

## 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 21st 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: 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, Prevention Manager Scott Cordes, Police Chief Bill Mizner and Finance Officer Randy Gates.

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 amend the consent agenda with the deletion of Item G-2 (sewer replacement project on South 1st Street, Adams Avenue to Monroe Avenue—delaying the project approximately one year will allow staff to explore the possibility of accessing CDBG funds for the project) 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 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 March 7, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-13 modifying the established front yard setback requirements on Lot 4, Hillside Terrace 4th Addition located at 723 **18th Street Circle**. The required setback is 40 feet and Kerry Werner is requesting a new 35 foot setback be established.

The City Council approved and authorized the Mayor to sign an Engineering Agreement with Olsson Associates for engineering services on the 16-inch **Water Transmission Main** project in an amount not to exceed \$172,226.00. The agreement is for design, temporary easement plans, contract letting, construction management, inspection and as-built drawings for approximately 1.4 miles of 16-inch water transmission main on Eisenhower Avenue from 25th Street to 37th Street.

The City Council approved and authorized the Mayor to sign a contract with Western Roofing Company of Norfolk for the **auditorium roof** repair project in an amount of \$107,450.48. Three bids were received on February 24, 2005. The other bidders were: McKinnis Roofing & Sheet Metal, Inc., Norfolk, \$111,891.72, and Guarantee Roofing & Sheet Metal, Inc., Norfolk, \$126,236.00.

The City Council approved and authorized the Mayor to sign an Interlocal Cooperative Agreement for the high resolution orthophotos project (aerial photos) with the Central Platte Natural Resources District, City of Grand Island, City of Kearney, City of Hastings, City of Scottsbluff, City of Gering, Lancaster County, Scottsbluff County and the Nebraska Department

of Health and Human Services to participate in the planning and acquisition of high resolution **orthophotos**. The City of Norfolk's cost commitment for the project is \$11,000.

The City Council approved and authorized the Mayor to sign a **fiscal agent** agreement with Ameritas Investment Corporation through June 30, 2009 under the same terms as the prior contract.

The City Clerk was authorized to advertise for bids for the **Concrete Improvements 2005-1** project.

The City Council approved and authorized the Mayor to sign an addendum agreement with **Telebeep** Wireless, Inc. to allow mounting of antennas on the water tower. This agreement replaces the current lease with Dynamic Broadband who was bought out by Telebeep Wireless.

The City Council approved and authorized the Mayor to sign an agreement extending the current contract with **O'Hara, Lindsay** and Associates, Inc. for professional services (lobbyist) with regards to the Nebraska Legislature.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Mark and Katherine Vrbka for the Vrbka's purchase of City property located west of 905 North Boxelder Street for \$2,533.98.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with David and Annette Henning for the Henning's purchase of City property west of 801 North Birch Street for \$2,100.77.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Terry and Leann Hochstein for the Hochstein's purchase of City property west of 703 North Birch Street for \$2,713.95.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Brian and Lori Lundy for the Lundy's purchase of City property west of 815 North Birch Street for \$1,739.55.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Steve and Ann Sothan for the Sothan's purchase of City property west of 903 North Boxelder for \$1,610.49.

The City Council approved award of and authorized the Mayor to sign a contract with A & R Construction, Plainview, Nebraska, for **Paving District No. 489** (Green Meadow Addition) project in an amount of \$440,130.13 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Three sealed bids were received at the March 15, 2005 bid letting. The other bidders were Elkhorn Paving, Norfolk, \$444,216.20, and Paulsen, Inc., Cozad, \$461,790.49.

The City Council approved the low bid from Complete Commercial Floors for carpeting of the library for \$38,153.00 which includes several additional options including carpeting front entrance, auxiliary rooms and carpet substitution. On March 9, 2005 the City received bids from three vendors as follows: Deets Furniture, \$41,800; Nore's Carpets, \$53,682.16; and Complete Commercial Floors, \$35,830.

The City Council approved award of and authorized the Mayor to sign a contract with Penro Construction Co., Inc., Pender, Nebraska, for the water main extension to Madison County **SID #5** project in an amount of \$296,358.77 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Two sealed bids were received at the March 15, 2005 bid letting. The other bidder was Rutjens Construction, Tilden, for \$312,973.00.

