

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 17th day of January, 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 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 Fauss 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 Stauffer 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 PRESENTATIONS

Mayor Adams announced nominations are being accepted at the City Administrator's office through February 28, 2006, for the 2006 Edward I. **Vrzal** Outstanding Citizen Award.

The Mayor proclaimed February 3, 2006 as "Wear Red for Women Day".

CONSENT AGENDA

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

The City Council approved changing the first City **Council meeting** in February to Tuesday, February 7, 2006 due to a conflict with the League of Nebraska Municipalities Mid-Winter Conference on February 6 and 7, 2006.

The City Council approved changing the second City **Council meeting** in February to Tuesday, February 21, 2006 due to the Presidents' Day holiday.

The City Council approved the Mayor's appointment of Jim Brenneman to the **Vehicle Parking District Loan Advisory** Board to serve the remainder of former City Councilman Howard Leshovsky's four-year term which ends October 18, 2007.

The City Clerk was authorized to advertise for bids for one new **transfer trailer** for the Solid Waste Division.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of CTO, L.L.C., dba **Bulas** Sports Bar & Grill, 904 Riverside Boulevard, Norfolk, Nebraska and the Corporate Manager Application of Brenda Wheatley.

The City Clerk was authorized to advertise for bids for a multi-year contract for the transportation of municipal **solid waste** from the Norfolk Solid Waste Transfer Station to the Coalition landfill.

The City Clerk was authorized to advertise for proposals for a replacement **AS400** computer system.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of Shooter's Lounge, L.L.C., dba **Shooter's** Lounge, 2608 West Norfolk Avenue, Norfolk, Nebraska and the Corporate Manager Application of Keith Matthews.

The City Council approved all bills on file in the amount of \$1,651,776.25.

REGULAR AGENDA

A public hearing was held to consider an application to the Nebraska Department of Economic Development for a Community Development Block Grant for community development activities for acquisition/demolition of properties in Norfolk identified by the Needs Assessment/Revitalization Study. Tom Higgenbotham, Executive Director of the Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program. The City of Norfolk is requesting \$164,700 in Community Development Block Grant (CDBG) funds with \$153,200 to be used for acquisition/demolition of property and \$11,500 will be used for general administration of the grant. The total project cost is \$317,900 of which \$164,700 will be CDBG funds and the City of Norfolk will provide \$153,200 of matching funds on street and water/sewer improvements and owner-occupied housing rehabilitation improvements. At least

50% matching funds will be provided. This project will benefit at least 51% low to moderate income persons. There will be no persons displaced as a result of CDBG activities.

Higgenbotham explained the Needs Assessment/Revitalization Study showed areas in Norfolk that need improvement. The State Department of Economic Development requested the City concentrate on one area with a population of less than 2,000 people for the project. Area #7 and Area #6 are contiguous and will be combined for the 3-year revitalization project.

No one else spoke in support of or opposition to the grant application and the Mayor closed the public hearing.

The Mayor requested consideration of Resolution No. 2006-1 approving an application to the Nebraska Department of Economic Development, Community Development Block Grant Program, for community development activities for acquisition/demolition of properties in Norfolk identified by the **Needs Assessment/Revitalization Study**.

Councilperson Kaspar-Beckman moved for adoption of Resolution No. 2006-1 approving an application to the Nebraska Department of Economic Development, Community Development Block Grant Program, for community development activities for acquisition/demolition of properties in Norfolk identified by the Needs Assessment/Revitalization Study, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2006-1 was adopted.

Public hearings were held simultaneously to consider a zoning change from R-1 (Single Family Dwelling) to I-1 (Light Industrial District) and a zoning change from R-1 (Single Family Dwelling) to C-3 (Service Commercial District) for property located at the intersection of Highway 275 and Victory Road. **OKAR** Development, L.L.C. requests the zoning changes. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The area is being developed into a commercial/industrial area. Neighborhood concerns addressed at the April 19, 2005 Planning Commission meeting have been alleviated.

Dick Johnson, engineer for OKAR Development LLC, spoke in favor of the zoning change requests. Johnson stated Victory Road will be reconfigured in the process.

