

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 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 and Park Superintendent Pat Mrsny.

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 Lange requested Item G-8, consideration of approval of a Settlement Agreement with the Nebraska DEQ on the benzene contamination of the City's east well field, be removed from the consent agenda and placed on the regular agenda.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to amend the consent agenda by removing Item G-8, consideration of approval of a Settlement Agreement with the Nebraska DEQ on the benzene contamination of the City's east well field, and to approve the consent agenda as amended. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilperson Brenneman moved, seconded by Councilperson Lange to adopt the regular agenda with the addition of Item G-8. 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 April 2, 2007 City Council meeting as printed.

The City Council adopted Resolution No. 2007-24 declaring the City's official intent under Internal Revenue Code Regulations to incur indebtedness for water and sewer improvements to the **Victory Road/Eisenhower** Avenue area. The maximum principal amount of debt expected to be issued for the project is \$1,000,000.

The City Council approved the Corporate Manager Application of Carol Thiele in connection with the Class D liquor license of U Save Foods Inc., dba **SunMart** #769, 705 West Benjamin Avenue.

The City Council approved and authorized the Mayor to sign Supplemental Agreement #1 to the original engineering services Agreement with Schemmer Associates, Inc. for the 16th Street from Monroe Avenue to **Affiliated Foods** Midwest project. There is no increase or decrease in the contract amount. The amendment provides for additional language required by the CDBG program.

The City Council approved and authorized the Mayor to sign an Engineering Agreement with Kirkham Michael and Associates for the **Victory Road and Eisenhower** Avenue Area Water and Sanitary Sewer Project in an amount not to exceed \$92,100.

The City Council approved and authorized the Mayor to sign an agreement with the Norfolk **Pioneer Baseball** Club for use of baseball practice and game facilities at Ta-Ha-Zouka Park from May 1, 2007 through June 30, 2007.

The City Council approved and authorized the Mayor to sign an agreement with the Norfolk **Titans Baseball** Club for use of baseball practice facilities at Ta-Ha-Zouka Park from May 1, 2007 through June 30, 2007.

The City Council approved and authorized the Mayor to sign an agreement with the Norfolk **Cardinals Baseball** Club for use of baseball practice and game facilities at Ta-Ha-Zouka Park from May 1, 2007 through June 30, 2007.

The City Council approved and authorized the Mayor to sign an agreement with the Ponca Tribe of Nebraska for use of Skyview Park sidewalk for their annual **Diabetes Walk/Run** event on April 21, 2007.

The City Council approved all bills on file in the amount of \$1,090,579.96.

REGULAR AGENDA

A public hearing was held to consider an application to the Nebraska Department of Economic Development for a Community Development Block Grant for a grant to be loaned to **Specialty Protein Producers**, LLC for working capital. Tom Higginbotham, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City is making application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) for a direct loan to Specialty Protein Producers, LLC to purchase fixed assets such as machinery and equipment. The City is submitting the application for an amount of \$505,000, of which \$500,000 will be the loan to Specialty Protein Producers, LLC (SPPLLC). The remaining \$5,000 will be retained by the City for audit and administrative expenses associated with the grant. The total project cost is estimated at \$45,495,000, with the other funds coming from bank financing and tax increment financing (TIF). All CDBG funds will be used for activities that will meet the CDBG national objective of benefiting low-to-moderate income persons. No persons will be displaced as a result of CDBG activities. Higginbotham explained \$250,000 will be a 0% loan that is repaid to the City's revolving loan fund. The other \$250,000 is a 0% forgivable loan with restrictions that must be met by SPPLLC. The Environmental Review is complete for the project.

Councilperson Van Dyke questioned the loan terms for the project.

Higginbotham stated the loan will probably be 5-7 years since it is for equipment.

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

The Mayor requested consideration of Resolution No. 2007-23 approving an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) to be loaned to Specialty Protein Producers, LLC.

Councilperson Saunders moved for adoption of Resolution No. 2007-23 approving an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) to be loaned to Specialty Protein Producers, LLC as a direct loan to purchase fixed assets such as machinery and equipment, seconded by Councilperson Van Dyke. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-23 was adopted.

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 and on second reading at the April 2, 2007 City Council meeting.

Councilperson Lange 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 third reading. Councilperson Saunders seconded the motion. 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 third reading.

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. Ordinance No. 4934 passed on first reading at the April 2, 2007 City Council meeting.

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 second 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 second reading only.

The Mayor requested consideration of Ordinance No. 4938 establishing a limit for the number of consecutive nights **camping** is to be allowed in the TaHaZouka Park campground.

Councilperson Lange introduced Ordinance No. 4938 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT SECTION 18-16 OF THE OFFICIAL CITY CODE TO ESTABLISH A LIMIT FOR THE NUMBER OF CONSECUTIVE NIGHTS CAMPING IS ALLOWED IN TA-HA-ZOUKA 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 Coy seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Park Superintendent Pat Mrsny explained park personnel have been enforcing a four (4) day overnight stay at Ta-Ha-Zouka Park for years. However, staff has not been able to locate an ordinance to that effect. Mrsny has been receiving requests from citizens who want to camp as long as 6-9 months. Mrsny stated the park would be hard-pressed to provide for the normal park campers, those coming for a reunion or just driving through Norfolk on vacation, if the campground is used for long term camping. Ta-Ha-Zouka has only 22 power pedestals in the campground and there isn't any other camping located in the immediate area. Mrsny proposes an ordinance that would establish a limit of seven (7) consecutive nights stay at Ta-Ha-Zouka Park with the option of extending the stay with written consent by the Park and Building Maintenance Superintendent. This will allow staff to more efficiently manage the camper load at the campground and help ensure a more fluid usage of the limited number of camping spots with power hookups. Mrsny stated the cost to camp is \$6.00 without electricity and \$9.00 with electric hookup. Mrsny has received several phone calls from persons interested in accommodating campers for a long period of time. One person from Pierce has 12 long-term spots available. Mrsny is working with outside groups to try to accommodate the requests for long-term camper parking.

Councilperson Brenneman wants to keep Ta-Ha-Zouka Park as a campground and not a trailer park.

Roll call on Ordinance No. 4938: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4938 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 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 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. 4938 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. 4938 as required by law.

The Mayor requested consideration of approval of a Settlement Agreement with the State of Nebraska Department of Environmental Quality related to the **benzene** contamination at the City's east well field.

Councilperson Lange requested this item be placed on the regular agenda for discussion so the general public is aware of the settlement.

City Attorney Clint Schukei provided background information on the benzene contamination and the related lawsuits filed in the case.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to approve and authorize the Mayor to sign a Settlement Agreement with the State of Nebraska Department of Environmental Quality for \$500,000 related to the benzene contamination at the City's east well field. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Finance Officer Randy Gates provided information to the Mayor and City Council regarding the Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2006 along with the related Single Audit Reports and auditor's letter.

No comments were received regarding the monthly commercial and industrial building permit report for March 2007 or the Works-In-Progress report for the period March 28 through April 10, 2007. Both reports were included in the agenda packets.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 8:15 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 16, 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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