

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 21st day of May, 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, Reeder, Wilson, Brenneman, Fauss, and Saunders. Absent: Van Dyke.

Staff members present were: City Administrator Mike Nolan, City Attorney Clint Schukei, City Clerk Beth Deck, Prevention Manager Scott Cordes, Transportation, Building & Grounds Director Jim Koch 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, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried.

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

SPECIAL PRESENTATIONS

The Mayor proclaimed May 2007 as “Independent Insurance Agents of Nebraska Month” and the week of May 27 – June 2, 2007 as “Shrine Circus Week”.

CONSENT AGENDA

The City Council approved the minutes of the May 7, 2007 City Council meeting as printed.

The City Council adopted Resolution No. 2007-28 approving **U.S. Bank**, N.A. as the City’s depository services bank for the Primary Operating Account.

The City Council adopted Resolution No. 2007-29 approving U.S. Bank, N.A. as the City's depository services bank for the City Clerk's Petty Cash Account.

The City Council adopted Resolution No. 2007-30 approving U.S. Bank, N.A. as the City's depository services bank for the Grant Account.

The City Council adopted Resolution No. 2007-31 approving U.S. Bank, N.A. as the City's depository services bank for the City's Special Petty Cash Account.

The City Council adopted Resolution No. 2007-33 approving the final plat of **Green Meadow 4th** Addition and authorizing the Mayor to sign the accompanying subdivision agreement. This is a ten-lot subdivision located on North 33rd Street.

The City Council adopted Resolution No. 2007-35 approving the Redevelopment Agreement between the Community Development Agency of the City of Norfolk and Specialty Protein Producers, LLC (SPPLLC) implementing "The Specialty Protein Producers, LLC Redevelopment Plan". This is in conjunction with the soy project located northeast of Norfolk.

The City Council approved the reappointment of Norman Geyer to serve on the Norfolk **Housing Agency** Board of Commissioners with the term expiring in June 2012.

The City Council approved a Special Designated Liquor License for **Sacred Heart** Church to sell beer at 2301 West Madison Avenue, on Friday, June 29, 2007, at a reception for Norfolk Catholic Alumni.

The City Council approved formal letters of request to the Stanton and Madison County Commissioners asking for release of small portions of land into the City of Norfolk's **extra territorial zoning** jurisdiction. Due to recent annexations completed by the City of Norfolk, several sections bisect with these two counties' zoning jurisdictions. Stanton and Madison Counties requested these portions of land be ceded to the City to clarify which zoning jurisdiction applies to the properties.

The City Council approved and authorized the Mayor to sign an Interlocal Agreement for Building **Inspection** Services (2007) with the Village of **Hadar**, Nebraska.

The City Council approved the **dedication** of public street right of way between the access road to Arnold Engineering and Eisenhower Avenue to provide access to Specialty Protein Producers, LLC's (SPPLLC) soybean processing facility. This street will be improved with tax increment financing funds per the Specialty Protein Producers Redevelopment Plan.

The City Council approved the low bid for a replacement Street Division **Aerial Lift Truck** from Equipment Technologies for \$45,140. Five sealed bids were received at the May 14, 2007 bid letting. The other four bidders were T-G Industries, \$56,513.00; Northern Truck, \$49,581; Al-Tec, \$53,929; and Drake-Scruggs, \$48,417.

The City Council approved all bills on file in the amount of \$793,818.84.

REGULAR AGENDA

The Mayor requested consideration of Ordinance No. 4945 vacating a portion of **Walters' East Knolls Seventh** Addition.

Councilperson Lange introduced Ordinance No. 4945 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF THE PLAT OF WALTERS' EAST KNOLLS SEVENTH ADDITION TO THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, BEING PART OF THE SE ¼ OF THE NW ¼ AND THE SW ¼ OF THE NE ¼ OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, AND PROVIDING FOR THE PUBLICATION OF THIS 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. Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4945 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Brenneman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 4945 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4945 as required by law.

The Mayor requested consideration of Ordinance No. 4946 approving a rate increase on a **water tap** to \$95.00 plus material cost and for one-inch, one and one-half inch, and two-inch water taps.

Councilperson Lange introduced Ordinance No. 4946 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 26-11 OF THE OFFICIAL CITY CODE TO INCREASE CONNECTION CHARGE FOR A TAP ONTO THE CITY'S WATER SYSTEM; 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 Reeder seconded the motion. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Ordinance No. 4946 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, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4946 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. 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. 4946 as required by law.

