

## 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 7th day of February, 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, Wisnieski, Brenneman, Fauss, and Saunders. Absent: None.

Staff members present were: City Administrator Mike Nolan, Assistant City Engineer Dale Bohac, City Attorney Clint Schukei, City Clerk Beth Deck, Housing Coordinator Charles Bronson, Finance Officer Randy Gates, Police Chief Bill Mizner, and Water & Sewer Director Dennis Watts.

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 Dave Fauss requested Item G-11, Northeast Nebraska Economic Development agreement to conduct blighted and substandard study, be taken off consent agenda and considered on the regular agenda.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Lange to approve an amended consent agenda with the removal of Item G-11 at the request of Councilman Fauss. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilman Fauss moved, seconded by Councilman Brenneman to adopt an amended regular agenda with the addition of an executive session to discuss property negotiations. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

### SPECIAL PRESENTATION

Mayor Adams announced nominations are being accepted at the City Administrator's office through February 28, 2005, for the 2005 **Edward I. Vrzal** Outstanding Citizen Award.

### CONSENT AGENDA

The City Council approved the minutes of the January 18, 2005 City Council meeting as printed.

The City Clerk was authorized to establish February 22, 2005 as the date for a public hearing to discuss the 2005-2011 One and Six-Year **Street** Improvement Plan.

The City Council adopted Resolution No. 2005-4 to partner with Madison, Stanton, Pierce and Wayne counties in the 2005 **Homeland Security Grant** application.

The City Council approved and authorized the Mayor to sign an agreement with Larry **Dinkel** and John Dinkel to connect property located in the W 1/2 of the NW 1/4 Section 29, Township 24 North, Range 1 West of the 6th P.M. to the City of Norfolk sanitary **sewer system**.

The City Council approved and authorized the Mayor to sign an agreement with Sesostriis **Shrine** for the rental and use of Memorial Field and the adjoining areas for their annual **circus** June 11, 2005.

The City Council approved and authorized the Mayor to sign Amendment No. 14 to the Contract for Engineering Services with Black and Veatch for implementation of a **wellhead protection** plan for the West Water Treatment Plant well field for a not to exceed fee of \$106,410.

The City Council approved and authorized the Mayor to sign Addendum No. 1 to Amendment No. 13 to Contract for Engineering Services with Black and Veatch for design, bidding phase services and construction management for the construction of the **West Water** Treatment Plant **Filter** Addition raising the maximum fee under Amendment No. 13 by \$10,847.

The City Clerk was authorized to advertise for bids for the **auditorium roof** repair project.

The City Council approved and authorized the Mayor to sign interlocal agreements with Madison County, Stanton County and Pierce County to provide a common answering point for wireless **911** calls directed to the respective jurisdiction.

The City Council approved and authorized the Mayor to sign Change Order No. 1 (Revised) with Castle Construction Inc. for the Norfolk **Levee Trail** 1 project resulting in a net increase of \$23,341.83. A major portion of the change order provides for rock riprap to protect the trail embankment, which lies in the bottom of the channel, from potential high water events.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with A & R Construction of Plainview, Nebraska for the **Benjamin** Avenue improvements project resulting in a net increase of \$17,860.50. The change order provides for additional items as well as additional time to complete the project due to the final phase of the project, the roundabout at 25th Street and Benjamin Avenue, being completed in the 2005 construction season.

The City Council approved the reappointment of Garry Murren, Merlin Milander and Maynard Ohl to the Norfolk **Planning Commission** for a three-year terms expiring in 2008.

The City Council approved and authorized the Mayor to sign a Community Acknowledgement Form for Johnson-Erickson-O'Brien & Associates on behalf of Louis **Pofahl** supporting technical data for relief of the Flood Plain Regulations.

The City Council approved and authorized the Mayor to sign a Consultant Agreement with Kirkham Michael Consulting Engineers for engineering services for storm water improvements in the drainage basin outlined in the report titled, "ELKHORN VALLEY **ETHANOL** DRAINAGE STUDY" dated December, 2004 in an amount not to exceed \$114,215.

The City Council approved and authorized the Mayor to sign a letter agreement committing the City of Norfolk to pay for 1/3 of the costs for the improvements identified in the study entitled, "ELKHORN VALLEY **ETHANOL** DRAINAGE STUDY, NORFOLK, NEBRASKA".

The City Council approved City staff and the Vehicle Parking District Advisory Board to proceed with aesthetic improvements to the medians on **Norfolk Avenue** from 1st Street to 6th Street.

The City Clerk was authorized to advertise for bids for the replacement of carpet in the library.

The City Council approved of all bills on file in the amount of \$961,617.95.

