## 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 22nd 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, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Police Chief Bill Mizner and Fire Chief Shane Weidner.

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 Wisnieski requested Item G-3, Change Order No. 2 with Paulsen, Inc., be removed from the consent agenda and added to the regular agenda.

Councilman Leshovsky moved, seconded by Councilwoman Kaspar-Beckman to amend the consent agenda with the removal of Item G-3 and to approve the consent agenda as amended. 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 Councilwoman Kaspar-Beckman to adopt the regular agenda as printed with the addition of Item G-3, Change Order No. 2 with Paulsen, Inc. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

## SPECIAL PRESENTATIONS

Mary Plettner, Nebraska Public Power District, presented the City of Norfolk with a 2004 Economic Development Award in the Prospect Ready Category for the City's work with Sterling Computers and a 2004 Economic Development Award in the Successful Business and Industry Category.

Bill Meyer, Ken Peitzmeier, and Chris Carlson of the Lower Elkhorn Natural Resource District presented a check in the amount of \$34,500 to Mayor Adams for the Skyview Lake project.

## **CONSENT AGENDA**

The City Council approved the minutes of the February 10, 2005 Special City Council meeting as printed.

The City Council adopted Resolution No. 2005-7 approving the preliminary Planned Development for **Behavioral Health** Specialists, Inc., (BHS) at 923 East Norfolk Avenue. BHS currently has a planned development on the property. BHS, however, wants to change the footprint of the buildings from two-story to one-story which requires the planned development amendment.

The City Council approved and authorized the Mayor to sign an agreement with Patti Podliska, dba Mid-America Working Terrier Club, to host the Nebraska **Terrier Trials** at TaHaZouka Park on June 24, 25 and 26, 2005.

The City Council approved and authorized the Mayor to sign an agreement with Legends Car Club to use TaHaZouka Park to host a classic **car show** on Saturday, June 11, 2005.

The City Council approved award of and authorized the Mayor to sign a contract with Automatic Systems Co., Ames, Iowa, for a **programmable controller replacement** at a cost of \$92,000 for the Water Pollution Control Plant. Four bids were received at the February 3, 2005 bid letting. Other bids received are as follows: Technical Maintenance & Service Co., Inc., Lincoln, Nebraska, - \$135,500.00; Simmerman Electric, Elm Creek, Nebraska - \$121,857.00; and Huffman Engineering, Inc., Lincoln, Nebraska - \$102,760.00.

The City Council authorized staff to negotiate an engineering services contract with Olsson Associates to provide engineering services for a 16-inch water transmission main in Northwest Norfolk.

The City Council approved all bills on file in the amount of \$806,497.06.

## REGULAR AGENDA

A public hearing was held to discuss the 2005-2011 One- and Six-Year **Street** Improvements **Plan**. Public Works Director Dennis Smith provided information to the Mayor and City Council. The 2005-2006 Plan includes the following projects:

Miscellaneous street maintenance work by contract, \$1,000,000

M-451(167) Miscellaneous residential paving districts, \$30,000

M-451(159) 25th Street; 200' North/South of Bridge (by Skyview Lake), \$75,400

M-451(168) Curb and sidewalk improvements on Norfolk Avenue, 1st to 8th Streets, \$500,000

M-451(169) Oak and Spruce Avenue street improvements north of Maple Avenue, \$400,000

Smith explained the North 25th Street bridge sufficiency rating is now below 50% and should qualify for federal grant funds. The Norfolk Avenue total project cost is estimated at \$1,800,000 with the cost being split equally between the City of Norfolk, Vehicle Parking District and Downtown Norfolk property owners.

Councilman Van Dyke questioned whether the project is being expanded to 8th Street.

Smith stated 1st Street through 8th Street is still being considered. Diagonal parking to 8th Street is also being considered.

No one appeared either in favor of or in opposition to the 2005-2011 One- and Six-Year Street Improvements Plan and the Mayor declared the hearing closed.

The Norfolk Planning Commission held a public hearing on February 8, 2005 regarding the Street Plan. The City Clerk read the Planning Commission's recommendation for approval into the record.

The Mayor requested consideration of Resolution No. 2005-5 approving the 2005-2011 One- and Six-Year Street Improvements Plan.

Councilman Van Dyke moved for adoption of Resolution No. 2005-5 approving the 2005-2011 One- and Six-Year Street Improvements Plan, seconded by Councilwoman Kaspar-Beckman. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2005-5 was adopted.

