

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 19th day of June, 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, Wilson, Brenneman, Fauss, and Saunders. Absent: Kaspar-Beckman.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Transportation, Building & Grounds Director Jim Koch, Finance Officer Randy Gates, Police Chief Bill Mizner and Property/Operations Manager Gary Miller.

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

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

CONSENT AGENDA

The City Council approved the minutes of the June 5, 2006 City Council meeting as printed.

The City Clerk was authorized to establish July 17, 2006 as the date for a public hearing to consider annexing a tract of land lying between Madison and Braasch Avenues between 8th Street and the west right-of-way line of Union Pacific Railroad operated by Nebraska Central Railroad (formally – Chicago & Northwestern Railroad) to Vehicle Off-Street Parking District No. 1 in Downtown Norfolk.

The City Council adopted Resolution No. 2006-14 extending the termination date of the City of Norfolk's insurance coverage from September 30, 2008 to September 30, 2009 with the League Association of Risk Management (LARM).

The City Council approved and authorized the Mayor to sign an agreement with the Elkhorn Valley Amateur Radio Club, at the request of Fred Wiebelhaus, for use of the Skyview Park shelter from June 24, 2006 through June 25, 2006, for a field day exercise.

The City Council approved a Special Designated Liquor License for Sacred Heart Church to sell beer at 2301 West Madison Avenue on Friday, August 4, 2006, at a reception for Norfolk Catholic Alumni.

The City Council approved a Special Designated Liquor License for Sacred Heart Church to sell beer at 2301 West Madison Avenue on Saturday, August 5, 2006, for volleyball tournaments and a dance held in conjunction with the annual parish festival.

The City Council approved a request from Hy-Vee, Inc., dba Hy-Vee #2, for an addition to an existing licensed liquor premise at 2107 Taylor Avenue.

The City Council approved the Corporate Manager Application of Mark Wurdinger in connection with the Class I liquor license of AMF Bowling Center, Inc., dba KL Kings Lanes, 1000 Riverside Boulevard.

The City Council approved a Special Designated Liquor License for Mel's Liquor Drive-In, Inc., dba Mel's Liquor Drive-In, 520 East Norfolk Avenue to sell beer, wine and distilled spirits on July 21, 2006 in connection with live music and a beer garden.

The City Council approved and authorized the Mayor to sign an agreement with Norfolk Lodge #46 IOOF for a parade on July 4, 2006. The parade route will begin at Memorial Field, proceed north on 1st Street to Madison Avenue, then west on Madison Avenue to 5th Street, and south on 5th Street to Central Park.

The City Clerk was authorized to advertise for bids for a new and unused vehicle for the Community Character Development Coalition (CCDC) Division of the City of Norfolk.

The City Council approved all bills on file in the amount of \$989,644.40.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4885 amending Section 22-40 of City Code to require contractors who are eligible to do curb grinding under that section to be registered and to name the City as an additional insured on their insurance certificate and amending Section 22-68 of City Code to provide for a charge per lineal foot of curb grinding done by the City. Ordinance No. 4885 passed on first reading at the May 15, 2006 City Council meeting and on second reading at the June 5, 2006 City Council meeting.

Councilperson Brenneman introduced Ordinance No. 4885 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 22-40 OF THE OFFICIAL CITY CODE TO REQUIRE CONTRACTORS WHO ARE ELIGIBLE TO DO CURB GRINDING UNDER THAT SECTION TO BE REGISTERED AND TO NAME THE CITY AS AN ADDITIONAL INSURED ON THEIR INSURANCE CERTIFICATE; TO AMEND SECTION

22-68 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A CHARGE PER LINEAL FOOT OF CURB GRINDING DONE BY THE CITY; 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 third 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, Wilson, Brenneman, and Saunders. Nays: Fauss. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4885 passed on third reading.

The Mayor requested consideration of Ordinance No. 4886 to amend Section 14-25 to include additional definitions and to create Section 14-30 of City Code to prohibit certain persons subject to the Sex Offender Registration Act and defined as sexual predators from residing in certain areas within the City.

