

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 3rd day of October, 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: Lange, Van Dyke, Wilson, Brenneman, Fauss, and Saunders. Absent: Leshovsky and Kaspar-Beckman.

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 and Police Officer Suzie Hansen.

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

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

SPECIAL PRESENTATIONS

The Mayor proclaimed the month of October, 2005 as “Norfolk SCORE Chapter #160” and Sunday, October 9, 2005 as the American Diabetes Associations’ “America’s Walk for Diabetes Day”.

CONSENT AGENDA

The City Council approved the minutes of the September 19, 2005 City Council meeting as printed.

The City Council adopted Resolution No. 2005-68 approving the preliminary amended plan of **Warren** Planned Development located at 600 South 37th Street. Jeff Warren requested the amendment. The Warrens are requesting the amendment to allow for signs on the building consistent with a commercial area.

The City Council approved the Corporate Manager Application of Ramute Bell in connection with the Class C liquor license of Ramute, L.L.C., dba **Charlie's**, L.L.C., 2608 West Norfolk Avenue.

The City Council approved and authorized the Mayor to sign an Easement Agreement with **Herrick** Farms, Inc. for permanent and temporary easements to construct, build, maintain, repair and replace the utility system in Sanitary **Sewer Extension District No. 245**. Compensation is in an amount of \$8,419.50.

The City Council approved and authorized the Mayor to sign Change Order No. 2 with Robert Woehler & Sons Construction, Inc., Wayne, Nebraska, for the **North 10th drainage** project. The change order includes the addition of bluegrass sod to the project, balances bid quantities with actual quantities and results in a net increase of \$2,368.39.

The City Council approved all bills in the amount of \$992,969.91.

REGULAR AGENDA

A public hearing was held to consider a zoning change from A (Agricultural District) to I-1 (Light Industrial District) at 3402 North 1st Street. Roger and Sharon Schulz requested the zoning change. Public Works Director Dennis Smith provided information to the Mayor and City Council. The Schulzes are selling their business, Pampered Paws, to their daughter and want to subdivide the business from the home. The Schulzes will be rezoning another parcel to R-R in the near future.

On September 20, 2005, the Norfolk Planning Commission held a public hearing on the Schulz request. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4831 changing the zoning from A (Agricultural District) to I-1 (Light Industrial District) at 3402 North 1st Street at the request of Roger and Sharon **Schulz**.

Councilman Van Dyke introduced Ordinance No. 4831 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Motion carried. Ordinance No. 4831 passed on first reading.

Councilman Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilwoman Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4831 be passed and adopted?" Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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. 4831 as required by law.

The Mayor requested consideration of Ordinance No. 4832 amending Section 24-94 of City Code to include **8th Street** from Queen City Boulevard to Maple Avenue as a designated one-way street with northbound traffic.

Councilman Lange introduced Ordinance No. 4832 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-94 OF THE OFFICIAL CITY CODE TO DESIGNATE 8TH STREET FROM QUEEN CITY BOULEVARD TO MAPLE AVENUE AS A ONE-WAY STREET WITH NORTHBOUND TRAFFIC; 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. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Motion carried. Ordinance No. 4832 passed on first reading.

Councilman Lange 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 Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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 Lange 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. 4832 be passed and adopted?" Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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. 4832 as required by law.

The Mayor requested consideration of Ordinance No. 4833 amending Sections 5-28, 22-4, 24-1 and 24-100 of City Code to provide for an exception to certain provisions of code which pertain to gas- or electric-powered **scooters** so that said provisions are not applicable to scooters, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility.

Councilman Brenneman introduced Ordinance No. 4833 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT SECTION 5-28 OF THE OFFICIAL CITY

CODE TO PROVIDE FOR AN EXCEPTION TO THE PROVISIONS OF CHAPTER 5, ARTICLE III, FOR CERTAIN VEHICLES WHICH ARE DESIGNED FOR AND UTILIZED BY INDIVIDUALS WITH LIMITED MOBILITY; TO AMEND SECTIONS 22-4 AND 24-100 OF THE OFFICIAL CITY CODE TO PROVIDE FOR AN EXCEPTION TO THE PROVISIONS OF THOSE SECTIONS FOR CERTAIN VEHICLES WHICH ARE DESIGNED FOR AND UTILIZED BY INDIVIDUALS WITH LIMITED MOBILITY; TO AMEND SECTION 24-1 TO CLARIFY THE DEFINITION OF "MOTOR VEHICLE"; 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.

City Attorney Clint Schukei explained this is a housekeeping issue. The only change to the ordinance is to make definitions clearer. The clarification wording is "This section shall not be applicable to scooters, power chairs or electric wheelchairs having more than two (2) wheels which are designed for and being utilized by individuals with limited mobility".

After the October 3, 2005, Finance Committee discussion on this item, Councilman Brenneman requested the ordinance be amended so that the definitions of "motorcycle" and "motor-driven cycle" in Section 24-1 of City Code be amended to also exclude scooters, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility. A copy of the amended ordinance was distributed at the Council meeting.

Councilman Brenneman moved, seconded by Councilman Van Dyke to amend Ordinance No. 4833 to amend the definitions of "motorcycle" and "motor-driven cycle" in Section 24-1 of City Code to exclude scooters, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Motion carried.

Will Masters, 1212 Verges Avenue, has concerns with harassment by a neighbor boy who lives across the street. Masters also has concerns the Police Division is not enforcing noise ordinances. Masters expects the Police Division "to do their job."

Councilman Brenneman moved, seconded by Councilman Van Dyke to approve Ordinance No. 4833 on first reading as amended. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Motion carried. Ordinance No. 4833 as amended passed on first reading.

Councilman Fauss 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 Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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 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 Councilman Lange. The Mayor then stated the question "Shall Ordinance No. 4833 be passed

and adopted?" Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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. 4833 as required by law.

The Mayor requested consideration of Ordinance No. 4834 authorizing issuance of \$260,000 of bond anticipation notes to provide financing for **Paving** Districts 490, 491 and 492.

Councilman Fauss introduced Ordinance No. 4834 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF STREET IMPROVEMENTS FOR PAVING DISTRICT NOS. 490, 491 AND 492, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Wilson seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Finance Officer Randy Gates explained construction bids for Paving Districts 490, 491 and 492 total \$233,471. Adding engineering, administration, bond issuance costs and capitalized interest results in a total note issue of \$260,000.00. Since the interest rate of 3.2% assumes approval at the October 3, 2005 City Council meeting, Gates recommends suspension of the rules and passage of the ordinance on all three readings.

Roll call on Ordinance No. 4834: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Motion carried. Ordinance No. 4834 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 Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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. 4834 be passed and adopted?" Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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. 4834 as required by law.

The Mayor requested consideration of Resolution No. 2005-69 approving the appointment of the Elkhorn Valley Economic Development Council as the lead agency and R. J. Baker as the local contact for the **Certified Community Program**, and pledging the City's full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program.

Councilman Lange moved for adoption of Resolution No. 2005-69 approving the appointment of the Elkhorn Valley Economic Development Council as the lead agency and R. J. Baker as the local contact for the **Certified Community Program** and pledging the City's full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program, seconded by Councilman Fauss. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. Resolution No. 2005-69 was adopted.

Sales and use tax collection for the month of July 2005 was reported as \$737,688.64.

No comments were received regarding Works-In-Progress report for the period September 14 through 27, 2005. The report was included in the agenda packets.

Councilman Fauss moved, seconded by Councilman Wilson to adjourn the meeting at 7:57 p.m. Roll call: Ayes: Councilpersons Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Leshovsky and Kaspar-Beckman. 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, October 3, 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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