

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 August, 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, Prevention Coordinator Scott Cordes, Police Captain Leon Chapman, Finance Officer Randy Gates and Accountant Melissa Drevecky.

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 moved, seconded by Councilperson Van Dyke 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 Brenneman moved, seconded by Councilperson Fauss 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.

SPECIAL PRESENTATION

The Mayor presented the Certificate of Achievement for Excellence in Financial Reporting (CAFR) for fiscal year ended September 30, 2007 to Accountant Melissa Drevecky. This is the fourteenth consecutive year the City of Norfolk has received this award from the Government Finance Officers Association.

CONSENT AGENDA

The City Council approved the minutes of the July 16, 2007, City Council meeting as printed.

The City Clerk was authorized to establish August 20, 2007 as the date for a public hearing to comply with the provisions of N.R. S. 18-1755 and 25-2501, et. seq. before the purchase of property located at 2001 South 13th Street (Roman Packing property), 1207 West Monroe Avenue and 2307 South 5th Street.

The City Council approved the Mayor's reappointment of Les Swanson for a three-year term on the **Plumbing Board** with the term expiring August 2010.

The City Council approved the Mayor's appointment of Chris Amundson, Nebraska Life Magazine, 202 West Norfolk Avenue, to the **Business Improvement District** Board of Directors completing the term vacated by the resignation of Steve Wiedeman. Amundson's term ends August 2009.

The City Council approved a request from **Casey's** Retail Company, dba Casey's General Store #2710, for a reconstruction to premise at 2640 West Norfolk Avenue.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of **Norfolk Country Inn**, LLC, dba Norfolk Country Inn, 1105 South 13th Street, and the Corporate Manager Application of Donna Franklin.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of Cindy Wallem, dba **Shooter's Lounge**, 2608 West Norfolk Avenue.

The City Council approved and authorized the Mayor to sign a Memorandum of Understanding with Central Nebraska **Pizza Hut**, Inc., a Nebraska Corporation, allowing the property owner to leave the water service line in place at 506 South 25th Street.

The City Council approved sending out Request for Proposals for the operation of a **keno**-type lottery in the City in Norfolk.

The City Council approved and authorized the Mayor to sign an agreement with **Lutheran High School Association of Northeast Nebraska, Inc.**, for the use of Memorial Field for football games for the 2007 season.

The City Council approved and authorized the Mayor to sign an agreement with **Sacred Heart Church** for the use of Memorial Field for football games for the 2007 season.

The City Council approved a request by the Norfolk Catholic Parish "Fun in the Sun" Festival Committee for permission to shoot off **fireworks** at the conclusion of the Parish Festival. The Festival is being held on August 18 & 19, 2007.

The City Council approved of a Special Designated Liquor License for **Mel's Drive-In Inc.** to serve beer and distilled spirits on September 1, 2007 for a tailgate party.

The City Council approved all bills on file in the amount of \$912,576.51.

REGULAR AGENDA

A public hearing was held to consider amending Section 27-104 of City Code to alter a reference in a table to properly refer to a **townhouse** as a conditional use instead of a permitted use in an R-2 zoning district. Prevention Manager Scott Cordes provided information to the Mayor and City Council. This is a housekeeping issue since the zoning code contained a discrepancy regarding townhouses in the R-2 zoning district. In one area of code it provides townhouses as a conditional use while another area reflects it as a permitted use.

On July 17, 2007, the Norfolk Planning Commission held a public hearing regarding the amendment. 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 Section 27-104 amendment and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4960 amending Section 27-104 of the City Code to alter a reference in a table to properly refer to a townhouse as a conditional use instead of a permitted use in an R-2 zoning district.

Councilperson Fauss introduced Ordinance No. 4960 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-104 OF THE OFFICIAL CITY CODE TO ALTER A REFERENCE IN A TABLE TO PROPERLY REFER TO A TOWNHOUSE AS A CONDITIONAL USE INSTEAD OF A PERMITTED USE IN AN R-2 ZONING DISTRICT; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION 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. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4960 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Reeder 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 Reeder. The Mayor then stated the question "Shall Ordinance No. 4960 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. 4960 as required by law.

The Mayor requested consideration of Ordinance No. 4959 amending Section 24-165 (c) adding **restricted parking** from 7 a.m. to 4 p.m. on the east side of North 6th Street behind Norfolk **Senior High** School 116 feet north of the north property line of Walnut Avenue to 348 feet north of the north property line of Walnut Avenue and removing a fifteen minute stall restriction covering the same area at Norfolk Senior High under 24-165.1(a).

Councilperson Van Dyke introduced Ordinance No. 4959 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165 OF THE OFFICIAL CITY CODE TO ADD A PARKING RESTRICTION TO SUBSECTION (C) THEREIN AS IT RELATES TO NORTH 6TH STREET NEAR THE SENIOR HIGH SCHOOL; TO AMEND SECTION 24-165.1 TO REMOVE 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 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. 4959 passed on first reading.

Councilperson Fauss moved that the statutory rule requiring reading on three different days be suspended. Councilperson Reeder 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 Reeder. The Mayor then stated the question "Shall Ordinance No. 4959 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. 4959 as required by law.

The Mayor requested consideration of Ordinance No. 4961 authorizing issuance of \$380,000 of public safety tax anticipation **bonds**.

Councilperson Reeder introduced Ordinance No. 4961 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF PURCHASING AND MAINTAINING PUBLIC SAFETY VEHICLES AND PUBLIC SAFETY EQUIPMENT AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND

COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED 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.

Finance Officer Randy Gates explained the bonds will pay for the E911 system, iSeries computer, bunker gear, rescue unit, tanker and three defibrillators. Partially offsetting the cost of the equipment is funding of \$154,938 from the Public Service Commission for the E-911 system and \$12,000 received from IBMs trade-in program related to the iSeries computer. Interest rates on the bonds range from 3.8% to 5.25%.

Roll call on Ordinance No. 4961: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4961 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. 4961 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. 4961 as required by law.

The Mayor requested consideration of Resolution No. 2007-40 approving the final plat of **Davis Railroad Addition** and its accompanying subdivision agreement. This is a two lot subdivision located in the 400 block of South 9th Street and is former railroad right-of-way property.

Councilperson Brenneman moved for adoption of Resolution No. 2007-40 approving the final plat of Davis Railroad Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilperson Wilson. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-40 was adopted.

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

Sales and use tax collection for the month of May 2007 was reported as \$551,892.44.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 7:47 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, August 6, 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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