

## 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 1st day of October, 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, and Fauss. Absent: Saunders.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, and City Clerk Beth Deck.

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 Reeder moved, seconded by Councilperson Van Dyke to remove Items G-2, Elkhorn Paving Construction contract for the 16th Street (Affiliated Foods) project, and G-7, repair of sidewalks, from the consent agenda and to approve the consent agenda as amended. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. Motion carried.

Councilperson Fauss moved, seconded by Councilperson Brenneman to amend the regular agenda with the additions of Items G-2 and G-7 and to adopt the regular agenda as amended. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. Motion carried.

The Mayor recognized the Pack 124 Cub Scouts members and their leaders who attended the meeting.

### CONSENT AGENDA

The City Council approved the minutes of the September 17, 2007, City Council meeting as printed.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with A & R Construction for Paving District No. 498 (**Walters'** East Knolls 7th & 8th Additions) resulting in a net increase of \$2,502.00. The major increase in the change order was the use of a concrete placer to keep concrete trucks off the grade.

The City Clerk was authorized to advertise for bids for replacement of **remote terminal unit** (RTU) No. 3 at the Water Pollution Control Plant. The estimated cost of the unit is \$50,000.

The City Council approved a Special Designated Liquor License for **Sacred Heart** Parish to sell beer at 2301 West Madison Avenue on Saturday, October 27, 2007, for a fundraising dinner and auction.

The City Council approved and authorized the Mayor to sign a grant of temporary **easements** from the Greater Norfolk Economic Development Foundation, Inc. for the **Victory Road** reconstruction project over, under, across and through tracts of land located in the NE ¼ of Section 14, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

The City Council approved and authorized the Mayor to sign an engineering contract with Kirkham Michael & Associates to design and review bids for the **trickling filter "B" media** replacement project at the Water Pollution Control Plant in an amount not to exceed \$28,920.

The City Council approved all bills on file in the amount of \$849,551.74.

#### REGULAR AGENDA

A public hearing was held to consider acquisition of property in the name of the City by the Norfolk **Airport** Authority. City Attorney Clint Schukei provided information to the Mayor and City Council. Property acquired by an airport authority is titled to a municipality. Section 18-1755 of Nebraska Revised Statutes requires that a city acquire an interest in property only after the governing body holds a public hearing.

Jerome Bahm, on behalf of the Airport Authority, spoke in favor of the acquisition. The Authority wants to purchase 20 acres located southwest of the North-South runway of the airport in order to protect the interests of the airport. Appraised cost of the property is \$85,000. The property has been subdivided as a subdivision of the county for residential purposes. The Authority has concerns with residential homes being built on the property and subsequent complaints from the home owners about noise from airplanes. Bahm stated there is a navigation (approach zone) easement on the property.

Chuck Balsiger, attorney for the Airport Authority, stated residential homes built on the lots will encroach on the navigation easement.

No one else appeared either in favor of or in opposition to the property acquisition and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2007-53 approving acquisition of property by the Norfolk Airport Authority in the name of the City of Norfolk.

Councilperson Lange moved to approve acquisition of property by the Norfolk Airport Authority, seconded by Councilperson Coy. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. Motion carried. Resolution No. 2007-53 was adopted.

The Mayor requested consideration of award of a contract to Elkhorn Paving, Norfolk, Nebraska, for the 16th Street from Monroe Avenue to **Affiliated Foods** project and approval of Change Order No. 1 resulting in a project contract amount of \$216,232.56. Two sealed bids were

received at the August 7, 2007 bid letting. The other bidder was A & R Construction, Plainview, Nebraska for \$238,159.90.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to approve and award a contract to Elkhorn Paving, Norfolk, Nebraska, for the 16th Street from Monroe Avenue to Affiliated Foods project and approve Change Order No. 1 resulting in a project contract amount of \$216,232.56.

Public Works Director Dennis Smith is requesting the contractor hold the bid amount firm for an additional 30-45 days but has not received a response. Smith requests the item be tabled at this time.

Councilperson Fauss moved, seconded by Councilperson Reeder to table consideration of awarding the contract to Elkhorn Paving, Norfolk, Nebraska for the 16th Street from Monroe Avenue to Affiliated Foods project and approving Change Order No. 1 resulting in a project contract amount of \$216,232.56. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. Motion to table carried.

The Mayor requested consideration of approval for the City to repair sidewalks located at the following locations according to Section 22-23 of the City Code:

Blaine Street -- 401 Blaine Street, 405 Blaine Street, 503 Blaine Street  
Boxelder Avenue -- 502 South Boxelder Avenue  
Eldorado Road -- 1106 Eldorado Road  
Mach I Drive -- 2907 Mach 1 Drive, 3301 Mach I Drive, 3302 Mach I Drive  
Park Avenue -- 406 East Park Avenue, 109 West Park Avenue, 111 West Park Avenue, 201 West Park Avenue, 303 West Park Avenue  
Pasewalk Avenue -- 111 East Pasewalk Avenue, 705 East Pasewalk Avenue, 300 West Pasewalk Avenue  
South 1st Street -- 400 South 1st Street  
South 3rd Street -- 414 South 3rd Street, 606 South 3rd Street  
South 4th Street -- 401 South 4th Street, 605 South 4th Street  
Victory Road -- 802 North Victory Road

Councilperson Reeder wanted to let citizens know they have another 30 days to repair the sidewalks before the City does so. Reeder hopes an article also appears in the newspaper to get the message out to citizens.

Smith stated the letter to be sent will be the third notification to home owners to repair sidewalks. Smith appreciates the many residents who have made the required sidewalk repairs.

Councilperson Reeder moved, seconded by Councilperson Van Dyke to approve and authorize the City to repair sidewalks located at

Blaine Street -- 401 Blaine Street, 405 Blaine Street, 503 Blaine Street  
Boxelder Avenue -- 502 South Boxelder Avenue  
Eldorado Road -- 1106 Eldorado Road  
Mach I Drive -- 2907 Mach 1 Drive, 3301 Mach I Drive, 3302 Mach I Drive  
Park Avenue -- 406 East Park Avenue, 109 West Park Avenue, 111 West Park Avenue, 201 West Park Avenue, 303 West Park Avenue

Pasewalk Avenue -- 111 East Pasewalk Avenue, 705 East Pasewalk Avenue, 300  
West Pasewalk Avenue  
South 1st Street -- 400 South 1st Street  
South 3rd Street -- 414 South 3rd Street, 606 South 3rd Street  
South 4th Street -- 401 South 4th Street, 605 South 4th Street  
Victory Road -- 802 North Victory Road

according to Section 22-23 of the City Code. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. Motion carried.

Sales and use tax collection for the month of July 2007 was reported as \$549,776.42.

No comments were received regarding the Works-In-Progress report for the period September 12 through 25, 2007. The report was included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 7:42 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman and Fauss. Nays: None. Absent: Saunders. 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 Monday, October 1, 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

( S E A L )