

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 20th 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, 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 Fauss moved, seconded by Councilperson Reeder 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

The Mayor presented the Certificate of Achievement for Excellence in **Financial Reporting** for fiscal year ended September 30, 2005 to Accountant Melissa Drevecky. This is the eighteenth 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 February 15, 2007, Special City Council meeting as printed.

The City Council adopted Resolution No. 2007-8 approving installation of a **stop sign** at intersections along Prospect Avenue at Magnet Street on the northwest corner, 13th Place on the

southeast corner, Harris Drive on the southeast corner, Westridge Drive on the southeast corner, Bridge Road on the southeast corner, William Street on the northwest corner, removal of the yield sign on the southeast corner at Ridgeway Drive and replaced with a stop sign, Ridgeway Drive on the northwest corner, Prospect Circle on the northwest corner, and North 28th Street on the northwest corner.

The City Council adopted Resolution No. 2007-9 approving installation of a **stop sign** at the intersection of Galeta Avenue and Square Turn Boulevard at the southwest corner.

The City Council adopted Resolution No. 2007-10 approving the final plat of **Walters' East Knolls Seventh** Addition and authorized the Mayor to sign the accompanying subdivision agreement. Wayne and Bernice Walters requested this twenty-one lot subdivision which is a continuation of the development as it approaches Highway 35 heading east.

The City Council approved the Mayor's reappointment of Rod Kanter and Terry Wolfe (alternate member) to the **Building Code Appeals/Property Maintenance Code Board of Appeals** for another five-year terms expiring in 2012.

The City Council approved the Corporate Manager Application of Dwaine S. Halligan in connection with the Class I liquor license of Porter Apple Company, dba **Applebee's** Neighborhood Grill and Bar, 700 South 13th Street.

The City Council approved a Special Designated Liquor License for Hy-Vee, Inc., dba **HyVee** Gas & HyVee Wine & Spirits, 310 East Norfolk Avenue, for a wine tasting event at the Norfolk Arts Center, 305 North 5th Street, Norfolk, Nebraska on Friday, March 16, 2007.

The City Clerk was authorized to advertise for bids to purchase a municipal solid waste **transfer trailer** for the transfer station at an estimated cost of \$60,000.

The City Council approved the plans, specifications, and engineer's estimate on file in the City offices for the **Sewer Replacement 2007-1** (South 1st Street; Adams to Monroe) project and authorization for the City Clerk to advertise for bids.

The City Council approved and authorized the Mayor to sign a Deed of Partial Reconveyance to Roman Packing Company for part of Lot 5, **Roman's** Third Addition, the related Memorandum of Intention and the consent of lien holders to a lot boundary change.

The City Council approved all bills on file in the amount of \$688,794.35.

REGULAR AGENDA

A public hearing was held to discuss the 2007-2012 One and Six-Year **Street** Improvement Plan. Public Works Director Dennis Smith provided information to the Mayor and City Council. Proposed projects for 2007-2008 are: miscellaneous street maintenance work by contract, \$1,000,000; miscellaneous residential paving districts, \$30,000; Highway 35 between Omaha Avenue and Norfolk Avenue, Norfolk Southeast, \$333,000; 25th Street, reconstruction of Benjamin Avenue to US 275, \$277,500 and \$92,500; 16th Street, Monroe Avenue to Affiliated Foods, \$271,600; Victory Road from ½ north of Benjamin to Eisenhower Avenue; \$600,000; and contribution to Ethanol Plant access road (future tie Victory Road to relocated Nucor Road), \$60,000. (This project will be shared between the Ethanol Plant (50%), Madison County (25%) and City of Norfolk (25%).)

Smith stated the reconstruction of Benjamin Avenue is planned as a three-lane section. The project will be funded with highway funds allocated to first class cities in Nebraska. Smith stated the only portion of the project that will probably be completed in 2007-2008 is engineering and possibly some right-of-way acquisition. Smith stated federal highway regulations now require all plans to be completed prior to obtaining right-of-way. The total project cost is estimated at \$3.7 million with \$2.8 million of federal funds.

Smith explained the 16th Street, Monroe Avenue to Affiliated Foods project, total project cost is estimated at \$543,200 with partial funding (one-half of the project) from a \$271,600 community development block grant. This will provide a second access road to Affiliated Foods to provide for expansion of the operation.