On January 4, 2006, the Norfolk Planning Commission held public hearings regarding the zoning change requests. 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4865 for a zoning change from R-1 (Single Family Dwelling) to I-1 (Light Industrial District) at the intersection of Highway 275 and Victory Road at the request of OKAR Development, L.L.C.

Councilperson Van Dyke introduced Ordinance No. 4865 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 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. 4865 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Stauffer 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 Stauffer. The Mayor then stated the question "Shall Ordinance No. 4865 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. 4865 as required by law.

The Mayor requested consideration of Ordinance No. 4866 for a zoning change from R-1 (Single Family Dwelling) to C-3 (Service Commercial District) at the intersection of Highway 275 and Victory Road at the request of OKAR Development, L.L.C.

Councilperson Kaspar-Beckman introduced Ordinance No. 4866 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. 4866 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders 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 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 Councilperson Saunders. The Mayor then stated the question "Shall Ordinance No. 4866 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. 4866 as required by law.

A public hearing was held to consider a zoning change from I-3 (Limited Industrial District) to I-1 (Light Industrial District) at **2101 Riverside** Boulevard at the request of Dan and Connie Geary. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The Geary's building is leased by several businesses that operate retail sales. One of the lessees requests a zone change to be able to verify to the State of Nebraska that retail sales is a permitted use on the property. The current I-3 zoning does not allow retail sales so the Geary's are requesting the zone change to bring the property and businesses into compliance with its current use.

On January 4, 2006, the Norfolk Planning Commission held a public hearing regarding the Geary's 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. 4867 for a zoning change from I-3 (Limited Industrial District) to I-1 (Light Industrial District) at 2101 Riverside Boulevard at the request of Dan and Connie Geary.

Councilperson Lange introduced Ordinance No. 4867 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 Van Dyke 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. 4867 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Brenneman 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 4867 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. 4867 as required by law.

A public hearing was held to consider amending Sections 23-16.1, 23-21, 23-48, 27-31, 27-38, and 27-56 of City Code to change the fee schedules for certain zoning and subdivision items. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The City of Norfolk fee schedule in these sections of City Code hasn't been changed for over 20 years. A survey of first class cities revealed that Norfolk's fee structure was much lower than other cities. To bring fees to compatibility with other cities, staff proposes the following fee increases:

<u>Section/Item</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Section 23-16.1/Lot Boundary Change -----	\$35	\$100.00
Section 23-21/Preliminary Plat -----	\$50/\$100	\$100 plus \$5.00/lot
Section 23-21/Final Plat -----	\$50/\$100	\$100 plus \$5.00/lot
Section 23-48/Waiver of minimum subdivision improvements --	\$50	\$250
Section 27-31/Appeal application -----	\$50	\$250
Section 27-38/Amendment to zoning district map -----	\$100	\$300
Section 27-56/Conditional Use Permit application -----	\$100	\$300

Cordes stated the Permits & Codes Division will begin looking at the fee structure every three years to coincide with adoption of new building codes.

On January 4, 2006, the Norfolk Planning Commission held a public hearing regarding the amendments to City Code to change fee schedules for certain zoning and subdivision items. 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. 4868 amending Sections 23-16.1, 23-21, 23-48, 27-31, 27-38, and 27-56 to change the fee schedules for certain zoning and subdivision items.

Councilperson Van Dyke introduced Ordinance No. 4868 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 23-16.1, 23-21, 23-48, 27-31, 27-38 AND 27-56 TO CHANGE THE FEE SCHEDULES FOR CERTAIN ZONING AND SUBDIVISION ITEMS; 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. 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. 4868 passed on first reading.

Councilperson Kaspar-Beckman 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 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4868 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. 4868 as required by law.

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

Sales and use tax collection for the month of October 2005 was reported as \$487,111.80.

No comments were received regarding the monthly commercial and industrial building permit report for December 2005; the Police Division report for December 2005; or the Works-In-Progress report for the period December 14, 2005 through January 10, 2006. The reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:01 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 Tuesday, January 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

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