

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 5th day of February, 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, 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 and Finance Officer Randy Gates.

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

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

SPECIAL PRESENTATION

Mayor Adams announced nominations are being accepted at the City Administrator's office through February 28, 2007, for the 2007 Edward I. **Vrzal** Outstanding Citizen Award.

The Mayor proclaimed the month of February 2007 as "JOOI of Reading" Month.

CONSENT AGENDA

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

The City Clerk was authorized to establish February 20, 2007 as the public hearing date to discuss the 2007-2012 One and Six-Year Street Improvement Plan.

The City Council adopted Resolution No. 2007-2 removing the yield sign at the intersection of **Market Lane** and **Taylor Avenue** on the southeast corner for north bound traffic and replace it with a stop sign.

The City Council adopted Resolution No. 2007-3 releasing the five foot utility easement on each side of the common lot line less the east ten feet, between Lots 1 and 2, Block 3, of **Nor Park Industrial Area**, an addition to the City of Norfolk, Madison County, Nebraska, being a part of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

The City Council adopted Resolution No. 2007-4 authorizing submittal of a Blight and Substandard Determination Study for Area Referred to as “The **Romans** Redevelopment Area” to the Planning Commission for review and recommendation.

The City Council approved the Mayor’s reappointments of Suzanne Davis, Ken Boyer and Leon Engelbart to the Norfolk **Planning Commission** for three-year terms expiring in 2010.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the “Class W” and “Class X” liquor license application of **Nebraska Distributing Company**, dba Nebraska Distributing Co., 1904 South 4th Street, and the Corporate Manager Application of Bradley N. Genners.

The City Council approved acceptance of the low bid from K. Porter Construction for the **demolition** of houses recently acquired by a community development block grant (Community Revitalization (CR) grant) in the amount of \$30,500. Three bids were received at the January 12, 2007 bid letting. The other two bids are as follows: Ganskow Construction, Inc., Norfolk, Nebraska - \$48,605; and Custom Excavation, Norfolk, Nebraska - \$35,450.

The City Clerk was authorized to advertise for replacement **bunker gear** for the Fire Division.

The City Council approved and authorized the Mayor to sign an interlocal agreement with the City of Madison to provide wastewater services by the City of Norfolk’s Class IV Certified **Wastewater Operator**.

The City Council approved and authorized the Mayor to sign an agreement with the Northeast Nebraska Economic Development District (**NENEDD**) for rental and use of the building at 111 South First Street. The agreement is for five years.

The City Council approved the plans, specifications, and engineer’s estimate on file in the City offices for **Paving District No. 493** providing for improvements to the sidewalk and landscaping along Norfolk Avenue from 1st Street to 8th Street and authorized the City Clerk to advertise for bids.

The City Council approved the plans, specifications, and engineer’s estimate on file in the City offices for the **Concrete Improvements 2007-1** project and authorized the City Clerk to advertise for bids.

The City Council approved and authorized the Mayor to sign an Engineering Agreement with **Schemmer Associates, Inc.** to provide design, bidding, construction management and inspection

services for 16th Street from Monroe Avenue to **Affiliated** Foods Midwest. The agreement is for a not to exceed amount of \$93,700.

The City Council approved all bills on file in the amount of \$971,057.72.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4925 amending Section 24-8 of City Code regarding **operator's licenses** to clarify the requirements to comply with the ordinance.

Councilperson Van Dyke introduced Ordinance No. 4925 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-8 OF THE OFFICIAL CITY CODE REGARDING OPERATOR'S LICENSES TO CLARIFY THE REQUIREMENTS TO COMPLY WITH THE ORDINANCE; 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, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4925 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, 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4925 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4925 as required by law.

The Mayor requested consideration of Ordinance No. 4926 amending Section 13-81 of City Code to provide that the city's **telecommunications** occupation tax be credited to various City funds as directed by resolution.

Councilperson Lange introduced Ordinance No. 4926 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 13-81 OF THE OFFICIAL CITY CODE TO ADDRESS THE ALLOCATION OF THE OCCUPATION TAX LEVIED UPON TELECOMMUNICATION SERVICES; 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. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4926 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4926 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4926 as required by law.

The Mayor requested consideration of Ordinance No. 4927 creating Section 1-20 of the City Code to allow a sentencing court's order for **restitution** to be enforced in the same manner as a judgment in a civil action.

Councilperson Van Dyke introduced Ordinance No. 4927 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO CREATE SECTION 1-20 OF THE OFFICIAL CITY CODE TO ALLOW A SENTENCING COURT'S ORDER FOR RESTITUTION TO BE ENFORCED IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION; 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 Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4927 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4927 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, 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. 4927 as required by law.

The Mayor requested consideration of Resolution No. 2007-5 allocating the City's **telecommunications** occupation tax to the General Fund and the 911 Fund.

Councilperson Brenneman moved to approve allocating the City's telecommunications occupation tax to the General Fund and the 911 Fund, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Resolution No. 2007-5 was adopted.

The Mayor requested consideration of forwarding a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" **liquor** license application of Reeder, Karl, dba **Reeder** Originals, 115 West Norfolk Avenue.

Councilperson Reeder declared a conflict of interest and abstained from discussion and voting on this item.

Councilperson Van Dyke moved to authorize 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 Reeder, Karl, dba Reeder Originals, 115 West Norfolk Avenue, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Abstaining: Reeder. Motion carried.

No comments were received regarding the Police Division report for December 2006. This report was included in the agenda packets.

Sales and use tax collection for the month of November 2006 was reported as \$523,946.58.

No comments were received regarding the Works-In-Progress report for the period January 10 through 30, 2007.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 7:45 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

Gordon D. Adams
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, February 5, 2007, 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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