

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 2nd day of April, 2007, 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: Coy, Lange, Van Dyke, Reeder, 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, Finance Officer Randy Gates, 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 Brenneman moved, seconded by Councilperson Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

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

CONSENT AGENDA

The City Council approved the minutes of the March 19, 2007 City Council meeting as printed.

The City Council adopted Resolution No. 2007-18 approving the placement of **stop signs** on the following streets intersecting with North 34th Street: Raasch Avenue, Koenigstein Avenue, Prospect Avenue, and Fox Ridge Avenue at the request of residents of the Fox Ridge Homeowners Association.

The City Council adopted Resolution No. 2007-19 approving placement of **stop signs** on the following streets intersecting with North Boxelder Street: East Braasch Avenue, East Prospect Avenue, East Klug Avenue, East Walnut Avenue, East Walnut Circle, East Maple Avenue, East Spruce Avenue, and North Birch Street.

The City Council adopted Resolution No. 2007-20 releasing the five foot utility easement less the west ten feet on each side of the common lot line between Lots 5 and 6, Block 4, of **Green Meadow** Addition at the request of Johnson Engineering on behalf of the property owners.

The City Council adopted Resolution No. 2007-21 approving the final plat of **Green Meadow 3rd** Addition and authorizing the Mayor to sign the accompanying subdivision agreement. Dick Johnson, Johnson Engineering, requests approval of the documents on behalf of the property owners. This is a three-lot subdivision located on North 32nd Street.

The City Council approved the plans, specifications, and engineer's estimate on file in the City office for site clearing at **808 Oak Street** and authorized the City Clerk to advertise for bids.

The City Council approved and authorized the Mayor to sign an agreement with the VFW Winter-Munson Post No. 1644 for the annual **Loyalty Day Parade** on May 1, 2007. The parade route will be east on Norfolk Avenue from 7th Street to 2nd Street, north on 2nd Street to Braasch Avenue, and west on Braasch Avenue to 7th Street.

The City Council approved the purchase of replacement **computers** off the state contract from Dell Computers for a total cost of \$37,002.70.

The City Council approved and authorized the Mayor to sign an agreement with **Christian Cross**, Inc., for use of Skyview Lake Park on June 3, 2007 for a festival and fireworks. Use of the park includes food vendors, fireworks displays, music, tents and other similar-type activities related to the event.

The City Clerk was authorized to advertise for bids on a replacement bucket lift **truck** for the Street Division.

The City Council approved the purchase of a replacement solid waste **trailer** from Steco for \$54,448.00. Sealed bids were received and opened on March 20, 2007. The other bidder was Northern Truck for \$65,096.

The City Council approved and authorized the Mayor to sign an Easement Agreement with Daniel E. and Connie J. **Geary** for installation of a six-inch **water main** extended from the City's main on Madison Avenue. The Geary's request this easement for installation of a six-inch water main to provide water service for sprinkler systems for properties at 311 and 321 West Norfolk Avenue.

The City Council approved and authorized the Mayor to sign an Agreement with **Flexmag** Industries, Inc. for granting necessary easements for utilities to be extended to serve a portion of the Arnold Engineering property. The City will accept ownership and maintenance of the existing water line and extend water, sewer and electrical services to the portion of property being sold.

The City Council accepted and authorized the Mayor to sign a dedication of access road to **Arnold Engineering** as a public street.

The City Council approved all bills on file in the amount of \$896,544.99.

REGULAR AGENDA

Public hearings were held simultaneously to obtain citizen input, comments or opinions regarding the Nebraska Department of Economic Development Community Development Block Grant project #05-CR-013 (**Community Revitalization** Phase I) and the submittal of an application to the Nebraska Department of Economic Development for a Community Development Block Grant for community development activities #07-CR-007 (Community Revitalization Phase II). Tom Higgenbotham, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council.

