

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk met in regular session in the Council Chambers, 309 Madison Avenue, Norfolk, Nebraska on the 18th day of April, 2005, beginning at 7:30 p.m.

Following a moment of silence and the Pledge of Allegiance, Mayor Gordon Adams called the meeting to order. Roll call found the following Councilpersons present: Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss, and Saunders. Absent: Kaspar-Beckman.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Information Systems Manager Jim McKenzie, Property/Operations Manager Gary Miller, Prevention Manager Scott Cordes, and Administrative Secretary Bethene Hoff.

The Mayor presided and the City Clerk recorded the proceedings.

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.

Councilman Leshovsky moved, seconded by Councilman Brenneman to approve the consent agenda as printed. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

Councilman Van Dyke moved, seconded by Councilman Fauss to adopt the regular agenda as printed. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

SPECIAL PRESENTATIONS

R. J. Baker provided an update to the Mayor and City Council on recent **Elkhorn Valley Economic Development** activities.

The Mayor proclaimed the week beginning May 1, 2005 as "Elks Youth Week" and Friday and Saturday, April 22 and 23, 2005 as "Jim Luellen Days".

CONSENT AGENDA

The City Council approved the minutes of the April 4, 2005 City Council meeting as printed.

The City Clerk was authorized to establish May 2, 2005 as the date for a public hearing to discuss the **2005-2011 Capital Improvement** Program.

The City Council adopted Resolution No. 2005-18 approving the final plat of **Sandoval Addition** and authorized the Mayor to sign the accompanying subdivision agreement. This is a two-lot subdivision in Downtown Norfolk.

The City Council adopted Resolution No. 2005-19 releasing the north ten foot **utility easement** less the east five feet and west five feet on Lot 3, Block 4, Green Meadow Addition, an Addition to the City of Norfolk, Madison County, Nebraska, being a part of the SE ¼ of the SW ¼ of Section 20, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Johnson Engineering requests this release on behalf of MBH Development Company, L.L.C.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Roger and Mildred Lubke for the Lubkes' purchase of City property west of **805 North Birch** Street for \$1,739.86.

The City Council approved the Corporate Manager Application of Angela Forsythe in connection with the Class D **liquor** license of Tesoro Refining & Marketing Company, dba 2Go

Mirastar #62061, 2300 Pasewalk Avenue.

The City Council approved the Corporate Manager Application of Clinton Mullen in connection with the Class D **liquor** license of U Save Foods, Inc., dba Sunmart #769, 705 West Benjamin Avenue.

The City Council approved and authorized the Mayor to sign an Interlocal Cooperation Agreement with the Norfolk Rural Fire Protection District, Madison County communities and their rural fire protection districts maintaining the Madison County **Fire Protection** Mutual Finance Organization (MFO). The organization was created in 2001. The agreement maintains the organization and allows application for funding.

The City Council approved and authorized the Mayor to sign an agreement with the Norfolk **Rural Fire** Protection District addressing its revenue shortfall. The agreement gives a credit to the district against sums due under the June 19, 2000 agreement.

The City Council approved and authorized the Mayor to sign an agreement with the Downtown Norfolk Association for the annual **Ethnic Festival** for the next two years. The festival is planned for June 10, 11 and 12, 2005 and June 9, 10 and 11, 2006.

The City Council approved and authorized the Mayor to sign an agreement for the use of Skyview Park for a **Christian Cross Festival**. The festival is planned for June 5, 2005. Churches involved in the event are: St. John's Evangelical Lutheran Church, First United Methodist Church, Sacred Heart Church of Norfolk, Christ Is King Community Church, and the First Baptist Church of Norfolk.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Nicholas and Renee Cleveland for the Clevelands' purchase of City property west of **813 North Birch** Street for \$1,856.00.

The City Council approved and authorized the Mayor to sign an agreement with V.F.W. Post #1644 for a **Loyalty Day Parade** to be held on May 2, 2005. The parade route will be east on Norfolk Avenue from 7th Street to 2nd Street, north on 2nd Street to Braasch Avenue, and west on Braasch Avenue to 7th Street.

Consideration of approval of all bills on file in the amount of \$991,714.38.

