

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 17th day of April, 2006, 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: Stauffer, 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, Prevention Manager Scott Cordes, Fire Chief Shane Weidner, Finance Officer Randy Gates, Property/Operations Manager Gary Miller and Police Chief Bill Mizner.

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

SPECIAL PRESENTATION

The Mayor proclaimed Saturday, April 22, 2006 as “A Day of Unity” – “A Celebration of Latino Arts”.

CONSENT AGENDA

The City Council approved the minutes of the April 3, 2006 City Council meeting as printed.

The City Council adopted Resolution No. 2006-8 releasing the north three feet of the south ten foot utility **easement** on the south line of Lot 7, Block 18, Bel-Air 10th Addition to the City of Norfolk, Madison County, Nebraska, at the request of Haselhorst Construction and Edward and Sandra **Cahoy**.

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 **Red Flag LLC**, dba 1st Stop, (formerly ABC Texaco, dba Benjamin Express) and the Corporate Manager Application of Pamela K. Hess.

The City Council accepted and authorized the Mayor to sign a sanitary sewer line **dedication** located along the lot line between Lots 3 and 4, Block 1, Meadow Ridge Phase 1, 4th Addition from Victory Road Evangelical Free Church, Inc., of Norfolk.

The City Council approved all bills on file in the amount of \$708,577.39.

REGULAR AGENDA

A public hearing was held to discuss the **annexation** of land located generally north of Eldorado Hills, Berry Hill and Westwood Additions. Public Works Director Dennis Smith provided information to the Mayor and City Council. This area is presently in the City of Norfolk's electrical fringe area, so the electrical system is owned by the City and leased to Nebraska Public Power District (NPPD). Water and sewer mains to service this area will be installed as development occurs. The developer of Wyndham Hills Phase I requests the City create a paving district for the construction of streets within the development. The preliminary Wyndham Hills Phase II and Blackberry Heights costs to be paid by the City include: additional 5-feet of paving width on Dover Drive, \$40,220; twin 8-foot x 4-foot reinforced concrete box culvert located on Dover Drive, \$66,000; over sizing costs for storm sewer, \$15,000; and \$104,200 for intersection costs. Total estimated development costs paid by the City are \$225,420.

Offsetting the estimated development costs paid by the City of \$225,420 is sales tax on raw materials utilized in constructing improvements in Wyndham Hills and Blackberry Heights as development occurs. Cost of materials is assumed to be approximately \$30 million resulting in additional City sales tax of \$452,250. This more than offsets the \$225,420 of development costs and provides a net estimated financial benefit of initial development over \$226,000.

The biggest single revenue impact of this annexation is the loss of water revenue. In general, outside the city water rates are double inside the city rates. At full development, this results in \$57,150 less annual water revenue than if this area is not annexed.

The other revenue impacts are all positive with the largest revenue increase being property taxes. Upon full development, expected assessed value is over \$55 million and, based on the City's current levy rate, results in additional annual property tax revenue of \$53,843. The second largest increase is City Highway Allocation Fund (CHAF) revenue. CHAF payments are based on lane miles, population, and number of motor vehicles. The combined effect is an estimated \$35,774 increase in annual CHAF revenue. Other revenue increases are related to franchise fees, personal property tax relief and sales tax on various point-of-sale items totaling \$46,607. The total net revenue increases are estimated at \$79,074 at full development. The City will not receive the full financial benefit of annexation until this area is completely developed, but the financial impact should be positive throughout the development period.

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

The Mayor requested consideration of Ordinance No. 4872 annexing land located generally north of Eldorado Hills, Berry Hill and Westwood Additions.

Councilperson Van Dyke introduced Ordinance No. 4872 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE NORTHEAST ¼ ALL IN SECTION 17, 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. Councilperson Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brennenman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4872 passed on first reading only.

A public hearing was held to consider a request by downtown business owners to annex property lying between Madison and Braasch Avenues and between 8th Street and the Union Pacific Railroad operated by Nebraska Central Railroad (formerly - Chicago & Northwestern Railroad) right-of-way to the Vehicle Off-Street Parking District No. 1. Public Works Director Dennis Smith provided information to the Mayor and City Council. On March 20, 2006, the Mayor and City Council set this public hearing to receive comments regarding annexation of this tract of land. The City of Norfolk received a request from a Norfolk Avenue property owner to consider

expanding the Vehicle Off-Street Parking District. The request was reviewed by the Vehicle Parking District Advisory Board. That Board recommended scheduling a neighborhood meeting with the affected property owners. Neighborhood meetings were held on September 8, 2004 and January 24, 2005 to discuss the proposed expansion. The second meeting concerned costs associated with the planned streetscape project on Norfolk Avenue. On November 17, 2005 the City of Norfolk sent ballots to property owners in the area to be annexed. With responses from 100% of the taxable real property owners, property owners representing 56.9% of the taxable real property favored annexation of the area into the parking district. State Statutes Section 19-3321 requires the annexation be based on taxable real property.

