

## 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 6th day of September, 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, 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, Wastewater Plant Superintendent Todd Boling, Park Superintendent Pat Mrsny, Operations Manager Gary Miller, Police Captain Leon Chapman and Secretary Ann Pruss.

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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

### SPECIAL PRESENTATION

The Mayor proclaimed September 11, 2005 as "A Day To Remember".

Nancy Ronto, Burbach Aquatics gave a 40 minute presentation to the Mayor and City Council regarding the proposed **water park**. Two citizens called during the presentation to ask questions.

One citizen questioned why the cost of the Hastings and Grand Island water parks are so much less than the proposed park for Norfolk. Ronto stated Hastings turned people away the first month of operation because of limited capacity. Ronto doesn't want Norfolk to run into the same problem. Ronto also stated Burbach Aquatics designs water parks with usually three times the minimum concrete requirement as well as more green space. The other citizen questioned whether the City of Norfolk thought about corporate sponsorship for the water park. Ronto said the Swimming Pool Advisory Committee is planning to solicit donations for certain features in the water park to defray costs of the project.

Councilman Brenneman stated the City is spending about \$100,000 annually to maintain the two current swimming pools. Brenneman questioned whether the Committee discussed enclosing the pool so it can be utilized all year.

Ronto also said a building could be placed over the pool in the proposed water park but it would be very costly. Ronto stated most people don't think about using a water park/swimming pool after the summer months.

### CONSENT AGENDA

The City Council approved the minutes of the August 15, 2005 City Council meeting.

The City Clerk was authorized to establish September 19, 2005 as the date for a public hearing to review the City of Norfolk's FY 2005-2006 municipal **budget**.

The City Clerk was authorized to establish September 19, 2005 as the date for a public hearing to review the City of Norfolk's FY 2005-2006 proprietary **budget** (water, sewer, and solid waste).

The City Council adopted Resolution No. 2005-58 changing the placement of a **handicap parking** stall on the 6th Street side of Norfolk Junior High School from 50 feet to 155 feet north from the north property line of Pasewalk Avenue to 114 to 172 feet north from the north property line of Pasewalk Avenue.

The City Council adopted Resolution No. 2005-59 extending permits to collect **garbage**, refuse and rubbish issued under Section 10-21 of City Code.

The City Council adopted Resolution No. 2005-60 approving the final plat of Replat 2 of Lot 1, Block 1 of **Replat Shopko Acres** and authorized the Mayor to sign the accompanying subdivision agreement. Shopko is selling out-lots of store properties nationwide. A similar replat was done on the Shopko property earlier this year to build a bank.

The City Council adopted Resolution No. 2005-61 approving the final plat of **Berry Hill 13th Addition**. This subdivision is basically a large lot boundary change. The lots of Berry Hill 12th Addition will move the south lot line approximately 27 feet to the south.

The City Council adopted Resolution No. 2005-62 authorizing placement of **handicap parking** stalls and a “No Parking Corner to Here” sign in front of Jefferson Elementary School.

The City Council adopted Resolution No. 2005-63 authorizing the Mayor to sign Supplemental Agreement No. 1 with the Nebraska Department of Roads (NDOR) for construction of a four-lane divided roadway on **Highway 35** from Highways 275 to Norfolk Avenue. The NDOR designated the Project No. as STPD-35-3(105).

The City Council approved the Mayor’s appointment of Mark Werner to the **Plumbing Board** replacing Steve Thieman. The appointment is for a 3-year term that expires in August 2008.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the “Class D” liquor license application of Duckwall-Alco Stores, Inc., dba **Alco** Store #123, Norfolk, Nebraska, and the Corporate Manager Application of Wayne Wilson.

The City Council approved a Special Designated Liquor License for Soda Crackers, Inc., dba **Country Kitchen**, to sell beer and wine in a beer garden on their property at 1221 West Omaha Avenue on Friday, September 23, 2005 from 5:00 p.m. to 12:00 a.m.

The City Council approved award of and authorized the Mayor to sign a contract with Elkhorn Paving Construction Company, Norfolk, Nebraska, for **Paving** District No. 491 (**College View** 5th Addition) and **Paving** District No. 492 (**Fox Ridge** Estates Addition, Phase II) project in an amount of \$199,813.55 (\$127,317.86 and \$72,495.69 respectively) to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. On August 30, 2005, three bids were received. Other bids received were from A & R Construction, Plainview, Nebraska, \$208,249.47 and Castle Construction, Inc., Columbus, Nebraska, \$218,828.44.

The City Council approved award of and authorized the Mayor to sign a contract with Penro Construction Company, Inc., Pender, Nebraska, for the Water and Sewer Improvements 2005-1 (**Oak Street**) project in an amount of \$57,404.50 to furnish all labor, materials, equipment and all else necessary to properly complete the improvements. On August 30, 2005 three bids were received. Other bids received were from Rutjens Construction, Inc., Tilden, Nebraska, \$57,823.32 and Robert Woehler & Sons, Wayne, Nebraska, \$69,457.84.

The City Council approved and authorized the Mayor to sign an Interlocal Agreement with the City of Madison for **Building Inspection Services**.

The City Council approved the purchase of a twenty-foot boom **mower** from Cass County Implement for a total of \$27,118.00. The mower will be used by the Street Division. Only one bid was received at the September 6, 2005 bid letting.

The City Council approved and authorized the Mayor to sign a modification to a temporary construction **easement** with JRLB Real Estate, L.L.C., 200 West Benjamin Avenue, for construction of the Benjamin Avenue paving improvements project.

The City Council approved all bills on file in the amount of \$2,386,804.53.

## REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4824 adjusting **sewer rates** for residential, commercial and industrial classifications by a uniform 5% effective October 1, 2005. Ordinance No. 4824 passed on first reading at the August 15, 2005 City Council meeting.

Councilwoman Kaspar-Beckman introduced Ordinance No. 4824 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 26-97(e) AND 26-97(f) OF THE OFFICIAL CITY CODE BY AMENDING THERETO AN ADJUSTMENT TO SANITARY SEWER RATES; TO PROVIDE WHEN THE SEWER USER CHARGES SHALL BE IN FULL FORCE AND EFFECT; AND 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. Councilman Van Dyke 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. 4824 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4827 authorizing the sale of abandoned Union Pacific **Railroad** right-of-way property which lies immediately north of Michigan Avenue between 13th Street and Glenwood Boulevard to **Riteway** Oil & Gas Co., Inc.

Councilman Lange introduced Ordinance No. 4827 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilman Van Dyke 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. 4827 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, 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 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. 4827 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. 4827 as required by law.

Sales and use tax collection for the month of June 2005 was reported as \$569,626.35.

No comments were received regarding the Works-In-Progress report for the period August 10 through 30, 2005. The report was included in the agenda packet.

Councilwoman Kaspar-Beckman moved, seconded by Councilman Fauss to adjourn the meeting at 8:20 p.m. Roll call: Ayes: Councilpersons Leshovsky, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

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Gordon D. Adams  
Mayor

ATTEST:

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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 Tuesday, September 6, 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.

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Elizabeth A. Deck  
City Clerk

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