The Mayor requested consideration of Resolution No. 2007-32 approving the final plat of **Walters' East Knolls** Eighth Addition and authorizing the Mayor to sign the accompanying subdivision agreement. This is a four-lot subdivision located in the 1000 block of Westbrook Drive.

Councilperson Fauss moved to adopt Resolution No. 2007-32 approving the final plat of Walters' East Knolls Eighth Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilperson Coy. Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried. Resolution No. 2007-32 was adopted.

The Mayor requested consideration of Resolution No. 2007-34 adopting the rules and regulations for the operation and utilization of Miracle **Skate Park**.

Councilperson Saunders moved to adopt Resolution No. 2007-34 approving the rules and regulations for the operation and utilization of Miracle Skate Park, seconded by Councilperson Wilson.

City Administrator Mike Nolan explained Resolution No. 2007-34 adopts the rules and regulations for the operation and utilization of Miracle Skate Park. The items included with the agenda package are recommendations by the insurance company as examples that are used in the industry. The rules and regulations authorized by this resolution will be posted as signage in addition to the sign required by LB 564 adopted by the Legislature on May 16, 2007. City Administrator Mike Nolan read the following into the record:

The Consumer Product Safety Commission's recommended falling techniques:

"If you are losing your balance, crouch down so that you will not have so far to fall;
In a fall, the idea is to land on the fleshiest part of your body;
If you fall, try to roll, rather than absorb the force with your elbows; and
Even though it may be difficult during a fall, try to relax your body rather than go stiff."

The Rules of the Skateboard Park

1. Give your board a safety check each time before you ride.
2. Always wear safety gear. All Participants must wear a helmet. Elbow and knee pads and appropriate footwear are recommended.
3. Only one (1) person per skateboard and three (3) skaters per platform.
4. Don't take chances; complicated tricks require careful practice and a specially designated area.
5. Learn to fall—practice falling on a soft surface or grass.
6. No food or drink inside the skating area.
7. Skateboards are allowed in authorized areas only.
8. No personal ramps are allowed.
9. All skaters agree to act in an orderly, safe and considerate manner while on the premises and skating area.
10. Everyone is to wait his or her turn. Reckless or dangerous skaters will be requested to leave the skating area and the premises immediately.

Infractions of the above rules may result in loss of all skating privileges.

This facility is used by both experienced and inexperienced skaters. Serious injury may result from being hit by a skateboard, falling or colliding. The City of Norfolk does not assume responsibility for injuries. **‘SKATING IS AT YOUR OWN RISK.’**

Nolan stated the last paragraph was specifically put “into law at the request of Senator Ernie Chambers” of Omaha.

Councilperson Reeder questioned enforcement of the rules.

Nolan stated the rules will be enforced by anyone observing a hazardous or non-complying situation.

City Attorney Clint Schukei stated the skate park exclusion is gone from the insurance policy. Schukei explained that the City's insurance premium to cover the skate park is being processed and will be treated like workers comp insurance where rules and situations will be analyzed to establish a premium. Schukei said the City Council may need to amend the skate park rules and regulations periodically after the insurance reviews to possibly lower the premium. Schukei stated enforcement may come from park maintenance personnel, police officers, neighbors, or people attending the pool in that area. Schukei explained that, depending on response to the rules and regulations, it is possible that elected officials may need to consider adopting an ordinance empowering police officers to write tickets for violators of the skate park rules and regulations.

Councilperson Reeder feels the City should address spectators more than skaters at the skate park. Neighbors have told Reeder that spectators cause major problems around the skate park.

Councilperson Brenneman has concerns with BMX bikes used in the skate park.

Schukei understands the skate park was built to accommodate skate boards as well as BMX bikes and inline skates.

Councilperson Wilson asked that skaters adhere to the established rules and regulations and help monitor other skaters.

Mayor Adams emphasized that helmets must be worn at the skate park.

Roll call on Resolution No. 2007-34: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-34 was adopted.

No comments were received regarding the monthly commercial and industrial building permit report for April 2007 or the Works-In-Progress report for the period May 2 through 15, 2007. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 7:52 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: Van Dyke. Motion carried.

Gordon D. Adams
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, May 21, 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.

Elizabeth A. Deck
City Clerk

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