

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 20th day of June, 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, Clerk Beth Deck, Police Chief Bill Mizner, and Administrative Secretary Bethene Hoff.

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 Wisnieski 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.

CONSENT AGENDA

The City Council approved the minutes of the June 6, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-32 approving the preliminary amended plan of **Fox Ridge** Estates for a development located on 34th Street north of Fox Ridge Estates, a Planned Development, requested by Kerry Werner. Werner requests the amendment to provide for larger lots in the northern section of the development and relocation of 34th Street and Silver Fox Avenue.

The City Council adopted Resolution No. 2005-33 authorizing Community Concern of Norfolk, Inc., to apply for federal funds under Section 5311 of the Federal Transit Act and for Nebraska **Public Transportation** Act Funds.

The City Council adopted Resolution No. 2005-34 releasing the five-foot utility easement on each side of the common lot line between Lots 1 and 2, Block 1, and the ten-foot utility easement along the west lot line of Lots 1 and 2, Block 1, **Eldorado Hills Ninth** Subdivision, an addition to the City of Norfolk, Madison County, Nebraska. This is at the request of Darrel E. and Linda J. Novacek.

The City Council approved a Special Designated **Liquor** License for Sacred Heart Church of Norfolk to sell beer at Norfolk Catholic High School, 2300 Madison Avenue, on Friday, July 22, 2005, from 6:00 p.m. to 10:00 p.m. for a reception for Norfolk Catholic Alumni.

The City Council approved purchasing a **tractor** off the State of Nebraska contract for the Street Division for \$55,777.00 from Johnson Farm Equipment Company.

The City Council approved and authorized the Mayor to sign a Grant of Easement for construction and maintenance of utilities on the west twenty (20) feet of Lot 1, Block 2, **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.

The City Council approved and authorized the Mayor to sign a Grant of **Easement** for construction and maintenance of utilities on the west ten feet of Lots 1 and 2, Block 1, Eldorado Hills Ninth Subdivision, an addition to the City of Norfolk, Madison County, Nebraska and a part of Lot 1, Block 1 Eldorado Hills Sixth Subdivision, an addition to the City of Norfolk, Madison County, Nebraska. The easement is requested by Darrel E. and Linda J. Novacek.

The City Council authorized City staff to seek proposals from qualified certified public accountants to **audit** the City's annual financial statements for each of the fiscal years ending September 30, 2005-2008.

The City Council approved and authorized the Mayor to sign an Access Agreement with George **Warrick** for drilling soil borings and installing groundwater **monitoring wells** in the sidewalk located on the northeast corner of 8th Street and Norfolk Avenue.

The City Council approved and authorized the Mayor to sign an Electric Line – Right-of-Way Easement with **Elkhorn Rural** Public Power District for right to enter City property to construct, operate and maintain an anchor in the Northeast Quarter of Section 31, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

The City Council approved award of and authorized the Mayor to sign a contract with Country Nursery, Inc. of Wayne, Nebraska for the 2005 **Downtown Streetscape**, Norfolk Avenue project in the amount of \$131,586.18 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Only one bid was received at the June 14, 2005 bid letting.

The City Council authorized the Mayor to execute a notice of intent to apply for Transportation Enhancement Program funding for **historic lighting** on Norfolk Avenue in the downtown area.

The City Council approved of all bills on file in the amount of \$1,407,055.03.

CURRENT BUSINESS

The Mayor requested consideration of Ordinance No. 4799 **annexing** a tract of land located generally north of U.S. 275 from the Green Meadow Addition west to 250 feet west of **37th Street** including a portion of U.S. Highway 275 right-of-way and portions of 37th Street right-of-way. Ordinance No. 4799 passed on first reading at the May 16, 2005 City Council meeting and on second reading at the June 6, 2005 City Council meeting.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4799 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND THE SOUTHEAST 1/4 OF SECTION 19, 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 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. 4799 passed on third reading.

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 was tabled at the May 16, 2005 City Council meeting and passed on first reading at the June 6, 2005 City Council meeting.

Councilman Lange 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 second reading. Councilman Van Dyke seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Councilwoman Saunders received many phone calls and had a lot of discussion with residents regarding the proposed zoning change. Saunders stated the zoning change request is very controversial. However, one caller said “Don’t slam the door on this opportunity” and Saunders agrees with the caller.

