

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 2nd day of May, 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, Fire Chief Shane Weidner, Administrative Secretary Bethene Hoff and Property/Operations Manager Gary Miller.

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 Brenneman 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.

Councilman Wisnieski moved, seconded by Councilman Fauss to amend the regular agenda with the addition of an executive session to discuss personnel matters and to adopt the regular agenda as amended. 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 May 2-7, 2005 as "Respect for Law Week" and May 21, 2005 as "Poppy Day".

CONSENT AGENDA

The City Council approved the minutes of the April 18, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-20 stating the City's desire to consider the **annexation** of land located generally north of U.S. 275 from the Green Meadow Addition west to 250 feet west of 37th Street, approving the plan for extending City services to said land. Resolution No. 2005-20 establishes May 16, 2005 as the date for a public hearing to consider said annexation. This area includes portions of U.S. Highway 275 right-of-way and portions of 37th Street right-of-way.

The City Council approved and authorized the Mayor to sign an agreement with the State of Nebraska for providing professional services to the Nebraska **Abstinence Education Grant** Program.

The City Council approved a Special Designated Liquor License for the Downtown Norfolk Association, Norfolk, Nebraska, a charitable corporation, to sell beer at the **Ethnic Festival** on June 10 and 11, 2005.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Lynn and Beverly Hansen for the **Hansens'** purchase of City property west of **809 North**

Birch Street for \$1,899.41.

The City Council approved a request from **Ankle Deep**, Inc., dba The Mint Bar, for an addition to an existing licensed premise at 304 Northwestern Avenue.

The City Council approved and authorized the Mayor to sign a contract with A & R Construction of Plainview, Nebraska for the **Concrete Improvements 2005-1** project in an amount of \$716,181.00 to furnish all labor, materials, equipment and all else necessary to properly construct the Concrete Improvements 2005-1 project. Two bids were received on April 21, 2005. The other bidder was Elkhorn Paving Construction Co, Inc., Norfolk, Nebraska for \$723,587.54.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Ricky and Beverly **Benson** for the Bensons' purchase of City property west of **817 North Birch** Street for \$2,522.02.

The City Council approved and authorized the Mayor to sign an agreement with the Norfolk **Soccer Club** for the use of the North Pine Street soccer fields on June 24, 25 and 26, 2005 for their annual soccer tournament.

The City Council approved all bills on file in the amount of \$1,004,022.56.

REGULAR AGENDA

A public hearing was held to discuss the 2005-2011 Capital Improvement Program (**CIP**). Public Works Director Dennis Smith provided information to the Mayor and City Council.

Items included in the CIP must be greater than \$50,000 or a component of a total project that is greater than \$50,000. Items included in the 2005 CIP are as follows:

Street: Dump Truck, \$50,000; Motor Patrol, \$110,000; Radios, \$40,000

Park: Athletic Field Development, \$100,000; Entrance Signs, \$25,000;

Fire: Rescue Unit to Replace Rescue 3, \$154,875; Tanker to Replace Tanker 11, \$157,500

Police: Thirteen Mobile Personal Computers, \$130,000; AS/400 1Series Replacement, \$100,000

Water: 20" Water Main from 24th Street & Norfolk Avenue to 13th Street & Omaha Avenue,

\$1,123,900; 12" Water Main from Victory Road & Maple north to existing 12-inch along

Victory Road, \$171,700; 20" Water Main from 1st Street and Madison Avenue to 1st Street and

Norfolk Avenue, \$83,400; Communication Radios, \$10,000

WPC: Influent Debris Screen, \$300,000; RTU #1 & 3 Replacement, \$90,000

Sanitary Sewers: Communication Radios Portable and Base Radios, \$10,000

Councilman Brenneman feels updating the City of Norfolk entrance signs is "long over due".

No one appeared either in favor of or in opposition to the 2005-2011 Capital Improvement Program and the Mayor declared the hearing closed.

The Norfolk Planning Commission held a public hearing on April 19, 2005 to review the 2005-2011 Capital Improvement Program. The City Clerk read the Planning Commission's recommendation for approval into the record.

The Mayor requested consideration of Resolution No. 2005-21 approving the 2005-2011 Capital Improvement Program.

Councilwoman Kaspar-Beckman moved for adoption of Resolution No. 2005-21 approving the 2005-2011 Capital Improvement Program, seconded by Councilman Fauss. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-21 was adopted.

The Mayor requested consideration of Ordinance No. 4792 for a zoning change from R-2 (One and Two Family Residential District) to C-3 (Service Commercial District) at 1206 Pierce Street at the request of Eli and Geraldine **Zimmerman**. Ordinance No. 4792 passed on first reading at the April 18, 2005 City Council meeting.

Councilman Van Dyke introduced Ordinance No. 4792 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 second 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. 4792 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4793 for a zoning change from R-2 (One and Two Family Residential District) to I-1 (Light Industrial District) at 1314 Blaine Street at the request of Dan and Deb Clausen. Ordinance No. 4793 passed on first reading at the April 18, 2005 City Council meeting.

Councilman Wisnieski introduced Ordinance No. 4793 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 second reading. Councilman Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Mayor Adams stated the City received a petition, addressed to the Norfolk Planning Commission, from residents in the neighborhood who are opposed to the zoning change. Permits & Codes staff determined the petition to be valid and, therefore, an affirmative vote of 3/4 (6 votes) of the Council is necessary to advance Ordinance No. 4793 on second reading.

