilmore wants to put up a 24' x 20' shed, which is smaller than the previous shed. Gilmore said the estimated cost for 6" x 60' paving is \$5,400 and will be more with 8" depth and the median family income for Madison County doesn't support this type of expenditure.

On November 22, 2016, the Norfolk Planning Commission held a public hearing regarding the hard-surfacing modification on property at 1406 Channel Road. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the hard-surfacing waiver and the Mayor declared the hearing closed.

Resolution No. 2016-67

Councilmember Lange moved, seconded by Councilmember Merrill, to adopt Resolution No. 2016-67 approving the hard-surfacing modification for Matthew B. and Amanda M. Gilmore on property addressed as 1406 Channel Road.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Jackson, Fauss and Pfeil.
Nays: Clausen. Absent: None. Motion carried. Resolution No. 2016-67 was adopted.

Public Hearing
(Koch hard-surface waiver)

A public hearing was held to consider a hard-surfacing modification on property at 105 Grandview Road at 105 Grandview Road at the request of Brian Koch. City Planner Valerie Grimes provided information to the Mayor and City Council. The waiver will expire when Grandview Road is paved in front of the ingress and egress drive of the Koch property and provides the owner(s) one year to complete the hard-surfacing requirement at that time.

On November 22, 2016, the Norfolk Planning Commission held a public hearing regarding the hard-surfacing waiver at 105 Grandview Road. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the hard-surfacing waiver and the Mayor declared the hearing closed.

Resolution No. 2016-68

Councilmember Merrill moved, seconded by Councilmember Clausen, to adopt Resolution No. 2016-68 approving the hard-surfacing waiver for Brian Koch on property addressed as 105 Grandview Road.

Roll call: Ayes Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2016-68 was adopted.

There being no further business, the Mayor declared the meeting adjourned at 7:07 p.m.

Josh Moenning
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 5, 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

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