

## 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 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, City Attorney Clint Schukei, City Clerk Beth Deck, Fire Chief Bill Mizner and Assistant City Engineer Dale Bohac.

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 moved, seconded by Councilperson Wilson 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 Van Dyke 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 PRESENTATIONS

The Mayor proclaimed the week of January 28 through February 3, 2007 as "Catholic Schools Week"; Friday, February 2, 2007 as "Wear Red for Women Day"; and January 2007 as "Mentoring Month."

### CONSENT AGENDA

The City Council approved the minutes of the January 2, 2007 City Council meeting as printed.

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 The Office Bar, LLC, dba **Office Bar**, 120 South 4th Street, and the Corporate Manager Application of James Peterson.

The City Council approved the Mayor's reappointment of Vicki Saunders to the **NENEDD** Board of Directors with a term expiring in February 2010.

The City Council approved and authorized the Mayor to sign an agreement with James A. **Wagner**, Attorney in Fact for Lorena M. Wagner, dealing with a **drainage** easement and disposition of a portion of the abandoned Chicago and Northwestern Railroad line along Queen City Boulevard. The property is along Square Turn Boulevard near 11th Street and adjacent to the abandoned Chicago and Northwestern Railroad Right-of-Way.

The City Council approved and authorized the Mayor to sign a Quitclaim Deed to re-convey property to **Medoc** Associates due to payment in full of the related Industrial Development Revenue bonds. On June 15, 1991, the City issued \$1,080,000 of industrial development bonds for the Medoc Associates project described as Lot 1, Block 1, Normed's Addition to the City of Norfolk, Madison County, Nebraska, a replat of Block 1 of M.D. Patton's Subdivision. The bonds are paid in full and, therefore, the City needs to deed the property back to Medoc Associates.

The City Council approved all bills on file in the amount of \$795,719.76.

#### 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 improvements to 16th Street to provide access to **Affiliated Foods** Midwest. Tom Higgenbotham, Executive Director of the Northeast Nebraska Economic Development District (NENEDD), 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) available to local governments for economic development activities. The City of Norfolk is proposing to undertake activities in a 100-year flood plain. The project area has a total of 80 total acres, 47 in the flood plain, with only 15 acres being disturbed as a result of this project. The project consists of construction of a 31-foot wide public street (16th Street) from Monroe Avenue north to **Affiliated Foods** Midwest. Total project costs are estimated to be \$548,200, of which \$543,200 will be utilized for the infrastructure improvements and \$5,000 for general administration of the CDBG grant. Of this amount it is estimated that the City will apply for a Community Development Block Grant for \$276,600, of which \$271,600 (50%) will be utilized for the infrastructure improvements and \$5,000 for general administration. The City of Norfolk will provide the other \$271,600 (50%) for the infrastructure costs.

Dan Mauk, President of the Norfolk Area Chamber of Commerce, urged elected officials to approve the CDBG application.

No one else appeared either in favor of or in opposition to the application and the Mayor declared the hearing closed. (Note: The resolution approving the CDBG application was considered after the ordinances.)

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 line (**Affiliated Foods**

project). Ordinance No. 4919 passed on first reading at the December 18, 2006 City Council meeting and on second reading at the January 2, 2007 City Council meeting.

Councilperson Van Dyke 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, NBRASKA. 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 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 third reading.

The Mayor requested consideration of Ordinance No. 4920 annexing land located generally south of Eisenhower Avenue and west of Victory Road (**Arnold** Engineering project). Ordinance No. 4920 passed on first reading at the December 18, 2006 City Council meeting and on second reading at the January 2, 2007 City Council meeting.

Councilperson Lange 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 third 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 third reading.

The Mayor requested consideration of Ordinance No. 4923 creating Paving District No. 493 providing for improvements to the sidewalk and landscaping along Norfolk Avenue from 1st to 8th Streets.

