

## **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 November, 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, Thad Murren, Gary L. Jackson, Dave Fauss, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Interim City Engineer Steve Rames, City Planner Val Grimes, Assistant Fire Chief-Preventions Trent Howard, Building Official Steve Nordhues, Risk Manager Lyle Lutt, Operations Manager Jim Dooley, Police Chief Bill Mizner, Communications Director Liz Wallace, Fire Chief Scott Cordes, Health Inspector John Kouba, Electrical Inspector Willie Nelson, Street Crew Leader Jason Hansen and Fire Marshal Terry Zwiebel.

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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Councilmember Lange moved, seconded by Councilmember Clausen 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 October 16, 2017, City Council meeting

October sales tax report (August sales)

Plans, specifications, and engineer's estimate on file in the City offices for the Riverfront Trail Project, RTP-2015(001) and authorization of the City Clerk to advertise for bids

Engineer's Final Certificate for Sanitary Sewer Extension District No. 247 (South Highway 81) and Sanitary Sewer Extension District No. 248 (East Highway 35)

Establish November 20, 2017 for the Mayor and City Council, sitting as a Board of Equalization, to conduct a public hearing for equalization of special assessments for Sanitary Sewer Extension District No. 247 (South Highway 81) and Sanitary Sewer Extension District No. 248 (East Highway 35)

Appointment of Jessica Gordon to the Vehicle Parking District Loan Advisory Board for a four-year term ending October 2021

Burns & McDonnell Engineering Services contract to conduct the Transfer Station Site Master Plan for an amount of \$65,903.93

Authorize staff to negotiate an engineering services contract with JEO Consulting Group, Inc. to provide professional engineering services for the design, environmental review and construction engineering for the US Highway 275 Undercrossing Trail project

Resolution No. 2017-75 directing Interim City Engineer of the City of Norfolk, Steven D. Rames, who has served as Interim City Engineer since approximately August 7, 2017, to perform the duties of Street Superintendent for the City of Norfolk until such time as he resigns or his successor is appointed

Sewer Connection Agreement with Justin and Sara Polak, 1102 North 37th Street, to connect to the City's Sanitary Sewer System

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, for a Tour of Home Wine Tasting event at Magnolia's, 432 West Norfolk Avenue, on December 2, 2017, from 2:00 p.m. to 7:00 p.m.

Rutjens Construction Change Order No. 2 for the Southwest Sanitary Sewer Interceptor - Phase II and Phase III project resulting in an increase of \$24,700.00

School District No. 2 of Madison County, Nebraska (also known as Norfolk Public Schools and a political subdivision of the State of Nebraska) agreement to allow use of the baseball fields at Veterans Memorial Park and Ta-Ha-Zouka Park for baseball practice, games, and camps for the 2018 baseball season through May 31, 2018

Terminate McLaury Engineering, Inc. Agreement for interim engineering services

Establish Monday, December 4, 2017, as the public hearing date for a request by the Vehicle Parking District to annex additional tracts of land generally lying between 1st and 3rd Street and between Braasch Avenue, the railroad and the North Fork of the Elkhorn River into the Vehicle Parking District No. 1

Bills in the amount of \$1,433,938.26

### **Special Presentations**

The Mayor proclaimed November 2017 as, “Read Aloud to a Child Month”.

2017 Norfolk 101: Citizens Academy recognition

### **Public Hearings and Related Items**

#### Public Hearing

(Downtown Revitalization Study)

A public hearing was held regarding the 16-DTR-005 Community Development Block Grant received by the City of Norfolk to conduct a downtown revitalization study.

Jan Merrill, Northeast Nebraska Economic Development, provided information to the Mayor and City Council. This is the second public hearing as required by the grant. The City of Norfolk received \$30,000 of Community Development Block Grant (CDBG) Funds of which \$27,000 was used to conduct a downtown revitalization study and \$3,000 was used for general administration of the project. The City of Norfolk provided \$9,000 as a local match to the downtown revitalization study. The total project cost is \$39,000. The project will benefit low and moderate income people and minimize a designated blighted and substandard area. No persons were displaced as a result of CDBG activities.

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

#### Public Hearing

(Appeal of Conditional Use Permit for Alvin G. Beckmann)

A public hearing was held to consider an appeal filed by John and Karen Dopheide regarding a Conditional Use Permit for Alvin G. Beckmann to operate a commercial dog kennel at 5301 West Benjamin Avenue.

Mayor Moenning read the Conditional Use Permit (CUP) appeal hearing procedures. Moenning explained the hearing results from the appeal of the October 3, 2017 Planning Commission approval of the Conditional Use Permit granted to Alvin G. Beckmann for the operation of a commercial dog kennel at 5301 West Benjamin Avenue. The appeal was filed by John and Karen Dopheide. Moenning explained the hearing will be conducted informally and read through the hearing procedures, as follows;

1. Open hearing.
2. This hearing results from the appeal of the granting of a Conditional Use Permit by the Planning Commission to Alvin G. Beckmann for a commercial kennel at 5301 W. Benjamin Avenue. The appeal was filed by John and Karen Dopheide. This hearing shall be conducted informally.
3. Each witness may present his or her testimony in narrative fashion and shall state his or her name and address prior to commencing his or her testimony for the record.
4. This hearing will not be conducted using the strict rules of evidence and the City Council may admit and give probative effect to evidence which possesses probative value, commonly accepted by reasonably prudent persons.

5. Elected officials may question any witness at any time during the proceeding.
6. The order of proceedings for conducting the hearing shall be as follows:
  - A. Introduction of the issue by City Planner Valerie Grimes.
  - B. Presentation of evidence and witnesses by Mr. Copple on behalf of John and Karen Dopheide.
  - C. Presentation of evidence and witnesses by others opposed to the Conditional Use Permit.
  - D. Presentation of evidence and witnesses by Alvin G. Beckmann, the applicant granted the Conditional Use Permit.
  - E. Presentation of evidence and witnesses by others supporting the granting of the Conditional Use Permit.
  - F. Rebuttal evidence by Mr. Copple on behalf of John and Karen Dopheide, if desired.
  - G. Rebuttal evidence by Alvin G. Beckmann, if desired.
7. Close hearing.
8. Ask for motion from City Council to consider Resolution to reverse (Version A), affirm (Version B), or modify (Version C) the action of the Planning Commission granting the Conditional Use Permit.
9. Discussion

City Planner Valerie Grimes introduced the issue and provided an aerial view of the location of the Conditional Use Permit. The property is located in the northwest corner of Deer Hollow Addition and the northern building is the Beckmann property with the garage that houses the dogs located north of the residence. The house to the south of the Beckmann property is owned by the Dopheides'. Both properties are zoned agriculture; all of Deer Hollow Addition is zoned agriculture. Grimes read the list of exhibits presented by the City, as follows:

