

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 18th 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, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, and Prevention Manager Scott Cordes.

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.

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

SPECIAL PRESENTATIONS

The Mayor proclaimed the week of January 30 through February 5, 2005 as "Catholic Schools Week" and Tuesday, January 25, 2005 as "Mentoring Day".

CONSENT AGENDA

The City Council approved the minutes of the January 3, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-3 which states the City desires to consider **annexation** of land along Norfolk Avenue west of 27th Street and east of 34th Street. The resolution also approves the plan for extending City services to the land and establishes February 7, 2005 as the date for a public hearing to consider the annexation.

The City Council approved purchasing three replacement **police cruisers** for the Police Division. The cruisers will be purchased off the State of Nebraska bid from Husker Chevrolet for a total of \$57,366.15.

The City Council approved the Corporate Manager Application of Brad Ottis in connection with the Class C liquor license of Ottis, Inc., a Nebraska Corporation, dba **The Depot**, 211 Northwestern Avenue.

The City Council approved and authorized the Mayor to sign an Engineering Agreement with Schemmer Associates, Inc. to provide comprehensive transportation planning/modeling services. The agreement is in a not to exceed amount of \$165,959.27.

The City Council approved all bills on file in the amount of \$728,337.19.

REGULAR AGENDA

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to consider levying special assessments in Paving District No. 487 (**Meadow Ridge**, Phase 2, 2nd Addition).

Councilman Van Dyke moved, seconded by Councilman Fauss to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize special assessments in Paving District No. 487 (Meadow Ridge, Phase 2, 2nd Addition). Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Public Works Director Dennis Smith provided information to the Mayor and City Council. The property is located west of Victory Road in the Meadow Ridge development. Paving District No. 487 (Meadow Ridge Phase 2, 2nd Addition) has total costs of \$125,979.95 with general obligation costs to the City of \$34,801.58; assessable abutting property costs of \$52,578.37; and grant funds of \$38,600.

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

Councilman Van Dyke moved, seconded by Councilman Fauss to adjourn as a Board of Equalization and reconvene as Mayor and City Council. 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 Ordinance No. 4770 levying special assessments in Paving District No. 487 (Meadow Ridge Phase 2, 2nd Addition).

Councilman Fauss introduced Ordinance No. 4770 entitled: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE ABUTTING UPON AND ADJACENT TO AND SPECIALLY BENEFITED BY THE IMPROVEMENTS IN PAVING DISTRICT NO. 487 OF THE CITY OF NORFOLK, NEBRASKA, TO DEFRAY THE COST OF SAID IMPROVEMENTS; AND TO PROVIDE 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. 4770 passed on first reading.

Councilman Leshovsky moved that the statutory rule requiring reading on three different days be suspended. Councilwoman Kaspar-Beckman 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 Councilwoman Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4770 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. 4770 as required by law.

Public hearings were held simultaneously to consider an amendment to the City of Norfolk's Comprehensive Plan from agricultural to industrial and a zoning change from A (Agriculture) to I-2 (Heavy Industrial District) at 3002 North Victory Road at the request of **Elkhorn Valley Ethanol**, L.L.C. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Cordes stated drainage in the area of the ethanol plant previously was a concern for Permits & Codes Division staff. However, the drainage concerns have been resolved and the

project is ready to move forward. If the Comp Plan and zoning changes are approved, Elkhorn Valley Ethanol can operate the ethanol plant with a Conditional Use Permit.

Robert (Pete) Brummels, 821 Greeley, Elkhorn, Nebraska, spoke on behalf of Elkhorn Valley Ethanol. Brummels explained a pilot plant has been in place since last summer and most of the private funds necessary to move forward with the project have been raised. Brummels stated air quality permits are in place and the project is ready to move forward. Brummels stated it is anticipated Elkhorn Valley Ethanol will bring 1.4 million dollars into the area economy. The ethanol plant will provide a supplement for cattle feeders and should help raise the price of corn for area producers. Elkhorn Valley Ethanol's goal is to maintain good employees through a competitive wage and benefit schedule. The plant anticipates employing up to 35 people with a salary of \$14/\$15 per hour. Brummels stated the plant initially will burn 42,000 bushels of corn per day. Future plans are to produce up to 80 million gallons of ethanol per year with the possibility of producing up to 100 million gallons of ethanol per year in the near future.

