

## 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 19th 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: Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss, and Saunders. Absent: Van Dyke.

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, Prevention Manager Scott Cordes, Police Chief Bill Mizner and Property/Operations Manager Gary Miller.

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

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

### CONSENT AGENDA

The City Council approved the minutes of the December 5, 2005 special City Council meeting as printed and the December 5, 2005 regular City Council meeting as printed.

The City Council adopted Resolution No. 2005-83 declaring the City's official intent under Internal Revenue Code regulations to incur indebtedness which may include reimbursement of expenditures for the **911 system, computer system, bunker gear and hose**.

The City Council approved the Mayor's reappointment of Portia Becker, Larry Jones and Susan Cunningham to the Business Improvement District Board of Directors (**BID**) with terms expiring August 2008.

The City Council approved the Mayor's appointment of Ron Stauffer to the **Railroad Transportation Safety** District Board of Directors replacing Howard Leshovsky.

The City Council approved the Mayor's appointment of Dave Ptak to the **Board of Adjustment** to complete the term expiring August 2007, which was vacated by Ron Stauffer.

The City Council approved and authorized the Mayor to sign an agreement with the **Salvation Army** for \$39,000 of economic assistance from the City to help fund start-up costs for the Salvation Army's recycling program in Norfolk.

The City Council approved exclusion of a tract of real estate from the designated county industrial tract at the request of Connie **Geary**. The property is Lot 1, Geary's Addition to the City of Norfolk.

The City Council approved and authorized the Mayor to sign an agreement with the Northeast Nebraska Beards and Spurs Chapter of the National **Wild Turkey Federation** for the use of the auditorium for its annual banquet on February 11, 2006.

The City Council approved a Special Designated **Liquor** License for Northeast Nebraska Beards and Spurs to sell beer, wine and distilled spirits at the City Auditorium on Saturday, February 11, 2006 for its annual banquet.

The City Council approved and authorized the Mayor to sign Change Order No. 2 with A & R Construction of Plainview, Nebraska for the **Benjamin Avenue** Improvements project resulting in a net increase of \$47,125.04. The change order provides for additional grading, tree removal, additional concrete pavement and surfacing, increased storm sewer from 15 inches to 18 inches, additional lighting and additional landscaping items.

The City Clerk was authorized to advertise for requests for proposals for **healthcare** reimbursement accounts (HRA) known as the 501(c)(9) Veba Trust.

The City Council approved purchasing an E911 system with mapping capabilities from RACOM off the State purchasing contract for \$161,812.

The City Council approved and authorized the Mayor to sign an Amendment to Agreement for engineering services with JEO Consulting Group, Inc. for the **downtown improvements** project along Norfolk Avenue from 1st Street to 8th Street in an amount of \$198,898.00. The amendment provides for design, bidding, construction and post-construction services to provide the following improvements: sidewalk replacement, street lighting, handicap ramps, mid-block "bump-outs" and landscaping.

The City Council approved all bills on file in the amount of \$1,405,025.16.

## 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 3900 **Meadowlark Lane** at the request of Orville and Judith **Yoch**. Prevention Manager Scott Cordes provided information to the Mayor

and City Council. The Yoch's want to build a 27 foot by 40 foot storage building on the property. The current R-1 zoning won't allow for that size building. However, changing the zoning to S-R will allow the applicants to build the building without a Conditional Use Permit.

On December 6, 2005, the Norfolk Planning Commission held a public hearing regarding the Yochs' 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. 4860 for a zoning change from R-1 (Single Family Residential District) to S-R (Suburban Residential District) at 3900 Meadowlark Lane at the request of Orville and Judith Yoch.

Councilperson Saunders introduced Ordinance No. 4860 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 Kaspar-Beckman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4860 passed on first reading.

Councilperson Fauss moved that the statutory rule requiring reading on three different days be suspended. Councilperson Kaspar-Beckman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4860 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4860 as required by law. A public hearing was held to discuss the City's acquisition of an interest in real property to implement the **Oak Street** and Spruce Avenue improvements. Public Works Director Dennis Smith provided information to the Mayor and City Council. This hearing complies with Section 18-1755 of the Nebraska Revised Statutes that requires a public hearing prior to obtaining an interest in any real property. The area to be acquired is for the Oak Street and Spruce Avenue improvements project. The property that may be acquired for the project is from Joel and Denise

Dendinger, Jones, Tom Dover Sr., and Ted Schultz and an easement from Kevin Bremer with SAIA Motor Freight Line, Inc. (previously Clark Brothers Transport).

No one appeared either in favor of or in opposition to the proposed acquisition of real property for the Oak Street and Spruce Avenue improvements project and the Mayor declared the public hearing closed.

The related item for the Oak Street and Spruce Avenue improvements projects is consideration for the Mayor to execute a purchase agreement and all related documents with Ted **Schultz**, dba Schultz Land Co., for the City's acquisition of property at the end of **Oak Street**, described as: *A tract of land commencing at a point 488.8 feet East of the Northwest corner of the Southwest Quarter of Section 23, Township 24 North, Range 1, in the City of Norfolk, Madison County, Nebraska, measuring thence East along the Quarter Section line 36.2 feet, thence South 77.3 feet, thence West 36.2 feet, thence North 77.3 feet to the point of beginning.* Purchase price for the property is \$2,000.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Fauss to authorize the Mayor to execute a purchase agreement and all related documents with Ted Schultz, dba Schultz Land Co. for the City's acquisition of property at the end of Oak Street for an amount of \$2,000. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried.

