

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 2nd day of October, 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, Shane Clausen, Thad Murren, and Dick Pfeil. Absent: Rob Merrill, Gary L Jackson and Thad Murren.

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, Police Captain Don Miller, Water & Sewer Director Dennis Watts, Communications Manager Liz Wallace, Library Director Jessica Chamberlain and Human Resources Director Sheila Schukei.

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 Lange moved, seconded by Councilmember Granquist to delete Item No. 14, School District No. 2 agreement for use of baseball fields, and Item No. 15, School District No. 2 agreement for use of soccer facility, from the agenda and to approve the consent agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Murren and Pfeil. Nays: None. Absent: Merrill, Jackson and Fauss. Motion carried.

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

Consent Agenda Items Approved

Minutes of the September 18, 2017, City Council meeting

September sales tax report (July sales)

Accept the proposal for an RFID system for the Library submitted by Bibliotecha for \$57,845

Mayor's appointments to the Tree Advisory Board of Joe Schreve and Scott Goodman for terms expiring September 2019; the appointment of Shane Hoadley for a term expiring September 2018; and Teresa Roche for a term expiring September 2020; and the reappointment of Dr. G. Tom Surber for a term expiring September 2020

Olsson Associates engineering services contract for the South Water Main Loop project for an amount of \$130,267

Resolution No. 2017-72 with BankFirst authorizing the City Clerk and Finance Officer to exercise all powers listed in the resolution with respect to BankFirst being designated as a depository for funds of the City of Norfolk and providing other financial accommodations as required

Elkhorn Paving Company of Norfolk, Nebraska contract for the Embrace Park Project 2017 for an amount of \$331,557.70; only one bid was received at the September 21, 2017 bid letting

Letter of no recommendation to the Nebraska Liquor Control Commission on the Class I (beer, wine, distilled spirits, on sale only) liquor license application for Klubhaus Modern Gaming, LLC, dba Klubhaus Modern Gaming, 320 West Norfolk Avenue, and the manager application of April L. Thompson

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, for a wine and cordial tasting event at Magnolia's, 423 West Norfolk Avenue, on November 5, 2017, from 1:00 p.m. to 6:00 p.m.

Special Designated Liquor License for Fine Wine, LLC, dba Jim's Fine Wine & More, 2001 Market Lane, for a wine, spirt, and beer tasting event at Mid-City Superstore, 1900 Center Drive, on November 16, 2017, from 5:00 p.m. to 9:00 p.m.

Olsson Associates, Inc. agreement for professional services to produce a Corporate Limit Expansion Study and Annexation Plan for the City of Norfolk

Tina M. Kassmeier (doing business as Kelly's Fast Pitch Softball) agreement to use the softball fields in Ta-Ha-Zouka Park and Liberty Bell Park to for a softball tournament from Friday, May 18, 2018, through Sunday, May 20, 2018

Downtown Norfolk Association, Inc., (a Nebraska Nonprofit Corporation) agreement to decorate the City's tree located in the green space along the east side of the 100 block of North 7th Street; and allow closure of the City-owned parking lot and parking stalls to host a Christmas Festival on Tuesday, November 21, 2017, including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, and having small campfires in self-contained steel fire pits

SCM 10X Norfolk 1130, Lightfoot Land Company, Utility Easement Agreement for the construction of a public sanitary sewer line on Lots 1 and 2, O.L. Scheer Second Addition, Norfolk, Madison County, Nebraska

SCM 10X Norfolk 1130 Release of Utility Easement agreement for the release of the 10 foot utility easement located on Lot 1, O.L. Scheer Second Addition to the City of Norfolk, Madison County, Nebraska

Bills in the amount of \$2,669,426.12

Special Presentations

Presentation by Dr. G. Tom Surber of the 2017 Green Leaf Business Award to McDonalds Restaurant located at 1205 Riverside Blvd., and the 2017 Green Leaf Residential Award to Dennis Collins at 407 N. 10th Street, as selected by the City of Norfolk Tree Advisory Board.