Webb McNally, 103 South 5th Street, representing himself, spoke in favor of expanding the Vehicle Parking District. McNally helped form the Business Improvement District (BID) years ago and said the original plan was to include the 700 block of West Norfolk Avenue. However, at that time, the business owners in the 700 block would not receive any benefits from belonging to the BID so that area was excluded. McNally feels all business owners need to look at "change with a positive attitude." McNally says the City of Norfolk now "owns Norfolk Avenue" and can make decisions regarding parking, lighting and sidewalks. McNally said some people don't want change but "change can be effective and positive". McNally said "the 34 years of abuse to Downtown Norfolk" won't change overnight.

Councilperson Van Dyke asked McNally to explain "34 years of abuse."

McNally stated the "so called improvements projects back in 1964 took the bricks out", medians were added, parking removed on both sides of Norfolk Avenue and diagonal parking removed. McNally stated businesses at that time wanted to keep Norfolk Avenue as a federal highway. Over 40% of parking in downtown was eliminated at one time which resulted in the loss of many stores including Hesteds, Gambles and Montgomery Wards. McNally said "it has been a fight ever since".

Van Dyke remembers a time when about the only place to park in Downtown Norfolk was on the street. Now many of the empty stores have been replaced with parking lots to enhance shopping in the downtown area. Van Dyke doesn't understand why McNally feels there is less parking in Downtown Norfolk than there was 30 years ago.

McNally stated there are fewer businesses in Downtown Norfolk now which is a result of less parking years ago.

Councilperson Kaspar-Beckman questioned McNally whether the proposed annexation is to increase the BID tax base. Kaspar-Beckman also questioned whether the businesses will see improvements to street lighting and sidewalks.

McNally said "the short answer is, yes". The long answer is that the annexation will be good for all of Downtown Norfolk. McNally stated the annexation will increase the tax base and the businesses should benefit from any improvement projects.

Councilperson Fauss questioned whether the businesses "without medians will be charged the same as those who have medians". Fauss stated there aren't any medians in the 700 and 800 blocks of West Norfolk Avenue.

Ron Skiff, 710 West Norfolk Avenue, is opposed to the proposed expansion. Skiff feels the expansion will not add value to the businesses. Skiff supports Downtown Norfolk but the proposed expansion area "is not the same as the rest of the area." The area being considered contains several manufacturing businesses, not retailers. Skiff polled customers about a proposed parking lot at 7th & Norfolk Avenue. The poll showed customers would not use a parking lot in that area; therefore, it would not increase sales. The proposed area is not a pedestrian shopping area. Skiff questioned what data supports a parking lot in that area if that is the purpose of the proposed expansion. Skiff stated there are only five store fronts with four stores operating on the north side of the proposed expansion. The south side has six stores and several are empty. Skiff stated BID members have said they "have no intention of expanding beyond 6th Street." Skiff questioned when that

changed. If the only intention is to expand the tax base to support the Streetscape project, then businesses in the proposed area didn't have a chance to vote on or express opinions about the Streetscape project. Skiff stated the proposed expansion will not bring in more customers.

Mike Yost, Elkhorn Antiques, 714 West Norfolk Avenue, spoke in opposition to the proposed expansion. Yost asked "what is the motive behind the proposed expansion?" Yost feels the expansion is only to "help pay for the project" (Streetscape). Yost stated Elkhorn Antiques is a "browsing" business and will not benefit from being in the Vehicle Parking District. Yost said there aren't any plans in place for improvements to the 700-800 block of West Norfolk. Yost said the City can save \$375,500 to "leave us alone". Yost's biggest complaint is that businesses are being forced into the BID. Yost does not want trees in front of Elkhorn Antiques; however, trash cans would be helpful. Yost stated the Mayor has been quoted as saying there is adequate lighting in Downtown Norfolk. Yost is willing to pay for sidewalk repair/replacement if needed in front of Elkhorn Antiques. Yost wants what "is best for downtown"; however, Yost is opposed to the expansion.