Councilman Leshovsky received a lot of phone calls in the last 7-10 days. The callers are split about 50/50 regarding the zoning change. U-Save is probably a good organization and will be an asset to the City of Norfolk. However, Leshovsky stated many residents still have concerns about the rezoning. Leshovsky will vote against the ordinance.

Councilwoman Kaspar-Beckman received many calls regarding the rezoning. Kaspar-Beckman’s aunt lives across the street from the property and is against the rezoning. Kaspar-Beckman will vote against the ordinance.

Councilwoman Saunders received one call from a citizen with concerns about the drainage problem. Saunders stated the City will address the drainage problem.

Danielle Luhr, 1001 West Benjamin Avenue, spoke in favor of the rezoning. Luhr talked with neighbors both inside and outside the 300’ area of the property. Luhr stated most of the neighbors are “ok” with the pharmacy but have concerns with drainage in the area.

City Administrator Mike Nolan stated a non-binding agreement will be forthcoming to address concerns of the neighbors, including no commercial zoning south of Benjamin Avenue and improved drainage for area residents.

Roger Frank, 1103 Grant Avenue, spoke in favor of the rezoning. Frank feels the pharmacy will upgrade the neighborhood and be an asset for the City of Norfolk. Frank stated without paving the dust concerns won’t be resolved.

Bob Hupp, 1700 Market Lane, developer/real estate agent representing the Luhrs, Brunswick and U-Save, spoke in favor of the rezoning. Hupp stated U-Save’s additional payroll will generate approximately \$1.2 million dollars in Norfolk. The neighbors’ primary concern seems to be with drainage and the City is working to resolve that issue. Hupp feels the pharmacy is a “good fit” for Norfolk.

Public Works Director Dennis Smith explained the architect for U-Save is working with an attorney on the site plan but it still needs to be formalized. U-Save requests the City Council only pass the ordinance on second reading at tonight’s meeting.

Councilman Lange stated commercial zoning thrives on frontage roads. Lange doesn’t feel commercial zoning will continue south of Benjamin Avenue. Lange stated the City Council needs to look at the highest and best use of the property. Lange stated the City Council should not ignore the Planning Commission’s recommendation for approval of the zoning change request.

Roll call on Ordinance No. 4803: Ayes: Councilpersons Lange, Van Dyke, Wisnieski, Brenneman, Fauss and Saunders. Nays: Leshovsky and Kaspar-Beckman. Absent: None. Motion carried. Ordinance No. 4803 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4808 creating a temporary parking prohibition on Maple Avenue from 18th Street west to the entrance to Skyview Park.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4808 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO CREATE A TEMPORARY PARKING PROHIBITION ON MAPLE AVENUE FROM 18TH STREET WEST TO THE ENTRANCE TO SKYVIEW PARK; 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 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Abstaining: Wisnieski. Motion carried. Ordinance No. 4808 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Abstaining: Wisnieski. 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. 4808 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Abstaining: Wisnieski. 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. 4808 as required by law.

Mayor Adams requested consideration of Ordinance No. 4809 amending the speed limit on **37th Street** from Norfolk Avenue north to the city limits line between Norfolk Avenue and Benjamin Avenue to 45 miles per hour and establishing a school zone from 450 feet north of Norfolk Avenue to Prospect Avenue.

Councilman Leshovsky introduced Ordinance No. 4809 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, IN CONJUNCTION WITH THE ANNEXATION OF PROPERTY TO THE CITY PURSUANT TO ORDINANCE NO. 4799, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A SPEED LIMIT OF 45 MILES PER HOUR ON 37TH STREET FROM NORFOLK AVENUE TO THE CITY LIMITS LINE BETWEEN NORFOLK AVENUE AND BENJAMIN AVENUE; TO AMEND SECTION 24-111 OF THE OFFICIAL CITY CODE TO ADD A SCHOOL ZONE; 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. 4809 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. 4809 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. 4809 as required by law.

No comments were received regarding the monthly commercial and industrial building permit report for May 2005; the Police Division report for June 2005; or the Works-in-Progress report for the period June 1–14, 2005.

No one spoke during the Public Comment Period.

Councilman Brenneman moved, seconded by Councilman Fauss to adjourn the meeting at 7:55 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

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, June 20, 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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