

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 7th day of March 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: Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss, and Saunders. Absent: Leshovsky.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Prevention Manager Scott Cordes, Finance Officer Randy Gates and Accountant Rachel Jacobsen.

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 Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried.

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

SPECIAL PRESENTATIONS

The Mayor presented the Certificate of Achievement for Excellence in **Financial Reporting** for fiscal year ended September 30, 2003 to Accountant Rachel Jacobsen. This is the sixteenth consecutive year the City of Norfolk has received this award from the Government Finance Officers Association.

Jay Knobbe gave a presentation regarding the **Norfolk Area Recruiters** Program.

Approximately six months ago efforts were started to form Norfolk Area Recruiters which will focus on young people in the 27-33 age group from area towns (Norfolk, Battle Creek, Pierce, Stanton and Madison). The 27-33 age group was chosen because they are just getting started in careers and are the most capable of returning. The group will actively market the area and create awareness of the opportunities and benefits, including low taxes and affordable housing, to moving back to the area. Knobbe said state economic development officials encouraged the group to open an office and hire a full-time worker even though state funding won't probably be available. Knobbe explained the group formed four teams: Marketing, Web, Database & Information, and Public Relations. Knobbe asked for City Council support for the Norfolk Area Recruiters efforts. Knobbe stated the group may request financial support from the City Council in the future.

CONSENT AGENDA

The City Council approved the minutes of the February 22, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-9 authorizing the City to apply to the Office of Domestic Preparedness for grants up to \$100,000 under the Assistance to **Firefighters Grant** Program to replace the exhaust system at the fire station at 701 Koenigstein Avenue. The resolution authorizes the Mayor to execute documents related to this application.

The City Council adopted Resolution No. 2005-11 authorizing placement of a **No Parking** “Corner to Here” sign on the west side of 11th Street 40 feet south of the south curb line of Pasewalk Avenue at the request of a citizen living in the 700 block of South 11th Street.

The City Council approved the Mayor’s reappointment of Tim Lyon and the appointment of Fred Otten to the Building Code of Appeals/Property Maintenance Code Board of Appeals for five-year terms expiring in February 2010.

The City Council approved a request from GFP Management, Inc., dba Sports Denn, for an addition to an existing licensed premise at 715 Country Club Road. The addition adds an adjoining area of approximately 61 feet by 36 feet west of the already existing building.

The City Council approved the purchase of 30 **replacement computers** off the State of Nebraska contract from Dell Computers for a total cost of \$38,528.25.

The City Council approved all bills on file in the amount of \$782,873.18.

REGULAR AGENDA

A public hearing was held to consider an application to the Nebraska Department of Economic Development for CDBG funds to be used to assist in purchasing the vacant 141,781 square foot Vishay Electronics building for economic development. Tom Higgenbotham, NENEDD, provided information to the Mayor and City Council. The City of Norfolk will be requesting \$255,000 Community Block Development Grant (CDBG) funds of which \$250,000 will be to assist the Greater Norfolk Economic Development Foundation, Inc. in purchasing the vacant 141,781 square foot Vishay Electronics building and convert it into ready sites for back office industries and manufacturing and space for an incubator that will accommodate a committed tenant for short-term use as they grow their new division. There will be \$5,000 used for general administration of the project funds. Total project costs are estimated to be \$1,205,000. Balance of funds will be provided by the Greater Norfolk Economic Development Foundation, Inc., the Bank of Madison and the Economic Development Administration (EDA). All CDBG funds will be used for activities that will meet the CDBG national objective of benefiting low-to-moderate income persons. No persons will be displaced as a result of CDBG activities. Higgenbotham explained the City of Norfolk is the pass-through agency for the Foundation. The Foundation will own the building and lease out “back office” space to several different companies.

No one else appeared either in favor of or in opposition to the CDBG application and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2005-6 approving an application to the Nebraska Department of Economic Development for **CDBG** funds to assist the Greater Norfolk Economic Development Foundation, Inc. to purchase the vacant **Vishay** Electronics building.

Councilman Van Dyke moved for adoption of Resolution No. 2005-6 approving an application to the Nebraska Department of Economic Development for CDBG funds to assist the Greater Norfolk Economic Development Foundation, Inc. to purchase the vacant Vishay Electronics building, seconded by Councilwoman Kaspar-Beckman. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Resolution No. 2005-6 was adopted.

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to levy special assessments in the total amount of \$325.00 for tree maintenance on Lot 11, Block 3, Pasewalk’s 2nd Addition (710 South 1st Street).

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** for tree maintenance on Lot 11, Block 3, Pasewalk’s 2nd Addition (710 South 1st Street). Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried.

City Clerk Beth Deck provided information to the Mayor and City Council. The Health Official notified the property owner prior to removal of the tree. However, the property owner failed to remove the tree and the City hired Wilson's Shady Acres to perform the work. The City paid Wilson's for the work performed. The City billed and mailed notice to the property owner, by certified mail, of the public hearing to levy special assessments. Following adoption of the resolution, the City files a lien against the property and interest accrues in the same manner as special assessments. This is the usual and statutory way to assure payment for tree maintenance. The lien draws 14% delinquent interest.