Nick Lueschen, 333 West Norfolk Avenue, is chairman of the Vehicle Parking District. Lueschen stated a business owner requested the Vehicle Parking District Board consider adding the 700-800 block of West Norfolk Avenue to the district. Property owner responses showed a majority in favor of the expansion so the Board brought the issue before the City Council for consideration. State Statutes says the percentage must be based on assessed valuation not property owners. Lueschen stated the Business Improvement District is trying to get more businesses into Downtown Norfolk.

Councilwoman Saunders questioned how many businesses are located in the proposed expansion area.

Public Works Director Dennis Smith stated ten property owners are taxable and three are not taxable (NPPD, City of Norfolk and Salvation Army). Only the taxable businesses are included in the calculations.

Saunders received a call from a business owner who said there were four businesses in favor of and seven against the expansion.

Kathy Jedlicka, owner of Amy's Hallmark, 415 West Norfolk Avenue, spoke in favor of the expansion. Jedlicka stated "people came to us about the expansion". The Vehicle Parking District did not go looking for more tax base or "expanding our turf". Jedlicka said "a lot of this is about beautification and city pride, as well as bringing continuity to Downtown Norfolk". Jedlicka gets "tired of people who are opposed to something but have no solutions". The Vehicle Parking District would like to expand to the side streets in Downtown Norfolk but there are not enough funds. The District needs to take one step at a time.

Roger Brummels, Manager of Century Lumber, 506 West Norfolk Avenue, spoke in favor of the expansion. Brummels stated continuity in an area is important to bringing in more customers. Sidewalks in Downtown Norfolk are in bad shape and need to be repaired and the sidewalks in the 700 & 800 blocks of West Norfolk Avenue are probably in the worst shape.

Art Reinhart, owns the property at 607 Braasch Avenue where Custom Heating is located. Reinhart is opposed to the expansion. Reinhart sees no value in expanding the Vehicle Parking District to the 700-800 block of West Norfolk Avenue.

Charles Warrick, 500 Roland, has owned Warrick Tire since February 1948 and is satisfied with "things the way they are." Warrick doesn't want higher taxes and is opposed to the expansion.

Zachary Warrick, 1300 Hespe Drive, Apt. 204, is opposed to the expansion.

Tracy Yost, 714 West Norfolk Avenue, is opposed to the expansion. Yost questioned how many businesses are part of the 56.9% in favor of the expansion. Yost also questioned why the proposed expansion is stopping at 8th Street instead of going to 13th Street if continuity is an issue.

Mayor Adams also raised the question to the Public Works Director as to why the expansion would stop at 8th Street. Smith told Adams it is a transitional zone from 9th Street to 13th Street.

Smith said four property owners were in favor of the expansion and six were opposed.

Perry Lackey, owner of United Rentals, 502 West Norfolk Avenue, is in favor of the expansion. Lackey feels the expansion will improve foot traffic. Lackey feels any improvements to the area will help promote Downtown Norfolk.

Carl Nore, 1102 West Prospect Avenue, is owner of the Nore's Carpet building. Nore requested the Vehicle Parking District consider the expansion. Nore feels 6th Street through 9th Street is neglected and needs improvement. Nore feels the proposed expansion area is the "western entrance" to Downtown Norfolk. The downtown area is a great place for beginning businesses and merchants need to work together and be involved with the community.

Tim Howard, Bank of the West, supports the expansion project. Howard feels the expansion will create uniformity and continuity.

Gary Love, 1608 Goldenberry Drive, is owner of Custom Heating & Air. Love is opposed to the project. Love said people already use the Custom Heating & Air parking lot as a "pass through".

Councilperson Fauss has received letters from citizens both in favor and opposed to the expansion.

Councilperson Saunders said it is a difficult decision but Council persons must think of the future of Norfolk.

Councilperson Van Dyke has concerns that the managers of Bank of the West and Aquila are not the ones who will be paying the taxes, which is different from Mr. Warrick and Mr. Yost.

Smith explained the senior vice-president of Bank of the West made the decision to support the expansion. Also, Scott Zaruba discussed the expansion with the tax department of Aquila.

Van Dyke is confused because the assessment will be on front footage but the value of the business is a requirement for annexation.

Smith explained the Vehicle Parking District expansion is based on real property valuation per State Statute. The other issue is creation of a paving district to improve the sidewalks. The paving district improvement is based on front footage.