REGULAR AGENDA

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to levy special assessments for Paving District No. 486 (**24th Street** from Westside Avenue to Taylor Avenue) and Paving District No. 488 (**Walters' East Knolls Fifth** Addition).

Councilman Wisnieski moved, seconded by Councilman Fauss to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize special assessments in Paving District No. 486 (**24th Street** from Westside Avenue to Taylor Avenue) and Paving District No. 488 (**Walters' East Knolls Fifth** Addition). Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

Public Works Director Dennis Smith provided information to the Mayor and City Council. Paving District No. 486 (**24th Street** from Westside Avenue to Taylor Avenue) has total costs of \$163,271.78 with general obligation costs to the City of \$34,801.58; and assessable abutting property costs of \$125,805.60.

Smith stated Paving District No. 488 (**Walters' East Knolls Fifth** Addition) has total costs of \$152,141.91 with general obligation costs to the City of \$19,108.38; and assessable abutting property costs of \$133,033.53.

No one appeared either in favor of or in opposition to levying the special assessments and the Mayor declared the hearing closed.

Councilman Fauss moved, seconded by Councilman Brenneman to adjourn as a Board of Equalization and reconvene as Mayor and City Council. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

The Mayor requested consideration of Ordinance No. 4794 levying special assessments in Paving District No. 486 (**24th Street** from Westside Avenue to Taylor Avenue).

Councilman Van Dyke introduced Ordinance No. 4794 entitled: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE ABUTTING UPON AND ADJACENT TO AND SPECIALLY BENEFITED BY THE IMPROVEMENTS IN PAVING DISTRICT NO. 486 OF THE CITY OF NORFOLK, NEBRASKA, TO DEFRAY THE COST OF SAID IMPROVEMENTS; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Leshovsky seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4794 passed on first reading.

Councilman Wisnieski moved that the statutory rule requiring reading on three different days be suspended. Councilman Van Dyke seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Councilman Wisnieski moved that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance which motion was seconded by Councilwoman Van Dyke. The Mayor then stated the question "Shall Ordinance No. 4794 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4794 as required by law.

The Mayor requested consideration of Ordinance No. 4795 levying special assessments in Paving District No. 488 (**Walters' East Knolls Fifth Addition**).

Councilman Leshovsky introduced Ordinance No. 4795 entitled: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE ABUTTING UPON AND ADJACENT TO AND SPECIALLY BENEFITED BY THE IMPROVEMENTS IN PAVING DISTRICT NO. 488 OF THE CITY OF NORFOLK, NEBRASKA, TO DEFRAY THE COST OF SAID IMPROVEMENTS; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Brenneman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4795 passed on first reading.

Councilman Brenneman moved that the statutory rule requiring reading on three different days be suspended. Councilman Van Dyke seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Councilman Brenneman moved that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance which motion was seconded by Councilwoman Van Dyke. The Mayor then stated the question "Shall Ordinance No. 4795 be

passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4795 as required by law.

A public hearing was held to consider amending Sections 27-154 and 27-184 of the City Code to provide for side yard restrictions in zoning districts C-1 and C-3. Prevention Manager Scott Cordes provided information to the Mayor and City Council. When the City of Norfolk's zone code was adopted, an error in side yard restrictions in Districts C-1 and C-3 existed. This is a housekeeping item.

On April 5, 2005, the Norfolk Planning Commission held a public hearing regarding the City Code amendments. 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 City Code amendments and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4790 amending Sections 27-154 and 27-184 of City Code to provide for side yard restrictions in zoning districts C-1 and C-3.

Councilman Lange introduced Ordinance No. 4790 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 27-154 AND 27-184 OF THE OFFICIAL CITY CODE TO PROVIDE FOR SIDE YARD RESTRICTIONS IN ZONING DISTRICTS C-1 AND C-3; 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. Councilman Brenneman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4790 passed on first reading.

Councilman Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilman Leshovsky seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Councilman Van Dyke moved that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance which motion was seconded by Councilman Leshovsky. The Mayor then stated the question "Shall Ordinance No. 4790 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4790 as required by law.

