

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 21st day of February, 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, Brenneman, Fauss, and Saunders. Absent: Wilson.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Assistance City Engineer Dale Bohac, Human Resources Director Sheila Schukei, Secretary Bethene Hoff, 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 Kaspar-Beckman moved, seconded by Councilperson Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

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

SPECIAL PRESENTATION

Russ McKillip of the Nebraska Public Power District presented the Mayor and Council with the NPPD 2005 Economic Development Awards in categories of New Economic Development Organization, Prospect Ready, and Successful Business & Industry Expansions and Attraction.

CONSENT AGENDA

The City Council approved the minutes of the February 7, 2006 City Council meeting as printed.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class I" liquor license application of NMN Express, Inc., dba **Holiday Inn** Express, 920 South 20th Street, Norfolk, Nebraska and the Corporate Manager Application of Mary Colfack.

The City Council approved the Corporate Manager Application of Robert Plisek in connection with the Class C liquor license of **Eagles** Norfolk Aerie 3611, 210 West Northwestern Avenue, Norfolk, Nebraska.

The City Council approved a Special Designated Liquor License for Mel's Liquor Drive-In, Inc., dba **Mel's Liquor** Drive-In, to sell beer and distilled spirits at 520 East Norfolk Avenue, Norfolk, Nebraska on Saturday, April 1, 2006 for a "stock car" car show.

The City Council approved and authorized the Mayor to sign an agreement with **Legend's Car Club** for the use of TaHaZouka Park for June 4, 2006. This annual car show utilizes most of Ta-Ha-Zouka Park for the show date and outlines parking requirements for the show.

The City Council authorized the Mayor to sign and forward a letter to the Nebraska Liquor Control Commission on the "Class B" liquor license application of Casey's Retail Company, dba **Casey's General Store** #2710, 2616 West Norfolk Avenue, Norfolk, Nebraska and the Corporate Manager Application of Sara Luebbert.

The City Council approved all bills on file in the amount of \$790,103.77.

REGULAR AGENDA

A public hearing was held to consider the appeal requested by Fred **Fisher** regarding the decision of the Planning Commission to not allow horses on the property at 404 North Victory Road. City Attorney Clint Schukei provided information to the Mayor and City Council. On December 6, 2005, the Norfolk Planning Commission held a public hearing regarding Fisher's request to allow horses on the property at 404 North Victory Road. The Planning Commission denied the request on a 4-2 vote. Schukei explained that Fred Fisher is still incarcerated in the Madison County Jail. However, the public hearing was scheduled and notice published in the Norfolk Daily News. Schukei stated Fisher is scheduled to be released from jail on February 24, 2006. Therefore, Schukei suggested the hearing be opened and continued until the next regular City Council meeting. Schukei stated the corresponding resolution will need to be tabled until the March 6, 2006 meeting. Fisher's horses have been removed from the property and there are no more problems with horses running loose.

Councilperson Kaspar-Beckman questioned whether City staff will check to make sure the pasture fence is fixed before continuation of the hearing at the March 6 City council meeting.

Councilperson Lange stated the requested action (fixing the fence) may not be required if the appeal is denied.

Schukei stated that since the December 6, 2005 Planning Commission meeting, Fisher was cited on December 22, 2005, January 1, January 25, and January 26, 2006 for horses running loose; therefore, the assumption can be made that the fence is still in a state of disrepair.

Police Chief Bill Mizner stated the Police Division can provide the requested information about the fence by the March 6, 2006 City Council meeting.

No one appeared either in favor of or in opposition to the appeal.

Councilperson Saunders moved, seconded by Councilperson Van Dyke to continue the public hearing on the appeal from Fred Fisher to the March 6, 2006 City Council meeting. Roll call:

Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson.

A public hearing was held to discuss the 2006-2012 One and Six-Year **Street** Improvement Plan. Public Works Director Dennis Smith provided information to the Mayor and City Council. Proposed projects for 2006-2007 are: miscellaneous street maintenance work by contract, \$1,000,000; miscellaneous residential paving districts, \$30,000; and 25th Street, 200 feet north/south of bridge, \$12,000. Smith stated federal aid should be available for the 25th Street bridge project. Smith said it isn't known yet whether the bridge will be 2 or 3 lanes of traffic. A three lane bridge would probably require total reconstruction. Smith explained the bridge is sound but there is settling on both ends of the bridge.

No one appeared either in favor of or in opposition to the 2006-2012 One and Six-Year Street Improvement Plan and the Mayor declared the hearing closed.

On February 8, 2006, the Norfolk Planning Commission held a public hearing to review the City of Norfolk's 2006-2012 One & Six Year Street Improvements Plan. The City Clerk read the Planning Commission's recommendation for approval into the record.

