

## 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 5th day of December, 2005, beginning at 7:30 p.m.

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

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Clerk Beth Deck, Prevention Manager Scott Cordes 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.

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

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

The Honorable Patrick G. Rogers administered the oath of office to newly elected official Ron Stauffer, 604 Hespe Drive, as Council representative for Ward 1. Stauffer replaces Leshovsky who resigned on December 1, 2005.

Councilpersons present following the swearing in of the newly appointed official were: Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss, and Saunders. Absent: Kaspar-Beckman.

### SPECIAL PRESENTATIONS

The Mayor requested consideration of selection by the City Council of the **President of the Council** to serve the remainder of Howard Leshovsky's term ending December 2006.

Councilperson Fauss nominated Councilperson Brenneman for the position of President of the Council, seconded by Councilperson Saunders.

Councilperson Van Dyke moved to cease nominations for the position of President of the Council and for unanimous support of Jim Brenneman as President of the Council for the remainder of the term ending December 2006, seconded by Councilperson Saunders. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

The Mayor presented the Certificate of Achievement for Excellence in **Financial Reporting** for fiscal year ended September 30, 2004 to Finance Officer Randy Gates. This is the seventeenth consecutive year the City of Norfolk has received this award from the Government Finance Officers Association.

## CONSENT AGENDA

The City Council adopted Resolution No. 2005-80 modifying the price the City of Norfolk charges for **sidewalk replacement**/repair to \$4.00 per square foot plus a \$75.00 mobilization fee per project.

The City Council adopted Resolution No. 2005-81 approving the Madison County Local Emergency Operations Plan (**LEOP**).

The City Council adopted Resolution No. 2005-82 approving the final plat of **Briarwood Seventh** Addition and authorizing the Mayor to sign the accompanying subdivision agreement. This is an eighteen-lot subdivision located in the 1800-2000 block of Elmer's Lane in Northwest Norfolk.

The City Council approved **cancellation** of the first City Council meeting in January due to the New Year's holiday, with the only January City Council meeting being held on Tuesday, January 17, 2006.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Penro Construction Co., Inc. for Water and Sewer Improvements 2005 (**Oak Street**) resulting in a net decrease of \$10,095.68. The change order provides for balancing bid quantities with actual quantities.

The City Council approved and authorized the Mayor to sign **Change Order** No. 2 with Elkhorn Paving Construction Company for Paving District No. 491 (College View 5th Addition) and Paving District No. 492 (Fox Ridge Estates Addition Phase II) project resulting in a net increase of \$8,283.35. The change order provides for additional paving, dirt work and rock base for Paving District No. 491 and additional 36-inch RCP for Paving District No. 492.

The City Council approved the Mayor's appointment of Councilperson Vicki Saunders to the Northeast Nebraska Economic Development District (**NENEDD**) Board of Directors.

The City Council approved all bills on file in the amount of \$1,137,955.39.

## REGULAR AGENDA

A public hearing was held to consider a zoning change from R-1 (Single Family Residential District) to S-R (Suburban Residential District) at 2305 **Valli Hi** Road at the request of Randy and Alesa **Melcher**. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The Melchers purchased the house unaware that an oversized accessory building and horse were not allowed in an R-1 zoning district. Rezoning the property and applying for Conditional Use Permits will allow an accessory building and one horse on the property.

On November 22, 2005, the Norfolk Planning Commission held a public hearing regarding Melchers' request. 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 zoning change and the Mayor declared the

hearing closed.

The Mayor requested consideration of Ordinance No. 4858 for a zoning change from R-1 (Single Family Residential District) to S-R (Suburban Residential District) at 2305 Valli Hi Road at the request of Randy and Alesa Melcher.

Councilperson Lange introduced Ordinance No. 4858 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. Councilperson Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4858 passed on first reading.

Councilperson Fauss moved that the statutory rule requiring reading on three different days be suspended. Councilperson Wilson seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, 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 Councilperson Fauss 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 Councilperson Wilson. The Mayor then stated the question "Shall Ordinance No. 4858 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, 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. 4858 as required by law.

A public hearing was held to consider a zoning change from A (Agricultural District) to S-R (Suburban Residential District) at 3401 West **Nucor Road** at the request of Ronald R. **Johnson**, Roxanne M. Johnson and James **Kruse**. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Cordes distributed a letter to the Mayor and City Council stating, "Please amend the zoning application from S-R (Suburban Residential) to R-R (Rural Residential). R-R was the choice we always intended to have." The letter was signed by James Kruse, Angela Kruse, Ronald Johnson and Roxanne Johnson. The original application for S-R was made in error. The Kruse' want to relocate a home on this piece of property that already has one structure. The applicants plan on subdividing the property once the zoning change is approved to enable the two structures to be conforming. Cordes requested the ordinance be amended to reflect a zoning change to R-R and also approval of the amended ordinance on first reading only.

On November 22, 2005, the Norfolk Planning Commission held a public hearing regarding the Johnson and Kruse request. 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4859 for a zoning change from A (Agricultural District) to S-R (Suburban Residential District) at 3401 West Nucor Road at the request of Ronald R. Johnson, Roxanne M. Johnson and James Kruse.

Councilperson Van Dyke introduced Ordinance No. 4859 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. Councilperson Wilson seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Councilperson Fauss moved, seconded by Councilperson Brenneman to amend Ordinance No. 4859 to reflect a zoning change from A to R-R as discussed. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

Roll call on Ordinance No. 4859 as amended: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4859 as amended passed on first reading only.

The Mayor requested consideration of Ordinance No. 4857 amending Section 22-68 of City Code to increase fees for **excavation permits, pavement cuts**, curb removals, fill material and barricades.

Councilperson Fauss introduced Ordinance No. 4857 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 22-68 OF THE OFFICIAL CITY CODE TO INCREASE FEES FOR EXCAVATION PERMITS, PAVEMENT CUTS, CURB REMOVALS, FILL MATERIAL AND BARRICADES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Van Dyke seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4857 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, 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 Councilperson 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 Councilperson Saunders. The Mayor then stated the question "Shall Ordinance No. 4857 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, 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. 4857 as required by law.

Sales and use tax for the month of September 2005 was reported as \$732,585.37.

No comments were received regarding the Works-In-Progress for the period November 16 through 29, 2005. The report was included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Lange to adjourn the meeting at 7:52 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

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Gordon D. Adams  
Mayor

ATTEST:

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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, December 5, 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.

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Elizabeth A. Deck  
City Clerk

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