

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 16th 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, Brenneman, Fauss, and Saunders. Absent: Wisnieski.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Police Chief Bill Mizner, Prevention Manager Scott Cordes 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.

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

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

SPECIAL PRESENTATION

The Mayor proclaimed June 3-4, 2005 as “Norfolk Area Relay For Life”.

CONSENT AGENDA

The City Council approved the minutes of the May 2, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-23 rescinding Resolution No. 2005-14, adopted by the Mayor and City Council on April 4, 2005, which placed a “No Parking Corner to Here” sign on the west side of 11th Street 40 feet south of the south curb line of **Michigan** Avenue. Problems arose due to the narrow width of 11th Street and a jog in Michigan Avenue at its intersection with 11th Street. This parking prohibition for that area is being replaced by Ordinance No. 4802.

The City Council adopted Resolution No. 2005-24 approving the preliminary Planned Development for **Centre Ridge** Village in the 800 block of Glenwood Boulevard. The Planned Develop is requested by Wingate Management Co., L.L.C. for property located on the west side of Glenwood Boulevard south of Pasewalk Avenue. The development is designed with storage buildings to the west and duplexes on the east abutting Glenwood Boulevard.

The City Council adopted Resolution No. 2005-25 approving the final plat of **Kurpgeweit's** Addition and authorized the Mayor to sign the accompanying subdivision agreement. The Kurpgeweit's own the apartment building on this lot and want to subdivide it to build a duplex.

The City Council adopted Resolution No. 2005-26 approving the final plat of **Homewood** Acres

Sixth Addition and authorized the Mayor to sign the accompanying subdivision agreement. This is an eleven-lot subdivision located north of Benjamin Avenue along Clark Street.

The City approved a bid of \$24,933.17 from PRS Associates for replacement playground equipment for **Winter Park**. On April 29, 2005, four bids were received. Other bidders were Outdoor Recreation Products, Fry & Associates, Inc., and ABCreative Inc.

The City Council approved the Corporate Manager Application of Cameron Stowe in connection with the Class D liquor license of **Wal-Mart** Store's, Inc., dba Wal-Mart Supercenter, #645.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of White House Inns, Inc., dba **Player's Lounge**, 2206 Market Lane, and the corporate manager application of Renee Logan.

The City Council approved and authorized the Mayor to sign a Real Estate Purchase Agreement with Danny and Lisa **Walters** for the Walters' purchase of City property west of 906 North Boxelder Street for \$3,293.58.

The City Council approved and authorized the Mayor to sign an agreement with **Big Bang Boom**, Inc. for the 4th of July celebration at Skyview Park on July 2, 2005. The agreement includes fireworks, vending in the park and other event-related issues.

The City Clerk was authorized to advertise for bids for Paving District No. 490 (**Homewood** Acres Sixth Addition, paving Clark Street from approximately 85 feet west of Homewood Drive to approximately 216 feet south of Highland Drive).

The City Clerk was authorized to advertise for bids for the North 10th Street **drainage** project.

The City Council approved the reappointment of Verda Fischer and Ivan Van Dyke to serve on the Norfolk **Housing** Agency Board of Commissioners with terms expiring in June 2010.

The City Council approved all bills on file in the amount of \$994,834.94.

REGULAR AGENDA

A public hearing was held to consider an application to the Nebraska Department of Economic Development for CDBG funds in the amount of \$500,000 to be utilized for economic development activities to assist MP Global Products, Inc. (Midwest Padding) in purchasing equipment and \$5,000 for general administration of project funds. Kendall Scheer, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk, Nebraska is requesting \$505,000 Community Block Development Grant (CDBG) funds: \$500,000 will be used to assist MP Global Products, Inc. in purchasing equipment and \$5,000 will be used for general administration of the project funds. Total project costs are estimated to be \$1,352,400. Balance of funds will be provided by Midwest Bank in Pierce and equity from MP Global Products, Inc. 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.

No one spoke in support of or opposition to the grant application and the Mayor closed the public hearing.

The Mayor requested consideration of Resolution No. 2005-22 approving an application to the Nebraska Department of Economic Development, Community Development Block Grant Program, for CDBG funds in the amount of \$500,000 to be used for economic development activities to assist MP Global Products, Inc. (Midwest Padding) in purchasing equipment and \$5,000 for general administration of the project.

Councilwoman Kaspar-Beckman moved for adoption of Resolution No. 2005-22 approving an application to the Nebraska Department of Economic Development, Community Development Block Grant Program, for CDBG funds in the amount of \$500,000 to be used for economic development activities to assist MP Global Products, Inc. (Midwest Padding) in purchasing

equipment and \$5,000 for general administration of the project, seconded by Councilman Leshovsky. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Resolution No. 2005-22 was adopted.