A public hearing was held to consider a zoning change from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) in the 3600 block of West Benjamin Avenue at the request of The Berrington Corporation. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Tyler Wingate wants to build on the property. The parcel is currently owned by Eldorado Hills Golf Course.

Dick Johnson, Johnson Engineering, spoke in favor of the zoning change request. Wingate wants to develop the property into four single-family attached units. The property is located by the southwest corner of Eldorado Hills Golf Course.

On April 5, 2005, the Norfolk Planning Commission held a public hearing regarding The Berrington Corporation's 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4791 approving a zoning change from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) in the 3600 block of West Benjamin Avenue at the request of The Berrington Corporation.

Councilman Wisnieski introduced Ordinance No. 4791 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. Councilman Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4791 passed on first reading.

Councilman Lange moved that the statutory rule requiring reading on three different days be suspended. Councilman Fauss seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Councilman Lange moved that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance which motion was seconded by Councilman Fauss. The Mayor then stated the question "Shall Ordinance No. 4791 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4791 as required by law.

A public hearing was held to consider a zoning change from R-2 (One and Two Family Residential District) to C-3 (Service Commercial District) at 1206 Pierce Street at the request of Eli and Geraldine Zimmerman. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The Zimmermans own three lots in the 1200 block of Pierce Street. The two south lots are zoned C-3 and the north lot is zoned R-2. The Zimmermans wish to have all three lots zoned the same. Since the north lot isn't large enough to be zoned C-3 alone, a lot boundary change is forthcoming to plat all three lots into one large lot. Cordes stated the adjacent property owner doesn't oppose the zoning change.

Eli Zimmerman was present at the meeting to answer any questions posed by the Mayor and City Council.

On April 5, 2005, the Norfolk Planning Commission held a public hearing regarding the Zimmermans' 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4792 for a zoning change from R-2 (One and Two Family Residential District) to C-3 (Service Commercial District) at 1206 Pierce Street at the request of Eli and Geraldine Zimmerman.

Councilman Brenneman introduced Ordinance No. 4792 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. Councilman Wisnieski seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4792 passed on first reading only.

A public hearing was held to consider a zoning change from R-2 (One and Two Family Residential District) to I-1 (Light Industrial District) at 1314 Blaine Street at the request of Dan and Deb Clausen. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The Clausens want to build a storage building on this lot for their own use. Currently a house in disrepair is on the lot. The area surrounding the lot is zoned residential; however, the use of the area is mixed. Several Planning Commission members had concerns with a single industrial zoned lot in the middle of a residential area.

Ron Barritt, 1309 Pierce Street, spoke in opposition to the zoning change request. Barritt doesn't want spot zoning in the area. Barritt stated a storage building on the lot "will be too close to the front door" of the neighbor to the north. Barritt doesn't "want that size building in the neighborhood" and doesn't feel the neighbors "are being treated fair".

Councilwoman Saunders questioned whether Barritt would rather have a house in disrepair in the neighborhood or a nice storage building.

Barritt stated the lot will look much better once the house is gone; however, Barritt doesn't want "that large of a building" on the lot. Barritt doesn't think neighbors want a storage building on the lot.

Councilman Fauss questioned whether the lot was big enough for industrial use.

Cordes stated buildings can be constructed to a zero side yard but the wall needs to be fire rated in the I-1 zoning. However, fire rating a wall can be expensive. Practically speaking, the lot is small and it would be difficult to support an industrial use.

Deb Clausen, 1113 Nebraska Avenue, owns the lot and spoke in favor of the zoning change.

Councilman Fauss questioned if the storage unit is going to be for private use only.

Clausen stated the building will be used for storage of family boats/campers.

Councilman Wisnieski questioned whether the Clausens considered building a house or duplex on the lot.

Clausen indicated that if the zoning change isn't approved a duplex will be constructed on the lot.

Councilman Brenneman stated the Clausens have already cleaned up the lot quite a bit. However, Brenneman has concerns with industrial zoning on the lot since it is located in a residential area.

Councilman Fauss questioned whether other zoning districts would allow construction of the storage building.

Cordes explained the other choice was a C-3 zoning district. Residential zoning districts don't allow for large storage buildings.

Councilman Wisnieski questioned whether anyone has talked to other neighbors in the area.

