

## 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 August, 2006, 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: Stauffer, Lange, Van Dyke, Kaspar-Beckman, 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, Transportation, Building & Grounds Director Jim Koch, Police Chief Bill Mizner, 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 Kaspar-Beckman moved, seconded by Councilperson Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, 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 Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

### CONSENT AGENDA

The City Council approved the minutes of the August 7, 2006 City Council meeting as printed.

The City Council adopted Resolution No.2006-20 declaring the City's official intent under Internal Revenue Code Regulations to incur indebtedness for an **influent debris screen** for the Water Pollution Control plant.

The City Council adopted Resolution No. 2006-24 approving the final allocation of levy authority for the **Off-Street Parking District** for fiscal year 2006-2007 in an amount not to

exceed .347612 dollars per \$100 of valuation. The Off-Street Parking District is requesting \$82,320 in property taxes for FY 2006-2007.

The City Council adopted Resolution No. 2006-25 approving the final allocation of levy authority for the Norfolk **Airport Authority** for fiscal year 2006-2007 in an amount not to exceed .023572 dollars per \$100 of valuation. The Norfolk Airport Authority is requesting \$248,022 in property taxes for FY 2006-2007.

The City Council adopted Resolution No. 2006-26 providing for extension of the current **E911 surcharge** rate through 2007.

The City Council approved the Mayor's appointment of Orlando Chavez to the Property Tax Compliance Review (**LID**) Committee completing the term ending August 2008 of Roger Feuerbacher who has resigned.

The City Council approved the Mayor's appointment of Keith Johnson to the Board of **Zoning Adjustment** filling the position vacated by the term expiration of Larry Dinkel. Johnson's term expires in August 2009.

The City Council approved and authorized the Mayor to sign an agreement with the Lions Club for the annual **LaVitsef Day parade** on September 23, 2006. The route will be south on Riverside Boulevard/4th Street to Madison Avenue, west on Madison Avenue to 5th Street, and north on 5th Street to Walnut Avenue.

The City Council approved award of and authorized the Mayor to sign a contract with Elkhorn Paving Construction Co., Norfolk, Nebraska, for **Paving District No. 494** (Wyndham Hills) project in an amount of \$452,282.86 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Two sealed bids were received at the August 15, 2006 bid letting. The other bidder was A & R Construction Co., Plainview, Nebraska, \$478,934.50.

The City Council approved a request from Norfolk Catholic for a **fireworks** display on August 25, 2006 in conjunction with a hot dog feed.

The City Council approved and authorized the Mayor to sign a full surrender request of key man life insurance for Wendell **Newcomb** required in a Memorandum of Understanding for the Community Development Block Grant (CDBG) loan to **Roman Packing**. Since Roman Packing Company is no longer in operation, the key man life insurance is not necessary and Wendell Newcomb requested the policy be surrendered and the cash surrender value of approximately \$20,000 be applied to the Roman Packing loan from the City.

The City Council approved all bills on file in the amount of \$765,127.04.

## REGULAR AGENDA

A public hearing was held to discuss the Norfolk **Comprehensive Plan Update**, Transportation Plan 2030 prepared by Schemmer Associates. Mark Lutjeharms, Schemmer Associates, provided information to the Mayor and City Council.

Lutjeharms explained the Transportation Plan 2030 is an effort to update the transportation section of the August 2001 Norfolk Comprehensive Plan. The Plan considers streets, trails, sidewalks, aviation, transit and rails. Recommended street improvements include Short-term (2007-2012); Mid-term (2013-2021); and Long-term (2022-2030).

Short-term improvements:

(2007-2009) 25th Street, Benjamin Avenue to Norfolk Avenue, 2-lane to 3-lane, \$2.8 million; and Norfolk Avenue to U.S. 275, 2-lane to 3-lane, \$900,000. (*All costs are estimated to today's dollars*).

