

## 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 3rd day of July, 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, Police Chief Bill Mizner, and Wastewater Plant Superintendent Todd Boling.

The Mayor presided and the City Clerk recorded the proceedings.

The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the City Council Chambers and accessible to members of the public.

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.

Representatives of the Orphan Grain Train requested Item G-5, consideration of approval of temporary placement of mobile homes at the intersection of Highways 24 and 275 for disaster support services, be removed from the consent agenda and added to the regular session to allow discussion of the item.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Fauss to remove Item G-5 from the consent agenda and approve the consent agenda as amended. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilperson Lange moved, seconded by Councilperson Stauffer to amend the regular agenda with the addition of Item G-5 and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

### CONSENT AGENDA

The City Council approved the minutes of the June 19, 2006 City Council meeting as printed.

The City Council adopted Resolution No. 2006-15 approving an Amended Subdivision Agreement for **Wiborg 2nd** Addition. This amendment provides for revisions to the sanitary sewer requirements in the subdivision.

The City Clerk was authorized to advertise for bids for construction and installation of the **influent debris screen** for the Water Pollution Control Plant.

The City Clerk was authorized to advertise for bids for replacement of Remote Terminal Unit (**RTU**) No. 1 at the Water Pollution Control Plant.

The City Council approved an application from Michael R. and Amy S. Branz, dba Quality Sanitation, 2618 West Prospect Avenue, for a **garbage hauler permit**.

The City Council approved a request from Gordie Kyriss, The "O" Lounge, 1106 Riverside Boulevard, for a **fireworks** display on July 7, 2006.

The City Council approved the Mayor's appointment of Deb Path to the Norfolk **Library Advisory** Board for a five-year term ending in July, 2011. Path replaces Cindy Busskohl whose term expired in July, 2006.

The City Council approved and authorized the Mayor to sign a Subrecipient Agreement with Elkhorn Valley Community Development Corporation (**EVCD**) related to lots the City will be acquiring through the Community Revitalization Grant Program (#05-CR-013, CFDA #14.228) and deeding the cleared lots to Elkhorn Valley Community Development Corporation. The EVCD will construct single-family dwellings on the lots to be sold to income-qualified purchasers.

The City Council approved and authorized the Mayor to sign a Subrecipient Agreement with Habitat for Humanity related to lots the City will be acquiring through the Community Revitalization Grant Program (#05-CR-013, CFDA #14.228) and deeding the lots to **Habitat for Humanity**. Habitat for Humanity will construct single-family dwellings on the lots to be sold to income-qualified purchasers.

The City Council ratified approval of authorization for the Mayor to sign the Certificate of Compliance for **Maintenance Agreement** No. 019 with the Nebraska Department of Roads for calendar year 2005.

The City Council approved and authorized the Mayor to sign an Interlocal Agreement with the Village of Meadow Grove for **Building Inspection** Services for 2006.

The City Council approved all bills on file in the amount of \$977,952.58.

## REGULAR AGENDA

A public hearing was held to consider a zoning change from O-D (Office District) to R-3 (Multiple Family Residential District) at 511 West Philip Avenue and 305 South 6th Street at the request of Marilee **Waara** and Marcel and Debra **Sudbeck**. Prevention Manager Scott Cordes provided information to the Mayor and City Council. Waara is seeking to finance the home and is unable to do so because of the O-D zoning designation. In order to rezone the entire lot, the Sudbecks, who own the house on the south half of the lot, agreed to the zoning change. This is a housekeeping item.

On June 20, 2006 the Norfolk Planning Commission held a public hearing regarding the request from Waara and Sudbecks. 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. 4890 approving a zoning change from O-D (Office District) to R-3 (Multiple Family Residential District) at 511 West Philip Avenue and 305 South 6th Street at the request of Marilee Waara and Marcel and Debra Sudbeck.

Councilperson Van Dyke introduced Ordinance No. 4890 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. 4890 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. 4890 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. 4890 as required by law.

The Mayor requested consideration of Ordinance No. 4891 creating Paving District No. 495 providing for paving of **Oak Street** from Maple Avenue to Spruce Avenue and Spruce Avenue from Oak Street west to 190 feet east of First Street. This paving district is in conjunction with the ongoing project involving Jeff & Carol Jones and Joel and Denise Dendinger.

Councilperson Lange introduced Ordinance No. 4891 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 495 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE 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. 4891 passed on first reading.

Councilperson Fauss moved that the statutory rule requiring reading on three different days be suspended. Councilperson Kaspar-Beckman 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 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 Councilperson Kaspar-Beckman. The Mayor then stated the question "Shall Ordinance No. 4891 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. 4891 as required by law.

The Mayor requested consideration of Ordinance No. 4892 amending Section 22-21 and 22-23 of City Code to provide for the construction of **sidewalks** to conform to Title II of the American Disability Act (**ADA**).

Councilperson Brenneman introduced Ordinance No. 4892 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTIONS 22-21 AND 22-23 OF THE OFFICIAL CITY CODE TO PROVIDE FOR THE CONSTRUCTION OF SIDEWALKS TO CONFORM TO TITLE II OF THE AMERICAN DISABILITY ACT; 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.

