

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 15th 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, Wilson, Brenneman, Fauss, and Saunders. Absent: None.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Prevention Manager Scott Cordes, Transportation, Building & Grounds Director Jim Koch, and Finance Officer Randy Gates.

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

Councilwoman Kaspar-Beckman moved, seconded by Councilman Fauss to amend the regular agenda with the deletion of Items F-2, F-3 and F-4 related to Eastridge Estates and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

CONSENT AGENDA

The City Council approved the minutes of the August 1, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-54 approving the final allocation of levy authority for the **Offstreet Parking** District for fiscal year 2005-2006. The resolution authorizes the Offstreet Parking District to levy property tax in the amount of \$76,214, not to exceed \$.35 per one hundred dollars of valuation. The levy rate will be \$.349578 per hundred for FY 2005-2006.

The City Council adopted Resolution No. 2005-55 approving the final allocation of levy authority for the Norfolk **Airport** Authority for fiscal year 2005-2006. The resolution authorizes the Norfolk Airport Authority to levy property tax in the amount of \$450,949, not to exceed \$.06 per one hundred dollars of valuation. The levy rate will be \$.048731 per hundred for FY 2005-2006.

The City Council adopted Resolution No. 2005-56 extending the current **E911** surcharge rate through 2006. The resolution authorizes telephone companies to bill and collect the \$1.00 per line per month E911 surcharge.

The City Council adopted Resolution No. 2005-57 placing **stop signs** on Lincoln Avenue as it intersects with South 5th Street.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class I" liquor license application of El Capulin, Inc., dba **El Mezcal**, Norfolk, Nebraska and the Corporate Manager Application of Arturo De La Paz.

The City Council approved and authorized the Mayor to sign an agreement with Williams &

Company to **audit** the City's financial statements for the fiscal years ending September 30, 2005, 2006, 2007 and 2008.

The City Clerk was authorized to advertise for bids for a twenty-foot boom **mower** for the Street Division.

The City Council approved award of and authorized the Mayor to sign a contract with BC Builders, Inc., Battle Creek, Nebraska, for the Water Division **garage** project in the amount of \$18,283.40. Only one bid was received at the bid letting on August 4, 2005.

The City Council approved the Mayor's appointment of Conrad Schmer, replacing Lowell Beckenhauer, Sr., and the reappointments of Roger Feuerbacher, Virgil Froehlich, Eugene Stortvedt and Dave Hamm to the Property Tax Compliance Review (**LID**) Committee. The appointments are for three year terms.

The City Council approved the Mayor's appointment of Roger Brummels, representing Century Lumber, to the Business Improvement District with a term expiring in August 2006. Brummels replaces Jesse Vincent of Andrew Bicycle & Fitness.

The City Council approved all bills on file in the amount of \$764,944.77

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4813 **annexing** a tract of land located in the SE 1/4 of the NW 1/4 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 and on second reading at the August 1, 2005 City Council meeting.

Councilman Lange introduced Ordinance No. 4813 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 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 third 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4813 passed on third reading.

The Mayor requested consideration of Ordinance No. 4824 adjusting **sewer rates** for residential, commercial and industrial classifications by a uniform 5% effective October 1, 1005.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4824 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 26-97(e) AND 26-97(f) OF THE OFFICIAL CITY CODE BY AMENDING THERETO AN ADJUSTMENT TO SANITARY SEWER RATES; TO PROVIDE WHEN THE SEWER USER CHARGES SHALL BE IN FULL FORCE AND EFFECT; AND 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 Leshovsky seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Dennis Smith explained the rate increase is due to a continued loss of revenue felt from the closing of the Beef America facility in July 1998 and ongoing expenditures associated with collection and wastewater plant improvements, the Sewer Master Plan and Cost of Service Study in the next fiscal year's budget. The increase will be 5% for all classes of user and will take effect October 1, 2005.

Roll call on Ordinance No. 4824: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4824 passed on first reading only.

The Mayor requested consideration of Ordinance No. 4825 creating Paving District No. 491

(**College View** 5th Addition) providing for paving of Sheridan Drive from approximately 125 feet west of the north-south Sheridan Drive to approximately 145 feet west of JPAUL Drive and JPAUL Drive from Sheridan Drive south approximately 120 feet.

Councilman Brenneman introduced Ordinance No. 4825 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 491 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Lange 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4825 passed on first reading.