## REGULAR AGENDA

A public hearing was held to consider annexation of land along Norfolk Avenue west of 27th Street and east of 34th Street. City Administrator Mike Nolan provided information to the Mayor and City Council. The proposed annexation is primarily the Green Meadow Addition that was recently platted along with the U.S. 275 Highway right-of-way adjacent to proposed and existing corporate limits. State Statute requires that when a city annexes adjacent to a county road it must annex the whole county road. An Attorney General opinion indicates this same section of state statute applies to the highway system. This annexation will facilitate completion of the street improvement system in the Green Meadow Addition.

Finance Officer Randy Gates completed a financial analysis of the annexation. The analysis indicates a net annual benefit to the City, after full development, of \$7,771, which is deliberately conservative.

Councilman Wisnieski questioned whether property west of 34th Street will be annexed by the City of Norfolk.

Gates stated the property west of 34th Street is part of an overall annexation study. Gates indicated the land west of 34th Street will probably be annexed in the near future.

Councilman Lange questioned who pays for intersection costs for the property after annexation.

Gates explained State Statutes requires cities pay for intersection costs in paving projects if the property is located within the city limits. In consideration for providing a storm water detention cell in the Green Meadow Subdivision, the City agreed, as part of the subdivision agreement, to pay the entire costs of paving Raasch Drive immediately north of Lot 1, Block 1 along with some other paving costs totaling an estimated \$191,500. Of this, \$51,846 would be paid by the City of Norfolk regardless because of intersection costs. As part of the subdivision agreement, the City also pays over-sizing costs, estimated at \$7,500 for water mains and \$37,750 for storm sewer. A sidewalk will be constructed along Highway 275 south of the City's detention cell. Since the City owns this adjacent property, the cost of the sidewalk, estimated at \$24,903, will be paid by the City. Total estimated development costs paid by the City are \$261,653. All of the costs, except the intersection costs of \$51,846, are incurred primarily to serve areas outside of the Green Meadow development and are not considered directly related to this annexation.

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

The Mayor requested consideration of Ordinance No. 4777 annexing land along Norfolk Avenue west of 27th Street and east of 34th Street.

Councilman Van Dyke introduced Ordinance No. 4777 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHWEST ¼ OF SECTION 20 AND THE SOUTHEAST ¼ OF SECTION 20 AND THE NORTHEAST ¼ OF SECTION 29 AND THE NORTHWEST ¼ OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED 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, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4777 passed on first reading only.

The Mayor requested consideration of an agreement with the Northeast Nebraska Economic Development District (NENEDD) to conduct the Norfolk Avenue and Cottonwood Street **blighted and substandard study** at the request of HyVee.

Finance Officer Randy Gates stated the Finance Committee approved moving forward with the agreement at the January 31, 2005 meeting. HyVee made a request to conduct a blighted and substandard study on the area immediately east across the river from the HyVee Food Store parking lot located at 120 East Norfolk Avenue. Staff proposes the study be conducted by the Northeast Nebraska Economic Development District (NENEDD) at a cost of \$1,500. HyVee is paying for the cost of the study. This is part of the process for HyVee to be considered for tax increment financing to develop property east of the current store into a gas station/convenience store.

Councilwoman Kaspar-Beckman questioned how many properties are involved in the study.

Gates understands HyVee has options to purchase all properties involved in the study including several houses, detached garages and Hiway Service Station. Gates stated HyVee is currently having an environmental analysis conducted as part of the process.

Councilman Wisnieski questioned whether the waterway affects the project.

Nolan anticipates HyVee will have access off Norfolk Avenue for the project. HyVee is not

going to change the channel of the waterway.

Councilman Lange stated the agreement is for a study only and HyVee is going to pay for the costs. Lange sees this as a win/win situation.

Councilman Leshovsky also serves on the NENEDD Board of Directors and abstained from discussion or voting on the item.

Councilman Lange moved, seconded by Councilwoman Saunders to approve and authorized the Mayor to sign an agreement with the Northeast Nebraska Economic Development District (NENEDD) to conduct the Norfolk Avenue and Cottonwood Street blighted and substandard study at the request of HyVee. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, and Saunders. Nays: Fauss. Absent: None. Abstaining: Leshovsky. Motion carried.

Councilman Fauss moved, seconded by Councilman Wisnieski to adjourn from regular session and convene into executive session at 7:52 p.m. to discuss property negotiations. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilman Fauss moved, seconded by Councilwoman Kaspar-Beckman to adjourn from executive session 8:19 p.m. and reconvene into regular session. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilman Van Dyke moved, seconded by Councilman Fauss to adjourn the meeting at 8:20 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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, February 7, 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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