

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 20th day of March, 2017, 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 Josh Moenning called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Shane Clausen, Gary Jackson, 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 Captain Don Miller, Administrative Secretary/Personnel Technician Deb Johnson, Risk Manager Lyle Lutt, Economic Development Director Andy Colvin, City Engineer John Heine, Staff Engineer John Cahill and City Planner Val Grimes.

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

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

Consent Agenda Items Approved

Minutes of the March 6, 2017, City Council meeting

Keno report for February 2017

Resolution No. 2017-15 releasing the 10 foot utility easement being 5 feet on each side of the following described line; Referring to the Southwest Corner of said Lot 1, Reynoldson's Addition to the City of Norfolk, Madison County, Nebraska, consisting of Lots 1 and 2, Huber's

Replat and the North 1/2 of vacated Custer Avenue adjacent thereto, all in the City of Norfolk, Madison County, Nebraska; thence proceeding Northwesterly along the westerly line of said Lot 1, on an assumed bearing of North 20 degrees 07 minutes 37 seconds west, 81.8 feet; thence North 68 degrees 43 minutes 06 seconds East, 10.00 feet to the point of beginning of said line; thence continuing North 68 degrees 43 minutes 06 seconds East, 89.13 feet to a point on the easterly line of said Lot 1, said point being the point of termination of said line

Resolution No. 2017-16 approving the Bolz Subdivision final plat and subdivision agreement

Sacred Heart Parish, 204 S 5th Street, Special Designated Liquor License to serve beer and wine for a Hall of Fame banquet at Sacred Heart Parish Center, 2301 W Madison Avenue, on Saturday, April 22, 2017, from 4:30 p.m. to 12:00 a.m.

Plans, specifications, and engineer's estimate on file in the City offices for the 2017 Microsurfacing & Armor Coat Project and authorization for the City Clerk to advertise for bids

VFW Winter-Munson Post No. 1644 agreement for the annual Loyalty Day Parade on Monday, May 1, 2017

Maple Park Court, L.L.C. temporary and permanent easements and a permanent easement deed for property along the Riverfront Trail project for \$35,765.00

Approval for the Mayor to sign the consent of lienholder on behalf of the City of Norfolk for the Wolff Boundary Change for Lots 2 and 3, Melcher's Addition, on property located at 810 S 8th Street

Norfolk Post 16 of The American Legion at Norfolk, Nebraska, a Chartered Unit of the Nebraska American Legion and its National Organization, agreement to use the baseball field at Veterans Memorial Park for baseball practice and games for the summer baseball season from May 14, 2017 through October 31, 2017.

Norfolk Youth Baseball, Inc., a Nebraska Nonprofit Corporation, referred to as Norfolk Steel, agreement to use ball fields in Ta-Ha-Zouka Park to hold baseball tournaments from Friday, May 5, 2017, through Sunday, May 7, 2017, and Friday, May 12, 2017, through Sunday, May 14, 2017.

Norfolk Softball Association (NSA), a Nebraska Nonprofit Corporation, agreement to use softball fields at Ta-Ha-Zouka Park for softball practice and games for the summer softball season from April 17, 2017, through October 15, 2017

Tina M. Kassmeier, doing business as Kelly's Fast Pitch Softball, agreement to use softball fields in Ta-Ha-Zouka Park and Liberty Bell Park to hold a softball tournament Friday, May 19, 2017, through Sunday, May 21, 2017

Bills in the amount of \$1,172,382.72

Special Presentations

The Mayor read a proclamation for Norfolk High School Panther Boys' Basketball team 2017 Class "A" State Championship.

Public Hearings and Related Items

Public Hearing

(Delay Bank Building Redevelopment Plan)

A public hearing was held to consider the Delay Bank Building Redevelopment Plan. Economic Development Director Andy Colvin provided information to the Mayor and City Council. The redevelopers propose to rehabilitate the structure for mixed uses, including residential, retail and office. The Delay Bank building consists of two separate buildings under separate ownership and both buildings are vacant and in disrepair. Building revitalization will include exterior and interior of the structures, including life safety investments. An additional impact of the rehabilitation of the structures will be the elimination of a blighted and substandard building in the downtown area and prevention of further site deterioration. Estimates for full rehabilitation of both properties exceed \$2,100,000.

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

Resolution No. 2017-17

(Delay Bank Building Redevelopment Plan)

Councilmember Merrill moved, seconded by Councilmember Fauss, to adopt Resolution No. 2017-17 approving the Delay Bank Building Redevelopment Plan.

Councilmember Clausen abstained from discussion or voting on this item.

