

## **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 January, 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 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 requested Items G-4 and G-5, related to the Elkhorn Valley Pheasants Forever use of the City Auditorium, be removed from the consent agenda and added to the regular agenda.

Councilperson Wilson moved, seconded by Councilperson Van Dyke to remove Item G-4, consideration of a rental agreement with the Elkhorn Valley Pheasants Forever for use of the auditorium, and Item G-5, consideration of a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium, from the consent agenda and 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 Van Dyke moved, seconded by Councilperson Fauss to amend the regular agenda with the additions of Item G-4, consideration of a rental agreement with the Elkhorn Valley Pheasants Forever for use of the auditorium, and Item G-5, consideration of a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium, and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

## SPECIAL PRESENTATION

The Mayor proclaimed January 11, 2007 as J. Paul McIntosh Day.

## CONSENT AGENDA

The City Council approved the minutes of the December 18, 2006 City Council meeting.

The City Council approved the Mayor's appointment of Councilperson Jim Brenneman to the **Railroad** Transportation Safety District.

The City Council approved and authorized the Mayor to sign Maintenance Agreement No. 019 renewal with the Nebraska Department of **Roads** for calendar year 2007 and authorized the Mayor to execute a Certificate of Compliance at the end of 2007.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Elkhorn Paving Construction Co. for the Paving District No. 494, **Wyndham Hills**, project resulting in a net increase of \$2,460 and reduction in retainage to 2%. The added items were for building a six-inch driveway and placement of sod near the driveway.

The City Council approved all bills on file in the amount of \$806,775.59.

## REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4919 **annexing** a tract of land located generally north of Monroe Avenue and west of the present city limits. Ordinance No. 4919 passed on first reading at the December 18, 2006 City Council meeting.

Councilperson Lange introduced Ordinance No. 4919 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE EAST ½ OF SECTION 33, 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. 4919 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4920 **annexing** land located generally south of Eisenhower Avenue and west of Victory Road. Ordinance No. 4920 passed on first reading at the December 18, 2006 City Council meeting.

Councilperson Van Dyke introduced Ordinance No. 4920 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE NORTH ½ OF SECTION 14; A PART OF THE NORTHWEST ¼ OF SECTION 13; A PART OF THE SOUTHEAST ¼ OF SECTION 11; AND A PART OF THE SOUTHWEST ¼ OF SECTION 12, ALL IN 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 Wilson 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. 4920 passed on second reading only.

The Mayor requested consideration of Ordinance No. 4922 amending the **General Employees Retirement Plan** to reflect the final 401(k) and 401(m) regulations.

Councilperson Brenneman introduced Ordinance No. 4922 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND THE EMPLOYEES RETIREMENT PLAN TO REFLECT THE FINAL 401(k) AND 401(m) REGULATIONS; WHICH AMENDMENT IS INTENDED AS GOOD FAITH COMPLIANCE WITH THE REQUIREMENTS OF THE FINAL 401(k) AND 401(m) REGULATIONS; 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 Saunders seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Finance Officer Randy Gates explained the ordinance makes the required amendment to the City's General Employees pension plan to implement the final 401(k) and 401(m) regulations. The only changes are to add two other hardship distribution options: (1) certain funeral expenses and (2) repair casualty damage to participant's principal residence.

Roll call on Ordinance No. 4922: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4922 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. 4922 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. 4922 as required by law.

The Mayor requested consideration of Item G-4, consideration of a rental agreement with the Elkhorn Valley **Pheasants** Forever for use of the City Auditorium on March 15, 2007 for their annual banquet.

Councilperson Van Dyke moved, seconded by Councilperson Reeder to approve a rental agreement with the Elkhorn Valley Pheasants Forever for use of the City Auditorium on March 15, 2007 for their annual banquet.

Operations Manager Gary Miller explained the agreement is the same as has been used for the past six years for the Pheasants Forever group to rent the auditorium.

Councilperson Brenneman is opposed to renting the Auditorium to groups that serve alcohol. Brenneman feels the City is competing with private enterprise by renting the Auditorium. Brenneman feels groups have other options, such as a silent auction, available for raising funds instead of selling alcohol.

Councilperson Reeder feels it would be tough to vote no on this agreement because the Council approved the Turkey Federation's use of the Auditorium. Reeder said the City needs to establish criteria for rental of the Auditorium.

Councilperson Coy said Pheasants Forever have been good renters for six years and there shouldn't be any opposition to use of the Auditorium.

Councilperson Brenneman stated other facility rental options are now available and the City should not compete with private business.

City Administrator Mike Nolan stated City staff needs direction on rental of the Auditorium and a subcommittee meeting will meet on January 8, 2007 to discuss the issue.

Frank Arens, a member of Pheasants Forever, stated the group can have a meal catered for about \$7.00 instead of paying about \$16.00 plus gratuity at a private facility. Arens stated tickets now sell for \$45.00 per person and would get too expensive for many families if private facilities are rented for the banquet.

Councilperson Fauss abstained from voting and discussion on this item because of a conflict of interest.

Councilperson Van Dyke said if a lot of groups request to rent the Auditorium maybe elected officials should look at changing the policy to allow the sale of alcohol on public property without Council approval. However, Van Dyke has concerns about taking business away from private enterprise.

Ryan Mead, a member of Pheasants Forever, stated Divots is a great place for events but the group is able to return more money to Stanton, Pierce and Madison counties by renting the City Auditorium. Mead stated the Pheasants Forever group appreciates the use of the City Auditorium the past six years.

Roll call on the agreement: Ayes: Coy, Lange, Van Dyke, Reeder, Wilson and Saunders.  
Nays: Brenneman. Abstaining: Fauss. Absent: None. Motion carried.

The Mayor requested consideration of approval of a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium on Thursday, March 15, 2007.

Councilperson Van Dyke moved, seconded by Councilperson Wilson to approve a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium on Thursday, March 15, 2007. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson and Saunders. Nays: Brenneman. Abstaining: Fauss. Absent: None. Motion carried.

Sales and use tax collection for the month of October 2006 was reported as \$501,393.57.

No comments were received regarding the Works-In-Progress report for the period December 13 through 26, 2006. The report was included in the agenda packets.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 7:49 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

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Gordon D. Adams  
Mayor

ATTEST:

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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, January 2, 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.

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Elizabeth A. Deck  
City Clerk

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