(2010-2012) Benjamin Avenue, 1st to 13th Street, 4-lane to 5-lane, \$3.5 million

(2007) Study of new roadway links connection U.S. 81, N-35, U.S. 275 and N-24, \$35,000

(Schedule to be determined) New Nucor Road, U.S. 81 north of City to N-35, \$9.7 million

Mid-term improvements:

*Benjamin Avenue:*

Victory Road to 1st Street, bridge widening, add sidewalk, \$500,000

25th Street to 37th Street, 2-lane to 3-lane, \$2.3 million

N-35 to Victory Road, reconstruct 2-lane, \$1.5 million

*37th Street:*

Eisenhower to Deer Hollow, reconstruct 2-lane, \$700,000

Benjamin Avenue to Norfolk Avenue, reconstruct 2-lane road, \$1.5 million

*Pasewalk Avenue:* 13th Street to 18th Street, 2-lane to 3-lane, \$900,000

*25th Street:* Eisenhower to Benjamin Avenue, 2-lane to 3-lane, \$2.5 million

Long-term improvements:

Connecting Link, U.S. 81, N-35, U.S. 275 and N-24, new roadways

Other Plan Recommendations:

*Transit:* coordinate with intercity bus lines to ensure service and cross-promote; City/Handi-Bus joint maintenance facility; and investigate demand-responsive system

*Trails/sidewalks:* Phase in 2030 Norfolk Trail System; promote trail use through media and review/assess sidewalks

*Aviation:* Implement airport's Capital Improvement Program; study possible water/sewer service to airport area; continue to pursue commercial air service

*Rail:* Close crossing at North 3rd Street; investigate how Intelligent Transportation Systems (ITS) can mitigate crossing delays, study impacts of LB 79

Schemmer Associates recommends the City of Norfolk review the Transportation Plan annually and update the document every five (5) years.

Lonny Miller, 304 North Hickory Street, stated taxes have increased almost 200% in the last several years and costs to do some of the projects in the Transportation Plan could increase 500% in five years. Miller encouraged elected officials to “plan ahead” because costs continue to increase.

On July 18, 2006 the Norfolk Planning Commission held a public hearing on the Transportation Plan 2030 and recommended approval of the document.

No one else appeared either in favor of or in opposition to the Comprehensive Plan Update, Transportation Plan 2030 and the Mayor declared the hearing closed.

The Mayor requested consideration of approval of the Norfolk Comprehensive Plan Update, Transportation Plan 2030 prepared by Schemmer Associates.

Councilperson Van Dyke moved to approve the Norfolk Comprehensive Plan Update, Transportation Plan 2030 prepared by Schemmer Associates, seconded by Councilperson Stauffer. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

The Mayor requested consideration of Ordinance No. 4896 amending Section 12-18 of City Code to include the owner of a condemned structure as well as the owner of the property upon which a **condemned structure** is located as a responsible party for the removal of said structure, and to establish a fee for filing an application for appeal to the Property Maintenance Code Board of Appeals.

Councilperson Kaspar-Beckman introduced Ordinance No. 4896 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 12-18 OF THE OFFICIAL CITY CODE TO INCLUDE THE OWNER OF A CONDEMNED STRUCTURE AS WELL AS THE OWNER OF THE PROPERTY UPON WHICH A CONDEMNED STRUCTURE IS LOCATED AS A RESPONSIBLE PARTY FOR THE REMOVAL OF SAID STRUCTURE, AND TO ESTABLISH A FEE FOR FILING AN APPLICATION FOR APPEAL TO THE PROPERTY MAINTENANCE CODE BOARD OF APPEALS; 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 Lange seconded the motion.

Staff requested consideration of Ordinance No. 4896 be tabled because a public hearing needs to be held preceding the proposed change to City Code.

Councilperson Van Dyke moved, seconded by Councilperson Stauffer to table consideration of Ordinance No. 4896. Roll Call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4896 was tabled.

The Mayor requested consideration of Ordinance No. 4897 expanding the definition of **telecommunication** services subject to the City’s 3% **occupation tax**.

Councilperson Lange introduced Ordinance No. 4897 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 13-80 OF THE OFFICIAL CITY CODE TO INCLUDE AN OCCUPATION TAX UPON EVERY PERSON, FIRM, PARTNERSHIP, CORPORATION OR ASSOCIATION ENGAGED IN THE BUSINESS OF OFFERING OR PROVIDING TELECOMMUNICATION SERVICES TO THE PUBLIC FOR HIRE IN THE CITY OF NORFOLK; TO REPEAL SECTION 13-84 OF THE OFFICIAL CITY CODE REGARDING EXEMPTIONS; TO REPEAL SECTION 13-85 OF THE OFFICIAL CITY CODE RELATED TO TAX IN LIEU OF OTHER FEES; 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.

