

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 16th day of October, 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, Brenneman, Fauss, and Saunders. Absent: Wilson.

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 and Police Chief Bill Mizner.

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

Councilperson Lange moved, seconded by Councilperson Van Dyke to delete Items G-8, G-9, G-10 and G-11, pertaining to Meadow Ridge Partners LLC, from the agenda and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

CONSENT AGENDA

The City Council approved the minutes of the October 11, 2006 Special City Council meeting as printed.

The City Council adopted Resolution No. 2006-29 releasing the five-foot **utility easement** on each side of the common lot line less the south ten feet between Lots 8 and 9, **Eastwood** Subdivision to the City of Norfolk, Madison County, Nebraska, at the request of Northeast Nebraska Title & Escrow.

The City Council approved and authorized the Mayor to sign **Maintenance Agreement No. 019** with the Nebraska Department of Roads for calendar year 2006 and authorized the Mayor to execute a Certificate of Compliance at the end of 2006.

The City Council approved and authorized the Mayor to sign a Grant of Easement to provide access to Lot 5 in **Centre Ridge Village** over and across the southerly 12 feet of Lot 2, and the northerly 12 feet of Lot 3 in said Centre Ridge Village First Addition to the City of Norfolk, Madison County, Nebraska, being a part of the NW ¼ of the SW ¼ of Section 27, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

The City Council approved the Corporate Manager Application of Paul Ignowski in connection with the Class C liquor license of Hy-Vee, Inc., dba **Hy-Vee #1**, 120 East Norfolk Avenue.

The City Clerk was authorized to advertise for a replacement **tanker truck** for use by the Norfolk Fire Division.

The City Council approved and authorized the Mayor to sign the City of Norfolk Guidelines for the Down Payment Assistance Program for the NAHTF Grant No. 06-TFHP-577 in the **Meadow Ridge** Housing Development.

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

The City Council approved award of the bid to FireGuard for a replacement **ambulance** in the amount of \$99,013.00. Five bids from three vendors were received at the October 6, 2006 bid letting. The other bidders were as follows: EDM, \$97,490, (did not meet specs) and Wheeled Coach, \$103,481.

The City Council approved and authorized the Mayor to sign a Grant of Easement for construction and maintenance of utilities along the replatted lot line between Lots 8 and 9, **Eastwood** Subdivision in the City of Norfolk, Madison County, Nebraska, at the request of Theresa Shermer and A.E. Shermer.

The City Council approved and authorized the Mayor to execute a **Storm Water** Management Plan Program Grant Application, the Cooperative Agreement and all other related documents.

The City Council approved all bills in the amount of \$775,357.08.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4909 amending Section 24-165.1(a) of City Code providing for additional fifteen minute **parking stalls** on the east side of North 6th Street from a point 116 feet north of the north property line of **Walnut Avenue** to 348 feet north of the north property line of Walnut Avenue. This is at the request of Norfolk Senior High School to help with parking during a construction project.

Councilperson Fauss introduced Ordinance No. 4909 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165.1 OF THE OFFICIAL CITY CODE TO ADD TEN 15-MINUTE PARKING STALLS ON THE EAST SIDE OF NORTH 6TH STREET NEAR THE SENIOR HIGH SCHOOL; 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. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4909 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Lange seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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 Lange. The Mayor then stated the question "Shall Ordinance No. 4909 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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. 4909 as required by law.

The Mayor requested consideration of Ordinance No. 4910 authorizing the sale of abandoned Union Pacific **Railroad right-of-way** property which lies between Hayes Avenue and Taylor Avenue and between 10th Street and 11th Street to Jesse M. Lewis and Bernadine R. **Lewis**.

Councilperson Brenneman introduced Ordinance No. 4910 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; AND 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, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4910 passed on first reading.

Councilperson Kaspar-Beckman 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, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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 Stauffer. The Mayor then stated the question "Shall Ordinance No. 4910 be passed and adopted?" Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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. 4910 as required by law.

SPECIAL PRESENTATIONS

The Mayor proclaimed November 5-11, 2006 as "Real Aloud to a Child Week" and October 22-28, 2006 as "National Save for Retirement Week".

David Nabity, Lincoln, Nebraska, provided information to the elected officials as a proponent of Initiative 423, the Stop OverSpending Initiative. Nabity is the Treasurer of the Committee for State Stewardship.

Lynn Rex, Executive Director of the League of Nebraska Municipalities, provided information in opposition to Initiative 423 and the negative impact the Initiative will have on state and local budgets.

No comments were received regarding the Transfer Station Annual Report for 2005-2006; the monthly commercial and industrial building permit report for September 2006; and the Works-In-Progress report for the period September 27 through October 10, 2006. All of the reports were included in the agenda packet.

Councilperson Fauss moved, seconded by Councilperson Kaspar-Beckman to adjourn the meeting at 8:27 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. 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, October 16, 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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