A public hearing was held to consider the **Transition Plan** for City of Norfolk, Nebraska Public Rights-of-Way. The Plan is designed to improve the accessibility for citizens on public rights-of-way including streets, bridges, intersections, sidewalks, trails and bikeways. Human Resources Director Sheila Schukei provided information to the Mayor and City Council. In 1993 the City completed a Transition Plan, required by the Americans' with Disability Act, which addressed public buildings and surrounding property. Any new construction and renovation to City property after that time complied with the specifications required by the Americans' with Disabilities Act. During work on an accessibility project with a citizen approximately one year ago, the citizen communicated concerns to the Federal Highway Administration (FHA). As a result, the FHA required that the City of Norfolk develop and implement a Transition Plan for Public Rights-of-Way.

City staff then sought citizens interested in participating on an advisory committee. The City staff members involved with this project were the Human Resources Director, Assistant City Engineer and Building Official. City staff and the citizen committee met several times to discuss concerns and suggestions about accessibility issues on public rights-of-way.

This Transition Plan was drafted as a result of those meetings. Some of the items included in the plan are a review of public rights-of-way to improve accessibility, a proposal that sidewalk waivers shall be limited to areas of no current or no future pedestrian travel, the procedure for making accessibility requests, and a grievance procedure for citizens. The Transition Plan was provided to the citizen committee and to the Federal Highway Administration Nebraska Division Office.

Dick Clyde, 1014 South 1st Street, worked on the committee to develop the Transition Plan. Clyde supports the Plan. Clyde is opposed to sidewalk waivers. Clyde feels a lot of children use sidewalks each day and there are a lot of sidewalks in need of repair throughout the City. Clyde stated many areas in Norfolk don't even have sidewalks. Clyde feels that once a sidewalk waiver is given, people will not want to put the sidewalk in later.

Councilman Lange questioned how "future pedestrian travel" (wording in "E" of the Transition Plan) can be defined. Section "E" reads as follows, "In an effort to be proactive in allowing

accessibilities on public rights-of-way, the granting of sidewalk waivers shall be limited to areas of no current or no future pedestrian travel.”

Sheila Schukei and Dennis Smith explained the original draft of the Transition Plan, Section “E”, stopped at the word “limited”. However, the Federal Highway Administration had concerns citizens would continue to request sidewalk waivers. The additional wording is at the recommendation of the Federal Highway Administration.

Building Official Steve Nordhues said it is hard to define future pedestrian travel. An example of an area with no future pedestrian travel may be the single lot subdivision of Warren Garage Door Company located west of Norfolk. Until an adjacent lot is developed by Warren Garage Door Company, sidewalks are not necessary because there isn’t any other development in the area.

Councilperson Stauffer feels the Transition Plan puts the burden on developers for sidewalk construction.

Mayor Adams stated developers need to have site plans in place for sidewalks.

Councilperson Lange is satisfied with the wording since it comes from the Federal Highway Administration.

City Attorney Clint Schukei explained granting sidewalk waivers is a zoning function. The City Council can only order in sidewalks within the city limits. Sidewalk installation needs to be addressed in subdivision agreements.

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

The Mayor requested a motion to table consideration of Resolution No. 2006-3 regarding the appeal from Fred **Fisher** on the Planning Commission’s denial to allow horses on property located at 404 North Victory Road.

Councilperson Fauss moved to table consideration of Resolution No. 2006-3 regarding the appeal from Fred Fisher on the Planning Commission’s denial to allow horses on property located at 404 North Victory Road until the March 6, 2006 City Council meeting, seconded by Councilperson Kaspar-Beckman. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Resolution No. 2006-3 was tabled.

The Mayor requested consideration of Resolution No. 2006-4 approving the 2006-2012 One and Six-Year Plan for **Street** Improvements.

Councilperson Van Dyke moved to adopt Resolution No. 2006-4 approving the 2006-2012 One and Six-Year Plan for Street Improvements, seconded by Councilperson Stauffer. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Resolution No. 2006-4 was adopted.

The Mayor requested consideration of Resolution No. 2006-5 approving the Transition Plan for City of Norfolk, Nebraska Public Rights-of-Way, which is designed to improve the accessibility

for citizens on public rights-of-way that include streets, bridges, intersections, sidewalks, trails and bikeways.

Councilperson Lange moved to adopt Resolution No. 2006-5 approving the Transition Plan for City of Norfolk, Nebraska Public Rights-of-Way, which is designed to improve the accessibility for citizens on public rights-of-way that include streets, bridges, intersections, sidewalks, trails and bikeways, seconded by Councilperson Saunders. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Resolution No. 2006-5 was adopted.

No comments were received regarding the monthly commercial and industrial building permit report for January 2006 and the Works-In-Progress report for the period February 1 through 14, 2006.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:07 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

Gordon D. Adams
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Tuesday, February 21, 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

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