Finance Officer Randy Gates provided information to the Mayor and City Council. The ordinance included in the agenda packets has an operative date of January 1, 2007. However, Senate amendments to HR 5252 place a three-year moratorium on taxes on mobile telecommunications services not imposed prior to the date of enactment of HR 5252. Staff recommends approval of the ordinance with an operative date of September 10, 2006.

Gates explained that at the August 7, 2006 Finance Committee meeting, elected officials voted to proceed with formulation of an ordinance to initiate an occupation tax on additional telecommunication services. The ordinance keeps the City's occupation tax rate at 3% on telecommunication services; however, it expands the revenue subject to the occupation tax beyond the current basic local exchange service revenue to include inter-exchange services, mobile services, including cell phones, radio paging and mobile radio services, and other telecommunications services. In general, the types of telecommunication services subject to the City's sales tax would also be subject to the City's occupation tax. The City's revenue from telephone occupation tax and 911 surcharges since the fiscal year ended September 30, 2000 has continued to decline. The occupation tax peaked at \$153,002 in 2001 compared to \$50,000 budgeted for 2007 based on the current occupation tax ordinance. The 911 surcharge decreased from \$191,579 in 2000 to a budgeted \$150,000 in 2007. This is a combined decrease in phone taxes of \$144,581 annually. Phone revenue has decreased as the number of landlines has decreased due to a combination of factors including substitution of cell phones for landlines. Increasing competition in the landline business has also decreased revenue subject to the City's occupation tax.

Staff looked at alternative revenue sources, one of which was an expansion of revenues subject to the telecommunications occupation tax. In connection with this, staff surveyed Omaha, Lincoln and the other first class cities regarding their telecommunications occupation tax. Not all cities responded but of those cities responding, Omaha, Lincoln, Bellevue, Columbus, and Elkhorn have an expanded definition telecommunication services subject to occupation tax similar to what is proposed in Ordinance No. 4897. The rates are 6.25% in Omaha, 5.5% in Lincoln, 5% in Bellevue and Elkhorn, and 3% in Columbus. Staff estimates expanding revenue subject to the telecommunication tax will result in approximately \$283,000 of annual telecommunications occupation tax.

City Administrator Mike Nolan pointed out that an email dated August 21, 2006 from Jim McKenzie regarding the Nebraska Universal Service Fund use of funds was distributed at the

Council meeting. McKenzie followed up with the Public Service Commission to find out the main uses of NUSF funds. The three main uses are:

- Provide financial support to telecommunications companies in high cost rural areas
- Support telehealth in Nebraska
- Nebraska Telephone Assistance Program (NTAP), which allows lower income individuals to receive subsidized phone service.

Councilperson Stauffer stated the news recently reported that South Sioux City is going to impose a 4% expanded telecommunications tax. Stauffer supports the ordinance because it is a user tax. If the ordinance isn't approved, the City Council may need to increase property taxes to make up for the revenue shortfall. Stauffer stated this "is only fair" since landline customers pay an occupation tax.

Councilperson Fauss doesn't like it that "we are getting stuff handed to us tonight. We should have been studying this a long time ago. Now we are pushed up against the wall when we are trying to get this done." Fauss "has received a lot of phone calls on this subject from citizens tired of being taxed". The citizens don't feel a \$1.00 per month "is bad" and citizens don't want property taxes to increase but they are tired of taxes in general. Fauss has received a lot of negative comments regarding the occupation tax. Fauss said "let's take that money out of the budget now and tighten the purse strings a little bit". Fauss said citizens feel taxing "is getting out of control."

Mayor Adams has received a lot of input from citizens regarding the same issue. However, when Mayor explained that the expanded occupation tax is necessary to keep funding the E911 Center, the callers say the need for the additional money is satisfactory. The Mayor questioned whether City staff has a number on the amount of cell phone calls coming into the Dispatch Center.