The City Council approved all bills on file in the amount of \$703,901.02.

## REGULAR AGENDA

A public hearing was held to consider an application to the Nebraska Department of Economic

Development for Nebraska Affordable Housing Program (NAHP) Grant funds for local affordable housing activities. Renay Robison-Scheer, Executive Director of the Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk is requesting \$196,500, of which \$160,000 will be used for Housing Rehabilitation of owner-occupied properties, \$15,700 will be used for housing administration, \$9,000 for Paint Testing, Risk Assessment, and/or Clearance Testing and \$11,800 will be for general administration. Approximately nine (9) homes will be rehabilitated with these funds. Ten percent (10%) will be matching funds. One Hundred percent (100%) of these funds will benefit low-to-moderate income persons. There will be no persons displaced as a result of NAHP activities.

Councilman Wisnieski questioned the use of \$15,700 for housing administration.

Robison-Scheer explained the \$15,700 is for the Housing Agency staff time to monitor construction progress and approve vouchers/payments.

No one else appeared either in favor of or in opposition to the application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2005-12 approving an application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities.

Councilman Lange moved for adoption of Resolution No. 2005-12 approving an application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities, seconded by Councilman Leshovsky. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2005-12 was adopted.

The Mayor requested consideration of Ordinance No. 4785 **abandoning BHS** Addition, a Planned Development.

Councilman Van Dyke introduced Ordinance No. 4785 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ABANDON THE FINAL PLANNED DEVELOPMENT APPROVED BY ORDINANCE NO. 4612, 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.

Prevention Manager Scott Cordes explained the ordinance allows for a new planned development on the property.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4785 passed on first reading.

Councilman Van Dyke 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 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 Wisnieski. The Mayor then stated the question "Shall Ordinance No. 4785 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. 4785 as required by law.

The Mayor requested consideration of Ordinance No. 4783 vacating BHS Addition, Madison County, Nebraska. Ordinance No. 4783 passed on first reading at the March 7, 2005 City Council meeting.

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 SE 1/4 OF THE SE 1/4 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 second reading. Councilman Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Prevention Manager Scott Cordes explained this ordinance removes the subdivision functions (lots) of BHS Addition, A Planned Development, and allows the platting of BHS Second Addition.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4783 passed on second reading.

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. 4783 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. 4783 as required by law.

The Mayor requested consideration of Resolution No. 2005-10 approving the final plat of BHS 2nd Addition, A Planned Development, and its accompanying subdivision agreement. Resolution No. 2005-10 was tabled at the March 7, 2005 City Council meeting.

Councilman Van Dyke moved, seconded by Councilwoman Kaspar-Beckman to remove Resolution No. 2005-10 from the table for consideration by the City Council. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilman Van Dyke moved for adoption of Resolution No. 2005-10 approving the final plat of BHS 2nd Addition, A Planned Development, and authorized the Mayor to sign the accompanying subdivision agreement, 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. 2005-10 was adopted.

The Mayor requested consideration of Ordinance No. 4784 to designate a Planned Development Overlay District on property located at 923 East Norfolk Avenue at the request of **Behavioral Health Specialists, Inc.** Ordinance No. 4784 passed on first reading at the March 7, 2005 City Council meeting.

Councilman Wisnieski introduced Ordinance No. 4784 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO DESIGNATE A PLANNED DEVELOPMENT 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 second reading. Councilman Fauss seconded the motion.

Councilman Van Dyke moved, seconded by Councilwoman Kaspar-Beckman to amend

Ordinance No. 4784 to delete any reference to Section 3 and insert Section 2 since Section 3 does not exist. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilman Wisnieski introduced Ordinance No. 4784, as amended, entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO DESIGNATE A PLANNED DEVELOPMENT 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 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. 4784, as amended, passed on first reading.

Councilwoman Kaspar-Beckman 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 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 Wisnieski. The Mayor then stated the question "Shall Ordinance No. 4784 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. 4784, as amended, as required by law.

Sales and Use Tax for the month of December 2004 was reported as \$732,132.50. No comments were received regarding the Works-in-Progress report for the period March 2-15, 2005. Both reports were included in the agenda packet.

No comments were received during the Public Comment Period.

Councilman Wisnieski moved, seconded by Councilman Fauss to adjourn the meeting at 7:47 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, March 21, 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 )