Ron Barritt, 1309 Pierce Street, spoke in opposition to the zoning change. Barritt feels neighbors don't want a storage building in the area.

Councilwoman Saunders questioned whether neighbors would rather have a dilapidated house on the lot instead of a new storage building.

Barritt explained the person living in the house was an elderly gentleman and hasn't been able to take care of the property for two years.

Councilman Leshovsky questioned whether the storage building would require a seven (7) foot setback from the property line.

Prevention Manager Scott Cordes stated a seven foot setback is required for the storage shed because the lot abuts a residential lot.

Deb Clausen, 1113 Nebraska Avenue, spoke in favor of the zoning change. Dan and Deb Clausen, 1314 Blaine Street, own the property. Clausen researched property within the 300 foot area of the lot to be rezoned. Clausen stated there are 50 lots within the 300 foot area. Of those 50 lots, 22 are R-2, 2 are R-3, 20 are I-1, and 6 are C-3 which calculates to 48% residential and 52% industrial/commercial. In the two block area surrounding 1314 Blaine, Clausen found the following zoning for the lots: 25% are I-1, 29% are C-3, 37% are R-2, and 8% are R-3 which calculates to 45% residential and 54% industrial/commercial. Clausen did the research to point out that the area is not strictly residential as indicated by neighbors.

Randy Clausen, 502 East Bluff, spoke in favor of the zoning change. Clausen said Dan and Deb Clausen take care of their properties. Clausen stated a storage shed will not produce the same amount of traffic as a duplex. Clausen said Dan and Deb Clausen will be good neighbors.

Roll call on Ordinance No. 4793 on second reading: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Fauss and Saunders. Nays: Wisnieski and Brenneman. Absent: None. Motion carried. Ordinance No. 4793 passed on second reading.

Thereafter Councilman Fauss 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. 4793 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Fauss and Saunders. Nays: Wisnieski and Brenneman. 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. 4793 as required by law.

The Mayor requested consideration of Ordinance No. 4796 amending Sections 27-154 and 27-184 of City Code to provide for **side yard** restrictions in zoning districts C-1 and C-3.

Councilman Leshovsky introduced Ordinance No. 4796 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 27-154 AND 27-184 OF THE OFFICIAL CITY CODE TO PROVIDE FOR SIDE YARD RESTRICTIONS IN ZONING DISTRICTS C-1 AND C-3; 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. 4796 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. 4796 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. 4796 as required by law.

The Mayor requested consideration of Ordinance No. 4797 relevying special assessments for Lot 4, Block 6, Walters' East Knolls Fifth Addition – **Paving** District No. 488.

Councilman Van Dyke introduced Ordinance No. 4797 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND ORDINANCE NO. 4795 PURSUANT TO § 16-209, N.R.S. 1943, AS AMENDED, LEVYING A SPECIAL ASSESSMENT 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. 488 OF THE CITY OF NORFOLK, NEBRASKA; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Dennis Smith explained the ordinance corrects the legal description to Lot 4, Block 6, Walters' East Knolls Sixth Addition. Ordinance No. 4795 incorrectly listed the lot in Walters' East Knolls Fifth Addition. None of the assessments amounts change with this ordinance.

Roll call on Ordinance No. 4797: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4797 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. 4797 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. 4797 as required by law.

The Mayor requested consideration of Ordinance No. 4798 amending Article III Section 10-30 to provide for a \$1.00 increase in the Transfer Station **grass disposal** rate.

Councilman Brenneman introduced Ordinance No. 4798 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 10-30 OF THE OFFICIAL CITY CODE TO CHANGE THE TRANSFER STATION GRASS DISPOSAL RATE; 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.

Councilman Wisnieski is against the grass disposal fee increase. Wisnieski feels the fee increase will drive people to dump more grass on country roads. Wisnieski wants to keep costs down for customers.

Councilman Lange explained the increase is only on a bulk basis. The cost for bags of grass doesn't increase. Lange stated those people who throw grass in ditches are going to do it no matter what the cost.

Councilman Wisnieski didn't understand the increase was only for bulk customers.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4798 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. 4798 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. 4798 as required by law.

Sales and use tax collection for the month of February 2005 was reported as \$489,153.72.

No comments were received regarding the Police Division report for March 2005 or the Works-

In-Progress report for the period April 13 through 16, 2005. Both reports were included in the agenda packets.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Fauss to adjourn from regular session and convene into executive session at 8:06 p.m. to discuss personnel matters. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wisnieski, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Once the City Council was in executive session, Councilman Wisnieski requested only the Mayor and City Council be present.

Mayor Adams did not agree with Wisnieski's request and the City Attorney, City Administrator and City Clerk attended the executive session.

It was then determined that Councilman Wisnieski's intent was to discuss City Administrator Mike Nolan's employment. Nolan requested the discussion regarding his employment be held in public session.

Councilman Van Dyke moved, seconded by Councilman Brenneman to adjourn from executive session and reconvene into regular session at 8:11 p.m. 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 Fauss to adjourn the meeting at 8:12 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, May 2, 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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