Public Hearings and Related Items

Public Hearing (Hard Surfacing Waiver)

A public hearing was held to consider a hard surfacing waiver for property at 1801 East Sherwood Road at the request of Charles Boerngen. City Planner Valerie Grimes provided information to the Mayor and City Council. The property is located approximately 1 to 1 1/4 miles east of 1st Street. The applicant plans to construct a new accessory building and expand the existing house. Grimes said Madison County Engineer Dick Johnson considers Sherwood Road hard surfaced which would then necessitate that the applicant comply with City of Norfolk hard surfacing requirements. Current City Code requires paving of the complete ingress and egress drive. The Planning Commission recommends a modification of the hard surfacing requirements by reducing the area to a minimum of 75 feet long by 10 feet side to the edge of the existing hard surfacing of Sherwood Road, unless the code section requiring hard surfacing is amended to require a length other than 75 feet and then the amended code shall be followed.

Chuck Boerngen, 1801 East Sherwood Road, spoke during the hearing and expressed concerns with the current city code regulating hard surfacing requirements. Boerngen will "accept the waiver" but said it doesn't accomplish anything since Sherwood Road "is still a graveled road." Boerngen said their project will need to "be less because of the requirement."

Councilmember Clausen questioned whether the county has any hard surfacing requirements. Clausen feels the City ordinance needs to be revisited and a subcommittee of elected officials should meet within the next month to discuss/make proposed changes to the hard surfacing requirements. Clausen feels hard surfacing requirements should be different for residential and commercial properties.

Boerngen wants to start construction as soon as possible and doesn't want to be held up by not receiving a building permit. Boerngen understands Madison County does not have any hard surfacing requirements.

City Planner Val Grimes said the 75 foot waiver approved by the Planning Commission is better than having to pave the entire ingress/egress drive. Grimes agreed, however, that the current ordinance should be reviewed.

Councilmember Clausen feels elected officials “are jumping the gun” in making a decision because elected officials “need to finish updating city code.”

On September 19, 2017, the Norfolk Planning Commission held a public hearing regarding the Boerngen hard surfacing waiver at 1801 East Sherwood Road. The City Clerk read the Planning Commission’s recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the Boerngen hard surfacing waiver at 1801 East Sherwood Road and the Mayor declared the hearing closed.

Resolution No. 2017-73
(hard surfacing waiver)

Councilmember Granquist moved, seconded by Councilmember Lange, to adopt Resolution No. 2017-73 approving a hard surfacing waiver for Charles Boerngen at 1801 East Sherwood Road.

Mayor Moenning questioned whether any revisions to City Code would make a difference with the hard surfacing requirement or “whether we would end up in the same place.”

City Planner Val Grimes said hard surfacing waivers are much like sidewalk waivers; the hard surfacing waiver requirement kicks in with construction of the new accessory building and expansion of the existing house. There may not be another opportunity for many years that would require the hard surfacing but the City may expand beyond the property at some point in the future. Grimes said the paving generally is done at the end of a project and, if City Code is updated, then any new requirement would be what Boerngen needs to comply with unless this resolution is adopted. Grimes said the Permits & Codes Division will issue a building permit but if no waiver is approved then the entire ingress/egress area will need to be hard surfaced.

Councilmember Lange is in favor of the resolution.

Councilmember Clausen feels the resolution should be tabled and a subcommittee of elected officials meet first to review City Code on hard surfacing requirements.

Councilmember Granquist said a 75 foot waiver is better than requiring the entire area to be hard surfaced.

Roll call on Resolution No. 2017-73: Ayes: Councilmembers Granquist, Lange, Clausen, Murren and Pfeil. Nays: None. Absent: Merrill, Jackson and Fauss. Motion carried. Resolution No. 2017-73 was adopted.

Regular Agenda Items

Ordinance No. 5493
(annexation, Walters’ East Knolls 12th Addition)

Councilmember Lange introduced, seconded by Councilmember Pfeil, Ordinance No. 5493 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER

OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., 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 third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Clausen, Murren and Pfeil. Nays: None. Absent: Merrill, Jackson and Fauss. Motion carried. Ordinance No. 5493 passed on third reading.

There being no further business, the Mayor declared the meeting adjourned at 5:57 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, October 2, 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

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