A public hearing was held to consider **annexation** of land located generally north of U.S. Highway 275 from the Green Meadow Addition west to 250 feet west of 37th Street. This area includes portion of U.S. Highway 275 right-of-way and portions of 37th Street right-of-way. State Statute requires that when annexing adjacent to a county road, cities must annex the whole county road. Public Works Director Dennis Smith explained an annexation study completed in November 2003 recommends annexation of this property. City water and sewer services are available to the site. Any additional costs are for main extensions as a part of the normal subdivision process and are the responsibility of the developer of the property according to existing city subdivision regulations.

The proposed annexation is generally north of the intersection of 37th Street and U.S. Highway 275 and includes Shaffer Pontiac, the Carhart Additions, BLG First Addition and Cornerstone 2nd Addition. The annexation study also includes the Fox Ridge Estates planned development north of the Carhart Additions. The residential portion of the Carhart Additions is almost fully developed and consists of twenty-three (23) single family lots, two (2) townhouse building containing twenty (20) townhouses, one (1) four-plex, four (4) three-plexes and eight (8) duplexes for a total of 38 residential building containing 75 housing units. The residential area also contains the Homestead Assisted Living facility licensed for 46 beds. In the commercial zoning area there are presently five (5) completed buildings, including J.D. Brothers Steakhouse, Farm Credit, Surgi Center, an office building and Cornerstone Health Care Community housing various eye care professionals.

The annexation area is in the City of Norfolk's electrical fringe area. Upon annexation, the City will collect the 1.5% City sales tax on electrical revenues in the area along with a small portion of the in-lieu-of tax paid by Nebraska Public Power District (NPPD).

The biggest single revenue impact of this annexation is the loss of water revenue. In general, outside the City water rates are double inside city rates. At full development, this is projected to result in \$37,901 annual reduction in water revenues. All other revenue impacts are estimated to be positive with the largest revenue increase being the City Highway Allocation Fund (CHAF) revenue. The net annual financial benefit of the annexation at full development is estimated at \$68,091.

Mel Hintz, 2800 Prospect Avenue, questioned what streets abut the property in the proposed annexation.

Smith stated the property is contiguous to the Green Meadow annexation. The proposed annexation is at the south edge of the Eldorado Hills subdivision to the north. Smith said the annexation does not include Shepherd of Peace Evangelical Lutheran Church located on North 37th Street.

No one else spoke either in favor of or opposition to the proposed annexation and the Mayor declared the hearing closed.

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.

Councilman Leshovsky 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 first reading. Councilwoman Saunders 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: Wisnieski. Motion carried. Ordinance No. 4799 passed on first reading only.

A public hearing was held to consider changing the zoning 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**.

A petition opposing the rezoning was submitted to the City Council. The petition contains the required number of signatures for a 3/4 affirmative vote (6 votes) of the City Council for approval of the ordinance.

Prevention Manager Scott Cordes explained **U-Save** Pharmacy desires to open a drive through pharmacy at this site. Two homes are on the lots now and one is in serious disrepair. Although not completely opposed to the pharmacy locating in the area, area residents voiced concerns about traffic and drainage in the area at the Planning Commission hearing.

Bob Hupp, 1700 Market Lane, Norfolk, Nebraska, spoke on behalf of U-Save Pharmacy in favor of the zoning change. Hupp stated the following:

U-Save Pharmacy's primary goal is to fill prescriptions. It is not intended for a full retail pharmacy.

Traffic flow will not significantly increase. U-Save expects 200 cars per day maximum which is approximately a 1.7% increase.

There have only been nine accidents in the area in the past sixteen months.

Drainage concerns can be addressed by City staff.

Property taxes on the property will increase from \$1,500 to \$12,000 to \$15,000 per year.

U-Save will employ 2-3 pharmacists with 10-12 employees; annual salaries are estimated at \$500,000 per year.

U-Save plans to make \$800,000 worth of improvements to the property.

Councilwoman Saunders questioned whether other U-Save pharmacies are located in residential areas.

Hupp stated the U-Save in Kearney is located in a residential area. Hupp feels the City Council should look at the entire economic and aesthetic value to the City of Norfolk if U-Save builds on the property.

Councilman Fauss feels the City should "fix the problem with drainage" in that area between Queen City Boulevard and Square Turn Boulevard.

Hupp stated U-Save wants to solve the drainage problems.

Public Works Director Dennis Smith explained the City of Norfolk has tried to get an easement to help with the drainage but the property owner (Wagner) isn't a willing participant.

Dennis Hoobler, 903 Harrison, spoke against the zoning change. Hoobler worked on the petition and, out of 50 people surveyed, only 3-4 people are in favor of the rezoning. Hoobler is against spot zoning and has concerns with a potential to decrease property values. Hoobler also has concerns with drainage in the area. Hoobler doesn't feel another pharmacy will benefit the city since it will probably take business away from existing stores.

