

## 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 6th day of November, 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, Finance Officer Randy Gates, Transportation, Building & Grounds Director Jim Koch and Operations/Property Manager Gary Miller.

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.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Fauss to amend the consent agenda with the deletion of Items F-10, Resolution No. 2006-39, and G-9, Community Acknowledgement Form concerning Walter's East Knolls, and to 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 Stauffer moved, seconded by Councilperson Brenneman 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

Transportation, Building & Grounds Director Jim Koch gave a presentation to the Mayor and City Council on the **2006 Snow and Ice Plan**. In 1982 the City adopted the first formal Snow and Ice Plan. The Snow and Ice Plan states the Street Division begins plowing arterial and collector streets on predetermined routes. After clearing initial plowing routes, work begins on residential streets. The City is divided into ten snow removal sections (previously divided into

eight sections). Each section is further divided into areas. The areas are rotated within the sections so a different area is plowed first after each snowstorm. Koch stated City ordinance prohibits any parking on snow emergency routes at any time when an emergency has been declared. During a snow emergency, parking is prohibited on odd-numbered sides of all streets. Koch invited citizens to visit the Street Division web site at [www.ci.norfolk.ne.us/street/](http://www.ci.norfolk.ne.us/street/) or call (402) 844-2180 with questions and concerns about the snow plan.

## CONSENT AGENDA

The City Council approved the minutes of the October 24, 2006, Special City Council meeting as printed.

The City Council adopted Resolution No. 2006-32 releasing the five foot utility easement on each side of the common lot line of the east 160.13 feet of Lots 6 and 7, Block 4 of **Green Meadow** Addition, Madison County, Nebraska being a part of the SE ¼ of the SW ¼ of Section 20, township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Dick Johnson, Johnson Engineering, requests the release on behalf of MBH Investments, Inc.

The City Council adopted Resolution No. 2006-33 urging the Nebraska Liquor Control Commission to reverse its recent decision to reclassify flavored alcoholic beverages as beer instead of distilled spirits at the request of **Project Extra Mile**.

The City Council adopted Resolution No. 2006-34 approving a **sidewalk waiver** request for **Burt Motors**, 1020 East Omaha Avenue. The waiver is for ten years or until the City Council decides sidewalks are needed.

The City Council adopted Resolution No. 2006-35 providing for the modification of established **setback requirements** on Lots 1 through 5, Block 3 **Nor-Park** Industrial Area.

The City Council adopted Resolution No. 2006-36 declaring the City's official intent under Internal Revenue Code Regulations to **incur indebtedness** which may include reimbursement of expenditures for a fire tanker, rescue unit, defibrillators, and related equipment. The maximum principal amount of debt expected to be issued is \$350,000.

The City Council adopted Resolution No. 2006-37 releasing the ten foot drainage easement on each side of the common lot line less the east ten feet, between Lots 2 and 3, Block 3, of **Nor-Park** Industrial Area, an addition to the City of Norfolk, Madison County, Nebraska, being a part of the SW ¼ of the SE ¼ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County Nebraska.

The City Council adopted Resolution No. 2006-38 releasing the five foot utility easement on each side of the common lot line less the east ten feet, between Lots 2 and 3, between Lots 3 and 4, between Lots 4 and 5, and along the north side of Lot 1, Block 3, of **Nor-Park** Industrial Area, an addition to the City of Norfolk, Madison County, Nebraska, being a part of the SE ¼ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

The City Council approved the purchase of three replacement **police cruisers** off the State of Nebraska contract for a total amount of \$56,993.31.

The City Council approved and authorized the Mayor to sign a lease agreement with Michael J. Maxwell relating to the lease of Union Pacific Railroad **right-of-way** property. The property is located on the southwest corner of 8th Street and Philip Avenue and was originally leased by Kevin D. Olson.

The City Council approved the plans, specifications and **engineer's estimates** on file for Paving District No. 490 (Homewood Acres Sixth Addition), Paving District No. 491 (College View 5th Addition), Paving District No. 492 (Fox Ridge Estates Addition Phase II) and Paving District No. 494 (Wyndham Hills).

The City Council approved the appointment of Tim Howard to the Vehicle Parking District **Loan Advisory** Board for a four-year term. The term expires in October 2010.

The City Council approved and authorized the Mayor to sign an interlocal agreement with the City of Battle Creek to provide **wastewater services** by the City of Norfolk's Class IV Certified Wastewater Operator.

The City Council approved and authorized the Mayor to sign a contract with **Don Wesely**, Omaha, Nebraska, for professional services from November 1, 2006 through October 31, 2007 for a total of \$24,000.

The City Council approved the Mayor's appointment of Dan Geary and David Schroeder to the Norfolk **Airport** Authority Zoning Board for four year terms expiring November 2010.

