

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 3rd day of January, 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, Public Works Director/City Engineer Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Property/Operations Manager Gary Miller, Prevention Manager Scott Cordes, 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 Fauss requested Item G-1, consideration of approval of the appointment of Council persons to subcommittees, be taken off the consent agenda and added to the regular agenda.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Brenneman to amend the consent agenda with the deletion of Item G-12, consideration of an interlocal agreement with the City of Madison, and the removal of Item G-1 from the consent agenda at the request of Councilman Fauss, 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 Brenneman moved, seconded by Councilman Fauss to amend the regular agenda with the addition of Item G-1 and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

CONSENT AGENDA

The City Council approved the minutes of the December 6, 2004 City Council meeting as printed.

The City Clerk was authorized to establish January 18, 2005 as the date for the Board of Equalization to conduct a public hearing to equalize **special assessments** for Paving District No. 487 (Meadow Ridge, Phase 2, 2nd Addition).

The City Council adopted Resolution No. 2005-1 rescinding Resolution No. 2004-5 which implemented a moratorium on all development in the **floodway** area of the Elkhorn River.

The City Council approved the appointment of Councilwoman Vicki Saunders as the City of Norfolk's representative on the **Nebraska League of Municipalities** Legislative Committee.

The City Council approved and authorized the Mayor to sign an Easement Agreement with Huse Publishing Company for installation and maintenance of **fiber** optic cable and a splice box located on Huse Publishing Company property.

The City Council approved the Engineers Final Certificate for **Paving District No. 487** (Meadow Ridge, Phase 2, 2nd Addition).

The City Clerk was authorized to advertise for bids for replacement of Remote Terminal Units

(RTU) No. 5 & 6 at the Water Pollution Control Plant.

The City Council approved and authorized the Mayor to sign the Maintenance Agreement No. 019 renewal with the Nebraska Department of Roads for calendar year 2005 and the Certificate of Compliance for 2004.

The City Council approved and authorized the Mayor to sign Change Order No. 2 with K. Porter Construction, Inc. for the Lagoon and Lake Improvements 2004-1 project. The change order results in a total net decrease of \$3,891.72 for **Skyview** portion.

The City Council approved an amended City of Norfolk **Safety Manual**.

The City Council approved and authorized the Mayor to sign an agreement with Antelope, Madison and Pierce Counties to provide **emergency management services** to those jurisdictions. The agreement joins the four entities with services being provided by the City of Norfolk.

The City Clerk was authorized to advertise for proposals for an engineering consultant to design approximately 1.4 miles of 16-inch **water transmission main** in Northwest Norfolk near Lutheran High Northeast.

The City Council approved the low bid of \$151,952 from Wicks Sterling Trucks, Omaha, Nebraska, for a **sewer cleaning** machine for the Sewer and Street Divisions. Wicks Sterling Trucks bid \$215,952 with a trade-in value of \$65,000 for the existing 1996 vactor making the total bid with trade-in at \$150,952. One modification, a hydraulic tube holder, for \$1,000 was added back into the cost of the machine making the total \$151,952.

The City Council approved the low bid of \$49,178 from Northern Truck and Equipment for a transfer **trailer** for the Solid Waste Division. Northern Truck bid \$47,178 but will add two (2) feet to the length of the trailer for an additional \$2,000. This brings the capacity of the trailer to 120 cubic yards. Staff recommended acceptance of the low bid with the design modification and associated price adjustment of \$49,178.

The City Council approved exclusion of a tract of real estate from the designated county industrial tract at the request of **Gerhold** Concrete, Inc., 1900 Riverside Boulevard.

The City of Norfolk approved and authorized the Mayor to sign an Assignment of a Lease from Dynamic Broadband to **Telebeep** for a lease of space on the water tower.

The City Council approved all bills on file in the amount of \$2,144,856.15.

REGULAR AGENDA

A public hearing was held to consider the City acquiring approximately 71.02 acres of property located one and one-fourth miles west of Norfolk on Highway 275, immediately southeast of the intersection of Highway 275 and 49th Street. Public Works Director/City Engineer Dennis Smith provided information to the Mayor and City Council. City staff recommend acquisition of the property for well head protection. Smith explained the State of Nebraska recommends municipalities acquire property within 1,000 feet of well fields for well head protection purposes. The property being considered would be used to keep encroachments out and not for additional wells. The City of Norfolk is following state statutes for acquisition of the property and sent a letter to the property owners, Virgil Raasch, indicating an interest in acquiring the property. State Statute says the property owners have a right to be represented by counsel when selling the property. After the public hearing, the City must wait 30 days to negotiate for purchase of the property. The City has an appraiser hired to review the property but the appraisal has not been received by the City.

