

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 20th 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, Wilson, Brenneman, Fauss, and Saunders. Absent: Kaspar-Beckman.

Also present at the meeting were Councilpersons-elect Dale Coy and Karl Reeder.

Staff members present were: City Administrator Mike Nolan, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Prevention Manager Scott Cordes, Police Chief Bill Mizner and Property/Operations 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 Wilson moved, seconded by Councilperson Fauss 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 Lange moved, seconded by Councilperson Van Dyke 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.

SPECIAL PRESENTATION

R. J. Baker and Karen Linnenbrink, Elkhorn Valley Economic Development Council (**EVEDC**) gave a presentation on EVEDC activities.

CONSENT AGENDA

The City Council approved the minutes of the November 6, 2006 City Council meeting as printed.

The City Council adopted Resolution No. 2006-41 approving the **annexation** of land located generally south of Eisenhower Avenue and west of Victory Road, approving the plan extending City services to said land and establishing December 4, 2006 as the date for a public hearing to consider said annexation.

The City Council approved and authorized the Mayor to sign the Eligible 457 Prototype Plan Salary Reduction Contributions Adoption Agreement changing the administration of the City's **457 deferred compensation** plan from ICMA (International City Management Association) to Ameritas.

The City Council approved and authorized the Mayor to sign a lease agreement with Melvin H. Willems for a City of Norfolk **entrance sign** on South Highway 81.

The City Council approved and authorized the Mayor to sign an agreement with the Downtown Norfolk Association (DNA) for the Norfolk Community Christmas Celebration **Parade** on November 25, 2006. The parade route will be north on 2nd Street from Madison Avenue to Norfolk Avenue, west on Norfolk Avenue to 6th Street, east on Norfolk Avenue from 6th Street to 2nd Street, and south on 2nd Street to Madison Avenue.

The City Council approved all bills on file in the amount of \$755,534.65.

REGULAR AGENDA

A public hearing was held to consider a zoning change from A (Agricultural District) to C-3 (Service Commercial District) at 3303 West Norfolk Avenue at the request of **Green Line** Equipment, Inc. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The property is zoned A (Agricultural). Green Line Equipment wishes to change the zoning to C-3 (Service Commercial) to continue the existing zoning district. After the zoning change, Green Line will file a lot boundary change and plat both lots into one.

On November 7, 2006, the Norfolk Planning Commission held a public hearing regarding the request from Green Line Equipment, Inc. 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. 4913 approving a zoning change from A (Agricultural District) to C-3 (Service Commercial District) at 3303 West Norfolk Avenue at the request of Green Line Equipment, Inc.

Councilperson Van Dyke introduced Ordinance No. 4913 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4913 passed on first reading.

Councilperson Fauss 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, 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 Wilson. The Mayor then stated the question "Shall Ordinance No. 4913 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. 4913 as required by law.

The Mayor requested consideration of Ordinance No. 4912 amending Section 24-164 of City Code by extending the restricted parking area 35 feet on the west side of the 100 block of **20th Street** from Madison Avenue to 135 feet north of the north property line of Madison Avenue.

Councilperson Lange introduced Ordinance No. 4912 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO EXTEND THE PARKING PROHIBITION ON THE WEST SIDE OF 20TH STREET TO 135 FEET NORTH OF THE NORTH PROPERTY LINE OF MADISON AVENUE; 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 Brenneman seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Councilperson Van Dyke is concerned extending the restricted parking area will only create more problems. Van Dyke stated the residence located at 2000 West Madison Avenue is causing the parking congestion because six people live in the rental house. There are usually 6-7 vehicles at the residence at any one time. Van Dyke feels City staff need to deal with the rental unit parking restrictions. Van Dyke feels the added restricted parking area only moves the problem to another location. Van Dyke stated the residence is located in an R-1 zoning district and can't accommodate that number of cars.

Prevention Manager Scott Cordes explained City Code defines a single family unit as any five (5) unrelated persons living in the same residence. Cordes stated staff has been in contact with the individuals living at house and the residents seem willing to work with the City on solving the issue. Cordes stated one of the problems is that City staff can't regulate the number of friends/family visiting the people living in the house.

City Administrator Mike Nolan suggested a subcommittee meeting with staff and Planning Commission members to discuss the issue.

Mayor Adams agreed that a subcommittee should be set up to discuss the issue.

Roll call on Ordinance No. 4912: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4912 passed on first reading.

Councilperson Lange 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, 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 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 Stauffer. The Mayor then stated the question "Shall Ordinance No. 4912 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. 4912 as required by law.

The Mayor requested consideration of Ordinance No. 4914 vacating seven lots in **Willow Brook** 3rd Addition, four lots in Willow Brook 2nd Addition, and twenty-two lots in Replat of Lots 11-86 **Woodland Park** 9th in Stanton County. This will vacate a total of thirty-three lots in Woodland Park.

Councilperson Wilson introduced Ordinance No. 4914 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF THE PLATS OF WILLOW BROOK 3RD ADDITION, WILLOW BROOK 2ND ADDITION, REPLAT OF LOTS 11 THRU 86 OF WOODLAND PARK 9TH DEVELOPMENT, AND WOODLAND PARK NINTH DEVELOPMENT ALL BEING A PART OF THE SOUTH ½ OF THE NE ¼ OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 1 EAST OF THE 6TH P.M., STANTON COUNTY, NEBRASKA 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Ordinance No. 4914 passed on first reading.

Councilperson Fauss 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, 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 Wilson. The Mayor then stated the question "Shall Ordinance No. 4914 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. 4914 as required by law.

The Mayor requested consideration of Resolution No. 2006-40 approving the final plat of **Willow Brook 4th** Addition and authorizing the Mayor to sign the accompanying subdivision agreement.

Councilperson Van Dyke moved to approve the final plat of Willow Brook 4th Addition and authorize the Mayor to sign the accompanying subdivision agreement, seconded by Councilperson Brenneman. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Kaspar-Beckman. Motion carried. Resolution No. 2006-40 was adopted.

No comments were received regarding the monthly commercial and industrial building permit report for October 2006; the Police Division report for October 2006; and the Works-In-Progress report for the period November 1 through 14, 2006. All three reports were included in the agenda packets.

Councilperson Van Dyke moved, seconded by Councilperson Wilson to adjourn the meeting at 8:20 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

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, November 20, 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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