1. Conditional Use Permit Application – Form A and Justification – Form B received March 30, 2017
2. 300' Boundary Map
3. Abstractor's Certificate
4. Notice of Planning Commission meeting – September 19, 2017
5. Proof of Publication of Planning Commission meeting – September 19, 2017
6. Notice of Public Hearing – Wednesday, September 19, 2017 Planning Commission meeting
7. Proof of Publication of Planning Commission Public Hearing – Wednesday, September 19, 2017
8. Notice of Public Hearing – Tuesday, September 19, 2017 Planning Commission meeting
9. Proof of Publication of Planning Commission Public Hearing – Tuesday, September 19, 2017
10. Erroneously Noticed Public Hearing Notice Statement
11. Planning Commission Resolution No. 2017PC-7
12. September 19, 2017 Planning Commission meeting minutes
13. October 3, 2017 Planning Commission meeting minutes
14. Appeal of Conditional Use Permit Resolution No. 2017PC-7 received October 12, 2017
15. Notice of City Council meeting – November 6, 2017
16. Proof of Publication of City Council meeting – November 6, 2017
17. Notice of Public Hearing – November 6, 2017 City Council meeting
18. Proof of Publication of City Council Public Hearing – November 6, 2017
19. Letter dated October 25, 2017 from Attorney David E Copple with attachments: Title Report; Deed of Trust; Assignment of Mortgage/Deed of Trust; Deer Hollow Addition Subdivision Agreement; Articles of Association of Deer Hollow Addition Home Owners Association; Protective and Restrictive Covenants for Deer Hollow Addition and Conditional Use Permit Resolution No. PC2000-8.

20. Packet of information received from Attorney Tim Brogan on behalf of Al Beckmann including: surrounding area information; photos of kennel facility; State of Nebraska Department of Agriculture information

Mayor Moenning received all of the exhibits into the record.

Dave E Copple, on behalf of John and Karen Dopheide, distributed copies of Exhibit #19. Copple also distributed copies of letters dated June 8, 2017; October 21, 2016 and March 15, 2017 from Valerie Grimes to Alvin and Barbara Beckmann and requested the documents be marked as Exhibit #23.

Mayor Moenning received Exhibit #23 into the record.

Copple then distributed copies of email communications between Susan Warneke, Admin. Assistant, Madison County Attorney's Office, and John Dopheide and John Kouba; Courtesy Notice dated August 8, 2013 from John Kouba to Alvin G & Barbara J Beckmann and prior letters from Mr. Kouba dating back to September 19, 1995 and requested the documents be marked as Exhibit #24.

Mayor Moenning received Exhibit #24 into the record.

Copple said the appeal is "really focused on Exhibit #19" which includes a title report conducted by an escrow company and directed attention to the portion that says "EASEMENTS, ETC." that discussed Protective and Restrictive Covenants for Deer Hollow Addition recorded May 5, 1993 at M-93-5 Page 315. Copple directed elected officials to four covenants:

- Item No. 5. No commercial enterprises shall be permitted.  
(Copple said the Beckmann property is subject to these Protective and Restrictive Covenants.)
- Item No. 7. Barns or stables kept for private use shall not be of over one-story in height. A maximum of 5 animals will be allowed per lot. No swine will be allowed.
- Item No. 11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded. After said date, the covenants shall be automatically extended for successive period of ten years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.  
(Per Copple, the covenants were recorded on May 5, 1993 which would run through May 4, 2018. Based on Exhibit #19 and the title search, Copple said there is no recorded amendment or change and, therefore, the Protective Covenants are in full force and effect.)
- Item No. 2. Violation or threatened or attempted violation of any of these covenants by the present or future owner or users of any of said real estate shall give to and vest in any other owner or owners of any part of said real estate, the right and cause of action to prevent and restrain such violations or threatened or attempted violation, to recover damages, therefor, and to seek and recover such other relief and remedies as law or equity allows.

Copple said it is “our position that these Protective Covenants to which Lot 3, Block 1, Deer Hollow Addition, Madison County, Nebraska, are subject to have not been revised and are in full force and effect.” Copple said that, while the City Council can issue a conditional use permit, the Dopheide’s aren’t asking to enforce Protective Covenants but to reverse the Planning Commission’s decision so the City Council does not take proactive/active action to create a situation where there is a violation of Protective Covenants. Copple said, “in speaking with Mr. Schukei who said it is not the City’s role to enforce Protective Covenants, I don’t concede that.” Copple said if the City Council takes action, the Dopheide’s (under Item #2 of the Protective Covenants) can file in district court regarding this issue. Copple said the “Dopheide’s don’t want to have to do that.” If the City Council reverses the Planning Commission Conditional Use Permit, Beckmann is not issued the permit and the dogs can’t be housed on the property and the number of animals can only be up to five (5). Most importantly, the Protective Covenants said a commercial enterprise is not permitted in Deer Hollow Addition and Mr. Beckmann “is doing this for commercial purposes.” Copple explained Exhibits #23 & #24 indicates the Dopheide’s “have been trying to be good neighbors” which can be seen on the various communications, over an extended period of time, in those exhibits. Copple requested the City Council reverse the Conditional Use Permit, which is then a denial. The Deer Hollow Addition consists of large, upscale homes and people purchases lots or homes in that area anticipate an acreage setting that is quiet and peaceful and permit the advantages of living on the outskirts of Norfolk on an acreage. Copple said “this has been an issue” for several years.

No one else spoke in opposition to the Alvin G. Beckmann Conditional Use Permit.

Alvin G. Beckmann, 5301 West Benjamin Avenue, spoke in favor of the Conditional Use Permit. Beckmann clarified that Attorney Tim Brogan is also present at the meeting on behalf of Beckmann. Beckmann said the CUP was approved unanimously by the Norfolk Planning Commission. Beckmann “understands there was previous correspondence from Valerie Grimes with regard to the situation and I apologized to her, and also to you, for not taking some action. We had some situations with regard to my workload with the CPA practice that I am a partner in and also dealing with the estate of my mother who passed away last September.” Beckmann has “lived at 5301 W Benjamin Avenue for approximately 12 years” and said “I do have dogs out there.” Beckmann said “they want to have this designated as a commercial kennel.” Beckmann said “the dogs are not engaged on a commercial basis; does that mean I have an occasional litter, yes I do but the dogs are primarily there for my enjoyment and relaxation.” The dogs are primarily used for hunting. Beckmann particularly enjoys dog “trials and tests.” Beckmann has two grand master point labs, five advanced point retrievers, and four certified pointers. Beckmann reviewed Exhibit #20 which contains three parts:

