

**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 July, 2018, 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, Jarad Dahlkoetter, Thad Murren, Gary L. Jackson, Dave Fauss, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Clerk Beth Deck, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Water & Sewer Director Dennis Watts, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, City Attorney Danielle Myers-Noelle, Assistant City Engineer Mike Middendorf, Wastewater Plant Superintendent Todd Boling, and Police Chief Bill Mizner.

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

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

**Consent Agenda Items Approved**

Minutes of the June 18, 2018, City Council meeting

June sales tax report (April sales)

Telecommunications summary for FY 2016-2017

Resolution 2018-31 approving the final plat and subdivision agreement of Green Meadow 6th Addition

Advertise for proposals for a Simulcast P25 Radio Communications System that will support critical communications for the City’s public safety and public works departments

CalmWater Financial Group request for a two-day exemption of Section 14-242 of the City Code related to the discharge of a firearm on Friday, July 27 and Saturday, July 28, 2018

Robert V. Steffensmeier and Kathleen M. Steffensmeier temporary and permanent easements for property along the Raasch Dam Interceptor Sewer project for \$1,400.00

Resolution 2018-32 approving the final plat and subdivision agreement of Eldorado Place Subdivision

Resolution 2018-33 approving the final plat and subdivision agreement of Duane Theil Subdivision

Steve L. Beller and Tina L. Beller temporary easement for property along the Raasch Dam Interceptor Sewer project for \$800.00

Elkhorn Paving Construction Co., Change Order No. 2 for the Embrace Park project resulting in a net increase of \$5,272.30

Special Designated Liquor License for Kiwanis Emerging Leaders to serve beer and wine on Friday, July 20, 2018, from 4:00 p.m. to 11:30 p.m. on the parking lot located at the corner of 3rd Street and Norfolk Avenue for a music festival

Bills in the amount of \$1,756,349.00

**Regular Agenda Item**

Resolution No. 2018-34  
(City Attorney Appointment)

The Mayor requested consideration of Resolution No. 2018-34 approving the appointment of Danielle Myers-Noelle as City Attorney.

Councilmember Fauss moved, seconded by Councilmember Dahlkoetter to adopt Resolution No. 2018-34 approving the Mayor’s appointment of Danielle Myers-Noelle as City Attorney.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2018-34 was adopted.

**Public Hearings and Related Items**

Public Hearing  
(South Victory Road and East Omaha Avenue)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) on property generally located 1/4 mile north of the intersection of South Victory Road (Highway 35) and East Omaha Avenue at the

request of Daniel and Connie Geary. City Planner Valerie Grimes provided information to the Mayor and City Council. The property requested to be rezoned has already been annexed.

Citizens speaking in opposition to the rezoning were:

Tom Hoile, 720 Werner Dr  
 Shawn Langemeier, 802 Channel Rd  
 Tracy Ruitenberg, 703 S Victory Rd  
 Robert & Shirley Kelberlau, 1103 E Grove Ave  
 Leroy Uttecht, 810 Werner Dr  
 Donna Hilke mann, 820 Werner Dr  
 Lesvia Gomez, 704 Channel Rd

Marty Pflueger, 1100 E Bluff Ave  
 Cindy Vatanasombat, 900 Werner Dr  
 Randi Hale, 700 Channel Rd  
 Gary Wisnieski, 808 Werner Dr  
 James White, 1101 E Bluff Ave  
 Matt Werner, 816 S Victory Rd

Items of concerns voiced by citizens were:

- DP Management/Dial Properties, which owns the Sunset Plaza, wants to develop the property into apartments and the buildings will deteriorate like their other properties;
- Increased traffic;
- Water and sewer costs to property owners are too expensive—estimated at \$12,500 for water and \$12,500 for sewer; need more detailed information before moving forward;
- Decrease in property values;
- How many empty buildings in Norfolk already;
- Who can afford \$1,300/month in rent for the apartments;
- Developer will receive a lot of revenue from apartments and should contribute to the water & sewer improvements;
- Property owners have private wells/septic systems and don't want to connect to city utilities;
- Lift station won't be able to handle increased load;
- What will water and sewer rates be if connected to city utilities;
- Residents don't want the development; why can't it be located by Amberwood Apartments;
- Norfolk doesn't need more apartments;
- Not enough land for the development;
- Financial hardship to property owners;
- DP Management is using HUD financing and Tax Increment Financing (TIF) but property owners aren't getting tax breaks;
- Keep property as R-1 and develop single family housing;
- Small triangle of properties to the north of the Geary property is outside the city limits but residents were told they need to connect to city utilities;
- NPPD power lines running through property;
- Drainage.