Higgenbotham stated six dilapidated houses were purchased with funds received in Phase I of the Community Revitalization (CR) grant. Property addresses for the lots are: 1113 South 3rd Street, 1312 South 3rd Street, 1100 South 1st Street, 414 Lincoln Avenue, 1503 South 4th Street and 1510 South 5th Street. Four of those houses have been demolished. The remaining two homes will be demolished once asbestos sampling tests are completed. Three of the lots (414 Lincoln, 1503 South 4th Street and 1510 South 5th Street) will be sold to Habitat for Humanity and three lots (1113 South 3rd Street, 1312 South 3rd Street, and 1100 South 1st Street) will be sold to the Elkhorn Valley Community Development Corporation (NeighborWorks NE Nebraska) who, in turn, will construct new single family dwellings on the lots in compliance with grant regulations.

Higgenbotham noted that Mayor Adams received a letter from State Senator Mike Flood commending the City, Habitat for Humanity and Elkhorn Valley Community Development Corporation for jointly working on the project to improve neighborhoods in Norfolk.

Councilperson Reeder commended Higgenbotham on the project.

No one else spoke in favor of or against Phase I of the Community Revitalization Grant.

Higgenbotham explained the application for Phase II of the Community Revitalization Grant. The dollar amounts for the grant are different from what was advertised. The City will be applying for an additional \$3,823 in funding. The City of Norfolk is requesting \$145,166 of Community Development Block Grant funds of which \$95,066 will be used for acquisition of property and \$40,000 will be used for demolition of at least six (6) dilapidated homes. The grant also includes \$10,100 for general administration. The total project cost is \$280,232 of which the City of Norfolk will provide matching funds of \$135,066. The project will benefit at least 51% low-to-moderate income persons. No persons will be displaced as a result of the CDBG activities.

No one else appeared either in favor of or in opposition to submitting the CR Phase II grant application and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2007-17 approving submittal of an application to the Nebraska Department of Economic Development for a Community Development Block Grant for community development activities for Phase II of the Community Revitalization grant.

Councilperson Saunders moved for adoption of Resolution No. 2007-17 approving submittal of and authorizing the Mayor to sign an application to the Nebraska Department of Economic

Development for a Community Development Block Grant for community development activities for Phase II of the Community Revitalization grant, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-17 was adopted.

A public hearing was held to consider the Specialty Protein Producers, LLC Redevelopment Plan including tax increment financing (TIF) to be used for on and off-site utilities and building site preparation for property located south of Eisenhower Avenue and west of Victory Road. Public Works Director Dennis Smith provided information to the Mayor and City Council. The Soy Redevelopment Plan provides for a two-phased project.

During Phase I, SPPLLC will build a 160,000 square foot building for processing and warehousing food products made from soybeans. Phase I SPPLLC will also provide a 10,000 square foot office building. TIF will be used to 1) construct access to the site; 2) construct an on-site "public" parking area; 3) on-site and off-site sewer and water extensions; 4) grading and land preparation for the plant buildings and office; 5) building pad preparation for building addition; and 6) constructing appropriate loading and delivery areas.

During Phase II, SPPLLC will construct a 320,000 square foot building for additional product warehousing and additional processing equipment in the building constructed during Phase I. During Phase II, TIF will be used for 1) construction of a railroad spur from the existing rail line along the west side of the Project Area; and 2) construction of additional off-site water improvements.

Utility and site improvements to be funded with TIF proceeds include:

Phase I: water/sewer infrastructure, \$775,000; access road, \$150,000; blight removal, clearing & grading, \$200,000; and drives, circulation areas & parking, \$400,000 for a total of \$1,525,000

Phase II: water/sewer infrastructure, \$450,000; rail siding \$500,000; access road, \$150,000; blight removal, clearing & grading, \$50,000; and drives, circulation areas & parking, \$100,000 for a total of \$1,250,000

Smith stated the redeveloper private investment is estimated as follows:

Phase I: building construction, \$10,500,000 and process equipment, \$14,000,000 for a total of \$24,500,000

Phase II: building construction, \$12,000,000 and process equipment, \$20,000,000 for a total of \$32,000,000

On March 20, 2007, the Norfolk Planning Commission held a public hearing to review the Soy Redevelopment Plan. 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 Specialty Protein Producers, LLC Redevelopment Plan including tax increment financing (TIF) and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2007-22 approving the Specialty Protein Producers, LLC Redevelopment Plan.

Councilperson Van Dyke moved for adoption of Resolution No. 2007-22 approving the Specialty Protein Producers, LLC Redevelopment Plan, seconded by Councilperson Brenneman. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-22 was adopted.