Dave Copple, attorney for the property owners, stated negotiations have not yet taken place. Copple stated the Raasch's are not interested in eminent domain. Copple stated the Raasch's are interested in discussions with the City of Norfolk after the 30 day time frame if no other offers have been received for purchase of the property.

Ray Stahla, 5200 West Benjamin, questioned whether the City of Norfolk has concerns with

contamination on the property.

Smith stated there is some fuel contamination on the Raasch property from the Henkel Oil Company, 4806 West Norfolk Avenue, property located nearby. However, the City is interested in purchasing the property for well head protection only.

No one else spoke during the public hearing and the Mayor closed the hearing.

Public hearings were held simultaneously to consider an amendment to the City of Norfolk's Comprehensive Plan from Elkhorn River Corridor to Single Family Residential and a **zoning** change from I-1 (Light Industrial District) and I-3 (Limited Industrial District) to R-M (Mobile Home District) for property located at 3207 South 12th Street at the request of Glen and Jody L.L.C. (Glen and Jody Thomas). Prevention Manager Scott Cordes provided information to the Mayor and City Council. The owners are requesting the change to bring the property into compliance for its current use as a mobile home park.

Glen Thomas, 1413 North 13th Street, spoke in favor of the amendment and zoning change.

On November 19, 2004, the Norfolk Planning Commission held public hearings regarding Glen and Jody L.L.C.'s requests and recommended approval of the amendment and zoning change.

No one else appeared either in favor of or in opposition to the amendment or zoning change and the Mayor declared the hearings closed. This item corresponds with Ordinance Nos. 4767 and 4768 adopted later during the meeting.

A public hearing was held to consider changing the zoning from I-1 (Light Industrial District) to R-1 (Single Family Residential District) at 802 **Elm Avenue** at the request of Gary L. and Lisa A. Miller. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The Millers wish to build a garage on the property. This is a housekeeping issue to bring the zoning into compliance with use of the property.

No one spoke in favor of or in opposition to the zoning change and the Mayor closed the public hearing. This item corresponds with Ordinance No. 4769 adopted later during the meeting.

A public hearing was held to consider adoption of revised City of Norfolk **flood insurance** rate maps. Prevention Manager Scott Cordes provided information to the Mayor and City Council and Public Works Director/City Engineer Dennis Smith provided visual aids during the hearing.

After approximately two years of review, evaluation and public comment periods, the Federal Emergency Management Agency (FEMA) and the Nebraska Department of Natural Resources are now requiring the City of Norfolk formally adopt the new floodway maps. Brian Dunnigan, Program Director of the Nebraska Department of Natural Resources, sent a formal notice urging the City of Norfolk to move forward with final adoption of the new maps prior to the federal effective date of February 4, 2005. Failure to adopt the new maps prior to February 4, 2005 jeopardizes community participation in the Federal Flood Insurance Program.

FEMA hired an engineering firm to do the floodway study; the City of Norfolk provided an updated 2003 aerial photo to gather elevations, and the Nebraska Department of Natural Resources developed the contours for the maps. FEMA reviewed available information and developed the new map.

The new maps affected some Norfolk citizens because of the significant negative results on the potential use and value of their properties. Two citizens most impacted were Wendell Newcomb of Roman Packing Company and Ray Clausen who owns both business and residential property in the affected area. Through a cooperative effort with the City of Norfolk, concerns raised by these citizens were communicated to various state and federal agencies including direct contacts with Senator Ben Nelson's office requesting further review and evaluation of the affected properties. The contact with Senator Nelson generated a secondary review by FEMA and resulted in significant relief to much of the affected area for both Mr. Newcomb and Mr. Clausen. Without such relief, the Newcomb and Clausen properties would have been located in the floodway and they would not be able to make improvements to their properties or build any new structures. Senator Nelson also worked with FEMA on behalf of citizens in the cities of Grand Island and Fremont. Cedar Lake will now be located outside the floodway and are, as

such, afforded building opportunities not previously available and residents in the Cedar Lake development will no longer be required to pay flood insurance. Others benefiting from the new maps include the Gerhold family, Deets Furniture, Porter Construction, Nebraska Machinery, and some City of Norfolk properties. However, the secondary review that specifically helped Mr. Newcomb and Mr. Clausen and others created tighter floodway restrictions to portions of Ta-Ha-Zouka Park.

