

## 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 July, 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, Police Chief Bill Mizner and Property/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 Fauss moved, seconded by Councilperson Saunders 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 Lange 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.

### CONSENT AGENDA

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

The City Council approved a Special Designated Liquor License for Shane D. Taylor, dba The **Branding Iron**, to sell beer, wine and distilled spirits at 2301 West Madison Avenue, on Saturday, August 11, 2007, for a wedding reception and dance.

The City Council approved and authorized the Mayor to sign a Release of Easement located in part of Tax Lot 16 and the Bauermeister and Luhr Railroad Addition between **Queen City** Boulevard and **Square Turn** Boulevard, south of Benjamin Avenue.

The City Council approved and authorized the Mayor to sign an **Easement** Agreement with James A. Wagner, Attorney in Fact for Lorena M. **Wagner**, to facilitate construction of a surface-water drainage ditch along the abandoned Chicago & Northwestern Railroad R.O.W. and part of Tax Lot 16 in

Bauermeister and Luhr Railroad Addition located between Queen City Boulevard and Square Turn Boulevard.

The City Council approved award of and authorized the Mayor to sign a contract with A & R Construction Co. of Plainview, Nebraska for the Paving District No. 498 (**Walters' East Knolls 7th & 8th** Additions) project in an amount of \$90,229.00 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Two sealed bids were received at the July 10, 2007 bid letting. The other bidder was Elkhorn Paving Construction, Norfolk, \$95,152.58.

The City Council approved rejection of all proposals received for a construction manager for the **Norfolk Avenue Streetscape** project and, the City Council authorized City staff prepare documents necessary to proceed with a competitive sealed bid for the project.

The City Council approved all bills on file in the amount of \$806,908.04.

## REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4956 amending Section 24-164 of City Code extending the restricted **parking** area 35 feet on the west side of the 600 block of South **5th Street** as previously stated in City Code and adding a new 77 feet of restricted parking area north and south of the north driveway.

Councilperson Fauss introduced Ordinance No. 4956 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO EXTEND THE CURRENT PARKING PROHIBITION AND CREATE A NEW PARKING PROHIBITION ON THE WEST SIDE OF THE 600 BLOCK OF SOUTH 5TH STREET; 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 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. 4956 passed on first reading.

Councilperson Brenneman 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 Brenneman 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. 4956 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. 4956 as required by law.

The Mayor requested consideration of Ordinance No. 4957 amending Section 24-165 (c) of City Code to change the current restriction of **parking** from 7:00 a.m. to 4:00 p.m. on **South 5th Street** on the west side from 440 feet north of the north property line of Pasewalk Avenue to 100 feet north of the north property line of Pasewalk Avenue to 398 feet north of the north property line of Pasewalk Avenue to 165 feet north of the north property line of Pasewalk Avenue.

Councilperson Reeder introduced Ordinance No. 4957 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-165 OF THE OFFICIAL CITY CODE TO AMEND THE PARKING RESTRICTION CONTAINED IN SUBSECTION (C) THEREIN AS IT RELATES TO SOUTH 5TH STREET NEAR THE JUNIOR 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 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. 4957 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. 4957 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. 4957 as required by law.

The Mayor requested consideration of Ordinance No. 4958 authorizing issuance of \$1,810,000 of special assessment **bond anticipation notes**.

Councilperson Van Dyke introduced Ordinance No. 4958 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION EIGHT HUNDRED TEN THOUSAND DOLLARS (\$1,810,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF STREET IMPROVEMENTS FOR PAVING DISTRICT NOS. 489, 491, 492, 493, 495, 496, 497 AND 498, FOR PAYING THE COSTS OF SANITARY SEWER IMPROVEMENTS FOR SANITARY SEWER EXTENSION DISTRICT NO. 246 AND PAYING THE COSTS OF WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 118, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO

PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Lange seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Finance Officer Randy Gates stated the interest rate on the Bond Anticipation Notes is 3.90% per annum.

Roll call on Ordinance No. 4958: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4958 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. 4958 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. 4958 as required by law.

No comments were received regarding the Police Division report for May 2007; the monthly commercial and industrial building permit report for June 2007; or the Works-In-Progress report for the period June 27 through July 10, 2007. All the reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Van Dyke 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.

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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 Monday, July 16, 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.

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Elizabeth A. Deck  
City Clerk

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