

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 5th day of July, 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.

Councilman Fauss moved, seconded by Councilman Leshovsky 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.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Brenneman 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 PRESENTATION

Ken Peitzmeier, Lower Elkhorn Natural Resources District, presented the City of Norfolk with a check in the amount of \$47,996.10 as a contribution towards construction of the Levee Trail.

CONSENT AGENDA

The City Council approved the minutes of the June 27, 2005 Special City Council meeting as printed.

The City Council adopted Resolution No. 2005-35 placing **stop signs** on all streets intersecting Bel Air Road. Those streets include Parkview Drive, Meadow Drive, Glenmore Drive, Greenlawn Drive, Fieldcrest Drive, Angus Drive, Charolais Drive, Longhorn Drive, Shorthorn Drive and Homewood Drive.

The City Council adopted Resolution No. 2005-36 placing **stop signs** on all streets intersecting Dover Drive, Golfview Drive, and North 30th Street from Benjamin Avenue to the intersection of Dover Drive, including North 26th Street, East Berry Hill Drive West Berry Hill Drive, Mulberry Drive, Blackberry Drive, Hackberry Drive, Troon Street at Golfview Drive, Golfview Drive at North 30th Street, Gingerberry Drive at North 30th Street, Troon Street at North 30th Street and Pinnacle Drive at 30th Street.

The City Council adopted Resolution No. 2005-37 stating the City's desire to consider the **annexation** of land located in the Southeast ¼ of the Northwest ¼ of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. The land is located west of College View Fourth Addition, north of Briarwood Estates and east of Haase's Acres.

The City Council adopted Resolution No. 2005-38 releasing the five-foot **utility easement** on

each side of the common lot line between Lots 1 and 2, Block 2, and the five foot utility easement located on each side of the common lot line between Lots 2 and 3, Block 2, except the north ten feet, Green Meadow Addition, Madison County, Nebraska, being a part of the SE ¼ of the SW ¼ of Section 20, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. MBH Development Company, LLC, requests the release.

The City Council approved a Special Designated Liquor License for Sacred Heart Church to sell beer at **Sacred Heart** Parish Hall, 2301 Madison Avenue, on Saturday, August 6, 2005 for a dance during the annual parish festival.

The City Council approved and authorized the Mayor to sign a Water Abandonment Agreement with Eugene **Lorang** and Karen C. Lorang. The Lorangs request abandonment of the water service line to their demolished single family dwelling at 1317 South 1st Street effective on June 1, 2006.

The City Council approved and authorized the Mayor to sign a **Water Abandonment** Agreement with Patrick J. Fowler and Sharalyn A. Fowler. The Fowlers request abandonment of the water service line to their demolished single family dwelling at 407 Omaha Avenue effective on June 1, 2006.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with A & R Construction Company for the Paving District No. 489 (**Green Meadow** Addition) project. The change order results in a total net increase of \$61,374.76 and provides for the addition of crushed concrete foundation course, over excavation and fabric to stabilize the pavement grade.

The City Council approved and authorized the Mayor to sign the **Elkhorn Valley Mutual Aid** agreement reflecting requirements pursuant to State Statute 81-829.65 that states each local government shall take necessary action to permit movement of its emergency equipment and personnel outside the limits of such local government in order to render aid in the event of an emergency.

The City Council approved and authorized the Mayor to sign an agreement with the **Norfolk Thunderbirds** for the rental and use of Memorial Field. The football team will use the field for three games this summer.

The City Council approved all bills on file in the amount of \$800,188.74.

REGULAR AGENDA

A public hearing was held to consider a zoning change from A (Agricultural District) to R-1 (Single Family Residential District) on property located west of Westwood and north of Berry Hill Subdivision. Wyndam Estates (Thomas Dover) requests the zoning change. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The land is located east of Lutheran High Northeast. The 80 acre development will provide large acreages as well as standard R-1 lots.

On June 21, 2005, the Norfolk Planning Commission held a public hearing regarding Wyndam Estates' (Thomas Dover) request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

The Mayor requested consideration of Ordinance No. 4810 changing the zoning from A (Agricultural District) to R-1 (Single Family Residential District) west of Westwood and north of Berry Hill Subdivision at the request of Wyndam Estates.