Wendell Newcomb, 602 North 25th Street, thanked City Administrator Mike Nolan and Public Works Director/City Engineer Dennis Smith for their efforts in helping Roman Packing property get relief from being located in the floodway. Newcomb did have concerns, however, because the house located south of Roman Packing at 2003 South 13th Street and owned by Ken Newcomb should be located outside the floodway since it is only 25 feet south of the map line. Newcomb requested the boundary of the floodway be moved 25 feet further south of the Roman Packing property. Newcomb is “happy with everything else” regarding the new flood insurance maps.

City Administrator Mike Nolan explained any adjustments to the maps would need to be considered by FEMA or the Nebraska Department of Natural Resources. Newcomb would need to provide a letter to the City and request the boundary change. City staff could then present the letter to Brian Dunnigan with the Nebraska Department of Natural Resources for consideration.

Mayor Adams explained the City Council needs to adopt the new flood insurance maps prior to the February 4, 2005 deadline. Mayor questioned whether changes can be initiated after adoption of the maps.

Smith stated there are mechanisms in place only “letter map revisions” can be made once the Council adopted the new maps.

Mayor Adams questioned the accuracy for determining elevations from an aerial photo. Adams questioned whether elevations taken with a level and transit may be more accurate than from an aerial photo.

Smith explained the aerial photo has an accuracy of plus/minus 1/2 foot or less. Smith stated Brian Dunnigan did come and do some measurements with a level and transit.

Mayor Adams stated a lot of time was spent on the flood insurance rate maps.

Councilman Van Dyke stated the new maps “may not be perfect” but the Council needs to adopt the new maps prior to the February deadline.

No one else spoke during the public hearing and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2005-2 approving the City’s Flood Insurance Rate Map (FIRM) as the official map delineating the flood hazard boundaries established for the community and the surrounding areas of Madison and Stanton Counties in the two-mile zoning jurisdiction.

Councilman Van Dyke moved for adoption of Resolution No. 2005-2 approving the City’s Flood Insurance Rate Map (FIRM) as the official map delineating the flood hazard boundaries established for the community and the surrounding areas of Madison and Stanton Counties in the two-mile zoning jurisdiction, seconded by Councilwoman Kaspar-Beckman. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-2 was adopted.

The Mayor requested consideration of Ordinance No. 4766 annexing Lot 4, Block 6 except the West 86 feet of **Walters’** East Knolls Sixth Addition located in the SE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Public Works Director/City Engineer Dennis Smith explained the developer, Wayne Walters, requests the annexation. A property owner in the last Walters’ subdivision wishes to add more area to their lot and the annexation will allow the entire lot to be located in the city limits.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4766 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE

SOUTHEAST 1/4, NORTHWEST 1/4 OF SECTION 24 OF TOWNSHIP 24, NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA 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. 4766 passed on first reading.

Councilman Leshovsky moved that the statutory rule requiring reading on three different days be suspended. Councilman Wisnieski 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 Leshovsky 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 Wisnieski. The Mayor then stated the question "Shall Ordinance No. 4766 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. 4766 as required by law.

The Mayor requested consideration of Ordinance No. 4767 amending the City of Norfolk's Comprehensive Plan at **3207 South 12th** Street from Elkhorn River Corridor to Single Family Residential.

Councilman Wisnieski introduced Ordinance No. 4767 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR 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. 4767 passed on first reading.

Councilman Brenneman 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 Brenneman 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. 4767 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. 4767 as required by law.

The Mayor requested consideration of Ordinance No. 4768 for a zoning change from I-1 (Light Industrial District) and I-3 (Limited Industrial District) to R-M (**Mobile Home** District) at 3207 South 12th Street at the request of Glen and Jody L.L.C. (Glen and Jody Thomas).

Councilman Van Dyke introduced Ordinance No. 4768 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. 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. 4768 passed on first reading.

Councilwoman Kaspar-Beckman 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 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 4768 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. 4768 as required by law.

The Mayor requested consideration of Ordinance No. 4769 changing the zoning from I-1 (Light Industrial District) to R-1 (Single Family Residential District) at 802 **Elm Avenue** at the request of Gary L. and Lisa A. Miller.

Councilman Wisnieski introduced Ordinance No. 4769 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. 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. 4769 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. 4769 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. 4769 as required by law.