Councilperson Van Dyke introduced Ordinance No. 4886 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 14-25 OF THE OFFICIAL CITY CODE TO INCLUDE ADDITIONAL DEFINITIONS AND TO CREATE SECTION 14-30 OF THE OFFICIAL CITY CODE TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE CITY; 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 Stauffer seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

City Attorney Clint Schukei explained the restrictions created in this ordinance are authorized by Nebraska State Statutes, Sections 27-29 of LB 1199.

Councilperson Brenneman emphasized that the ordinance includes as many restrictions on sexual predators as allowed by State Statutes.

Roll call on Ordinance No. 4886: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4886 passed on first reading.

Councilperson Fauss 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4886 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4886 as required by law.

The Mayor requested consideration of Ordinance No. 4887 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 Lange introduced Ordinance No. 4887 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 THIS 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4887 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4887 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4887 as required by law.

The Mayor requested consideration of Ordinance No. 4888 authorizing the sale of abandoned Chicago & Northwestern Railroad right-of-way property addressed as 1601 Queen City Boulevard to Shobhana J. Desai, Trustee of the Shobhana J. Desai Revocable Trust Agreement dated January 17, 1977, and Jagmohan G. Desai, Trustee of the Jagmohan G. Desai Revocable Trust Agreement dated January 17, 1977.

Councilperson Van Dyke introduced Ordinance No. 4888 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4888 passed on first reading.

Councilperson Brenneman 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Brenneman 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. 4888 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4888 as required by law.

The Mayor requested consideration of Ordinance No. 4889 creating a temporary parking prohibition on the south side of Maple Avenue from 18th Street west to the entrance to Skyview Park.

Councilperson Stauffer introduced Ordinance No. 4889 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO CREATE A TEMPORARY PARKING PROHIBITION ON THE SOUTH SIDE OF MAPLE AVENUE FROM 18TH STREET WEST TO THE ENTRANCE TO SKYVIEW PARK; 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 Van Dyke seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

City Attorney Clint Schukei explained this ordinance removes parking on the south side of Maple Avenue for the July 4th activities at Skyview Park.

Councilperson Brenneman feels the parking prohibition should be put in place permanently on the south side of Maple Avenue.

Police Chief Bill Mizner explained staff had discussions with the organizers of the July 4th Skyview Park activities. Staff feels an ordinance enacted several months ago providing for a parking prohibition on the north side of Maple Avenue should be adequate to meet the needs of citizens attending the July 4th activities. However, the organizers disagreed. Staff agreed to meet their needs this year. However, Mizner expects similar discussions next year.

Roll call on Ordinance No. 4889: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4889 passed on first reading.

Councilperson Fauss 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4889 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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. 4889 as required by law.

The Mayor requested consideration of advertising 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 Van Dyke 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

The Mayor requested consideration of approval of an agreement with Andrew Bicycle and Fitness, Inc., for a bicycle race in Norfolk on August 5 and August 6, 2006.

Councilperson Brenneman moved, seconded by Councilman Fauss to approve an agreement with Andrew Bicycle and Fitness, Inc., for a bicycle race in Norfolk on August 5 and August 6, 2006.

Property/Operations Manager Gary Miller explained the bike race includes two different events. On August 5 the race departs from Norfolk at 25th Street and heads west to Battle Creek. On August 6 the downtown portion of Norfolk is closed for an all day race. Both races, however, cause closure of certain areas of streets in downtown Norfolk.

Dan Spray, 304 Aspen Drive, Jon M Downey, 2606 West Prospect Avenue, and Jesse Vincent, 417 East Braasch Avenue, provided information regarding the proposed bike races. There are approximately 125 and 175 riders expected to participate in the event. The group requested the agreement be amended to delete "Madison Avenue from 2nd Street to 3rd Street" under Section 3 of the agreement.

Councilperson Stauffer moved, seconded by Councilperson Lange to amend the agreement with the deletion of the wording "Madison Avenue from 2nd Street to 3rd Street" under Section 3 of the agreement. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried.

Roll call on the motion to approve the agreement as amended. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion to approve the agreement as amended carried.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 8:07 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. 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, June 19, 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)