The public hearing to consider an application to the Nebraska Department of Economic Development for CDBG funds to be used to assist in purchasing the vacant 141,781 square foot **Vishay** Electronics building for economic development and the associated Resolution No. 2005-6 were inadvertently listed on this agenda. These items will appear on the March 7, 2005 City Council meeting agenda as advertised.

A public hearing was held to consider a zoning change from R-3 (Multiple Family Residential District) to C-1 (Local Business District) at 1309 Norfolk Avenue at the request of **Agape Pregnancy Center** represented by Meredith Armstrong. Agape provides counseling services

and feels clients would be more comfortable in a home environment. Armstrong explained the area is slowly moving toward commercialism and there is just one dwelling separating this property from another area of commercial zoning. Parking issues were addressed and City staff was assured there are enough spaces for this type of business. Armstrong stated Agape meets with clients in the afternoon and one evening every week. No one will be living in the house and any growth in the business would be with expanded day hours. A letter introducing Agape Pregnancy Care Center and the proposed use of the house at 1309 Norfolk Avenue was distributed to neighbors. Armstrong stated neighbors did not respond with any strong reaction to the zoning change and proposed use of the property.

Fire Chief Shane Weidner stated the City of Norfolk's Comprehensive Plan shows mixed property usage in this area. No opposition was voiced at the Planning Commission meeting.

On February 8, 2005, the Norfolk Planning Commission held a public hearing regarding Agape Pregnancy Center's request. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else 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. 4779 for a zoning change from R-3 (Multiple Family Residential District) to C-1 (Local Business District) at 1309 Norfolk Avenue at the request of Agape Pregnancy Center, represented by Meredith Armstrong.

Councilman Van Dyke introduced Ordinance No. 4779 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. Councilwoman Kaspar-Beckman 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. 4779 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, Wisnieski, 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 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. 4779 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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. 4779 as required by law.

A public hearing was held to consider an amendment to Section 27-401 of City Code to allow public golf courses and golf driving ranges as Conditional Uses in all zoning districts. Fire Chief Shane Weidner provided information to the Mayor and City Council. An existing driving range is seeking renewal of their Conditional Use Permit, which was allowed under the old zone code. The new zone code is much more restrictive so staff seeks the addition of golf courses in all zoning districts with a Conditional Use Permit. The permit process allows the City to monitor development and location of golf courses and driving ranges.

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. 4780 amending Section 27-401 of City Code to allow public golf courses and golf driving ranges as Conditional Uses in all zoning districts.

Councilman Wisnieski introduced Ordinance No. 4780 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-401 OF THE OFFICIAL CITY CODE TO ALLOW PUBLIC GOLF COURSES AND GOLF DRIVING RANGES AS CONDITIONAL USES IN ALL ZONING DISTRICTS; 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 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, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4780 passed on first reading.

Councilwoman Kaspar-Beckman moved that the statutory rule requiring reading on three different days be suspended. Councilman Leshovsky seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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 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 Leshovsky. The Mayor then stated the question "Shall Ordinance No. 4780 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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. 4780 as required by law.

The Mayor requested consideration of Ordinance No. 4777 annexing land along Norfolk Avenue west of 27th Street and east of 34th Street on third reading. Ordinance No. 4777 passed on first reading at the February 7, 2005 City Council meeting and on second reading as amended at the February 10, 2005 Special City Council meeting.

Councilman Lange 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 third 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, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4780 passed on third reading.

The Mayor requested consideration of Ordinance No. 4778 authorizing the sale of abandoned Union Pacific Railroad right-of-way property which lies between 8th Street and 9th Street and between Park Avenue and Phillip Avenue to **Liberty Centre** Services, Inc.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4778 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; 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, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4778 passed on first reading.

Councilman Van Dyke 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, Wisnieski, 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 Councilman Fauss. The Mayor then stated the question "Shall Ordinance No. 4778 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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. 4778 as required by law.

The Mayor requested consideration of Ordinance No. 4781 creating **Paving District** No. 489 providing for paving of 31st Street from U.S. Hwy. No. 275 (West Norfolk Avenue) to Prospect Avenue; 32nd Street, from Koenigstein Avenue to Prospect Avenue; 33rd Street, from Koenigstein Avenue to Prospect Avenue, from 31st Street to 33rd Street; and Raasch Drive, from 31st Street west approximately 1,320 feet.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4781 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 489 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, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4781 passed on first reading.

