

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 November 2005, beginning at 7:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the United States of America, Mayor Gordon Adams called the meeting to order. Roll call found the following Councilpersons present: Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, 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, Police Chief Bill Mizner, Transportation, Building & Grounds Director Jim Koch and Building Official Steve Nordhues.

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.

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

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

SPECIAL PRESENTATIONS

The Mayor proclaimed the week of November 6-12, 2005, as "Read Aloud to a Child Week".

Transportation, Building & Grounds Director Jim Koch gave a presentation to the Mayor and City Council on the 2005 Snow and Ice Plan. In 1982 the City adopted the first formal Snow and Ice Plan. Each year the elected officials and staff review and revise the plan making improvements. The Snow and Ice Plan states the Street Division begins plowing arterial and collector streets on predetermined routes. After clearing initial plowing routes, work begins on residential streets. The City is divided into ten snow removal sections (previously divided into eight sections). Each section is further divided into areas. The areas are rotated within the sections so a different area is plowed first after each snowstorm. Koch stated City ordinance prohibits any parking on snow emergency routes at any time when an emergency has been declared. During a snow emergency, parking is prohibited on odd-numbered sides of all streets. Koch invited citizens to visit the Street Division web site at www.ci.norfolk.ne.us/street/ or call (402) 844-2180 with questions and concerns about the snow plan.

Tom Higgenbotham of the Northeast Nebraska Economic Development District (NENEDD) gave a special presentation to the Mayor and City Council regarding the Norfolk Comprehensive Revitalization Needs Assessment Report and Strategy.

The purpose of this study was to complete a needs assessment and detailed analysis of the neighborhoods identified as low and moderate-income (LMI) in the City of Norfolk and to develop a three year Revitalization Strategy that will address the needs that are identified within the study. The Needs Assessment Report and Strategy documents the research and analysis findings, identifies neighborhood needs based on the results of the findings, neighborhood surveys, city staff surveys and staff interviews. The City of Norfolk contracted with the Northeast Nebraska Economic Development District (NENEDD) to facilitate the needs assessment process. The Needs Assessment began with a series of meetings conducted by NENEDD team with City of Norfolk staff. Working together with city staff, a neighborhood survey was developed by NENEDD. In July 2005, a complete analysis of each HUD/Census tract of low and moderate was completed. Understanding the Neighborhood demographic context is an important step for needs identification. As a whole these neighborhoods represent 32% of the Norfolk population. However, these neighborhoods are different from the broader Norfolk population. The study identified 2,046 or 27% of the neighborhood population as minorities compared to the City of Norfolk as a whole where only 16% of the population is of minority status. Over 52% of all minorities live within these seven neighborhoods. There is also a significant population of elderly. In fact, 80% of the entire 65 age group of Norfolk live in these LMI areas. The study also showed 7.3% of Norfolk's population is female head of household and 40% of them live in the designated LMI areas according to the 2000 census. It is with that overall picture that the City can begin to understand and assess each of the seven Low and Moderate Income areas.

Seven low-to-moderate income (LMI) neighborhoods were identified for the Study. The neighborhoods were:

- #1 – South of Benjamin Avenue, east of 3rd Street, west of Oak Street and north of Prospect Avenue, containing 778 residents
- #2 – The north-central area of Norfolk with boundaries running north of Georgia Avenue, south of Alaska Avenue, west of 5th Street and east of Hwy 81, containing 1,645 residents
- #3 – Michigan Avenue north to Hayes Avenue and from 9th Street west to 13th Street, containing 211 families
- #4 – South of Philip Avenue, east of 18th Street, west of 13th Street and north of Michigan Avenue, containing 1,079 residents
- #5 – From 1st Street west to 9th Street and from Pasewalk Avenue north to Prospect, containing 338 families
- #6 – Omaha Avenue north to Michigan Avenue and 1st Street west to 9th Street, containing 705 people
- #7 – East of Pine Industrial Road west to 13th Street and south from Omaha Avenue to Jackson Avenue, containing 904 people.

NENEDD distributed the survey for each neighborhood to various city staff and department heads. Each were asked to rate certain issues for each neighborhood as being a high or low priority for the City. After careful consideration of the results of the neighborhood assessments, survey results, City of Norfolk capital improvements plans and eligible uses of CDBG funds, staff determined the City's priorities within the neighborhoods.