Councilperson Van Dyke introduced Ordinance No. 4923 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 493 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF SIDEWALK AND LANDSCAPING IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Reeder seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

City Administrator Mike Nolan explained Ordinance No. 4923 creates Paving District No. 493 providing for improvements to the sidewalk and landscaping along Norfolk Avenue from 1st to 8th Streets. The Vehicle Parking District Advisory Board worked with JEO and City staff on an improvement plan for Downtown Norfolk which involves sidewalk replacement on Norfolk

Avenue from 1st to 8th Street, aesthetic improvements to the sidewalk area, aesthetic improvements to the medians from 1st to 6th Street and updated street and pedestrian lighting on Norfolk Avenue. The Vehicle Parking District Advisory Board and City staff worked with the land owners and tenants from 6th Street to 8th Street to expand the Vehicle Parking District. An informational meeting was held on Tuesday, December 19, 2006 to present the plans to the property owners and City Council. Councilman Coy and Councilwoman Saunders were present at that meeting. The Vehicle Parking District Advisory Board requests the Mayor and City Council authorize the creation of Paving District No. 493 for sidewalk and aesthetic improvements on Norfolk Avenue. The estimate for all the improvements is \$1,756,000. The funding planned for the overall project is 1/3 City of Norfolk, 1/3 Vehicle Parking District and 1/3 assessments to benefiting property owners. When the balance of the project is brought forward, the funding will be adjusted to account for the City's and the Vehicle Parking District's contributions toward the median improvements that have already been constructed.

Councilperson Coy stated there was some discussion at the December 19, 2006 meeting that there was one person that was not a member of the Vehicle Parking District. Coy questioned whether the City is going to pay the one-third cost for that business even though the person was not a member of the District.

Nolan stated the person had an opportunity to join the Downtown Parking District and become part of the project. However, that person chose not to join the District and the Council concluded no benefit would be allocated to those not joining the District. Nolan stated 2/3 of the project is paid for by Vehicle Parking District members, with 1/3 of the cost being a parking district levy and 1/3 being assessments. The other 1/3 cost is from the City of Norfolk. Those businesses who joined the Vehicle Parking District receive an advantage of the 1/3 portion paid for by the Parking District levy plus the City's portion of the costs. Nolan stated it was communicated to the person, very explicitly on the front end, how and who would pay for the improvements and the person "quite adamantly" chose not to be affiliated with the District. Nolan stated all of the sidewalks must conform to the City's Transition Plan to comply with ADA standards throughout the City. Nolan said the sidewalks in the Streetscape Project should be completed at the same time for uniformity and compliance.

Councilperson Reeder owns a business in Downtown Norfolk and will have to pay for the improvements. Reeder feels "this is an incredible project and will boost Norfolk to a new level." Reeder feels the project is important.

Mayor Adams said elected officials and staff "made it very clear to him that there would be costs involved."

Roll call on Ordinance No. 4923: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4923 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, 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 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. 4923 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. 4923 as required by law.

The Mayor requested consideration of Ordinance No. 4924 authorizing the sale of a portion of the abandoned Chicago and Northwestern Railroad right of way adjacent to **Queen City** Boulevard to Lorena M. **Wagner** in the amount of \$1,093.81.

Councilperson Brenneman introduced Ordinance No. 4924 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; 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, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4924 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. 4924 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. 4924 as required by law.

The Mayor requested consideration of Resolution No. 2007-1 approving an application to the Nebraska Department of Economic Development for a Community Development Block Grant for economic development activities for improvements to 16th Street to provide access to **Affiliated** Foods Midwest.

Councilperson Van Dyke moved to adopt Resolution No. 2007-1 approving an application to the Nebraska Department of Economic Development for a Community Development Block Grant for economic development activities for improvements to 16th Street to provide access to Affiliated Foods Midwest, seconded by Councilperson Lange. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-1 was adopted.

No comments were received regarding the monthly commercial and industrial building permit report for December 2006 or the Works-In-Progress report for the period December 27, 2006 through January 9, 2007. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Lange to adjourn the meeting at 7:54 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 16, 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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