1. Surrounding Areas – there are 20 surrounding property owners; Beckmann was able to contact 17 of the property owners, none of which had any concerns/issues/problems with the dogs. Beckmann said that seven of the eight property owners within 300 foot of his property had no concerns/issues with the dogs with the Dopheide’s the only people with concerns.
2. Photos of the 20x30 fully enclosed, insulated, heated and air conditioned facility, with 5 1/2 foot fence surrounding the building, as well as photos of numerous trees/foliage on the Beckmann property. (Beckmann said the dogs are highly trained, house-broke and put away by about 10:30 p.m. each evening in separate/portable kennels in another insulated building.)
3. Nebraska Department of Agriculture information

Beckmann said four criteria must be met to be designated as a commercial kennel by the Department of Agriculture: (1) sell more than 31 dogs per year (Beckmann does not do this.); (2) sell to brokers (Beckmann does not do this and only sells to private individuals on a limited number.); (3) produce four or more litters per year (Beckmann generally does not do this.); and (4) have four or more dogs intended for breeding purposes (Beckmann's does not intend to do this.) The several litters per year that Beckmann does have is to cover the cost of vet bills and trips for trials and tests and not as a for-profit business. Beckmann has seven dogs that are nine years old or older and are "part of the family." Beckmann applied for the Conditional Use Permit to be in compliance with Norfolk City Code. Beckmann said four other people from the area spoke in favor of the CUP at the Planning Commission meeting. Beckmann said Health Inspector John Kouba and City Planner Valerie Grimes performed a site visit of the property; and Planning Commissioner Chair Brian Lundy and various Planning Commission members visited the site prior to discussion and voting unanimously to issue the Conditional Use Permit. Beckmann requested the City Council affirm the Conditional Use Permit.

Councilmember Lange questioned how long Beckmann has lived at this location because several of the exhibit letters show the address as 303 Jo Deb Drive.

Beckmann has lived at 5301 West Benjamin Avenue since 2005. Beckmann previously lived at 303 Jo Deb Drive in Eastern Heights. Beckmann said there were some issues at that location and took steps solve any concerns by moving the dogs to an off-site facility on West Nucor Road.

Councilmember Jackson questioned whether Beckmann is a member of the Deer Hollow Addition Homeowners Association (HOA).

Beckmann has not been a member of the HOA in Deer Hollow Addition. Beckmann doesn't have any property that adjoins the roads of Deer Hollow Addition; the previous owner was not a member of the HOA; has not paid dues, and does not get any correspondence or notification of or attend any HOA meetings.

Councilmember Clausen questioned how many dogs are housed on the Beckmann property.

Beckmann currently has twelve (12) dogs on the property.

Mayor Moenning questioned the greatest number of dogs Beckmann has had at any one time. Moenning questioned whether Beckmann sells all puppies or if some are held back.

Beckmann said the greatest number of dogs on the property has been sixteen (16) because of an unexpected litter of puppies; however, all are sold. Beckmann said "everything is a private sale, generally as puppies" but some are held back for replacements. Beckmann does not purchase older dogs or train dogs for anyone. Beckmann does not train, other than obedience, at this location.

Moenning questioned the website for Beckmann's High Point Labs and whether it is registered as a business entity.

Beckmann is not aware of being registered as a business entity and only uses the name Beckmann's High Point Labs at trial and test events. The web site was created by a person who owed money to Beckmann.

Ray Stahla, neighbor to Beckmann, has lived in the neighborhood since 1997. Stahla spoke in favor of the CUP and has no issues/problems with the dogs. Stahla said there are a lot of dogs in the neighborhood.

Clint Hinkel spoke in favor of the CUP and has no concerns/issues with the dogs. Hinkel is probably the closest neighbor to the Beckmann property.

Tim Brogan, on behalf of Alvin G. Beckmann, said most of the twelve dogs on the property at this time are de-barked. Brogan said Beckmann has had only one contact from a law enforcement agency in the twelve years living in that area when a Madison County Sheriff's Deputy checked on a barking noise complaint. Brogan said no citations have been issued to Beckmann regarding dog-at-large, nuisance, disturbing the peace, etc. and "it appears there is only one neighbor that has an issue." Brogan said the City Council "would be the first ever" to enforce Protective Covenants and that is not the role of the City Council.

No one else spoke in support of the Conditional Use Permit.

Copple said the Dopheide's are not asking the City Council to enforce Protective Covenants but to reverse the Planning Commission decision for a Conditional Use Permit. Copple said Exhibit #24 contains a "Courtesy Notice" dated August 8, 2013 which references a letter dated April 8, 2008 which specifically says, "While private kennels area allowed in many zoning districts, commercial kennels are allowed as a permitted use only in certain industrial zones . . . ." and the letter references 5301 W Benjamin Avenue as well as 13 dogs. Copple feels the letters show "a pattern of disregard for the rules and regulations in place." Copple said Exhibit #23, which are letters from city officials, show the Beckmann's received a kennel license and by definition it is a commercial kennel and the protective covenants show there cannot be a commercial business in Deer Hollow Addition.

Councilmember Jackson questioned "where it shows Beckmann is aware of the Protective Covenants."

Copple said a document recorded of record provides notice to persons buying property. Copple noted that Beckmann has a web site at <http://pointinglabretrievers.com> which shows picture of dogs and provides contact information.

Councilmember Merrill questioned whether the web site shows prices for puppies.

Copple said the web site says "puppies available."

Brogan said the web site was created by a person who owed money to Beckmann. Brogan said there are probably buildings in Deer Hollow Addition that don't comply with the Protective Covenants but that is an issue for the Homeowners Association.

There being no further evidence presented, the Mayor declared the hearing closed.

Resolution No. 2017-76  
(Conditional Use Permit for dog kennel)  
(5301 W Benjamin Avenue)

Mayor Moenning requested consideration of Resolution No. 2017-76 to reverse (Version A); affirm (Version B); or modify (Version C) the action of the Planning Commission granting the Conditional Use Permit.

Councilmember Clausen feels the Council should have more time to review the information/exhibits submitted regarding the Conditional Use Permit before making a decision.

Councilmember Lange agrees with Councilmember Clausen but said the resolution needs to be introduced before moving forward.

Councilmember Lange moved, seconded by Councilmember Merrill, introduced Version A Resolution No. 2017-76 reversing the Conditional Use Permit for Alvin G. Beckmann to operate a commercial dog kennel at 5301 West Benjamin Avenue.

Councilmember Clausen moved, seconded by Councilmember Jackson to table consideration of Resolution No. 2017-76.

Roll call on tabling Resolution No. 2017-76: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion to table carries.