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

Councilman Van Dyke moved, seconded by Councilman Brenneman to adjourn as a Board of Equalization and reconvene as Mayor and City Council. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried.

The Mayor requested consideration of Resolution No. 2005-8 levying a special **assessment** in the amount of \$325.00 for tree maintenance on Lot 11, Block 3, Pasewalk's 2nd Addition (710 South 1st Street).

Councilwoman Kaspar-Beckman moved for adoption of Resolution No. 2005-8 levying a special assessment in the amount of \$325.00 for tree maintenance on Lot 11, Block 3, Pasewalk's 2nd Addition (710 South 1st Street), seconded by Councilman Lange. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Resolution No. 2005-8 was adopted.

A public hearing was held to consider a **zoning** change from R-1 (Single Family Residential District) to I-1 (Light Industrial District) at 506 Northwestern Avenue at the request of Lowell Kimble. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Kimble has owned a storage building on this property for over twenty-five years. However, Kimble has concerns that if something happens to the building it would not be able to be rebuilt. This request is to bring the lot into compliance with its use.

On February 8, 2005, the Norfolk Planning Commission held a public hearing regarding Kimble's 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 levying the special assessment and the Mayor declared the hearing closed.

Councilman Wisnieski introduced Ordinance No. 4782 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 Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Ordinance No. 4782 passed on first reading.

Councilman Wisnieski 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 Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. 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 Councilwoman Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No.

4782 be passed and adopted?" Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. 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. 4782 as required by law.

A public hearing was held to consider a **Planned Development** (P.D.) at 923 East Norfolk Avenue at the request of Behavioral Health Specialists, Inc. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Behavioral Health Specialists (BHS) received approval for a Planned Development at 923 East Norfolk Avenue in 2002. Behavioral Health is requesting an amendment to that approved development to change the footprint of the buildings.

Dick Johnson, Johnson Engineering, spoke on behalf of Behavioral Health Specialists. Johnson explained BHS wants to construct one story buildings instead of two story buildings as the original planned development allows. There will be the same number of units and buildings; however, BHS feels it is easier to deal with clients on one level buildings rather than two story buildings. At the Planning Commission meeting, Johnson made the statement that the frontage road would be paved from the edge of the asphalt to the existing paving by BHS. However, the subdivision agreement states paving will be to the east line of Tax Lot 2, which is to the east line of the Nielsen property. The Planning Commission and Nielsen both understand the paving will be done in accordance with the subdivision agreement.

Johnson requested Ordinance Nos. 4783 and 4784 be considered on first reading only at this meeting to allow time to get clarification with Norfolk staff before getting final approval from the City Council. Johnson also requested that Resolution No. 2005-10 approving the plat be tabled.

City Attorney Clint Schukei stated Johnson's request is to make sure the existing planned development is being properly handled. Schukei stated there is a distinct possibility that Ordinance No. 4784 will be amended.

On February 8, 2005, the Norfolk Planning Commission held a public hearing regarding Behavioral Health Specialists, Inc.'s request. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else appeared either in favor of or in opposition to Planned Development and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4783 providing for **vacation** of BHS Addition, Madison County, Nebraska.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4783 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE THE PLAT OF BHS ADDITION, A PLANNED DEVELOPMENT IN THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA BEING A PART OF TAX LOT 2 IN THE SE1/4 OF THE SE1/4 OF SECTION 23, 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 Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Ordinance No. 4783 passed on first reading only.

The Mayor requested consideration of Ordinance No. 4784 providing for a Planned Development (P.D.) at 923 East Norfolk Avenue at the request of Behavioral Health Specialists, Inc.

Councilman Fauss introduced Ordinance No. 4784 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO DESIGNATE A PLANNED DEVELOPMENT OF

OVERLAY DISTRICT ON PROPERTY OWNED BY BEHAVIORAL HEALTH SPECIALISTS, INC. AT 923 EAST NORFOLK AVENUE; TO APPROVE THE FINAL PLAN; 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 Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Ordinance No. 4784 passed on first reading only.

The Mayor requested consideration of Resolution No. 2005-10 approving the **final plat** of BHS 2nd Addition and its accompanying subdivision agreement.

Councilman Fauss moved, seconded by Councilwoman Kaspar-Beckman to table consideration of Resolution No. 2005-10 approving the final plat of BHS 2nd Addition. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. Motion carried. Resolution No. 2005-10 was tabled.

No comments were received regarding the Works-In-Progress report for the period February 16 through March 1, 2005. The report was included in the agenda packets.

Councilman Fauss moved, seconded by Councilman Wisnieski to adjourn the meeting at 8:01 p.m. Roll call: Ayes: Councilpersons Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky. 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, March 7, 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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