The Victory Road project from 1/2 north of Benjamin Avenue to Eisenhower Avenue is a joint project with Madison County to upgrade Victory Road in anticipation of the expansions occurring in that area. Smith stated the Ethanol Plant should be completed and operational in late summer or early fall of 2007 and Norfolk Iron and Metal and Nucor are growing. Smith indicated the project will probably be done through an interlocal agreement with the county being the lead agency.

Smith stated the City is also considering using some of the federal aid money to widen Benjamin Avenue from a 4-lane to a 5-lane from 13th Street to 1st Street. However, Smith is optimistic about this project depending on allocation of funds. The engineering is scheduled to begin in 2010-2011.

Councilperson Coy questioned whether Vulcraft could possibly use 16th Street when the project is complete.

Smith stated it would be very difficult for Vulcraft to use 16th Street because of the layout of the two businesses and their desires to maintain security for each facility. The street comes in about in the middle of the Affiliated Foods property.

Councilperson Van Dyke feels the amount of funding, \$1,000,000, for miscellaneous street maintenance work seems higher than usual.

Smith stated the \$1,000,000 has been in the plan for many years; however, actual expenditures are between \$350,000 and \$650,000.

Mark Hall, 1642 Hackberry Drive, questioned whether the Benjamin Avenue renovation/expansion project is dictated by a traffic count study. Hall is concerned with more truck traffic using Benjamin Avenue. Hall questioned whether there is a way to mitigate the truck traffic from using Benjamin Avenue.

Smith stated the force driving the project for improvement from 1st Street to 13th Street on Benjamin is the addition of a fifth lane to provide safety to motorists by having left turn vehicles out of the traffic flow. Smith stated there is a fairly high accident history at Queen City Boulevard and Benjamin Avenue and most are related to left turns. Smith stated there isn't a good solution to keeping truck traffic off Benjamin Avenue. The only way to take truck traffic off Benjamin is to increase the truck route by two miles by moving it to Omaha Avenue. Smith stated Eisenhower Road can't be used and none of the county roads north and west of Nucor are designed to carry truck traffic.

No one else appeared either in favor of or in opposition to the 2007-2012 One and Six-Year Street Improvement Plan and the Mayor declared the hearing closed.

On February 6, 2007, the Norfolk Planning Commission held a public hearing to review the City of Norfolk's 2007-2012 One & Six Year Street Improvements Plan. The City Clerk read the Planning Commission's recommendation for approval into the record.

The Mayor requested consideration of Resolution No. 2007-11 approving the 2007-2012 One and Six-Year Plan for Street Improvements.

Councilperson Van Dyke moved to adopt Resolution No. 2007-11 approving the 2007-2012 One and Six-Year Plan for Street Improvements, 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. 2007-11 was adopted.

A public hearing was held to consider an application to the Nebraska Department of Economic Development for a Nebraska Affordable Housing Program (NAHP) grant for **housing** activities. Tina Englebart, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk is requesting \$250,000, of which \$207,000 will be used for Housing Rehabilitation of owner-occupied properties, \$17,000 will be used for housing administration, \$11,000 for Paint Testing, Risk Assessment, and/or Clearance Testing and \$15,000 will be for general administration. All \$207,000 of rehabilitation funds will benefit low-to-moderate income persons. There will be no persons displaced as a result of NAHP activities.

No one appeared either in favor of or in opposition to the application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2007-7 approving an application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities.

Councilperson Fauss moved for adoption of Resolution No. 2007-7 approving an application to the Nebraska Department of Economic Development for Nebraska Affordable Housing Program Grant funds for local affordable housing activities, seconded by Councilperson Lange. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Resolution No. 2007-7 was adopted.

A public hearing was held to consider a zoning change from O-D (Office District) to C-3 (Service Commercial District) at 109 **North 29th** Street at the request of MEDOC Associates. City Attorney Clint Schukei provided information to the Mayor and City Council. The current zoning has limited sign opportunities. The C-3 zoning will allow bigger signs on the property and is consistent with the area.

On February 6, 2007, the Norfolk Planning Commission held a public hearing regarding the request from MEDOC Associates. 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 zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4928 for a zoning change from O-D (Office District) to C-3 (Service Commercial District) at 109 North 29th Street at the request of MEDOC Associates.

Councilperson Lange introduced Ordinance No. 4928 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING 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. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried. Ordinance No. 4928 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. 4928 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. 4928 as required by law.

No comments were received regarding the monthly commercial and industrial building permit report for January 2007 or the Works-In-Progress report for the period January 31 through February 13, 2007. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Lange to adjourn the meeting at 8:02 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 Tuesday, February 20, 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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