Public Hearings  
(2009 and 2012 International Codes)

Public hearings were held simultaneously to consider amendments to City Code for the following: Section 6-106 of the City Code to adopt the 2012 International Mechanical Code; to replace Section 6-107 of the City Code and to enact a new Section 6-107 in its place; Section 6-161 of the City Code to adopt the 2012 International Residential Code; to repeal Section 6-162 of the City Code and to enact a new Section 6-162 in its place; and to enact Section 6-163 of the code to include provisions related to walls and ceilings; Section 6-16 of the City Code to adopt the 2012 International Building Code; to repeal Section 6-18 of the City Code and to enact a new Section 6-18 in its place; and to enact Section 6-20 of the code to include provisions related to walls and ceilings; Section 6-181 of the City Code to adopt the 2012 International Property Maintenance Code; to repeal Section 6-183 of the City Code and to enact a new Section 6-183 in its place; Section 6-121 of the City Code to adopt the 2012 International Plumbing Code; to repeal Section 6-122 of the City Code and to enact a new Section 6-122 in its place; Section 8-26 of the City Code to adopt the 2012 International Fire Code; to repeal Section 8-28 of the City Code and to enact a new Section 8-28 in its place; and Section 6-171 of the City Code to adopt the 2009 International Energy Conservation Code; to amend Section 6-173 of the code to update minimum requirements for energy conservation standards. City Planner Valerie Grimes, Assistant Fire Chief-Preventions Trent Howard and Building Official Steve Nordhues provided information to the Mayor and City Council. The State of Nebraska adopted the 2012 code series; however, some municipalities across Nebraska have adopted the 2015 or 2018 codes. Howard said Kearney adopted the 2015 code series but Omaha did not and City staff suggest Norfolk

proceed with adoption of the 2012 code series. Howard said the 2012 updates will include the International Residential Code; International Building Code; International Plumbing Code; International Fire Code; International Property Maintenance Code; and the International Mechanical Code. Municipalities must adopt the new code within two (2) of when the State of Nebraska adopts the codes. Several years ago, Norfolk elected officials approved a one page Energy Code for contractors and staff recommend approval of the 2009 Energy Conservation Code at this time.

No one appeared either in favor of or in opposition to the International Code changes and the Mayor declared the hearings closed.

Ordinance No. 5499  
(2012 International Mechanical Code)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5499 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-106 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL MECHANICAL CODE; TO REPEAL SECTION 6-107 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-107 IN ITS PLACE; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5499 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, Murren, Jackson, 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 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. 5499 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5499 as required by law.

Ordinance No. 5500  
(2012 International Residential Code)

Councilmember Merrill introduced, seconded by Councilmember Granquist, Ordinance No. 5500 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-161 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL RESIDENTIAL CODE; TO REPEAL SECTION 6-162 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-162 IN ITS PLACE; TO ENACT SECTION 6-163 OF THE CODE TO INCLUDE PROVISIONS RELATED TO WALLS AND CEILINGS; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5500 passed on first reading.

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, Murren, Jackson, 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 Pfeil, 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. 5500 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5500 as required by law.

Ordinance No. 5501  
(2012 International Building Code)

Councilmember Granquist introduced, seconded by Councilmember Lange, Ordinance No. 5501 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-16 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL BUILDING CODE; TO REPEAL SECTION 6-18 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-18 IN ITS PLACE; TO ENACT SECTION 6-20 OF THE CODE TO INCLUDE PROVISIONS RELATED TO WALLS AND CEILINGS; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5501 passed on first reading.

Councilmember Pfeil 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, Murren, Jackson, 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 Pfeil 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. 5501 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5501 as required by law.

Ordinance No. 5502

(2012 International Property Maintenance Code)

Councilmember Granquist introduced, seconded by Councilmember Lange, Ordinance No. 5502 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-181 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO REPEAL SECTION 6-183 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-183 IN ITS PLACE; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5502 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, Murren, Jackson, 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 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. 5502 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5502 as required by law.

Ordinance No. 5503  
(2012 International Plumbing Code)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5503 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-121 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL PLUMBING CODE; TO REPEAL SECTION 6-122 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-122 IN ITS PLACE; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5503 passed on first reading.

Councilmember Granquist 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, Murren, Jackson, 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 Granquist moved, seconded by Councilmember Fauss, 5503 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. 5503 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5503 as required by law.

Ordinance No. 5504  
(2012 International Fire Code)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5504 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 8-26 OF THE OFFICIAL CITY CODE TO ADOPT THE 2012 INTERNATIONAL FIRE CODE; TO REPEAL SECTION 8-28 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 8-28 IN ITS PLACE; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5504 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, Murren, Jackson, 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 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. 5504 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5504 as required by law.

Ordinance No. 5505  
(2012 International Energy Conservation Code)

Councilmember Merrill introduced, seconded by Councilmember Granquist, Ordinance No. 5505 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-171 OF THE OFFICIAL CITY CODE TO ADOPT THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; TO AMEND SECTION 6-173 OF THE CODE TO UPDATE MINIMUM REQUIREMENTS FOR ENERGY CONSERVATION STANDARDS; 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5505 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, Murren, Jackson, 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 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. 5505 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5505 as required by law.

#### Public Hearing

(221 Jackson Avenue zone change)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) at 221 Jackson Avenue at the request of Trevor Borgman Construction, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. This property is zoned R-1. At the Planning Commission, a petition to deny the zone change request was presented. The petition was signed by 25 signatures—of those, 6 were property owners within 300 feet of the property; 7 were property owners outside 300 feet; and 12 were non-property owners. The petition represented over 20% of property owners with 300 feet; however, because the request conforms to the Comprehensive Plan a 3/4 vote of the City Council is not required.

Chris Hupp, co-owner of Trevor Borgman Construction, spoke in favor of the zone change. Hupp said neighbors expressed concern about parking. Hupp said the plan is to construct a duplex with each unit having a 2-car garage, which allows for 4 parking spaces per unit. Each unit will be 1,200 square feet with three bedrooms and moderate finishes. Hupp said the plan is to sell the units.

Councilmember Lange questioned if the lot size is adequate for a duplex.

Grimes said the lot is large enough for the proposed duplex.

Councilmember Clausen received concerns about spot zoning and the crime rate with a duplex.

On September 19, 2017 the Norfolk Planning Commission held a public hearing regarding the zone change at 221 Jackson 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 zone change and the Mayor declared the hearing closed.

Ordinance No. 5506  
(221 Jackson Avenue zone change)

Councilmember Granquist introduced, seconded by Councilmember Murren, Ordinance No. 5506 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, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5506 passed on first reading.

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, Merrill, Clausen, Murren, Jackson, 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 Granquist, 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. 5506 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5506 as required by law.

Public Hearing  
(Gerhold Final Planned Development)

A public hearing was held to consider a Final Planned Development on property generally located ½ mile south from the intersection of Omaha Avenue and South 25th Street. City Planner Valerie Grimes provided information to the Mayor and City Council. A Final Planned Development, which is a zoning function, has been requested for approximately 160 acres.

