

## **CITY OF NORFOLK, NEBRASKA**

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 5th day of November, 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, Dave Fauss and Dick Pfeil. Absent: Thad Murren and Gary L. Jackson.

Staff members present were: City Administrator Andy Colvin, City Clerk Beth Deck, Finance Officer Randy Gates, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, Police Chief Bill Mizner, Water & Sewer Director Dennis Watts, Solid Waste Supervisor Rob Mercer, Operations Manager Jim Dooley, Assistant City Engineer Mike Middendorf, Human Resources Director Sheila Schukei and Communications Director Liz Wallace.

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

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

### **Consent Agenda Items Approved**

Minutes of the October 15, 2018, City Council meeting

October sales tax report (August sales)

Keno report for September 2018

Resolution No. 2018-60 declaring the City's intent under Internal Revenue Code Regulations to incur indebtedness which includes reimbursement of expenditures for a sanitary sewer main and a sanitary sewer interceptor

Innate Development, LLC, permanent utility easement agreement for Outlot 1, Legacy Bend First Addition, in the City of Norfolk, Madison County, Nebraska

Innate Development LLC, permanent utility easement agreement for Outlot 2, Legacy Bend First Addition, in the City of Norfolk, Madison County, Nebraska

Special Designated Liquor License for Jerry's Hilltop LLC to serve beer at the Norfolk Arts Center, 305 N 5th Street, on January 4, 2019 from 7:00 p.m. to 10:00 p.m. for an open mic evening

John J. Kleinschmit and Darcy R. Kleinschmit temporary and permanent easements for property along the Raasch Dam Interceptor Sewer project for \$16,589.00

Mayor's appointment of Pam Bergstrom to the Tree Advisory Board completing the term of Joe Shreve which expires September 2019

Ratify approval of the JEO Consulting Group, Inc. engineering contract for the Norfolk Levee Emergency Preparedness Plan (EPP) project for an amount of \$28,000.00

Fountain Point Development L.L.C. permanent utility easement agreement for Lot 4, Fountain Point Addition, in the City of Norfolk, Madison County, Nebraska

Norfolk Medical Real Estate, L.L.C. permanent utility easement agreement for Lot 1, Fountain Point Addition, in the City of Norfolk, Madison County, Nebraska

Elkhorn Valley Ethanol Sewer Easement Agreement for property along the Northeast Industrial Sanitary Sewer Extension Phase II project for \$8,640.00

Richard L. McCoy and Jodie A. Clausen, n/k/a Jodie McCoy, temporary and permanent easements for property along the Raasch Dam Interceptor Sewer project for \$1,900.00

Julie M. Thompson temporary and permanent easements for property along the Raasch Dam Interceptor Sewer project for \$1,560.00

Champion Coatings, Inc. final payment and Change Order No. 1 for the holding tank coating project at the Water Pollution Control Plant resulting in a decrease of \$12,315.00

Northeast Nebraska Economic Development District agreement to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard

Special Designated Liquor License for Jim's Fine Wine & More to serve wine and distilled spirits at Earl May Nursery, 1910 Center Dr, Norfolk, NE on Tuesday, November 27, 2018 from 4:00 p.m. to 9:00 p.m. for a wine tasting event

Special Designated Liquor License for Jim's Fine Wine & More to serve wine and distilled spirits at Mid-City Superstore, 1900 Center Dr, Norfolk, NE on Thursday, December 6, 2018 from 5:00 p.m. to 9:00 p.m. for a sampling event

Northern Truck Equipment Corp, Sioux Falls, SD, bid of \$70,995.00 to purchase a new live floor transfer trailer for the Transfer Station

ASPM Landscaping & Snow Removal agreement to provide Vehicle Parking District Snow Removal, approved by the Vehicle Parking District Board at the October 17, 2018 meeting

Bills in the amount of \$3,164,906.65

### **Special Presentations**

The Mayor proclaimed November 2018 as "Read Aloud to A Child Month".

Presentation of the 2018 Green Leaf Business Award to Immaculata Monastery located at 300 N 18th Street, and the 2018 Green Leaf Residential Award to Ron and Carol Krutsinger at 715 N 25th Street, as selected by the City of Norfolk Tree Advisory Board.

Recognition of the 2018 Norfolk 101: Citizens Academy

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

#### Ordinance No. 5572

(Annex Property)

(Vehicle Off-Street Parking District No. 1)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5572 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO PROVIDE FOR THE ANNEXATION OF ADDITIONAL PROPERTY TO THE VEHICLE OFF-STREET PARKING DISTRICT NO. 1 OF THE CITY OF NORFOLK WHICH BOUNDARIES WERE CREATED IN ORDINANCE NO. 2365 AND EXPANDED AS DESCRIBED IN ORDINANCE NO. 3279 AND ORDINANCE NO. 4894, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT 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, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5572 passed on third reading.

#### Public Hearing

(Amberwood Subdivision Planned Development)

A public hearing was held to consider an amendment to the Amberwood Subdivision Planned Development on property generally located 1/2 mile south from the intersection of East Norfolk

Avenue and South Victory Road at the request of Timm Amberwood One, LLC, Timm Amberwood Two, LLC, Milan Timm, and Dana Point Development Corp. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes explained only 8 out of the planned 20 apartment buildings were constructed in the Amberwood Subdivision. Dana Point Development Corp. purchased the property and does not want the Planned Development Overlay. This amendment will strip off the portion of the Overlay District that was purchased by Dana Point Development.