Chief Mizner has talked to people at both Qwest and the Public Service Commission (PSC). This is a confusing issue when trying to determine exactly how many lines are coming into the Dispatch Center. Qwest said it is hard to determine a number for Norfolk because Qwest has their lines as well as lines that are sold to other providers. Qwest estimates approximately 20,000 lines coming into Norfolk, however, Qwest will try to find out the information and get back to Mizner with a more exact number. The City of Norfolk has dispatch service agreements with the Village of Hoskins and Stanton County for providing 911 dispatch service which has increased the call volume and is included in the Qwest estimate. The PSC said that, as of today, Norfolk has a little over 13,000 landlines into the Norfolk telephone exchange service. Mizner will try to obtain a more exact number of landlines. Mizner will also determine how many landline 911 calls came in over the last two years, as well as how many cellular 911 calls were received by the Dispatch Center. In June 2006, there were 427 landline 911 calls into the Dispatch Center and during that same time frame there were 372 wireless calls. The City of Norfolk's Dispatch Center has only handled wireless calls for two years. Mizner stated the number of wireless calls is almost as many as the number of landline calls, which almost doubles the number of calls coming into the Dispatch Center.

Nolan emphasized that 911 monies received by Stanton County and the Village of Hoskins go to those entities and not the City of Norfolk even though Norfolk provides the 911 dispatch service.

Mizner agreed with Nolan and stated the City of Norfolk only received the 911 surcharge fee on the approximate 13,000 landlines terminating in the City of Norfolk. Mizner explained that businesses are assessed the 911 surcharge only up to a certain number of lines so revenue may not be received on all 13,000 landlines. Mizner also requested a breakdown of the number of residential and the number of businesses line 911 calls coming into the Dispatch Center.

Nolan stated the City of Norfolk has had the consolidation of E911 systems as a legislative request for 5-6 years. The legislative proposal is to combine E911 dispatch centers in the region. Norfolk continues to emphasize that it is a "very serious issue on the expenditure side that within 40 miles of Norfolk there are 70,000 people and there are 9 dispatch E911 systems." All of the systems have capital and operating cost. There is an imbalance between revenue and expenditures for E911 systems. The City of Norfolk does not receive any revenues collected by the Public Service Commission.

Councilperson Brenneman questioned how many landlines have been lost or gained in the past five years.

Mizner has not been able to obtain that information from Qwest or the PSC.

Schukei recalled a recent conversation with Mizner wherein the Dispatch Center was not receiving wireless calls in June 2004 but there were a number of landline calls. Schukei questioned how that number compared to June 2006.

Mizner stated there were 440-450 landline 911 calls for service in May 2004.

Schukei stated the interesting part is that there were 440-450 calls before the Dispatch Center started handling wireless 911 calls. Schukei said it is interesting that in June 2006 the Dispatch Center received 372 wireless calls in addition to 427 landline calls.

Lonny Miller, 304 North Hickory Street, noticed the 911 surcharge has been in effect for a "few years" and landline customers have been paying "for it". Miller questioned why an additional tax is necessary "since everything has been in place".

Mayor Adams stated cell phone users are not currently paying for the 911 service; however, cell phone users are receiving the benefits of the service. Adams stated the number of landlines is decreasing and, therefore, the amount of revenue received has declined.

Councilperson Van Dyke stated there are ongoing expenses related to the 911 Dispatch Center including personnel and repairs costs.

Gates stated the City of Norfolk recently upgraded the E911 equipment at a significant cost.

Miller said "that's true" but the additional tax may be a big burden on families. Many youth have cell phones, which are almost a necessity today, but Miller questioned how families "can keep up with the taxes". Miller's grandkids have cell phones but "it gets around to how to keep up with the taxes."

Councilperson Kaspar-Beckman questioned whether Miller feels an additional \$1.00 per month is worth paying for 911 dispatch service to keep "his grandkids" safe. Kaspar-Beckman feels Miller wants the service but doesn't want to pay for it.

Miller doesn't have a cell phone but said "that's true". Miller feels the \$1.00 per month charge "is probably worth it" but thought it was 3% of the total charge.

Kaspar-Beckman stated the 3% charge figures out to about \$1.00 per month per capita for Norfolk residents.

Councilperson Van Dyke stated there are two issues being discussed. There is the \$1.00 E911 surcharge and the ordinance would impose a 3% occupation tax on the service.

Gates explained the occupation tax would be 3% of the cell phone bill which staff estimates to be about \$1.00 per person per month. However, if a person has a large cell phone bill the cost will increase. Persons with a small cell phone bill may pay less than the \$1.00 per month.