Public Works Director Dennis Smith explained the ordinance provided "the sidewalk shall slope (cross slope) toward the street a minimum of one-eighth inch per foot and a maximum of one-quarter inch per foot." The new dimensions for existing sidewalks will take effect when an adjacent street is reconstructed. The ordinance also states, "All sidewalks shall be free of cracks, grass or other trip hazards." Smith explained new construction must comply with ADA requirements.

Roll call on Ordinance No. 4892: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4892 passed on first reading.

Councilperson Stauffer moved that the statutory rule requiring reading on three different days be suspended. Councilperson Wilson 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 Stauffer 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 Wilson. The Mayor then stated the question "Shall Ordinance No. 4892 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. 4892 as required by law.

The Mayor requested consideration of Ordinance No. 4893 creating Paving District No. 494 (**Wyndham Hills**) providing for paving of Dover Drive from approximately 216 feet northwesterly from 30th Street northwesterly approximately 1,506 feet; Wyndham Road from approximately 130 feet north of Golf View Drive to Dover Drive; Kings Way from Wyndham Road approximately 360 feet southeasterly; Regal Way from Wyndham Road approximately 290 feet northwesterly; and Coventry Way from Dover Drive approximately 110 feet northerly.

Councilperson Fauss introduced Ordinance No. 4893 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 494 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Brenneman 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. 4893 passed on first reading.

Councilperson Wilson 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 Wilson 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. 4893 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. 4893 as required by law.

The Mayor requested consideration of a request for temporary placement of mobile homes at the intersection of Highways 24 and 275 for the Orphan Grain Train to conduct disaster support services.

Councilperson Brenneman declared a conflict of interest and did not participate in discussion or voting on this item.

Councilperson Van Dyke moved, seconded by Councilperson Kaspar-Beckman to approve the request for temporary placement of mobile homes at the intersection of Highways 24 and 275 for the Orphan Grain Train to conduct disaster support services.

Prevention Manager Scott Cordes explained Section 15-3(d) of City Code requires Council permission to place temporary mobile homes. The Orphan Grain Train requests permission to place temporary

mobile homes on property owned by Bernie Wrede (ABC Storage) at the intersection of Highways 24 and 275 located east of Norfolk. The temporary mobile homes are needed to allow volunteer laborers to have on-site housing while doing disaster relief work. The Orphan Grain Train expects to place five (5) concrete pads at the site for use by the workers. Cordes explained City Code requires water, septic and electrical services for the temporary mobile homes.

Pastor Ray Wilke, Orphan Grain Train, estimates 3-5 campers parked on the site at any one time. Members of the Laborers for Christ group work on Katrina-related relief services and construct housing, hygiene and kitchen facilities for disaster victims.

Councilperson Lange questioned which of the three sites shown on a map of the property will be used for the temporary housing.

Wilke state the triangular site shown on the map will be the location of the temporary housing units.

Vern Steinman, Orphan Grain Train, explained the Laborers for Christ group is currently constructing sleeping units for up to 24 people. The group has orders to build portable kitchen units and it is much easier to do the construction if housing is available at the construction site.

Cordes stated the program is a quality effort to help with disaster relief efforts. The housing units are only needed on a temporary basis and are usually on-site for 90 days at a time. The City has the regulatory authority to monitor the situation and the City Council has the authority to set a specific time period for placement of the temporary mobile homes.

Councilperson Saunders moved, seconded by Councilperson Stauffer to amend the motion to grant approval of the temporary placement of mobile homes at the intersection of Highways 24 and 275 for the Orphan Grain Train to conduct disaster support services for a period of two (2) years or until permission is withdrawn if problems arise. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Roll call on the amended motion to approve the request for temporary placement of mobile homes at the intersection of Highways 24 and 275 for the Orphan Grain Train to conduct disaster support services for a period of two (2) years or until permission is withdrawn if problems arise. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

The Mayor requested consideration for the City Clerk to advertise for bids for Paving District No. 494 (**Wyndham Hills**) providing for paving of Dover Drive from approximately 216 feet northwesterly from 30th Street northwesterly approximately 1,506 feet; Wyndham Road from approximately 130 feet north of Golf View Drive to Dover Drive; Kings Way from Wyndham Road approximately 360 feet southeasterly; Regal Way from Wyndham Road approximately 290 feet northwesterly; and Coventry Way from Dover Drive approximately 110 feet northerly.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Fauss to authorize the City Clerk to advertise for bids for Paving District No. 494 (Wyndham Hills) providing for paving of Dover Drive from approximately 216 feet northwesterly from 30th Street northwesterly approximately 1,506 feet; Wyndham Road from approximately 130 feet north of Golf View Drive to Dover Drive; Kings Way from Wyndham Road approximately 360 feet southeasterly; Regal Way from Wyndham Road

approximately 290 feet northwesterly; and Coventry Way from Dover Drive approximately 110 feet northerly. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Sales tax and use tax collection for the month of March 2006 was reported as \$515,507.06 and for the month of April 2006 as \$526,663.16.

No comments were received regarding the Works-In-Progress report for the period June 14 through 27, 2006.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:02 p.m. Roll call: Ayes: Councilpersons Stauffer, 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 Monday, July 3, 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.

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Elizabeth A. Deck  
City Clerk

( S E A L )