Paul Brumgardt, Brumgardt Engineering from Kearney, Nebraska, spoke on behalf of Dana Point Development in favor of the Planned Development Overlay amendment. Dana Point purchased the approximately 21 acres south of the Amberwood Apartment complex and plans to construct 23 duplexes in Phase I of the project; Phase II will include 23-24 single family slab on grade housing units to serve low-to-moderate income persons. The storm water drainage cell to the east of the property will be retained and the developers plan to extend the bike trail to the southwest corner of the development during Phase II of the project.

On October 16, 2018, the Norfolk Planning Commission held a public hearing regarding the amendment for the Amberwood Subdivision 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 amendment to the Amberwood Subdivision Planned Development and the Mayor declared the hearing closed.

Ordinance No. 5573  
(Amberwood Subdivision Planned Development)

Councilmember Lange introduced, seconded by Councilmember Granquist, Ordinance No. 5573 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, BY ABANDONING A PORTION OF A PREVIOUSLY APPROVED PLANNED DEVELOPMENT OVERLAY; 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, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5573 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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 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. 5573 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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. 5573 as required by law.

Public Hearing  
(Dana Point Development Corp.)  
(1300 E Pasewalk Avenue)

A public hearing was held to consider a zoning change from C-1 (Local Business District) to R-3 (Multiple Family Residential District) on property addressed as 1300 E Pasewalk Avenue at the request of Dana Point Development Corp. City Planner Valerie Grimes provided information to the Mayor and City Council.

On October 16, 2018, the Norfolk Planning Commission held a public hearing regarding the zone change at 1300 E Pasewalk Avenue. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5574  
(Dana Point Development Corp.)  
(1300 E Pasewalk Avenue)

Councilmember Merrill introduced, seconded by Councilmember Lange, Ordinance No. 5574 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, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5574 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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 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. 5574 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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. 5574 as required by law.

Resolution No. 2018-61  
(Madison Villas Addition)

Councilmember Granquist moved, seconded by Councilmember Merrill, to adopt Resolution No. 2018-61 approving the final plat, subdivision agreement, storm water agreement and easement for Madison Villas Addition.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Resolution No. 2018-61 was adopted.

**Regular Agenda Items**

(Sewer Jet)

Councilmember Pfeil moved, seconded by Councilmember Lange, to approve the purchase of a replacement Vactor 2100i high pressure jet sewer cleaner for the Sewer and Street Divisions from Nebraska Environmental Products for \$333,039.00. Water & Sewer Director Dennis Watts provided information to elected officials.

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

Sanitary Sewer Extension District No. 250

Councilmember Lange moved, seconded by Councilmember Fauss, to approve the plans, specifications, and engineer's estimate on file in the City offices for Sanitary Sewer Extension District No. 250 (Portia Place area) project and authorize the City Clerk to advertise for bids.

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

Ordinance No. 5575  
(clarify tobacco use on City property)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No.5575 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND

SECTION 14-233 OF THE OFFICIAL CITY CODE TO PROVIDE CLARITY REGARDING TOBACCO USE ON CITY PROPERTY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Police Chief Bill Mizner provided information to elected officials. The wording in the ordinance was confusing as it related to where smoking is allowed. One portion appeared to state smoking is not allowed on any City-owned property. Another portion allowed it in the parking areas available to the general public. This amendment is to clarify the discrepancy and also adds all vapor products to the definition of tobacco.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5575 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, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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. 5575 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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. 5575 as required by law.

Ordinance No. 5576  
(remove parking restriction, South 3rd Street)

Councilmember Granquist introduced, seconded by Councilmember Dahlkoetter, Ordinance No. 5576 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165 OF THE OFFICIAL CITY CODE TO REMOVE A PARKING RESTRICTION IN SUBSECTION (F) THEREIN AS IT RELATES TO THE WEST SIDE OF SOUTH 3RD STREET FROM WHITNEY AVENUE TO NORTHWESTERN 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.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5576 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, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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, 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. 5576 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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. 5576 as required by law.

Ordinance No. 5577

(Copycraft Printing restricted parking lot)

Councilmember Dahlkoetter introduced, seconded by Councilmember Fauss, Ordinance No. 5577 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-293 OF THE OFFICIAL CITY CODE TO ADD A BUSINESS NAME AND ADDRESS FOR ENFORCEMENT ACTION RELATED TO DRIVING OR TURNING ON PUBLIC OR PRIVATE PROPERTY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. Motion carried. Ordinance No. 5577 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, Dahlkoetter, Fauss and Pfeil.  
Nays: None. Absent: Murren and Jackson. 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.



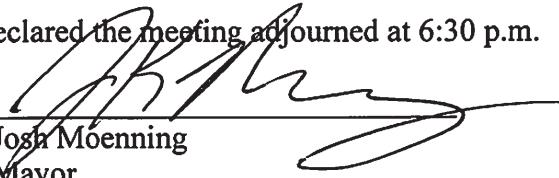
Thereafter Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5577 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Fauss and Pfeil. Nays: None. Absent: Murren and Jackson. 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. 5577 as required by law.

2018 Snow & Ice Report

Operations Manager Jim Dooley reviewed the 2018 Snow and Ice Plan with elected officials.

There being no further business, the Mayor declared the meeting adjourned at 6:30 p.m.

  
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Josh Moenning  
Mayor

ATTEST:

  
Elizabeth A. Deck  
City Clerk

the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, November 5, 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