Section 27-8 of 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 City Council. There is a 20% protest/opposition with this zoning request. Grimes said the Planning Commission passed the Final Planned Development on a 7-1 vote.

John Zwingman, Advanced Consulting Engineering Services, West Point, Nebraska, spoke on behalf of the developers of Majestic Lake Estates and said the Final Planned Development is substantially consistent with the Preliminary Planned Development approved by the City Council and the Final Planned Development approved by the Norfolk Planning Commission.” There were some changes requested/suggested by City staff after review of the Final Planned Development. Zwingman said the changes included making the lake and lake access into lots so they can be maintained and owned by the Homeowners Association; and the easement from 37th Street will also be maintained and owned by the Homeowners Association. A memorandum, dated November 6, 2017, from Steven Rames to City Council members was distributed at the City Council meeting and documented the following changes to the Final Planned Development from what was approved by the Planning Commission and Zwingman reviewed the following changes:

- Line 5: Modified from 31 to 34 Lots, added an exception for size to Lot 23 (Lake Access)
- Line 11: Changed “Lake Access” to Lot 23
- Line 14: Added the ownership exception for the access easement from 37<sup>th</sup> Street
- Line 15: Changed last sentence to add Lots 22, 23, 24, Block 1

Councilmember Jackson questioned whether the Final Planned Development states that access to the development will be from 37th Street and not from 25th Street.

Zwingman said “we have not entered anything in there that says specifically that we will not” (use 25th Street access). Zwingman said “our current intent is to come from 37th Street and that is where the easement comes from serving the property and that is what is stated in the Planned Development.”

Attorney Tim Brogan spoke on behalf of the developers and said this has been a long, drawn-out process and the “product is kind of a compilation of collaboration in the sense that all parties involved got a little something and didn’t get things. My clients didn’t really want a planned development and concerns from the city about them being able to lot split later and have more homes out there than not was protected by the planned development. Mr. Jackson, good question about 25th Street; to answer your question, I’m going to answer it this way, this Planned Development is for 80 acres. None of the 80 acres adjoins or abuts 25th Street. We have positively asserted on there that the only, no not only, access will be from 37th Street by way of the easement that is described. You asked if we can just change it any time that we want. That is a great question and I would say that the only way we can do that is if there is a change to the planned development we would have to come back; that is part of one of the concessions we made with the planned development with the City.”

Jackson said the planned development states it is for 161 acres.

Brogan said “I stand corrected.”

Jackson said there is a lot of industry in that area that have said “they aren’t in favor of this and I think we should stand with our industry.” Jackson said if the planned development doesn’t say they won’t use 25th Street than they possibly could.”

Brogan said the industry gets that protection by way of the planned development because “for us to make a change we would have to come back through a public process. We are marketing towards high-end homes with large acres and we have addressed that 25th Street concern.”

Brogan said, “we have been listening to our neighbors; we didn’t want to go a mile further west but we did. I think we have protections in place. I can understand Nucor saying we might come out 25th Street. I do want to say this much, I do have a concern in a sense that we didn’t get there because my clients have just as much right to that public street, that tax dollars paid for, as anybody but we are not going down that road because we are going to 37th Street.”

City Attorney Clint Schukei said a change in a Planned Development would have to come back to the City Council but “if you merely acquire the access to 25th Street, there is no need to change the Planned Development to go to 25th Street.”

Brogan said “that would be true a statement.”

Councilmember Jackson asked “if it would be possible for them to go to 25th Street” since there isn’t any wording in the Planned Development.

Brogan said “that is a good point” but it is “not our intention, not our desire, and the answer is we won’t do that. We have been asked by the Planning Commission” and Brogan responded “I don’t know what is going to happen in the future out there around that area and I’m not going to advise my client to restrict his access to 25th Street but our plan is to go out to 37th Street.”

Brogan questioned “what the City Council would request/require of developers for the property north of this development about access to 25th Street. It is a City street and everybody has access to it but that isn’t the intent.”

Councilman Jackson questioned whether the Majestic Lake Estates development will have paved streets and whether the development is using wells and septic systems,

Zwingman said the plan is not to have paved streets at this time and the development will be using wells and septic systems.

Jackson said some of the lots are in the flood zone and questioned how septic systems can be used.

Zwingman said NDEQ requires that a septic system and leach field be installed at or above the base flood elevation and there is also some separation; if constructed at the proper distance, then septics can be installed at a lower level. Zwingman said “everything out there will have to be designed and installed by a licensed installer and they would have to sign off on that construction prior so you can’t just go put your own in.”

Councilmember Jackson said it appears some of the lots include river land and, if the river changes, the lot size would change as well.

Zwingman said the lots extend out into the center-line of the river and if the lot size could change if the river floods.

Councilmember Jackson questioned what would need to be done then if the property size goes below the three acres required to have a septic tank.

Zwingman said “they still own the property and you can put a septic tank on a lot that is smaller than three acres, if done by Title 129, you just have to meet the minimum setback requirements.”

City Planner Val Grimes said that the City of Norfolk requires a minimum of three acres for a septic system which mirrors the general State of Nebraska requirement. The State of Nebraska would allow septic systems on smaller lots if setback, soil, etc. regulations are met.

Zwingman said if setback regulations can’t be met, then a septic system would not be able to be installed.

Councilmember Jackson questioned whether the developers are going to do anything to help stabilize the river bank.

Zwingman said, “no, we are not going to shore that up as part of this development.”

Luke Henderson, associate attorney for Mark Fitzgerald, spoke on behalf of Vulcraft/Nucor. Henderson pointed out a letter included in the agenda packet that was submitted to the Planning Commission. The letter outlines Vulcraft and Nucor’s position on this issue. Henderson said both Vulcraft and Nucor support this residential development. The only opposition is the use of 25th Street as the access point for the development. Henderson said Vulcraft and Nucor “concerns with the Planned Development proposed is the fact that the Planned Development does not contain any specific language regarding them not intending to use 25th Street. Brogan has said the intent is not to use 25th Street and “they don’t want to agree to that because of the future.” However, Henderson said “Vulcraft and Nucor request the City Council consider modifying the plan for the reason we feel that would provide adequate protection for Vulcraft, Nucor and the other adjacent property owners which would require any amendment to the Planned Development to go through the Planning Commission and City Council.” Henderson feels Section 27-238 of the Norfolk City Code could arguable exclude the City Council and the Planning Commission from considering any proposed amendment to the Planned Development. Henderson said “Brogan said we can’t predict the future but if the future changes there are potential remedies they can pursue in changing it but at this point in time, why don’t we protect the parties that are interested in this matter by making it clear, especially if it is their intent.”

