

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk met in special session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 26th day of February, beginning at 7:00 a.m.

In the absence of Mayor Adams and following a moment of silence and the Pledge of Allegiance to the United States of America, Council President Brenneman called the meeting to order. Roll call found the following Councilpersons present: Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss, and Saunders. Absent: Mayor Adams.

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

The Council President presided and the City Clerk recorded the proceedings.

The Council President 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 Wilson moved, seconded by Councilperson Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. 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, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. Motion carried.

CONSENT AGENDA

The City Council approved the minutes of the February 20, 2007, City Council meeting as printed.

REGULAR AGENDA

Councilperson Lange moved, seconded by Councilperson Van Dyke to adjourn from regular session and convene into executive session at 7:02 a.m. to discuss contract negotiations related to the Memorandum of Understanding between Specialty Protein Producers LLC (SPPLLC), the City of Norfolk and the Elkhorn Valley Economic Development Council. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. Motion carried.

Councilperson Fauss moved, seconded by Councilperson Van Dyke to adjourn from executive session and reconvene into regular session at 7:21 a.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. Motion carried.

Councilperson Van Dyke moved, seconded by Councilperson Wilson to approve a Memorandum of Understanding between Specialty Protein Producers LLC (SPPLLC), the City of Norfolk and the Elkhorn Valley Economic Development Council (EVEDC) outlining infrastructure, property and financing commitments in return for SPPLLC locating a **soybean** processing facility north of Arnold Engineering and to authorize the Mayor to execute any documents necessary to implement the Memorandum of Understanding.

Council President Brenneman stated the only item discussed in the executive session was the Memorandum of Understanding with SPPLLC.

The Memorandum of Understanding includes the following:

- The EVEDC is certain the appropriate entity will provide 40-45 acres to SPPLLC at no cost
- The City of Norfolk will issue tax increment financing (TIF) for infrastructure improvements needed for the site
- The City of Norfolk shall cover the interest carry costs for the sewer, water and road improvements and SPPLLC will carry the interest costs associated with the remaining TIF-funded improvements
- SPPLLC agrees to a minimum valuation for Phase I and II at a level necessary for the TIF
- The City of Norfolk and Board of SPPLLC shall take all necessary actions to be legally bound by the obligations listed in the Memorandum of Understanding

City Administrator Mike Nolan stated the project also includes applying for an economic development grant. All value of the grant will accrue to the City of Norfolk.

Public Works Director Dennis Smith explained the address of 1003 Eisenhower Road referred to in the Memorandum of Understanding is incorrect and should be an even number. Also, Eisenhower is actually an Avenue and not a Road. The property, located on Eisenhower Avenue and east of the railroad tracks, will be re-addressed properly.

Councilperson Van Dyke moved, seconded by Councilperson Saunders to re-address the property for the SPPLLC facility. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. Motion carried.

Roll call on the Memorandum of Understanding between SPPLLC, the City of Norfolk and the EVEDC: Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. Motion carried.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 7:25 a.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss and Saunders. Nays: None. Absent: None. Not voting: Brenneman. 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, February 26, 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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