Using the results of the assessment process, NENEDD worked with City staff to develop a three-year strategy for neighborhood revitalization. The strategy includes identification of specific projects, timeline for implementation, resources necessary and benchmarks and performance measures for monitoring. The three-year strategy is as follows:

Phase I: Acquire 5 dilapidated properties and replace with 5 single family units, provide down payment assistance to 3 of the 5 families in neighborhoods #5 & #7. Replace 5 blocks of dilapidated sewer lines in neighborhood #7 and 2 blocks of 12" water mains in neighborhood 5 (February 2006 – August 2007, 18 months). Estimated total project cost \$347,900.

Phase II: Acquire 5 dilapidated properties and replace with 4 single family units and 1 single-family attached unit. Provide down payment assistance to 4 families in neighborhoods #5 & #7. Replace 4 blocks of 12" water main in neighborhood #5 (July 2007 – August 2008, 13 months). Estimated total project cost \$375,500.

Phase III: Acquire 5 dilapidated properties and replace with 4 single family units and 1 single family attached unit. Provide down payment assistance to 6 families and provide housing rehabilitation to 3 owner-occupied units in neighborhoods #5 & #7 (July 2008 – August 2009, 13 months). Estimated total project cost \$321,800.

An estimated funding breakdown of total project costs of all three phases is as follows:

	<u>CDBG</u>	<u>Local</u>	<u>Total</u>
Phase I though III improvements	\$459,600	\$551,100	\$1,010,700
General Administration Phase I through III	34,500	--	34,500
Total	\$494,100	\$551,100	\$1,045,200

CONSENT AGENDA

The City Council approved the minutes of the October 17, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-73 approving the final plat of **Medelman's Southwest 1st** Addition and authorizing the Mayor to sign the accompanying subdivision agreement. This is a six-lot subdivision located in the 2000-2200 block of West Omaha Avenue.

The City Council adopted Resolution No. 2005-75 approving the final plat of **Medelman's Southwest 2nd** Addition and authorizing the Mayor to sign the accompanying subdivision agreement. This is a four-lot subdivision located in the 2200-2300 block of West Michigan Avenue.

The City Council approved the Corporate Manager Application of Cynthia Sims in connection with the Class C liquor license of **Veterans of Foreign War** Post 1644, 316 West Braasch Avenue.

The City Council approved and authorized the Mayor to sign a professional services contract with Don **Wesely** for legislative and governmental representation.

The City Council approved and authorized the Mayor to sign an agreement with the Sesostris **Shrine Club** for use of Memorial Field and adjacent areas for the annual circus to be held on June 3, 2006 with a rain date of June 4, 2006.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Country Nursery, Inc. for 2005 **Downtown Streetscape**, Norfolk Avenue, project resulting in a net increase of \$8,920.00. The change order provides for additional topsoil and a seven-inch concrete border as well as balancing actual quantities with contract quantities.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Elkhorn Paving Construction Company for Paving District No. 491 (**College View** 5th Addition) and Paving District No. 492 (**Fox Ridge** Estates Addition Phase II) project resulting in a net increase of \$7,267.20.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Johnson's Inc. for the **Durland Avenue – Water Main** project resulting in a net decrease of \$3,011.71.

The City Council approved and authorized the Mayor to sign an agreement with the Nebraska Workforce Development Department of Labor for information exchange related to the **Transportation Plan** update project and authorized the Mayor to execute any other agreements necessary to maintain confidentiality of information.

The City Council approved and authorized the Mayor to sign an agreement with the Downtown Norfolk Association for the Downtown **Parade of Lights** on November 26, 2005.

The City Council approved Appeal Hearing Procedures related to the appeal of the City's denial of the 2005 mobile home park permit for **Maple Park Court**, 309 North 1st Street.

The City Council approved and authorized the Mayor to sign a Memorandum of Understanding with Ronald Johnson & Roxanne Johnson and James Kruse & Angela Kruse to move a house onto a parcel of ground that is a **nonconforming lot** located on North 37th Street. This needs to be approved to allow the house to be moved onto the property prior to the rezoning and platting of the parcel of land.

The City Council approved all bills on file in the amount of \$1,812,740.77.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4835 amending Section 24-110 to increase the speed to 30 miles per hour on **Taylor** Avenue from Pasewalk Avenue to 25th Street. Ordinance No. 4835 passed on first reading at the October 17, 2005 City Council meeting.