Randy Hale requested the City Council table consideration of this item until residents get their concerns addressed and their questions answered.

Councilmember Lange said most of the residents have been inside the city limits for over 30 years and should have connected to utilities long ago. City Code requires connection to water and sewer for property inside the city limits.

Public Works Director Steve Rames said properties located within 300 feet of city utilities are to connect; however, Rames "is open to not necessarily having them connect" (those located

outside the city limits) at this time. However, "it won't be long" before the area is "surrounded by city limits." Rames said the lift station can handle additional flow and long term plans are to upgrade that lift station. Rames said the City is paying for 1/3 the cost of the utility extensions and "the developer is paying its full share." Rames said the City won't move forward with "hard engineering" costs until the zoning is changed because of the expense. City staff have met with "most of the property owners" to discuss the project and provide cost estimates. Rames said the residents should have connected to the City's water and sewer systems when the properties were annexed years ago.

Josh Vickery, DP Management, Omaha, said the apartment complex is under different ownership than the mall even though DP Management owns Dial Properties. Vickery said the City wants to extend the utilities to the development but "we could do it without help from the residents." Vickery said a "rent study was completed that showed \$1,300/month for the units was feasible and it would not be done if it didn't work." Vickery said a full traffic study will be completed before moving forward with the project. The development will include green space, a walking trail, clubhouse and pool. Vickery said electrical lines for the development will be outside the NPPD easement.

Councilmember Lange said R-3 (Multi-Family Residential) zoning is best if located near major traffic areas, such as this location.

Water & Sewer Director Dennis Watts doesn't foresee any issues with additional flow to the lift station.

Finance Officer Randy Gates explained the special assessments can be spread out over 10-20 years. The incremental taxes will pay debt service on the bonds which pay for infrastructure costs for the development.

Dan Geary never intended to have neighbors subsidize the proposed apartment development.

On June 19, 2018, the Norfolk Planning Commission held a public hearing regarding the Geary zone change. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5555

(Geary zone change, South Victory Road & East Omaha Avenue)

Councilmember Merrill introduced, seconded by Councilmember Lange, Ordinance No. 5555 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, Murren, Jackson, Fauss and Pfeil. Nays: Dahlkoetter. Absent: None. Motion carried. Ordinance No. 5555 passed on first reading only.

**Regular Agenda Items****Ordinance No. 5554**

(Annexation, southwest quadrant of Highway 275 and 25th Street)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5554 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A TRACT OF LAND LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 29, 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 second reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5554 passed on second reading only.

**Ordinance No. 5556**

(Georgia Avenue parking restrictions)

Councilmember Merrill introduced, seconded by Councilmember Dahlkoetter, Ordinance No. 5556 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO EXTEND THE NO PARKING AREA ON THE NORTH SIDE OF GEORGIA AVENUE FROM 170 FEET EAST OF THE CENTER LINE OF NORTH 7TH STREET, WEST TO THE CENTER LINE OF NORTH 8TH STREET; 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, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5556 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, 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.

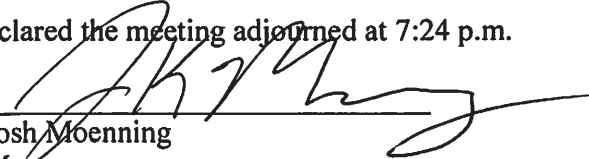
Thereafter Councilmember Fauss moved, seconded by Councilmember Murren, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5556 be passed and adopted?"

Roll call: 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. 5556 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 7:24 p.m.

  
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Josh Moenning  
Mayor

ATTEST:



City Clerk  
CITY OF NORFOLK  
SEAL  
(E.A.L)  
INCORPORATED

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, July 2, 2018 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  
CITY OF NORFOLK  
SEAL  
(E.A.L)  
INCORPORATED  
SEPT. 12, 1881  
NEBRASKA