Laura Wylie, 1312 Blaine, spoke in opposition to the zoning change request. Laura has only discussed the issue with Ron Barritt.

Barritt spoke with neighbors who are against the zoning change but didn't want to come to the meeting.

Clausen doesn't know where Barrit got information about the size or location of the storage building. Clausen never indicated the building would be constructed using the zero lot line. Clausen mailed letters to neighbors who couldn't be reached for a one-on-one visit but did not receive any responses. Clausen visited with several neighbors including Ms. Wylie about the zoning change request. Others visited were: Lehman's, 1305 Pierce, who indicated "they aren't going to fight it"; the occupant of 1401 Blaine Street attended the Planning Commission hearing and had questions but isn't going to fight the zoning change; and Betty Hauf, 1310 Pierce, and Darlene Strong, 1400 Pierce, don't have any problems with the zoning change.

Councilman Van Dyke has concerns with one lot being zoned industrial in a residential area. However, a two story duplex could also be constructed on the lot which would also limit the view of neighbors.

Cordes stated the lot is very narrow and has limited options. Cordes stated the Clausens never indicated the building would be constructed with the zero lot line. However, an I-1 zoning allows for zero side yard lot lines.

Wylie has concerns with water run off if the lot is rezoned and the storage building constructed.

City Administrator Nolan questioned whether Clausen would consider a 10 foot setback for the building.

Cordes stated the lot is very narrow. Cordes indicated the Clausens would then lose 25 feet off the front of the lot and 10 feet off the side. This means the Clausens would be losing 35 feet off a 60 foot lot, which isn't practical for a storage building.

Clausen would consider a seven (7) foot setback for the building.

Councilman Lange stated the zero setback isn't an issue since the lot abuts residential and a seven foot setback is required. Lange stated many two-story houses exceed the height proposed for the storage building.

On April 5, 2005, the Norfolk Planning Commission held a public hearing regarding the Clausens' request. The Planning Commission approved the zoning change request on a 5-3 vote. 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4793 for a zoning change from R-2 (One and Two Family Residential District) to I-1 (Light Industrial District) at 1314 Blaine Street at the request of Dan and Deb Clausen.

Councilman Wisnieski introduced Ordinance No. 4793 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. Councilman Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Councilman Brenneman stated the discussion tonight related to setback which isn't really an issue. The setback and height isn't any different than required for residential. Based on those assumptions, Brenneman doesn't feel the request is as intrusive as first indicated.

Councilman Wisnieski is "somewhat sympathetic" to the residential property owners in the area. Wisnieski doesn't feel I-1 is "the most proper" zoning change for the lot. Wisnieski feels a duplex on the lot is a better option than a storage building. Wisnieski feels there are enough industrial properties to the east and south of the area. Wisnieski feels it would be best to keep the lot residential. Wisnieski requested the Council not pass the ordinance on second and third readings if it passes on first reading tonight. Wisnieski would like to visit with or have other neighbors speak to the issue if they so desire.

Councilman Van Dyke is sympathetic to the neighbors but the area is moving to industrial and commercial zoning. Van Dyke stated the transition is tough for people living in the area.

Councilman Lange struggled with the rezoning at first because of the stigma of spot zoning. However, the Clausen proposal sounds neutral in character and probably won't impact values to other lots in the area. Lange stated the City Council is the ultimate zoning and regulatory authority for the property. The lot is not currently large enough for an industrial business.

Roll call on Ordinance No. 4793: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Fauss and Saunders. Nays: Wisnieski and Brenneman. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4793 passed on first reading only.

Finance Officer Randy Gates provided information to the Mayor and City Council regarding the Comprehensive Annual Financial Report (**CAFR**) for fiscal year ended September 30, 2004 along with the related Single Audit Reports and auditor's letter.

No comments were received regarding the monthly commercial and industrial building permit report for February and March 2005; the Police Division reports for January and February 2005; or the Works-In-Progress report for the period March 30 through April 12, 2005. The reports were included in the agenda packets.

Councilman Fauss moved, seconded by Councilman Wisnieski to adjourn the meeting at 8:59 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

Gordon D. Adams
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, April 18, 2005, had and done by the Mayor and 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)