Councilman Lange understood a change to the Planned Development requires City Council and/or Planning Commission approval and so a change in the access, which would be a change from what is proposed, would be a change in the Planned Development and then it would have to come back the elected officials for consideration. Lange questioned whether Henderson is saying that Section 27-238 of City Code does not require that.

Henderson said “it is our position that Section 27-238 of City Code actually could authorize the zoning official to approve any amendment to the Planned Development.” Henderson feels that issue could be eliminated by requiring additional language and any change in access would require the process go through the Planning Commission and the City Council because it would clearly be contrary to the intent of the Planned Development.

Councilmember Lange proposed a compromise and that any change in access to the development, as a condition to the Planned Development, would have to come before the Planning Commission and City Council. Lange feels “that compromise should be acceptable by both parties.”

Henderson agrees “that would resolve the risk for both parties going forward.” Henderson said Vulcraft and Nucor want an “opportunity to be heard and get notice if there is ever a proposed change requiring the access from 25th Street.”

Mayor Moenning said “that needs to be spelled out and may be built in that any change in access would have to come back before a public body.”

City Attorney Clint Schukei said Section 27-238 talks about amendments to a planned development overlay, and says, “after the application for a planned development has been approved including the specific final plan required under this article, the zoning official is authorized to approve amendments to the final plan provided that:

- (1) A request for amendment is filed with the city, together with all information pertinent to the proposes amendments;
- (2) Such amendment shall not violate any regulations set forth in this chapter;
- (3) Such amendment may provide for minor relocation or increases in total floor area, and storage space originally permitted;
- (4) There is no increase in the number of dwelling units;
- (5) No reduction is made to the applicable setback or yard requirements;
- (6) No public land is accepted;
- (7) Such amendment shall not be contrary to the general purpose and intent of this chapter;
- (8) Any amendment not in conformance with this section shall be submitted to the planning commission in the same manner as an original application for P-D overlay designation.

Schukei said Section 27-238 sets forth things the zoning official can change without the planned development coming back to the City Council. Schukei said the access to 37th Street is in place but if you merely add another access to 25th Street, the planned development doesn't need to change. The planned development only needs to change if elected officials want “to get rid of going to 37th Street.” Schukei said that elected officials can address Mr. Henderson's concern by stating “there shall be no access from the planned development to 25th Street.” If that is the case, then there is a violation of the planned development and it can be an ordinance violation which can be fined or the planned development can be modified.

Councilmember Lange feels the Planned Development should be changed to require that any change in access would require review by the City Council which “takes it away from the zoning official.”

Councilmember Clausen feels to access 25th Street could only happen if property is acquired, a road planned to access 25th Street and approval from the City Council which would bring “it all back before the council at that time with the way it is written today.”

Henderson said one of the concerns is that one of the developers owns the property for access.

Schukei said there must be access to a development. If additional access is created, neither the Planning Commission nor the City Council need to approve an additional access added to the development.

Clausen questioned Rames “if the property was already bought—you had an easement on the property—what would the process be to put a road to 25th Street and would that trigger coming back before the City Council?”

Rames said, “you can't just build a road.” Rames said there would still need to be some public process through the county to build a road.

Mayor Moenning said, “if that became the intent some day, the process in which it would happen would come before a public body, correct?”

Councilmember Lange said, “but not necessarily this public body and the City Council, in essence, loses control of the Planned Development.”

Henderson replied, “correct”.

Mayor Moenning said the City Council is exercising a lot of control right now by dictating what access is being planned. Moenning questioned whether there would be any “legal pitfalls for us” by denying access to a public road.

Henderson said, “not that I am aware of”. Henderson clarified that adding wording to the Planned Development to allow only access from 37th Street doesn’t prohibit the developers from coming back at a later date and requesting an additional access but requiring fair notice and fair opportunity to all the other property owners in the area.

Tim Brogan previously met with Attorney Mark Fitzgerald and Troy Brooks with Vulcraft and “they said gentlemen, you go to 37th Street and you’ll never hear another word from us. That wasn’t an immediate acceptance by my clients, they didn’t want to go to 37th Street.” Brogan said, “and now late in the process we get comments from Vulcraft that you did that but now we want one more thing. Everybody conceded on certain points and we are done. This is a good housing development and it is time to pass this thing.” Brogan said, “my clients have just as much right to 25th Street as anyone.” Brogan said the landowners “would be notified under a public process if that ever happened but they still have that right” to access 25th Street. “It is not Sara’s Lake Road, it is not just Vulcraft’s Road, it is public road paid for by tax dollars.”

Mike Chikos, Plant Manager at Nucor Cold Finish, wanted to make sure their position is clear. Vulcraft/Nucor are not opposing the development but there are concerns with 25th Street and the potential conflicts with incompatible use down the road because of residential and industrial use. If Vulcraft wants to expand, or another industry wants to move in, and 25th Street is used as an access to that residential area, there could be opposition and conflict of industrial use of that road with residential use of that road. Chikos agreed “this could be resolved if that language was put into the Planned Development that 25th Street would not be used as access.”

On October 3, 2017, the Norfolk Planning Commission held a public hearing regarding the Final Planned Development. 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 Final Planned Development and the Mayor declared the hearings closed.

Ordinance No. 5507  
(Gerhold Final Planned Development)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5507 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, AND 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.

Mayor Moenning requested Interim City Engineer Steve Rames review changes made to the Final Planned Development since Planning Commission approval.

Changes to the Planned Development:

1. Title Change: The title of the Final Planned Development was changed to mirror the section break down used in the current Legal Description and removed the words “in the Planned Development”.
2. Three additional Lots were created, one each for Majestic Drive, the Lake Access, and the Lake and those Lots were added to the Lot Table. These lots will eventually be transferred to the Home Owners Association.
3. The following line items in the Planned Development were added or modified to accommodate the addition of the three Lots above.

Line 5: Modified from 31 to 34 Lots, added an exception for size to Lot 23 (Lake Access)

Line 11: Changed “Lake Access” to Lot 23

Line 14: Added the ownership exception for the access easement from 37<sup>th</sup> Street

Line 15: Changed last sentence to add Lots 22, 23, 24, Block 1

4. A signature block was added for Consent of Consent of Lienholder (Farm Credit Services of America)

Mayor Moenning said the changes would need to be approved by an amendment to the Final Planned Development.

Councilmember Merrill moved, seconded by Councilman Fauss to amend the Final Planned Development with the changes outlined above by Steve Rames.

Councilman Lange questioned whether the amendments are basically clarification on ownership.

Rames said “correct” and the majority of changes had to do with adding lots 22, 23 and 24 to allow simpler transfer of lots to a homeowners association.

Roll call on amending the Final Planned Development with the changes outlined above by Steve Rames: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion to approve the amendment to the Final Planned Development carries.