Councilperson Van Dyke introduced Ordinance No. 4835 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A SPEED LIMIT OF 30 MILES PER HOUR ON TAYLOR AVENUE FROM PASEWALK AVENUE TO 25TH STREET; 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 second reading. Councilperson 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4835 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4853 vacating Lots 1 and 2, Wiborg Addition to Madison County, Nebraska. The owners are platting the parcel into three new lots so the existing lots must be vacated prior to approval of Wiborg 2nd Addition.

Councilperson Kaspar-Beckman introduced Ordinance No. 4853 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF THE PLAT OF WIBORG ADDITION TO MADISON COUNTY, NEBRASKA, BEING A PART FO THE NORTHEAST ¼ OF SECTION 35, 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. Councilperson 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4853 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Kaspar-Beckman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, 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 Councilperson 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 Councilperson Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4853 be passed and adopted?" Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, 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. 4853 as required by law.

The Mayor requested consideration of Resolution No. 2005-74 approving a sidewalk waiver for SWAD, LLC in **Medelman's** Southwest 1st Addition located at 2000-2200 West Omaha Avenue.

Councilperson Kaspar-Beckman moved for adoption of Resolution No. 2005-74 approving a **sidewalk waiver** for SWAD, LLC in Medelman's Southwest 1st Addition at 2000-2200 West Omaha Avenue, seconded by Councilperson Brenneman.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Lange to amend Resolution No. 2005-74 by changing the word "request" to "require" in Section 2 so the sentence reads, "The City Council reserves the right to require the installation of sidewalks at any time, regardless of this or any other waiver." Roll call on the amendment: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Dick Clyde, 1014 South 1st Street, has concerns with the City Council issuing waivers on sidewalks. Clyde feels that if the City doesn't "start somewhere by requiring installation of sidewalks they will never be put in."

Dick Johnson, 1701 Michigan Avenue, is engineer for Medelman. Johnson agrees that sidewalks should be installed when necessary but there isn't a need for sidewalks in areas zoned industrial. Johnson said the City probably shouldn't encourage pedestrian traffic in industrial areas.

Paul Medelman, 2018 Hwy 35, is sympathetic with Clyde's concerns. Medelman feels the City should probably require sidewalks installed within the City and connect sidewalks where necessary. Medelman will install sidewalks on the property when required by the City of Norfolk.

Curtis Maas, 904 Syracuse Avenue, stated there are a lot of places in the City that need sidewalks including "Benjamin Avenue to the doctor's office, the Baptist church, Riverside & Benjamin, and 25th Street, Benjamin Avenue to Norfolk Avenue."

Councilperson Van Dyke stated the City may need to hire someone in the future to help identify those areas in the City that need sidewalks installed.

Roll call on Resolution No. 2005-74 as amended: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-74 as amended was adopted.

The Mayor requested consideration of Resolution No. 2005-76 approving a sidewalk waiver for SWAD, LLC in **Medelman's** Southwest 2nd Addition at 2211 to 2303 West Michigan Avenue. This area is also zoned industrial and there are no other sidewalks located in the area. Medelman will install sidewalks on the property when required by the City of Norfolk.

Councilperson Van Dyke moved for adoption of Resolution No. 2005-76 approving a sidewalk waiver for SWAD, LLC in Medelman's Southwest 2nd Addition at 2211 to 2303 West Michigan Avenue, seconded by Councilman Leshovsky.

Councilperson Kaspar-Beckman moved, seconded by Councilman Leshovsky to amend Resolution No. 2005-76 by changing the word "request" to "require" in Section 2 so the sentence reads, "The City Council reserves the right to require the installation of sidewalks at any time, regardless of this or any other waiver." Roll call on the amendment: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Roll call on Resolution No. 2005-76 as amended: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-76 as amended was adopted.

The Mayor requested consideration of Resolution No. 2005-77 approving the final plat of **Wiborg 2nd** Addition and the accompanying subdivision agreement. Additional land is being added to Wiborg Addition located at 1010 East Norfolk Avenue. The existing two-lot subdivision is being subdivided into a three-lot subdivision after the existing subdivision is vacated.

Councilperson Fauss moved for adoption of Resolution No. 2005-77 approving the final plat of Wiborg 2nd Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilperson Kaspar-Beckman. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2005-77 was adopted.

No comments were received regarding the Police Division report for September 2005. The report was included in the agenda packets.

Finance Officer Randy Gates reported on sales tax for the period 1999 to 2006.

Sales tax collection was reported as \$1,563,112.94 for August 2005.

No comments were received regarding the Works-In-Progress report for the period October 12 through November 1, 2005. The report was included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:26 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, 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, November 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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