

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 1st day of August, 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, Kaspar-Beckman, Brenneman, Fauss, and Saunders. Absent: Wilson.

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, Transportation, Building & Grounds Director Jim Koch and Police Chief Bill Mizner.

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

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

SPECIAL PRESENTATION

A town hall meeting was held to receive comments on the Northeast Nebraska Solid Waste Coalition (NNSWC) budget and rates for fiscal year ending September 30, 2006. Finance Officer Randy Gates provided information to the Mayor and City Council. The Northeast Nebraska Solid Waste Coalition Interlocal Agreement requires town hall meetings be held in the three largest member communities each year to review the Coalition's proposed budget and rates. At the February 18, 2004 Coalition Board meeting, the Board approved amending the Coalition's bylaws to change the fiscal year end from July 31 to September 30. This change was implemented with a 14-month transition fiscal year ending September 30, 2005. The tipping fee remains unchanged at \$27.30. Interest income increases \$30,481 due to the increase in the budgeted interest rate from 2% to 4%. Personnel costs decrease \$6,152 due to fiscal year 2004-2005 being a 14-month budget. The operating and utility accounts decrease from the previous year due to the previous fiscal year being a 14-month budget. Capital outlay decreases significantly going from \$2,249,800 last year to \$313,788 this year. This is a decrease of \$1,936,012 or 86.05%. This is due to most of the construction of Area 4 being done in 2004-2005 with the balance rebudgeted in 2005-2006. Ending fund balance increases \$277,726. Fund balance was drawn down substantially to pay for Area 4 construction and will be rebuilt to pay for future capital outlay.

The Closure/Post Closure Care Fund accumulates financial resources to pay closure and post closure care expenses and has no operations. This budget is similar to last year and reflects additional funding of \$200,000 bringing ending fund balance to \$3,066,711. No expenditures are budgeted in this fund. The Closure/Post Closure Care Fund has an estimated balance brought forward of \$2,726,484 with interest income of \$140,227 and interfund operating transfers in of \$200,000 for total revenue of \$340,227.

No one else spoke regarding the Northeast Nebraska Solid Waste Coalition budget and rates for

fiscal year ending September 30, 2006. This item was for informational purposes only.

CONSENT AGENDA

The City Council approved the minutes of the July 18, 2005 special City Council meeting and the July 18, 2005 regular City Council meeting as printed.

The City Clerk was authorized to advertise for bids for the Water and Sewer Improvements 2005-1 (**Oak Street**) project.

The City Council authorized the Mayor to execute a NPDES Small Municipal Separate **Storm Sewer** System Notice of Intent Application for the City of Norfolk.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Robert Woehler & Sons Construction, Inc. of Wayne, Nebraska for the **North 10th drainage** project. The change order results in a net increase of \$1,390.00.

The City Clerk was authorized to advertise for bids for computer equipment for the police in-care mobile **data terminals**.

The City Council approved all bills on file in the amount of \$838,354.22.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4813 **annexing** a tract of land located in the Southeast ¼ of the Northwest ¼ of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska (West of College View and North of Briarwood Estates). Ordinance No. 4813 passed on first reading at the July 18, 2005 City Council meeting.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4813 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA and moved that the ordinance be passed on second 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4813 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4822 establishing a staggered term cycle for the Norfolk **Zoning Board of Adjustment**. This request provides continuity for Board membership and avoids potential replacement of all Board members in the same year.

Councilman Brenneman introduced Ordinance No. 4822 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT SECTION 27-32 OF THE OFFICIAL CITY CODE TO DEFINE BOARD OF ADJUSTMENT MEMBERSHIP; TO PROVIDE FOR A STAGGERED TERM FOR BOARD OF ADJUSTMENT MEMBERS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4822 passed on first reading.

Councilwoman Kaspar-Beckman 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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 Councilwoman Kaspar-Beckman 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. 4822 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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. 4822 as required by law.

The Mayor requested consideration of Ordinance No. 4823 amending Section 24-110 of City Code in order to reduce the speed to 25 mph on **Monroe** Avenue from 4th Street to 300 feet west of 5th Street.

Councilman Lange introduced Ordinance No. 4823 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A SPEED LIMIT OF 25 MILES PER HOUR ON MONROE AVENUE FROM 1ST STREET TO 300 FEET WEST OF 5TH 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. Councilman Van Dyke 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4823 passed on first reading.

Councilman Brenneman 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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 Councilman Fauss. The Mayor then stated the question "Shall Ordinance No. 4823 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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. 4823 as required by law.

Sales and use tax collection for the month of May 2005 was reported as \$546,054.12.

No comments were received regarding the Police Division monthly report for June 2005; the Police Division June Quarterly report; or the Works-In-Progress report for the period July 13 through 26, 2005.

Councilman Fauss moved, seconded by Councilwoman Kaspar-Beckman to adjourn the meeting at 7:49 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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, August 1, 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

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