Councilmember Lange said, “the thing that is most troubling to me about this whole thing is that I was pretty much given the assurance that if access was going to be granted to 25th Street at some point in time that it would back before this body and, I believe from these conversations, they could actually get access to this via the access from the east, coincidentally owned by one of the owners, and pave it on out as a private drive and we, as the governing body, would not see it. The governing body that would see it would take it out of our hand and that would be the county. That doesn’t create a great comfort level to what I was led to believe. That is disconcerting. Yes, this is a public street but not near at this density.”

Mayor questioned, “any change in access would come before the City’s zoning official but not to the City Council and that doesn’t give you any comfort?”

Councilmember Lange said “paving a private drive on the property to the east is not something that comes to the zoning official because the City doesn’t issue permits for paving and there is nothing stopping them from paving a portion through that property and using as access to 25th Street.”

Councilmember Jackson said elected officials need to consider Nucor and Vulcraft and other industries “so I think it is a pretty small thing to say no access to 25th Street to protect that area for industries, which help pay taxes for the streets, and is a good faith to the industries.” Jackson feels if the developers want to consider another access in the future, the City Council should be the governing body to review any request. Jackson said, “it shouldn’t be that big of a deal to make sure they don’t go to 25th Street.”

Councilmember Clausen questioned whether the developers would need to come back before the City Council if they want to change access to 25th Street instead of 37th Street?

City Planner Val Grimes said the Planned Development says access will be from 37th Street but it doesn’t say “only” 37th Street so “if you add in that one word” it would take care of the concerns.

Councilmember Lange doesn’t know “if that was ever broached with the developers or Mr. Gerhold or not but the addition of “only 37th Street” would bring it back before this body.”

Mayor Moenning proposed language of “or any change to stated access under the current agreement would come before a public body.”

Lange proposes adding “only” or “any change in the access” to the Planned Development.

City Attorney Clint Schukei said any further changes to the Planned Development would need to be approved by a motion.

Mayor Moenning said it appears the proposed options are to, (1) adding “only” access to 37th Street; or (2) “preparing framework in which the stated access, as it is now, if it should change must come back before this public body.”

Councilmember Lange moved to amend the Item #18 of the Conditions of the Planned Development by adding the word “only” to read as follows: “Access to the addition will be “only” from 37th Street as shown on the plan”, seconded by Councilmember Merrill.

Attorney Brogan said his clients do not want that change made to the Final Planned Development.

Councilmember Merrill said “this body has been asked to do a lot of heavy lifting on this project and it doesn’t make sense to me that, in the future, all of the decisions that we are doing here could be turned upside down by the county, without deliberation by this body. So if we can find a way to put language in there that any change in access other than 37th Street would come back through the Planning Commission and this body. That is only prudent.”

Councilmember Jackson feels it “speaks volumes” when the developers don’t want to “put that language in there.”

Councilmember Clausen said, “what I’m getting from this is that they have moved a lot on this development and they are getting frustrated.”

Councilmember Jackson “is frustrated” as well because “you want to ignore big business in town.”

Roll call: Ayes: Councilmembers Lange, Merrill, Jackson and Fauss. Nays: Granquist, Clausen, Murren and Pfeil. Absent: None. The motion was a tie vote and therefore Mayor Moenning cast a “no” vote. Motion failed.

Mayor Moenning said “there is still another option to consider and that is that any access changes from what is stated on the Planned Development would have to come back to the City Council.” Moenning feels that addresses any concerns that were stated and is not as restrictive as the first option.

Councilmember Lange moved to require any change in access, as stated in the Planned Development, must come back before the City Council through a public process, seconded by Councilmember Merrill.

Attorney Brogan reiterated his clients “hold to their commitment to go to 37th Street” and do not support this amendment.

Councilmember Lange questioned “with that being said, if the amendment passes are they going to withdraw then?”

Attorney Brogan said “most likely because it different than what they presented.”

City Planner Val Grimes stated the proposed zoning change does not conform to the Comprehensive Plan and, because there was a protest that meets the 20% requirement, the ordinance would only pass with a 3/4 (6) votes of elected officials.

City Attorney Clint Schukei read Section 27-238, in part, and clarified that any amendment that is not in conformance or authorized by this section shall be submitted to the Planning Commission in the same manner as the Planned Development Overlay designation and then it goes to the City Council.

Mayor Moenning feels “the intent” is to come back through the public process including Planning Commission and City Council.

City Clerk Beth Deck read the motion: “Any change in access as stated in the Final Planned Development must come back through the public process (Planning Commission and City Council) for review and approval.”

Roll call on the motion that any change in access as stated in the Planned Development must come back through the public process (Planning Commission and City Council) for review and approval: Ayes: Councilmembers Lange, Merrill, Murren, Jackson, Fauss and Pfeil. Nays: Granquist and Clausen. Absent: None. Motion carried.

Mayor Moenning requested consideration of Ordinance No. 5507 approving the Final Planned Development for Majestic Lake Estates with the changes as previously outlined by Steve Rames and with the amendment just approved, as follows:

1. Title Change: The title of the Final Planned Development was changed to mirror the section break down used in the current Legal Description and removed the words “in the Planned Development”.
2. Three additional Lots were created, one each for Majestic Drive, the Lake Access, and the Lake and those Lots were added to the Lot Table. These lots will eventually be transferred to the Home Owners Association.
3. The following line items in the Planned Development were added or modified to accommodate the addition of the three Lots above.

Line 5: Modified from 31 to 34 Lots, added an exception for size to Lot 23 (Lake Access)

Line 11: Changed “Lake Access” to Lot 23

Line 14: Added the ownership exception for the access easement from 37<sup>th</sup> Street

Line 15: Changed last sentence to add Lots 22, 23, 24, Block 1

4. A signature block was added for Consent of Consent of Lienholder (Farm Credit Services of America)
5. Any change in access as stated in the Planned Development must come back through the public process (Planning Commission and City Council) for review and approval.

Roll call on Ordinance No. 5507, as amended: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Fauss and Pfeil. Nays: Jackson. Absent: None. Motion carried. Ordinance No. 5507, as amended, passed on first reading.

Public Hearing  
(Gerhold Hard Surfacing Waiver)

A public hearing was held to consider a hard surfacing waiver on property generally located ½ mile south from the intersection of Omaha Avenue and South 25th Street. City Planner Valerie Grimes provided information to the Mayor and City Council. The waiver is for the access, which is a private easement, and the loop that goes around the development. The developers are requesting a twenty (20) year waiver.

Zwingman said the waiver is requested at this time; however, “after 20 years, the developers either would have to hard surface or apply for another waiver and, in the interim, if the property owners want hard surfacing, they can do that.”