Stauffer said the City needs to make up for lost revenue and this is the only fair way. Property owners don't have a choice with paying taxes. This ordinance is a user tax so persons using the service will pay the tax.

Tom Schommer, 1000 Tara Heights, spoke in opposition to the occupation tax on cell phones. Schommer has a concern that the amount proposed is 3% on the gross sales received resulting from any toll services charged on basic local exchange services, inter-exchange services, mobile services and other telecom services. Schommer reads the ordinance includes any other telecommunications services but the only service mentioned to date has been cellular phones. What the change does is add a similar tax on each and every citizen of Norfolk that "has Internet service, paging and/or cable service". Schommer doesn't understand why, if that is the case, only cellular phone service has been discussed.

Gates mentioned the long list of services at the beginning of this discussion. Gates said cell phones are what is "getting the press" but there is a long list of services included in the ordinance.

Schommer has a "problem with that because we're minutes before a vote" and none of the elected officials or candidates included in a forum several weeks ago were clear on what the ordinance covers. Schommer feels there are a lot of things not clear about the ordinance. Schommer feels the full effect of this change has not been openly and publicly communicated to citizens or businesses. Schommer does not live within the Norfolk city limits but does operate a business (Telebeep) within Norfolk. Although Schommer doesn't have an opportunity to vote on the issue; however, Telebeep customers are potentially affected by the ordinance. Schommer "is appalled" by the comment made during the Finance Committee that cell phone providers haven't had a problem with the tax because it is passed on to customers. Schommer questioned why only that portion (cell phones) of the ordinance has been communicated to the public prior to tonight's meeting.

Gates has been listing the proposed ordinance changes as more than just cell phone tax every time it is discussed.

Schommer questioned where Gates has discussed the issue in a public forum.

Gates said the issue was discussed at the August 7, 2006 and August 21, 2006 Finance Committee meetings the issue and Gates has been interviewed by news media. However, the



news media has picked up and basically only talked about cell phones. Gates said it seems no one, including Schommer, picks up on the fact that more than just cell phones is covered by the proposed ordinance. There has never been any attempt to hide the fact that the occupation tax covers more than cell phones.

Nolan said the City of Norfolk is not the only municipality imposing such an occupation tax. Columbus, Lincoln, Omaha and Bellevue already have an expanded telecommunications tax and most municipalities have a larger occupation tax than the 3% proposed by City staff.

Schommer is familiar with the Telecommunications Act and said Nebraska ranks fourth in the nation with effective taxes at 29.22%. Schommer feels more public discussion needs to be held before the City Council considers the ordinance. Schommer said the average family has three cell phones and that may be an additional burden for customers. Schommer would like to have an open debate prior to any vote of the Council.

Nolan said the revenue is needed to help fund the 911 Dispatch Center by users of the service. There will not be a large impact on customers. The additional revenue will help replace lost revenue from landline usage. The additional revenue generated will help defray the impact on the City's General Fund which pays expenses over and above what is generated by the E911 surcharge.

Mizner said the new 911 console cost over \$150,000 including upgrades to receive wireless calls. The City currently has 11 dispatchers although the Police Division is authorized for 13. Two of the dispatch positions have not been replaced because of budget constraints. There is also a fee paid for teletype rental.

Schommer requested the ordinance be tabled until the public is properly informed of the actual impact of the ordinance.

Stauffer questioned whether Schommer proposes the revenue shortfall be made up by increasing property taxes. Stauffer is alarmed that the Police Division has not been able to replace personnel because of budget constraints.

Schommer said property taxes "is always an option".

Nolan said the proposed ordinance and the reduction in the number of City employees has been discussed at least 4-5 times with elected officials. Nolan said that the City of Norfolk will be down at least 8 full time equivalent positions this year as a consequence of flat revenues.

Mayor Adams has received a lot of public input. Councilperson Fauss also received a lot of public input. Adams said the public seems to be informed about the proposed ordinance. It may be news to Schommer but it isn't news to the rest of the general public.

Gates talked to Toby from Schommer's office on August 10, 2006. Gates explained the issue to Toby and said the occupation tax proposal mirrors sales tax. Gates asked Toby to have Schommer call if there were any concerns regarding the ordinance.