Van Dyke has concerns because "Aquila has less front footage but more valuation so more pull in the decision to expand."

City Administrator Mike Nolan explained sidewalks throughout the City need to be improved to meet ADA requirements. The plan is for businesses located within the Vehicle Parking District to pay 1/3 the cost, the City pays 1/3 (gas funds), and the paving assessment pays 1/3 of the cost to repair sidewalks in the District. The sidewalks between 7th and 9th Street will need to be repaired whether or not the expansion occurs.

Yost is not opposed to repairing the sidewalk in front of Elkhorn Antiques. Yost is willing to pay 2/3 of the cost to repair the sidewalk with the City paying the other 1/3. Yost does not want to be a part of the BID.

Mayor Adams stated that if the City orders a sidewalk repaired/replaced, the property owner is responsible for 100% of the bill. The cost share would not apply to properties outside the Business Improvement District.

City Attorney Clint Schukei said the sidewalks in the 700 and 800 blocks of West Norfolk Avenue are no different than any other sidewalks in Norfolk. If repair is necessary, the City can give notice the replace the sidewalk or the City can replace the sidewalk and the business owner pays the entire cost. The other option is

that sidewalks are repaired on a complaint basis.

Councilperson Stauffer empathizes with the business owners but continuity in Downtown Norfolk is important. Stauffer will vote in favor of the expansion.

Councilperson Lange says continuity is important but questions why the expansion stops at 8th Street instead of going farther west. Taking a small step and not looking at the entire picture isn't necessarily good for the situation. Before Lange feels comfortable with expansion to the district, more thought needs to be put into the process. Lange doesn't feel the expansion is appropriate at this time.

Councilperson Kaspar-Beckman feels expanding the district to 10th Street makes more sense. Kaspar-Beckman stated the majority of the business owners in the proposed area are against the expansion. Therefore, Kaspar-Beckman will vote against the expansion.

Councilperson Brenneman stated the current businesses between 6th and 8th Streets are not governed by walk-in traffic. Brenneman feels there are too many unanswered questions about how the businesses will benefit from belonging to the Vehicle Parking District.

Mayor Adams stated many plans for the area cannot be made until the District is expanded.

Nolan questioned whether the Council's sentiment is for diagonal parking between 7th and 8th Streets.

Lange did not infer that medians need to be installed from 6th to 8th Streets. Lange said designated stripping on pavement to create turning lanes, etc. could be considered. Lange feels if the expansion occurs it should go farther west. Lange doesn't feel "it is a prudent measure to be moving forward at this time."

Smith said one of the requests from Carl Nore was to look at diagonal parking from 7th to 8th Streets. Engineering staff has completed a study which shows diagonal parking is possible in that area without creating major problems. Smith stated the section from 8th Street to 9th Street, by contract with the Federal Highway Administration, cannot have parking because it is a transition from the 4-lane undivided to the 4-lane divided street. Smith said a better transition would be to make the diagonal parking on 7th and 8th Streets and take the street down to a single, two-lane with a left turn lane.

Nolan suggested sending the request back to a subcommittee to address concerns raised and look at various design issues.

Councilperson Wilson is in favor of the BID but doesn't want to "jump into something too quick."

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

The Mayor requested consideration of Ordinance No. 4873 providing for the annexation of additional property to the Vehicle Off-Street Parking District No. 1 of the City of Norfolk, which boundaries were created by Ordinance No. 2365 and expanded by Ordinance No. 3279.

Councilperson Kaspar-Beckman introduced Ordinance No. 4873 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO PROVIDE FOR THE ANNEXATION OF ADDITIONAL PROPERTY TO THE VEHICLE OFF-STREET PARKING DISTRICT NO.1 OF THE CITY OF NORFOLK WHICH BOUNDARIES WERE CREATED IN ORDINANCE NO. 2365 AND EXPANDED AS DESCRIBED IN ORDINANCE NO. 3279, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Stauffer seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Fauss and Saunders. Nays: Lange, Van Dyke, Kaspar-Beckman, Wilson, and Brenneman. Absent: None. Motion failed.

Ordinance No. 4873 failed on first reading.

Public hearings were held simultaneously to consider amending the City of Norfolk's Comprehensive Plan from medium density residential to commercial and a zoning change from A (Agricultural District) to C-3 (Service Commercial District) west of 4200 West Norfolk Avenue. Herrick Farms, Inc., dba **Divot's**, requested the amendment and zoning change. Prevention Manager Scott Cordes provided information to the Mayor and City Council.