Councilman Lange introduced Ordinance No. 4810 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. Motion carried. Ordinance No. 4810 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. Motion carried. Ordinance No. 4810 passed on first reading. 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. 4810 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. 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. 4810 as required by law.

The Mayor requested consideration of Ordinance No. 4803 approving a zoning change from R-1 (Single Family Residential District) to C-3 (Service Commercial District) at **1001 Benjamin** Avenue at the request of Dwain and Danielle Luhr and Beverlyann Brunswick. Ordinance 4803 passed on first reading at the June 6, 2005 City Council meeting and on second reading at the June 20, 2005 City Council meeting.

Councilman Wisnieski introduced Ordinance No. 4803 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, AND 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. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: Kaspar-Beckman and Leshovsky. Absent: None. Motion carried. Ordinance No. 4803 passed on third reading.

The Mayor requested consideration of Ordinance No. 4811 changing the **speed limit** to 30 miles per hour on Prospect Avenue from 7th Street to 13th Street. This request came from a citizen who felt the speed limit on Prospect Avenue should be consistent across the City.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4811 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A SPEED LIMIT OF 30 MILES PER HOUR ON PROSPECT AVENUE FROM 7TH STREET TO 13TH STREET; 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 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. 4811 passed on first reading.

Councilman Wisnieski 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 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 4811 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. 4811 as required by law.

The Mayor requested consideration of Ordinance No. 4812 **vacating Lots** 15 and 16 of Bel-Air Second Addition to the City of Norfolk, Madison County, Nebraska, being a part of Tax Lot 2 in the Southeast ¼ of the Northeast ¼ of Section 21, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

Councilman Brenneman introduced Ordinance No. 4812 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO VACATE A PORTION OF THE PLAT OF BEL-AIR SECOND ADDITION TO THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, BEING A PART OF TAX LOT 2 IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, 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. 4812 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. 4812 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. 4812 as required by law.

The Mayor requested consideration of Resolution No. 2005-39 approving the final plat of Replat of Vacated Lots 15 and 16 **Bel Air Second** Addition and the accompanying subdivision agreement. Bel Aire, L.L.C., requested this 3 lot subdivision that houses the Bel Air Apartments at 1503-1507 Glenmore Road.

Councilwoman Kaspar-Beckman moved for adoption of Resolution No. 2005-39 approving the final plat of Replat of Vacated Lots 15 and 16 Bel Air Second Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilman Wisnieski. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2005-39 was adopted.

The Mayor requested consideration of Resolution No. 2005-40 providing for modification of established **setback requirements** for Replat of Vacated Lots 15 and 16 Bel Air Second Addition.

Councilman Wisnieski moved for adoption of Resolution No. 2005-40, modifying established setback requirements for Replat of Vacated Lots 15 and 16 Bel Air Second Addition, 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. 2005-40 was adopted.

The Mayor requested consideration of Ward 4 City Councilman Don **Wisnieski's** resignation from the City Council effective at the adjournment of the July 5, 2005 City Council meeting. Councilman Wisnieski moved outside the city limits and submitted a letter of resignation.

Councilman Van Dyke moved, seconded by Councilman Leshovsky to accept the resignation of City Councilman Don Wisnieski (Ward 4) from the City Council effective at the adjournment of the July 5, 2005 City Council meeting. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, and Saunders. Nays: Fauss. Abstaining: Wisnieski. Absent: None. Motion carried.

Sales and use tax collection for the month of April 2005 was reported as \$529,529.87.

No comments were received regarding the Works-In-Progress report for the period June 15 through 28, 2005.

The Mayor reported the **City Administrator's evaluation** contemplated by the Advisory Review Committee has been completed.

Mayor Adams presented a plaque to Councilman Wisnieski in appreciation of service to the City of Norfolk as City Councilman from December 2000 to July 2005.

Councilman Wisnieski thanked the Mayor, City Council members, staff, family, citizens and constituents for support throughout the term. Wisnieski "hopes to work with the City Council in the future in another capacity."

Councilman Fauss moved, seconded by Councilman Wisnieski to adjourn the meeting at 7:53 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, July 5, 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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