Attorney Brogan spoke in favor of the hard surfacing waiver.

On October 3, 2017 the Norfolk Planning Commission held a public hearing on the hard surfacing waiver request. 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.

Resolution No. 2017-77  
(Gerhold hard surfacing waiver)

Councilmember Merrill moved, seconded by Councilmember Granquist, to adopt Resolution No. 2017-77 approving the hard surfacing waiver for Gerhold, Inc. on property generally located 1/2 mile south from the intersection of Omaha Avenue and South 25th Street.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Fauss and Pfeil. Nays: Jackson. Absent: None. Motion carried. Resolution No. 2017-77 was adopted.

Ordinance No. 5447  
(Gerhold, Inc. zone change)

Councilmember Lange moved, seconded by Councilmember Fauss, to remove Ordinance No. 5447 from the table. Ordinance No. 5447 passed on first reading at the May 1, 2017 City Council meeting; tabled at the May 15, 2017 meeting; and tabled again at the September 18, 2017 City Council meeting.

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

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5447 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 second reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5447 passed on second reading only.

Resolution No. 2017-78  
(Gerhold, Inc. sidewalk waiver)

Councilmember Merrill moved, seconded by Councilmember Murren, to adopt Resolution No. 2017-78 approving a sidewalk waiver for Gerhold, Inc. on property generally located 1/2 mile south from the intersection of Omaha Avenue and South 25th Street.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2017-78 was adopted.

Resolution No. 2017-79  
(Gerhold, Inc. Majestic Lake Estates)

Councilmember Granquist moved, seconded by Councilmember Fauss, to adopt Resolution No. 2017-79 approving the final plat, subdivision agreement, and post-construction storm water management plan maintenance agreement and easement for Majestic Lake Estates.

City Planner Val Grimes suggested Resolution No. 2017-79 be tabled since there were changes made to the Final Planned Development.

Attorney Tom Brogan said his clients agree to table consideration of Resolution No. 2017-79.

Councilmember Lange moved, seconded by Councilmember Fauss to table consideration of Resolution No. 2017-79.

Roll call to table Resolution 2017-79: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2017-79 was tabled.

Public Hearing  
(Ballantyne Buildings Redevelopment Plan)

A public hearing was held to consider the Ballantyne Buildings Redevelopment Plan. City Administrator Andy Colvin provided information to the Mayor and City Council.

The Redevelopment Plan is for the buildings at 405, 407, 409 and 411 West Norfolk Avenue. The Plan is to rehabilitate the structures for mixed uses, including commercial, residential, retail and office; 405 and 407 West Norfolk Avenue contains three floors and 409 and 411 West Norfolk Avenue contains two floors. The first floor of each building would be converted to commercial office space with four commercial bays created for small business and/or retail space. The second and third floors of 405 and 407 West Norfolk Avenue would be revamped for commercial space. The second floor of 409 and 411 West Norfolk Avenue would be converted to two residential apartments. The properties were declared blighted and substandard by the Norfolk City Council on October 4, 2010 and the developers plan to use \$143,290 of tax increment financing for the project.

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

Resolution No. 2017-80  
(Ballantyne Buildings Redevelopment Plan)

Councilmember Lange moved, seconded by Councilmember Murren, to adopt Resolution No. 2017-80 approving the Ballantyne Buildings Redevelopment Plan.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2017-80 was adopted.

**Regular Agenda Items**

Elkhorn Paving Construction contract  
(Victory Road Trail 2017-1 project)

Councilmember Granquist moved, seconded by Councilmember Lange, to approve award of a contract to Elkhorn Paving Construction from Norfolk, NE for the Victory Road Trail 2017-1

project for an amount of \$416,729.34 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Three sealed bids were received at the October 31, 2017 bid letting. The other bidders included A & R Construction from Plainview, NE for \$450,117.52 and TR Harris Construction from Homer, NE for \$481,855.30. Interim City Engineer Steve Rames stated the project includes a box culvert and concrete ditch lining.

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

City Engineer appointment  
(Steve D. Rames)

Councilmember Merrill moved, seconded by Councilmember Fauss, to approve the Mayor's appointment of Steven D. Rames as City Engineer.

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

Resolution No. 2017-81  
(Street Superintendent)

Councilmember Lange moved, seconded by Councilmember Jackson, to adopt Resolution No. 2017-81 directing Public Works Director of the City of Norfolk Steven D. Rames to perform the duties of Street Superintendent for the City of Norfolk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2017-81 was adopted.

Ordinance No. 5508  
(General Obligation BANS)

Councilmember Lange introduced, seconded by Councilmember Pfeil, Ordinance No. 5508 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, AMENDING ORDINANCE NO. 5495 RELATING TO THE ISSUANCE OF THE GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2017 OF THE CITY OF NORFOLK, NEBRASKA, TO PROVIDE FOR AN UPDATED MAXIMUM INTEREST RATE OF THE NOTES AND TO UPDATE THE PARAMETERS OF SUCH NOTES; AND PROVIDING FOR PUBLICATION OF THE 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.

Finance Officer Randy Gates stated Ordinance No. 5495 was adopted on September 18, 2017 authorizing issuance of General Obligation Bond Anticipation Notes in an amount not to exceed \$1,950,000 with an interest rate not to exceed 1.50%. On September 28, the City solicited bids from local banks for \$1,920,000 of Bond Anticipation Notes. Two bids were received, both with an interest rate of 1.68%. The City awarded the bid to Elkhorn Valley Bank as they had less stipulations than the other bank. If the City had Ameritas underwrite the note issue, it most likely would have obtained an interest rate less than 1.50% but the City would have had to pay issuance costs. The bids received from the banks were lower than what would have been

received through Ameritas when taking into account issuance costs. This ordinance increases the allowable maximum interest rate to 1.70% so the City can fulfill its contractual obligations and issue the Bond Anticipation Notes.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5508 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, Murren, Jackson, 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 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. 5508 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5508 as required by law.

Ordinance No. 5509

(restricted parking, North 11th St & Georgia Avenue)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5509 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO PROHIBIT PARKING ON THE EAST SIDE OF 11<sup>TH</sup> STREET FROM 144 FEET NORTH OF GEORGIA AVENUE TO 192 FEET NORTH OF GEORGIA 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.

Police Chief Bill Mizner stated this was requested by St. Paul's Lutheran Church because of safety concerns for children when using the crosswalk, which is located mid-block, even with crossing guards.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5509 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, Murren, Jackson, 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 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. 5509 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Clausen, Murren, Jackson, 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. 5509 as required by law.

2017 Snow and Ice Plan

Operations Manager Jim Dooley reviewed the 2017 Snow and Ice Plan with elected officials.

There being no further business, the Mayor declared the meeting adjourned at 9:04 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, November 6, 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 )