Dick Johnson, Johnson Engineering, stated Herrick Farms wants to expand west of the current facility by adding a 12,000 square foot building. The building will be used mainly for wedding receptions and dances.

On April 4, 2006, the Norfolk Planning Commission held public hearings regarding the request from Herrick Farms, Inc., dba Divot's. The City Clerk read the Planning Commission's recommendations for approval into the record.

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

The Mayor requested consideration of Ordinance No. 4874 amending the Comprehensive Plan on property located west of 4200 West Norfolk Avenue from medium density residential to commercial at the request of Herrick Farms, Inc., dba Divot's.

Councilperson Fauss introduced Ordinance No. 4874 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE FUTURE LAND USE 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. Councilperson Kaspar-Beckman seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4874 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Fauss seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4874 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, 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. 4874 as required by law.

The Mayor requested consideration of Ordinance No. 4875 changing the zoning from A (Agricultural District) to C-3 (Service Commercial District) on property west of 4200 West Norfolk Avenue at the request of Herrick Farms, Inc., dba Divot's.

Councilperson Kaspar-Beckman introduced Ordinance No. 4875 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. Councilperson Fauss seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4875 passed on first reading.

Councilperson Kaspar-Beckman moved that the statutory rule requiring reading on three different days be suspended. Councilperson Van Dyke seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, 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 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 Councilperson Van Dyke. The Mayor then stated the question "Shall Ordinance No. 4875 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, 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. 4875 as required by law.

A public hearing was held to consider a **zoning** change from R-3 (Multiple Family Residential District) to C-3 (Service Commercial District) at **3300 Koenigstein** Avenue at the request of MBH Investments, Inc. Prevention Manager Scott Cordes provided information to the Mayor and City Council. This is a change in the Green Meadows Development. The majority of the area south of Koenigstein Avenue is zoned C-3 and the area north is zoned R-3. Cordes stated the developers have stated a convenience store is not going to be built on the property.

Councilperson Van Dyke felt the R-3 zoning was originally intended as a buffer to the development. Van Dyke questioned the rationale behind the zone change request.

Cordes stated the different zoning areas are not unusual between properties and the property owner is the same for both of the properties.

Dick Johnson, Johnson Engineering, spoke in favor of the zoning change. The requested property is the lot on the corner of 33rd Street and Koenigstein Avenue. MBH Development owns this lot and the lot immediately north. The proposed development is for a building similar to Golf U.S.A. with some retail. Johnson stated the developers do not plan to build a convenience store on the lot. Johnson requested the ordinance be passed on first reading only at this meeting.

Councilperson Lange stated that, regardless of what a developer says or promises, C-3 zoning allows for the construction of a convenience store. Lange would be a little more concerned except for the fact that the lots are owned by the same company.

On April 4, 2006, the Norfolk Planning Commission held a public hearing regarding the request from MBH Investments, Inc. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one else 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. 4876 for a zoning change from R-3 (Multiple Family Residential District) to C-3 (Service Commercial District) at **3300 Koenigstein** Avenue at the request of MBH Investments, Inc.

Councilperson Brenneman introduced Ordinance No. 4876 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. Councilperson Wilson seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4876 passed on first reading only.

The Mayor requested consideration of Ordinance No. 4871 vacating a portion of 31st Street platted as part of Berry Hill 9th Addition, an addition to the City of Norfolk, Madison County, Nebraska, lying wholly in the Northwest ¼ of the Southeast ¼ of Section 17, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Ordinance No. 4871 passed on first reading at the April 3, 2006 City Council meeting.

Councilperson Van Dyke introduced Ordinance No. 4871 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE THAT PORTION OF 31ST STREET PLATTED AS PART OF BERRY HILL 9TH ADDITION, AN ADDITION TO THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, LYING WHOLLY IN THE NW1/4 OF THE SE1/4 OF SECTION 17, 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 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 Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4871 passed on second reading only.

Because of the lengthy meeting, City Administrator Mike Nolan stated the Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2005 along with the related Single Audit Reports and auditor's letter will be presented at the May 1, 2006 City Council meeting.

No comments were received regarding the monthly commercial and industrial building permit report for March 2006; the monthly Police Division report for March 2006; the quarterly Police Division report for the first quarter of 2006; or the Works-In-Progress report for the period March 29 through April 11, 2006. The reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 9:18 p.m. Roll call: Ayes: Councilpersons Stauffer, 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, April 17, 2006, 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)