On May 18, 2004, the Norfolk Planning Commission held public hearings regarding Elkhorn Valley Ethanol, L.L.C.'s requests. The City Clerk read the Planning Commission's recommendations for approval into the record.

No one else appeared either in favor of or in opposition to the Comprehensive Plan amendment or zoning change and the Mayor declared the hearings closed.

The Mayor requested consideration of Ordinance No. 4771 amending the City of Norfolk's Comprehensive Plan at 3002 North Victory Road from agricultural to industrial.

Councilman Van Dyke introduced Ordinance No. 4771 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 THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first 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. 4771 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. 4771 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. 4771 as required by law.

The Mayor requested consideration of Ordinance No. 4772 for a zoning change from A (Agriculture) to I-2 (Heavy Industrial District) at 3002 North Victory Road at the request of Elkhorn Valley Ethanol, L.L.C.

Councilman Lange introduced Ordinance No. 4772 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 Wisnieski 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. 4772 passed on first reading.

Councilman Wisnieski 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 Wisnieski 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. 4772 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. 4772 as required by law.

The Mayor requested consideration of Ordinance No. 4773 amending Section 24-11 of City Code reconciling child and **passenger restraint** requirements with State Statute.

Councilman Brenneman introduced Ordinance No. 4773 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-11 OF THE OFFICIAL CITY CODE TO RECONCILE CHILD AND PASSENGER RESTRAINT REQUIREMENTS WITH STATE STATUTE; 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. 4773 passed on first reading.

Councilwoman Kaspar-Beckman moved that the statutory rule requiring reading on three different days be suspended. Councilman Van Dyke 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 Van Dyke. The Mayor then stated the question "Shall Ordinance No. 4773 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. 4773 as required by law.

The Mayor requested consideration of Ordinance No. 4774 amending Section 4-24 of City Code allowing **animal impoundment** fees to be billed by the Police Division as well as the City Clerk.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4774 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-24 OF THE OFFICIAL CODE TO ALLOW BILLING FOR IMPOUNDMENT FEES TO BE DONE BY THE POLICE DIVISION IN ADDITION TO THE CLERK'S OFFICE; 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 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. 4774 passed on first reading.

Councilman Van Dyke 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 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 Leshovsky. The Mayor then stated the question "Shall Ordinance No. 4774 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. 4774 as required by law.

The Mayor requested consideration of Ordinance No. 4775 amending Section 24-276 of City Code clarifying limitations on backing of **vehicles on roadways**.

Councilman Fauss introduced Ordinance No. 4775 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-276 OF THE OFFICIAL CITY CODE TO CLARIFY THE ORDINANCE; 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. 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. 4775 passed on first reading.

Councilman Wisnieski 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 Wisnieski 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. 4775 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. 4775 as required by law.

The Mayor requested consideration of Ordinance No. 4776 amending Section 4-4 of City Code clarifying the keeping of **livestock** within the City.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4776 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-4 OF THE OFFICIAL CITY CODE TO CLARIFY THE ORDINANCE; 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 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. 4776 passed on first reading.

Councilman Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilwoman Kaspar-Beckman 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 Councilwoman Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4776 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. 4776 as required by law.

The Mayor requested consideration of an agreement with Northeast Nebraska Beards and Spurs Chapter of the National **Wild Turkey** Federation for rental of the City Auditorium for their annual banquet on February 12, 2005.

Councilman Wisnieski moved, seconded by Councilwoman Kaspar-Beckman to approve an agreement with Northeast Nebraska Beards and Spurs Chapter of the National **Wild Turkey** Federation for rental of the City Auditorium for their annual banquet on February 12, 2005. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: Leshovsky. Absent: None. Motion carried.

At the request of Council President Leshovsky, Prevention Manager Scott Cordes included a monthly report on commercial building permits for the month of December 2004 in the agenda packet. This report will be provided to Council members in the meeting packets for the second City Council meeting each month.

No comments were received regarding the Police Division report for December 2004 or the Works-In-Progress report for the period December 29, 2004 through January 11, 2005. Both reports were included in the agenda packets.

Councilman Van Dyke moved, seconded by Councilman Fauss to adjourn the meeting at 8:06 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 Tuesday, January 18, 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

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