Councilman Fauss questioned whether U-Save is willing to pay for the paving assessment on Square Turn Boulevard.

Hupp stated U-Save is willing to pave for the paving of Square Turn Boulevard to their south property line.

Smith explained the current street slopes south and there is a potential the street may deliver water instead of taking it away.

Elaine Thelen, 906 Harrison, has concerns with drainage. However, Thelen stated the current ditch helps the water flow. Thelen has concerns with commercial development in a residential

area and with spot zoning. Thelen wants to keep the area zoned residential.

City Administrator Mike Nolan suggested the City Council refer this item to a subcommittee of elected officials (Planning and Public Works subcommittees) to meet with City staff, developers, neighbors and Planning Commission members to address drainage concerns before moving forward with the rezoning.

Theoramae Bauermeister, 1204 Square Turn Boulevard, stated drainage is a big problem. Residents have tried for years to get drainage improvements made to the area. Bauermeister stated residents in the area have lived with drainage problems for many years and they deserve better. Bauermeister would like to see the area kept as residential.

Roger Frank, 1103 Grant Avenue, feels drainage is a “major problem and has been so for 40 years”. Frank has concerns that U-Save may request a liquor license in the future.

Tim Brunswick, 809 North 10th Street, lived in the area while growing up and stated there is a drainage problem. Brunswick stated the drainage concerns need to be addressed. Brunswick would like to find “common ground” to move forward with the rezoning.

Councilman Fauss agrees that a subcommittee of the City Council should meet to address the drainage concerns.

Jan DeWalt, 1104 Grant, is frustrated, confused and unhappy about the rezoning request. DeWalt wants the area to stay residential. DeWalt feels commercial development will disrupt the residential area.

No one else spoke either in favor of or in opposition to the zoning change and the Mayor closed the public hearing.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Leshovsky to table consideration of Ordinance No. 4803. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried.

The Mayor requested consideration of Ordinance No. 4792 changing the zoning 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 and on second reading at the May 2, 2005 City Council meeting.

Councilman Leshovsky 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 third reading. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4792 as required by law.

The Mayor requested consideration of Ordinance No. 4800 providing for amendment of Section 24-292 of City Code to remove paragraph (a) from 24-292 regarding enforcement of vehicles driving across private property to avoid following the instructions of a traffic control device or signal erected at an intersection.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4800 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-292 OF THE OFFICIAL CITY CODE TO REMOVE SECTION (A) SO IT MAY BE PLACED IN A SEPARATE SECTION OF THIS CODE; 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 Fauss seconded the motion. Said ordinance was then read into the record

by title by the City Clerk.

Police Chief Bill Mizner explained that under the current Section 24-292 in order for law enforcement to enforce paragraph (a) the property owner must erect signs readily visible to motor vehicle operators entering the regulated property which shall identify the property as a restricted lot. Businesses located on corner lots experience motor vehicle operators cutting across their lots so as to avoid an upcoming STOP sign or STOP/GO signal. Many of these motor vehicle operators also travel the lot at an unsafe speed, creating a safety hazard for legitimate customers entering, driving and walking upon the property in order to conduct business with the businesses upon the property. The Stanton National Bank located at 1021 Riverside Boulevard is currently experiencing this problem. Property owners should not have to erect and clutter their property with unsightly signs in order to give notice to someone to not do something they should not be doing in the first place.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Ordinance No. 4800 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: Wisnieski. 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4800 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4800 as required by law.

The Mayor requested consideration of Ordinance No. 4801 creating Section 24-44 of City Code to restrict motor vehicle operators from avoiding **traffic control** devices by traveling over **private property**.

Councilman Fauss introduced Ordinance No. 4801 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO CREATE SECTION 24-44 OF THE OFFICIAL CITY CODE TO PLACE IN ITS OWN SECTION LANGUAGE THAT WAS REMOVED FROM SECTION 24-292 TO ADDRESS RESTRICTIONS ON AVOIDING TRAFFIC CONTROL DEVICES BY DRIVING UPON PUBLIC OR PRIVATE PROPERTY; 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, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Ordinance No. 4801 passed on first reading.

Councilman Brenneman 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: Wisnieski. 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 Brenneman 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. 4801 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke,

Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4801 as required by law.

The Mayor requested consideration of Ordinance No. 4802 amending Section 24-164 of City Code to create a parking prohibition on the west side of a portion of the 1000 block of South **11th Street**.