The City Clerk was authorized to advertise for proposals from engineering firms for design, construction management, and inspection of improvements of **16th Street** from Monroe Avenue north to Affiliated Foods Midwest.

The City Council approved a request from Cox Development through the Stanton County Commissioner's to authorize the transfer of zoning jurisdiction of Woodland Park to the City of Norfolk.

The City Council approved all bills on file in the amount of \$1,738,047.36.

## REGULAR AGENDA

A public hearing was held to consider a zoning change from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) at **116 Jackson** Avenue at the request of Habitat for Humanity. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The zoning change is necessary to construct one dwelling with two units. Each unit is approximately 1,100 square feet with four bedrooms if a basement is included in the project. Habitat for Humanity wants to construct one dwelling unit across the lot line of the two lots.

Vern Coover, Norfolk, spoke in opposition to the zoning change. Coover feels there is enough rental housing available in Norfolk. Coover has parking and density concerns with the zoning request.

Councilperson Van Dyke feels the new housing will be an improvement to the neighborhood.

Councilperson Kaspar-Beckman feels the house will probably improve the area but will vote against the rezoning because constituents oppose the rezoning.

Ray Haase, Norfolk, spoke in opposition to the rezoning. Haase said “Norfolk doesn’t need any extra houses.”

A representative for Habitat for Humanity explained the house will need to comply with City parking and building code requirements.

Councilperson Wilson stated Habitat for Humanity does a good job building houses. Wilson understands the concern with the small lot size. However, Wilson will vote against the rezoning because of constituents’ concerns.

Councilperson Brenneman stated the density will not increase if one dwelling containing two units is built compared to one dwelling constructed on each lot.

Cordes stated Habitat for Humanity will build one house on each lot if the rezoning doesn’t occur.

Councilperson Lange stated density is not an issue. With construction of one dwelling, more green space will be available. The project will also make the units more affordable for families. Lange feels the project will “be a positive for the area.”

Mayor Adams stated Habitat for Humanity does a good job and builds quality homes.

Councilperson Van Dyke stated neighbors may feel the project “isn’t a bad deal” once the house is built.

No one else spoke either in favor of or in opposition to the zoning change and the Mayor declared the hearing closed.

On October 17, 2006, the Norfolk Planning Commission held a public hearing regarding the request from Habit for Humanity. The City Clerk read the Planning Commission’s recommendation for approval into the record.

The Mayor requested consideration of Ordinance No. 4911 changing the zoning from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) at **116 Jackson** Avenue at the request of Habitat for Humanity.

Councilperson Stauffer introduced Ordinance No. 4911 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 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, Brenneman, Fauss and Saunders. Nays: Kaspar-Beckman and Wilson. Absent: None. Motion carried. Ordinance No. 4911 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, Brenneman, Fauss and Saunders. Nays: Kaspar-Beckman and Wilson. 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. 4911 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Brenneman, Fauss and Saunders. Nays: Kaspar-Beckman and Wilson. 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. 4911 as required by law.

Mayor Adams requested consideration of Resolution No. 2006-30 approving an independent review of the relationship between the City of Norfolk, its elected and appointed personnel, and the Norfolk Chamber of **Commerce** and its staff and organization. Resolution No. 2006-30 was tabled to a date certain, November 6, 2006, at the October 24, 2006 Special City Council meeting.

Councilperson Stauffer moved to table indefinitely Resolution No. 2006-30, seconded by Councilperson Lange. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion to table indefinitely Resolution No. 2006-30 was approved.

The Mayor requested consideration of Resolution No. 2006-31 formalizing the elected officials' agreement with a mediation process between the City of Norfolk and the Norfolk Chamber of **Commerce** and supporting sharing the cost between the City and Chamber for retaining a trained mediator and related administrative expenses.

Councilperson Kaspar-Beckman moved for adoption of Resolution No. 2006-31 formalizing the elected officials' agreement with a mediation process between the City of Norfolk and the Norfolk Chamber of **Commerce** and supporting sharing the cost between the City and Chamber for retaining a trained mediator and related administrative expenses, seconded by Councilperson Van Dyke.

Mayor Adams stated the resolution reflects input received and minimum requirements needed in the matter. Mayor Adams met with Chamber Board President Don Polodna who concurs with the resolution.

Don Polodna and Dan Mauk were present at the meeting. Polodna has "no objections to pursuing some resolution" to the matter.

Roll call on Resolution No. 2006-31: Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Resolution No. 2006-31 was adopted.

Sales and use tax collection for the month of August 2006 was reported as \$514,081.14.

No comments were received regarding the Police Division report for September 2006 and the Works-In-Progress report for the period October 11 through 31, 2006. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:11 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, November 6, 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

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