Councilman Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilman Brenneman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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 Councilman Brenneman. The Mayor then stated the question "Shall Ordinance No. 4781 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, 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. 4781 as required by law.

At the request of Councilman Wisnieski, Item G-3, Change Order No. 2 with **Paulsen**, Inc., was removed from the consent agenda and added to the regular agenda for consideration.

The Mayor requested consideration of Change Order No. 2 with Paulsen, Inc. for 2004-1 Paving Projects (Fourth Street from Madison Avenue to Norfolk Avenue, Fourth Street from Norfolk Avenue to Braasch Avenue, Madison Avenue from 1st Street to Hy-Vee Driveway and Paving District No. 488, Walters' East Knolls 5th Addition) resulting in a net increase of \$39,578.18.

Councilman Van Dyke moved, seconded by Councilman Lange to approve and authorize the Mayor to sign Change Order No. 2 with Paulsen, Inc. for 2004-1 Paving Projects (Fourth Street from Madison to Norfolk Avenues, Fourth Street from Norfolk to Braasch Avenues, Madison Avenue from 1st Street to Hy-Vee Driveway and Paving District No. 488, Walters' East Knolls 5th Addition) resulting in a net increase of \$39,578.18.

Councilman Wisnieski requested an explanation of Change Order No. 2.

Change Order No. 2 provides for an \$11,394.75 increase for Fourth Street from Madison to Norfolk Avenues; a \$16,109.18 increase for Fourth Street from Norfolk to Braasch Avenues; a \$736.15 decrease for Madison Avenue from 1<sup>st</sup> Street to the Hy-Vee Driveway; a \$12,613.00 increase for the electrical relocations; and a \$197.40 increase for Paving District No. 488.

Public Works Director Dennis Smith stated each of the projects involved tearing out old things which takes time and always involves a certain amount of the "unknown". The contractor found some old railroad tracks north of Norfolk Avenue that needed to be removed and replaced. A decision was made, in the field, to go farther west about 100-150 feet to get better drainage. There were overruns on the base material mainly due to compaction. There were also some overruns with crushed rock and storm sewers. Old conduit was found under the sidewalk on the west side of 4th Street from Madison Avenue to Braasch Avenue which necessitated some work on pole boxes. A major portion of the increase is due to additional storm sewer, electrical work, stabilizing subgrade with rock and replacing more of the alley west of 4th Street than was originally bid. The balance of the change order adjusts bid quantities to actual quantities.

Councilman Fauss questioned whether the projects were completed on time.

Smith stated the contractor may need to do a little more clean-up work in the spring. Smith is not aware of any outstanding issues with the projects. The contractor was diligent and worked well with businesses. Smith stated few complaints were received.

Roll call on the motion to approve Change Order No. 2 with Paulsen Inc. for 2004-1 Paving Projects: Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

The Mayor requested consideration of approval for the City Clerk to **advertise for bids** for Paving District No. 489 providing for paving of 31st Street, from U.S. Hwy. No. 275 (West Norfolk Avenue) to Prospect Avenue; 32nd Street, from Koenigstein Avenue to Prospect Avenue; 33rd Street, from Koenigstein Avenue to Prospect Avenue; Koengistein Avenue, from 31st Street to 33rd Street; and Raasch Drive, from 31st Street west approximately 1,320 feet.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Van Dyke to approve the plans, specifications and engineer's estimate on file in the City Clerk's office and authorize the City Clerk to advertise for bids for **Paving** District No. 489 for paving **31st Street** from U.S. Hwy. No. 275 (West Norfolk Avenue) to Prospect Avenue; 32nd Street, from Koenigstein Avenue to Prospect Avenue; 33rd Street, from Koenigstein Avenue to Prospect Avenue; Koengistein Avenue, from 31st Street to 33rd Street; and Raasch Drive, from 31st Street west approximately 1,320 feet. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

No comments were received regarding the monthly commercial and industrial building permit report for January 2005 or the Works-In-Progress report for the period February 2, 2005 through 15, 2005. Both reports were included in the agenda packets.

Councilman Van Dyke moved, seconded by Councilman Fauss to adjourn the meeting at 8:16 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Gordon D. Adams Mayor

ATTEST:	
Elizabeth A. Deck City Clerk	
(SEAL)	

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Tuesday, February 22, 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

(SEAL)