Councilman Van Dyke introduced Ordinance No. 4802 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO CREATE A PARKING PROHIBITION ON THE WEST SIDE OF 11TH STREET FROM MICHIGAN AVENUE TO 64 FEET SOUTH OF THE SOUTH CURB LINE OF MICHIGAN AVENUE; 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 Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Police Chief Bill Mizner explained a citizen said individuals park vehicles too close to the intersection of 11th Street and Michigan Avenue obstructing view for drivers and pedestrians. City ordinance already prohibits parking within 40 feet of an intersection. Due to the narrow width of 11th Street and a jog in Michigan Avenue at its intersection with 11th Street, a parking prohibition of 40 feet from the intersection does not adequately provide drivers and pedestrians the ability to see each other. The narrow width of 11th Street creates traffic congestion problems when one vehicle is traveling north on 11th and another is traveling south at the same time. Creating a parking prohibition up to 64 feet south of the south curb line of Michigan Avenue on the west side of 11th Street would provide drivers and pedestrians the ability to better see each other.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Ordinance No. 4802 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, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4802 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4802 as required by law.

The Mayor requested consideration of Ordinance No. 4804 vacating Lots 15-19, Block 2, Green Meadow Addition, Lots 1, 8, 9 and 10, Block 4, **Green Meadow** Addition, and Lot 2, Block 1, Carhart Second Addition and parts of Koenigstein Avenue and 33rd Street in Green Meadow Addition.

Councilman Van Dyke introduced Ordinance No. 4804 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF THE PLAT OF GREEN MEADOW ADDITION, MADISON COUNTY, NEBRASKA, BEING A PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, AND A PORTION OF THE PLAT OF CARHART SECOND ADDITION, BEING A PLATTING OF PART OF THE W 1/2 OF THE

SW 1/4 OF SECTION 20, 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. Councilwoman Kaspar-Beckman seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Dennis Smith explained MBH Development is proposing Green Meadow 2nd Addition which reconfigures approved lots and part of the streets. The reconfiguration will provide for better traffic flow. In order to approve Green Meadow 2nd Addition, the vacation must be approved.

Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Ordinance No. 4804 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, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4804 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4804 as required by law.

The Mayor requested consideration of Ordinance No. 4805 creating **Paving** District No. 490 providing for paving of Clark Street from approximately 85 feet west of **Homewood** Drive to approximately 216 feet south of Highland Drive.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4805 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 490 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE 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. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Ordinance No. 4805 passed on first reading.

Councilwoman Kaspar-Beckman moved that the statutory rule requiring reading on three different days be suspended. Councilman Lange seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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 Lange. The Mayor then stated the question "Shall Ordinance No. 4805 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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. 4805 as required by law.

The Mayor requested consideration of Resolution No. 2005-27 approving the final plat of Green Meadow 2nd Addition and its accompanying subdivision agreement. This eleven-lot subdivision, requested by Johnson Engineering on behalf of MBH Development, is located on West Norfolk Avenue. It is the continuation of the Green Meadow Addition being platted north of Norfolk Avenue in the 3200-3400 Block.

Councilman Leshovsky introduced for adoption Resolution No. 2005-27 approving the final plat of Green Meadow 2nd Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilwoman Kaspar-Beckman. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried. Resolution No. 2005-27 was adopted.

The Mayor requested consideration forwarding a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I liquor license application of Mainstreet Deli, Inc., dba Mainstreet Deli, 609 West Norfolk Avenue, and the Corporate Manager Application of Patty Van Dyke.

Councilman Van Dyke declared a conflict of interest and did not participate in discussion or voting on this item.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Fauss to approve forwarding a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I liquor license application of Mainstreet Deli, Inc., dba Mainstreet Deli, 609 West Norfolk Avenue, and the Corporate Manager Application of Patty Van Dyke. Roll call: Ayes: Councilpersons Leshovsky, Lange, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Abstaining: Van Dyke. Motion carried.

The Mayor requested consideration of approval for the City Clerk to advertise for bids for Paving District No. 490 providing for paving of **Homewood** Acres Sixth Addition, which is paving of Clark Street from approximately 85 feet west of Homewood Drive to approximately 216 feet south of Highland Drive.

Councilman Van Dyke moved, seconded by Councilwoman Kaspar-Beckman to approve and authorize the City Clerk to advertise for bids for Paving District No. 490 providing for paving of **Homewood** Acres Sixth Addition, which is paving of Clark Street from approximately 85 feet west of Homewood Drive to approximately 216 feet south of Highland Drive. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. Motion carried.

No comments were received regarding the monthly commercial and industrial building permit report for April 2005 or the Works-In-Progress report for the period April 27 through May 10, 2005. Both reports were included in the agenda packet.

Councilman Fauss moved, seconded by Councilwoman Kaspar-Beckman to adjourn the meeting at 8:52 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wisnieski. 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 16, 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)