Councilman Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilwoman Kaspar-Beckman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. 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 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 Councilwoman Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4825 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4825 as required by law.

The Mayor requested consideration of Ordinance No. 4826 creating Paving District No. 492 (**Fox Ridge** Estates Addition Phase II) providing for paving of 34th Street from approximately 158 feet south of Silver Fox Avenue to approximately 375 feet north of Silver Fox Avenue.

Councilman Van Dyke introduced Ordinance No. 4826 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 492 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE 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, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4826 passed on first reading.

Councilman Lange 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, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. 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 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 Van Dyke. The Mayor then stated the question "Shall Ordinance No. 4826 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4826 as required by law.

The Mayor requested consideration of Resolution No. 2005-50 authorizing the Mayor to notify

Nebraska Public Power District that the 12% lease payment shall continue to be paid to the City after September 30, 2009, with the additional lease revenue collected after September 30, 2009 being retained by the City to replace revenues being raised or what would otherwise be raised through property tax to support the City's aquatic and recreation needs.

Councilwoman Kaspar-Beckman moved for adoption of Resolution No. 2005-50 authorizing the Mayor to notify Nebraska Public Power District that the 12% lease payment shall continue to be paid to the City after September 30, 2009, with the additional lease revenue collected after September 30, 2009 being retained by the City to replace revenues being raised or what would otherwise be raised through property tax to support the City's aquatic and recreation needs, seconded by Councilman Fauss.

Scott Adams, 1305 West Park Avenue, questioned whether elected officials have "abandoned the idea" to let other agencies benefit from the NPPD lease payment beginning in 2009. Adams said a lot of other agencies could benefit from the money. Adams would like elected officials to make "this more fair to the community."

Councilman Fauss explained the Swimming Pool Advisory Committee met and discussed swimming pool issues for over two years. Fauss stated the NPPD lease payment would help relieve the property tax burden if the water park bond issue passes on September 13, 2005. Fauss stated elected officials could still consider other agencies at a later date.

City Administrator Mike Nolan stated reconstruction costs of the two existing swimming pools is \$5.5 million. If the water park ballot issue fails, the City's options are to refurbish existing pools, close the pools or place the issue back on the ballot.

Councilwoman Kaspar-Beckman stated citizens will still see a \$50-\$55 increase in property taxes to refurbish the current swimming pools if the bond issue fails. Kaspar-Beckman stated the cost to property owners for the water park would only be about double the cost to refurbish the old pools. Kaspar-Beckman feels the water park will benefit Norfolk.

Nolan stated the NPPD 2% lease payment designated for the four entities (Arts Center, YMCA, Museum and Norfolk Theatre) is estimated at \$500,000 per year but was previously about \$300,000. Nolan stated the annual cost to amortize a water park is \$987,000 and the lease payment would defray about one-half of that cost.

Michael Chittenden spoke on behalf of Mosaic. Chittenden wanted to bring to the attention of elected officials that transportation for disabled citizens should be a priority of elected officials.

Ron Stauffer, 604 Hespe Drive, is in favor of the resolution to support aquatic needs of the city. Stauffer stated there are a lot of good causes/groups in the City of Norfolk; however, the Power of Partnership (POP) group feels the four entities receiving the NPPD lease payment money will benefit the broadest base of citizens.

Brad Hughes, 2103 Clark Street, spoke on behalf of The Arts Center. Hughes reiterated Stauffer's comments and said the POP group worked hard to educate and communicate the NPPD lease payment plan to the City. Hughes commended the Mayor and City Council on hearing the intent of the four groups. Hughes feels a water park is "a good thing" for the City of Norfolk.

Councilman Brenneman commended the groups/agencies in the City of Norfolk who are interested in using the NPPD lease money. Brenneman feels the citizens are forward-looking. Brenneman feels the proposed water park is "an economic development gesture."

Roll call on Resolution No. 2005-50: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-50 was adopted.

Councilman Leshovsky moved, seconded by Councilman Fauss to authorize the City Clerk to advertise for bids for **Paving** District No. 491 (College View 5th Addition) and Paving District No. 492 (Fox Ridge Estates Addition, Phase II). Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

No comments were received regarding the monthly commercial and industrial building permit report for July 2005; the Police Division report for July 2005; or the Works-In-Progress report for the period July 27 through August 9, 2005. All reports were included in the agenda packet.

Councilman Fauss moved, seconded by Councilwoman Kaspar-Beckman to adjourn the meeting at 7:57 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 15, 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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