The Mayor requested consideration of the appointment of Vicki Saunders and Jim Brenneman to the Public Works Subcommittee; Howard Leshovsky and Ivan Van Dyke to the Planning & Community Development Subcommittee; don Wisnieski and Jim Lange to the Public Safety Subcommittee; and Dave Fauss and Sue Kaspar-Beckman to the Culture & Recreation Subcommittee. This item was taken off the consent agenda at the request of Councilman Fauss.

Councilman Wisnieski moved, seconded by Councilwoman Kaspar-Beckman to approve the appointment of Vicki Saunders and Jim Brenneman to the Public Works **Subcommittee**;

Howard Leshovsky and Ivan Van Dyke to the Planning & Community Development Subcommittee; don Wisnieski and Jim Lange to the Public Safety Subcommittee; and Dave Fauss and Sue Kaspar-Beckman to the Culture & Recreation Subcommittee.

Councilman Fauss questioned why Council members weren't contacted prior to this item appearing on the City Council agenda. Fauss stated Council members want "the communication thing" so members should have been contacted.

Council President Leshovsky stated City Code provides that the appointments are made at the discretion of the Council President. Leshovsky stated Fauss has indicated numerous times in the past the desire to serve on the Culture & Recreation Subcommittee. Leshovsky e-mailed each Council member about the appointments.

Councilwoman Kaspar-Beckman was contacted by Councilman Leshovsky prior to the appointments. Kaspar-Beckman served as Council President for the last two years and tried to talk to as many Council members as possible prior to the appointments; however, only one or two Council members responded when questioned about serving on the subcommittees.

Councilman Fauss stated he does not check e-mail.

Roll call on the motion to approve the subcommittee appointments: 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 a Special Designated Liquor License for Elkhorn Valley Pheasants Forever to serve beer, wine and distilled spirits at the City Auditorium on Saturday, March 19, 2005.

Councilman Wisnieski moved, seconded by Councilwoman Kaspar-Beckman to approve the Special Designated Liquor License for Elkhorn Valley **Pheasants Forever** to serve beer, wine and distilled spirits at the City Auditorium on Saturday, March 19, 2005.

Councilman Fauss declared a conflict of interest since Pheasants Forever is purchasing the alcohol from National Champion Liquor, and Fauss did not participate in discussion or voting on this item.

Councilman Leshovsky understands the need for a facility in the City of Norfolk large enough to accommodate such groups as Pheasants Forever and the Nebraska Beards & Spurs (Wild Turkey Federation) but will vote against Items G-3, G-9, and G-13 because of City Code Section 3-11. Section 3-11 states consumption of alcoholic liquors on property owned by the state of any governmental subdivision is prohibited. Leshovsky encouraged the groups to have their annual events without serving alcohol.

Councilman Brenneman agrees with Councilman Leshovsky. Brenneman appreciates the efforts of the various groups but will be voting against the items since alcohol should not be allowed in the Auditorium.

Roll call on the motion to approve the Special Designated Liquor License for Elkhorn Valley Pheasants Forever: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski and Saunders. Nays: Leshovsky and Brenneman. Abstaining: Fauss. Absent: None. Motion carries.

The Mayor requested consideration of an agreement with Pheasants Forever Elkhorn Valley Chapter #901 for the annual **Pheasants Forever** banquet to be held on March 19, 2005 in the City Auditorium.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Wisnieski to approve an agreement with Pheasants Forever Elkhorn Valley Chapter #901 for the annual Pheasants Forever banquet to be held on March 19, 2005 in the City Auditorium. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Fauss and Saunders. Nays: Leshovsky and Brenneman. Absent: None. Motion carried.

The Mayor requested consideration of a Special Designated Liquor License for Northeast Nebraska Beards & Spurs (Wild **Turkey** Federation) to sell beer, wine and distilled spirits at the City Auditorium on Saturday, February 12, 2005.

Councilman Wisnieski moved, seconded by Councilman Kaspar-Beckman to approve the Special Designated Liquor License for Northeast Nebraska Beards & Spurs to sell beer, wine and distilled spirits at the City Auditorium on Saturday, February 12, 2005. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Fauss and Saunders. Nays: Leshovsky and Brenneman. Absent: None. Motion carried.

No comments were received regarding the Police Division report for November 2004 or the Works-In-Progress report for the period December 1 through 28, 2004. Both reports were included in the agenda packets.

Sales and Use Tax for the month of October 2004 was reported as \$516,987.16.

Councilman Wisnieski moved, seconded by Councilman Fauss to adjourn the meeting at 8:18 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

(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, January 3, 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

(S E A L)