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

Public Hearing

(604 S 19th Street)

A public hearing was held at the request of Carla Meisinger, Mark Meisinger, and Amy Ries to consider a zoning change from C-1 (Local Business District) to R-2 (One and Two Family Residential District) on property addressed as 604 South 19th Street. Dick Johnson, on behalf of the applicants, provided information to the Mayor and City Council. Johnson said the applicants wish to develop the property into 2-single family attached homes (4 units). However, because of the required buffer between residential and commercial properties, the plan may change to 1-single family attached (2 units) and one single family dwelling.

On March 7, 2017, Norfolk Planning Commission held a public hearing regarding the zone change. 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 zone change and the Mayor declared the hearing closed.

Ordinance No. 5458
(604 S 19th Street)

Councilmember Merrill introduced, seconded by Councilmember Granquist, Ordinance No. 5458 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.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Jackson, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. Ordinance No. 5458 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, Jackson, 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. 5458 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. 5458 as required by law.

Public Hearing
(61st Street & West Omaha Avenue)

A public hearing was held to consider a request from John D. and Amber R. Amick for a zoning change from A (Agricultural District) to R-R (Rural Residential District) on property generally located 1/2 mile East of 61st Street and West Omaha Avenue. City Planner Val Grimes provided information to elected officials. Section 27-8 of the City Code was recently revised to say that a zoning map amendment has to consider the Comprehensive Plan, but no longer must conform. However, State Statute 19-905 says that when there is signed protest/opposition from 20% of the property owners within the 300 foot map, and such zoning change is not in accordance with the Comprehensive Plan, then the zoning change shall not become effective except by a favorable vote of 3/4 of all members of the governing body. In this case the Comprehensive Plan for this property shows predominantly as Agriculture. Therefore, this request it is not in accordance with the Comprehensive Plan. Attorney Dave Copple, representing the three (3) property owners on the 300 foot map list (100%), submitted an opposition letter and the 20% protest is satisfied.

Because of the protest and the subject property not being in accordance with the Comprehensive Plan, a change of zoning will require six (6) affirmative votes of the city council.

Grimes explained Amick requests rezoning a portion of a 240 acre tract of land into 2-five acre lots. There is currently one house and some out buildings on the property.

Dick Johnson, on behalf of the applicant, said the total area requested to be rezoned is 11 3/4 acres and the far west line of the property abuts up to the City of Norfolk's 2-mile zoning jurisdiction. Amick owns 240 acres but only 160 acres is in the City's zoning jurisdiction. Amick has received approval from Madison County to put 2-five acre lots on the property off 61st Street. Even with those two lots, the required one house per 40 acres will be met. Johnson said Amick has no intention of splitting off any more lots for development.

Schukei questioned what documentation can be recorded going forward to know that no more building would occur on the property.

Johnson doesn't know what could be recorded in land records but any other requests would need to be brought before the Planning Commission and City Council. Johnson said that, per state statutes, only one septic system is allowed per ten (10) acres.

Amick explained further that state statutes only allows four (4) septic system per 40 acres but not specifically one septic tank per ten (10) acres. Amick has a purchase agreement with someone wanting to buy the lot with the house and buildings and plans to sell the other 5-acre lot for another house. Amick "has no intentions to build any more on the land."

Attorney Copple represents Dr. Brian and Mary Beth Vonk, Don Gartner, Eldon and Jane Peters, Don Dederman, and Dion & Kelly Horn, all of whom are opposed to the zoning change request. Concerns include: drainage, FEMA regulations; non-compliance with the 2017 comprehensive plan; health & safety; wellhead protection; and "incremental creep" of large lot development in the area.

Speaking in opposition to the zoning change were, Don Gartner, Eldon Peters and Don Horn.

On March 7, 2017, the Norfolk Planning Commission held a public hearing regarding the zone change. 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 zone change and the Mayor declared the hearing closed.

Ordinance No. 5459
(61st Street and West Omaha Avenue)

Councilmember Merrill introduced, seconded by Councilmember Lange, Ordinance No. 5459 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.

Roll call: Ayes: Councilmembers Granquist, Merrill, Clausen, Jackson and Fauss. Nays: Lange and Pfeil. Absent: Murren. Because of the 100% protest filed and a required six (6) votes in favor, the motion failed. Ordinance No. 5459 failed on first reading.

Regular Agenda Items

Ordinance No. 5460

(East Knolls Street parking restriction)

Councilmember Fauss introduced, seconded by Councilmember Merrill, Ordinance No. 5460 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.