Schommer said "that portion was not communicated to me".

Fauss said there have been “budget talks” and elected officials are looking at the Police Division being down “maybe eight members”. Fauss is not happy about that and feels the City Council and staff need to tighten the budget and cut spending, not “just lay off people”. Fauss “is a little upset with the budget when we start not re-hiring people and we are still buying street grinders and new trucks.” The budget is tough to figure out. Fauss questioned whether “a computer” or the Internet will be taxed some day.

Gates stated Federal law preempts the City of Norfolk from taxing Internet service.

Nolan stated the City has deferred capital purchases for several years and staff is trying to get the budget realigned. The main reason the City was able to balance the budget for FY 2006-2007 was the reduction in force due to attrition. Although Schommer may not support an expanded telecommunications tax, Nolan feels the vast majority of people would rather pay this type of tax rather than raise property taxes. Nolan feels the Nebraska Legislature will never increase the amount of E911 surcharge that municipalities can collect.

Kaspar-Beckman reiterated that the positions currently short within the City of Norfolk are not layoffs but occurred because of attrition.

Councilperson Lange feels the expanded telecommunications tax is the most equitable and fair way to pay for the service.

City Attorney Clint Schukei stated the existing 3% occupation tax pre-dated the 1962 City Code.

Councilperson Brenneman said the proposed expanded telecommunications tax is a better choice to raise revenue than raising property taxes.

No more comments were received regarding the proposed ordinance on expanding telecommunications tax and the Mayor requested a roll call vote on Ordinance No. 4897.

Roll call on Ordinance No. 4897: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4897 passed on first reading only.

The Mayor requested consideration of Resolution No. 2006-21 approving the final plat of **Ponca Hills Addition** and its accompanying subdivision agreement. **Nebraska Christian College** requested this three-lot subdivision to allow the sale of property at 1800 Syracuse Avenue to the Ponca Tribe.

Councilperson Wilson moved for adoption of Resolution No. 2006-21 approving the final plat of Ponca Hills Addition and authorizing the Mayor to sign the accompanying subdivision agreement, seconded by Councilperson Kaspar-Beckman.

Prevention Manager Scott Cordes suggests Resolution No. 2006-21 be tabled because neighbors continue to have concerns about the sale of the property. Cordes suggested meetings with Ponca Tribe representatives, City staff, elected officials and neighbors to discuss the issue.

Councilperson Fauss moved, seconded by Councilperson Brenneman to table consideration of Resolution No. 2006-21. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke,

Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2006-21 was tabled.

The Mayor requested consideration of Resolution No. 2006-22 approving a request for a ten-year sidewalk waiver for Jean and Randy Higgins, et al at **Cedar Lake**. Twenty-seven property owners of property surrounding Cedar Lake request a 10-year sidewalk waiver. The owners cite existing landscaping, drainage ditches and utility boxes as the nature for the waiver.

Randy and Jean Higgins, 1010 Andy's Lake Road, attended the Council meeting. Jean Higgins spoke in favor of the sidewalk waiver and reiterated the reasons for the 10-year sidewalk waiver request.

The Norfolk Planning Commission considered the sidewalk waiver request on August 8, 2006. The City Clerk read the Planning Commission's recommendation for approval of the waiver into the record.

Councilperson Fauss moved for adoption of Resolution No. 2006-22 approving a ten-year sidewalk waiver for Jean and Randy Higgins, et al at Cedar Lake, seconded by Councilperson Kaspar-Beckman. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2006-22 was adopted.

The Mayor requested consideration of Resolution No. 2006-23 approving a request for a five-year sidewalk waiver for Nebraska **Christian College** on property in northwest Norfolk.

Councilperson Stauffer moved for adoption of Resolution No. 2006-23 approving a request for a five-year sidewalk waiver for Nebraska Christian College on their property in northwest Norfolk, seconded by Councilperson Brenneman.

Councilperson Lange moved, seconded by Councilperson Fauss to table consideration of Resolution No. 2006-23. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2006-23 was tabled.

No comments were received regarding the Works-In-Progress report for the period August 2 through 15, 2006. The report was included in the agenda packets.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 9:08 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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, August 21, 2006, 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.

---

Elizabeth A. Deck  
City Clerk

( S E A L )