A public hearing was held to consider **annexing** the right-of-way along **East Omaha Avenue** (U.S. Highway 275) east from Logan Street to Highway 35 and a tract of land north of U.S. Highway 275, east of Victory Road and west of Highway 35. Public Works Director Dennis Smith provided information to the Mayor and City Council. This area contains 34.21 acres owned by OKAR Development, LLC. Included in the annexation is 5.5 acres owned by Norfolk Public Schools (NPS) and is the location of the Montessori School. NPS agrees to the annexation. The only development currently planned for the area is a truck stop on the southwest corner of the property.

No one appeared either in favor of or in opposition to the annexation and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4934 annexing the right-of-way along East Omaha Avenue (U.S. Highway 275) east from Logan Street to Highway 35 and a tract of land north of U.S. Highway 275, east of Victory Road and west of Highway 35.

Councilperson Van Dyke introduced Ordinance No. 4934 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHWEST ¼ OF SECTION 26, SOUTHEAST ¼ OF SECTION 26, SOUTHWEST ¼ OF SECTION 25, NORTHWEST ¼ OF SECTION 35, NORTHEAST ¼ OF SECTION 35, AND THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED 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 Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4934 passed on first reading only.

The Mayor requested consideration of Ordinance No. 4933 **annexing** land located generally east of **Walters'** East Knolls Fifth Addition. Ordinance No. 4933 passed on first reading at the March 19, 2007 City Council meeting.

Councilperson Fauss introduced Ordinance No. 4933 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH PRINCIPAL MERIDIAN, MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on

second reading. Councilperson Reeder seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4933 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4935 amending Section 24-110 of City Code creating a speed limit of 50 mph on **Eisenhower** Avenue from the east city limits to the west city limits.

Councilperson Lange introduced Ordinance No. 4935 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A SPEED LIMIT OF 50 MILES PER HOUR ON EISENHOWER AVENUE FROM THE EAST CITY LIMITS TO THE WEST CITY LIMITS; 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.

Public Works Director Dennis Smith explained a portion of Eisenhower Avenue was annexed by Ordinance No. 4920 on January 16, 2007, in conjunction with the Arnold Engineering (Soy project) annexation. This results in a speed limit of 25 mph on the portion of Eisenhower Avenue within the city limits. The adjacent portions of Eisenhower outside the city limits have a speed limit of 50 mph from the east city limits to the west city limits. This is the only portion of Eisenhower Avenue located within the city limits.

Roll call on Ordinance No. 4935: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4935 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 Coy, Lange, Van Dyke, Reeder, 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 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. 4935 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4935 as required by law.

The Mayor requested consideration of Ordinance No. 4936 authorizing the sale of three properties located at 1113 South 3rd Street, 1312 South 3rd Street and 1100 South 1st Street that the City acquired with Community Development Block Grant funds through the Community Revitalization (CR) grant to **Elkhorn Valley** Community Development Corporation (EVCDC).

Councilperson Van Dyke introduced Ordinance No. 4936 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 Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4936 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 Coy, Lange, Van Dyke, Reeder, 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 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. 4936 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4936 as required by law.

The Mayor requested consideration of Ordinance No. 4937 authorizing the sale of three properties located at 414 Lincoln Avenue, 1503 South 4th Street, and 1510 South 5th Street that the City acquired with Community Development Block Grant funds through the Community Revitalization (CR) grant to Norfolk Area **Habitat for Humanity**.

Councilperson Brenneman introduced Ordinance No. 4937 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 Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4937 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 Coy, Lange, Van Dyke, Reeder, 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 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. 4937 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4937 as required by law.

Mayor Adams had another obligation and left the meeting at 7:53 p.m.

Council President Brenneman read the following proclamations: Parkinson's Disease Awareness Month, April 2007; Buddy Poppy Day, April 28, 2007; and Housing America 2007.

No comments were received regarding the Police Division report for February 2007. The report was included in the agenda packets.

Sales and use tax collection for the month of January, 2007 was reported as \$461,908.40.

No comments were received regarding the Works-In-Progress report for the period March 14 through 27, 2007. The report was included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 8:05 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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, April 2, 2007, had and done by the Mayor and City 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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