The Mayor requested Ordinance No. 4859, providing for a zoning change from A (Agricultural District) to R-R (Rural Residential District) at 3401 West Nucor Road at the request of Ronald R. Johnson, Roxanne M. Johnson and James Kruse, be tabled. Ordinance No. 4859 passed on first reading at the December 5, 2005 City Council meeting.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Lange to table consideration of Ordinance No. 4859 on second reading. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried.

The Mayor requested consideration of Ordinance No. 4861 amending the General Employees **Retirement** Plan to decrease the threshold for mandatory plan distributions from \$5,000 to \$1,000.

Finance Officer Randy Gates explained that in order to reduce administration costs, the City's retirement plans provide that accounts for inactive participants with balances less than \$5,000 automatically are distributed to the participants. The Economic Growth and Tax Reconciliation Act of 2001 requires that any involuntary distributions greater than \$1,000 be rolled into individual retirement accounts. The Department of Labor issued final regulations earlier this year to implement these provisions. These amendments to the City's three Retirement Plans comply with these regulations by reducing mandatory plan distributions from \$5,000 to \$1,000. Regulations require that these amendments be adopted by the end of 2005.

Councilperson Fauss introduced Ordinance No. 4861 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND THE EMPLOYEES RETIREMENT PLAN TO DECREASE THE THRESHOLD FOR MANDATORY PLAN DISTRIBUTIONS FROM

\$5,000 TO \$1,000 BY ADOPTION OF THE ATTACHED MANDATORY DISTRIBUTION AMENDMENT; 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. Councilperson Kaspar-Beckman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4861 passed on first reading.

Councilperson Kaspar-Beckman 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, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 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 Councilperson Wilson. The Mayor then stated the question "Shall Ordinance No. 4861 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4861 as required by law.

The Mayor requested consideration of Ordinance No. 4862 amending the **Firefighters** Pension Plan to decrease the threshold for mandatory plan distributions from \$5,000 to \$1,000.

Councilperson Lange introduced Ordinance No. 4862 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND THE FIREFIGHTERS PENSION PLAN TO DECREASE THE THRESHOLD FOR MANDATORY PLAN DISTRIBUTIONS FROM \$5,000 TO \$1,000 BY ADOPTION OF THE ATTACHED MANDATORY DISTRIBUTION AMENDMENT; 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. Councilperson Brenneman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4862 passed on first reading.

Councilperson Fauss moved that the statutory rule requiring reading on three different days be suspended. Councilperson Kaspar-Beckman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4862 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4862 as required by law.

The Mayor requested consideration of Ordinance No. 4863 amending the Police Pension Plan to decrease the threshold for mandatory plan distributions from \$5,000 to \$1,000.

Councilperson Kaspar-Beckman introduced Ordinance No. 4863 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND THE POLICE PENSION PLAN TO DECREASE THE THRESHOLD FOR MANDATORY PLAN DISTRIBUTIONS FROM \$5,000 TO \$1,000 BY ADOPTION OF THE ATTACHED MANDATORY DISTRIBUTION AMENDMENT; 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. Councilperson Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4863 passed on first reading.

Councilperson Fauss 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, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4863 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4863 as required by law.

The Mayor requested consideration of Ordinance No. 4864 authorizing the sale of City property lying directly to the west of 703 North Birch Street to Terry and Leanne **Hochstein** for \$2,713.95 pursuant to a Real Estate Purchase Agreement between the City and the Hochsteins dated March 21, 2005. This approval is needed because the legal description in Ordinance No. 4847, approved on October 17, 2005, was incorrect. This occurred because the surveyor changed the legal description on this lot from the time the plat was submitted on August 29,

2005 for Planning Commission approval and before the plat was approved by the Mayor and City Council on October 17, 2005.

Councilperson Fauss introduced Ordinance No. 4864 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; 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. Councilperson Kaspar-Beckman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4864 passed on first reading.

Councilperson Kaspar-Beckman moved that the statutory rule requiring reading on three different days be suspended. Councilperson Fauss seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 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 Councilperson Fauss. The Mayor then stated the question "Shall Ordinance No. 4864 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4864 as required by law.

Chief of Police Bill Mizner reported on downtown business security. On December 5, 2005, elected officials and City staff met with concerned downtown business representatives to discuss Dick Adams' request that a police officer be assigned foot patrol duties in the downtown area during business hours. The request came as a result of the attempted robbery/aggravated assault at Dick's Barber Shop. Consensus of the group present was that a police officer foot patrol would not make the best use of the Division's personnel resources. Options discussed included additional patrol in the downtown by patrol officers through realignment of patrol beats, utilization of private security, security cameras on the streets, security cameras inside the business and security surveys of the business. The Police Division has realigned two of its four patrol districts (Northeast and Southeast) to provide an overlap in the downtown area. Officers will also drive through the downtown on Norfolk Avenue any time the officers return to the station. Mizner stated the Police Division has arranged for a business and personal safety presentation for business owners and employees to be held on January 10, 2006 at 7:00 p.m. in the Lifelong Learning Center. Guest speaker for the presentation is Michael Bacon, security expert with Wells Fargo Bank from San Francisco, CA.

No comments were received regarding the monthly commercial and industrial building permit report for November 2005 and the Works-In-Progress report for the period November 30 through December 13, 2005. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 7:55 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 19, 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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