Police Captain Don Miller provided information to elected officials. The City of Norfolk received four separate complaints relating to traffic and parking concerns at the curve of East Knolls Street and East Sycamore Avenue. The concern is that it is difficult to see approaching vehicles and unsafe for bicycles with vehicles parking on both sides of the street. This is a large neighborhood that continues to grow. The location in question is on a main street into the neighborhood. The curve was monitored and it was found that there is a significant vision obstruction in that location and it is difficult for vehicles to pass when vehicles are parked on both sides of the curve. A traffic count was completed from January 18, 2017 to January 25, 2017. During the one week time frame over 3,000 vehicles used the curve with the majority of them being from 7:00 a.m. to 8:00 a.m.; 12:00 p.m. to 1:00 p.m.; and 5:00 p.m. to 6:00 p.m. This has been identified as a legitimate concern. Staff recommend restricted parking on the inside edge of the curve to eliminate the bottleneck and improve visibility so vehicles approaching from either direction.

Speaking in opposition to the proposed parking restriction because of safety concerns, lack of adequate parking, excessive speeding on street, property values, location of proposed parking restriction, were:

Adam Sobotka, 1007 E Knolls
Crystal VonKampen, 1401 E Sycamore
Carla Morris-VonKampen, 1401 E Sycamore

Councilmember Merrill questioned whether speed bumps would help solve the issue and whether a speed study was completed in that area.

Captain Miller said the City of Norfolk doesn't use speed bumps mainly because of problems with snow removal. Miller said a speed study is difficult to complete because of the curve but can be conducted on the straight areas of the streets leading up to the curve.

Councilmember Lange has concerns with visibility in that area but would like feedback on a speed study. Lange said speed bumps may need to be considered.

Councilmember Merrill moved, seconded by Councilmember Clausen to table Ordinance No. 5460 until a speed study can be completed on East Knolls Street and East Sycamore Avenue.

Roll call: Ayes: Councilmembers Granquist, Merrill, Clausen, Jackson, Fauss and Pfeil. Nays: Lange. Absent: Murren. Motion to table Ordinance No. 5460 carried.

Ordinance No. 5461

(Annexation – Hwy 275 & 37th Street)

Councilmember Lange introduced, seconded by Councilmember Pfeil, Ordinance No. 5460 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 19, AND PART OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ AND PART OF THE NORTH HALF OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ ALL OF SECTION 29 AND PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ AND PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST ¼ ALL OF SECTION 30, ALL IN TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6th PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED 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.

Mike Anderson, Lincoln, Nebraska, manager of Norfolk Medical Real Estate, LLC, requested the City of Norfolk annex of the property. The proposed project (Fountain Point Development), located in the southwest quadrant of West Norfolk Avenue and 37th Street, is the redevelopment of the property providing for health care facilities and multi-family residential. The project is only feasible if tax increment financing (TIF) is available to help defray costs related to land preparation, utility infrastructure, streets and other TIF eligible expenses. The 55-acre tract of land will require approximately two feet of fill dirt. The property owner is planning to redevelop the property for medical facilities and multi-family housing. The overall development plan will include 250 apartments with a club house and swimming pool, continuum care/assisted living units and medical offices. Anderson said 80 apartment units will be constructed in the first phase of the project.

Andrea McHenry, Warren Garage Doors, is not opposed to the development but has drainage concerns.

Councilmember Lange said the developer is aware of the drainage concerns, which will be addressed when engineering for the project is completed.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Jackson, Fauss and Pfeil. Nays: None. Absent: Murren. Motion carried. Ordinance No. 5461 passed on first reading only.

Ordinance No. 5462

(1300 W Benjamin Avenue)

Councilmember Fauss introduced, seconded by Councilmember Granquist, Ordinance No. 5462 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-293 OF THE OFFICIAL CITY CODE TO ADD AN ADDRESS FOR ENFORCEMENT ACTION RELATED TO DRIVING OR TURNING ON PUBLIC OR PRIVATE PROPERTY; 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 Granquist, Lange, Merrill, Clausen, Jackson, Fauss and Pfeil.
Nays: None. Absent: Murren. Motion carried. Ordinance No. 5462 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Jackson, 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 Lange, 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. 5462 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. 5462 as required by law.

Real Estate Purchase Agreement
(Sherbeck)

Councilmember Merrill moved, seconded by Councilmember Granquist, to approve a Real Estate Purchase Agreement with Andrew and Brooke Sherbeck for the sale of property located at 1004 Koenigstein Avenue in the amount of \$12,250.00.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Jackson, Fauss and Pfeil.
Nays: None. Absent: Murren. 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 7:23 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, March 20, 2017, 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)