

## **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 20th day of August, 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, City Clerk Beth Deck, Water & Sewer Director Dennis Watts, Fire Chief Shane Weidner, Water Supervisor Mike Nuttelmann, Prevention Manager Scott Cordes, Fire Chief Bill Mizner, Finance Officer Randy Gates 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 requested Item G-8, agreement with Thomas Hoien, et al., for the lease of property for placement of an entrance sign for the City of Norfolk, be removed from the consent agenda as placed on the regular agenda.

Councilperson Fauss moved to remove Item G-8 from the consent agenda and place it on the regular agenda and to approve the consent agenda as amended, seconded by Councilperson Van Dyke. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried.

Councilperson Brenneman moved, seconded by Councilperson Fauss to adopt the regular agenda as amended with the addition of Item G-8. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried.

### **SPECIAL PRESENTATIONS**

Jeff Giddings with The Ductile Iron Pipe Research Association (DIPRA) presented the City with a plaque in recognition of having water pipe in the distribution system that is over 100 years of age. The City of Norfolk water distribution system dates back to 1885.

The Mayor proclaimed September 2 – 8, 2007 as “ALS Awareness Week”.

#### CONSENT AGENDA

The City Council approved the minutes of the August 6, 2007, City Council meeting as printed.

The City Council approved and authorized the Mayor to sign an agreement with the **Lions Club** for its annual **parade** on September 22, 2007. The parade route will be south on Riverside Boulevard and 4th Street to Madison Avenue, west on Madison Avenue to 5th Street, and north on 5th Street to Walnut Avenue.

The City Council approved the reappointment of David Ptak and Melissa Wentling to the **Board of Adjustment** with terms ending August 2010.

The City Council approved and authorized the Mayor to execute a **Storm Water** Management Plan Program Grant Application, the Cooperative Agreement and all other related documents. The program provides funding to the City to implement a local storm water management plan. The annual allocation less administrative expenses will be distributed to applicants based on population size. The City is entitled to \$51,373 depending on the number of applicants.

The City Council approved the Corporate Manager Application of Maxine T. Brachle in connection with the Class C liquor license of **VFW** Post 1644, 316 West Braasch Avenue.

The City Council approved the Corporate Manager Application of Tyler Lancaster in connection with the Class D liquor license of VIN, Inc., dba **Lloyd's Drug Mart**, 2600 West Norfolk Avenue.

The City Council approved and authorized the Mayor to sign a professional services contract with Artisan Creed to provide marketing communications and related services to the City of Norfolk **Vehicle Parking District** No. 1. The contract is in an amount not to exceed \$20,000. Artisan Creed will work with the Vehicle Parking District to create the branding, logo, tag line and overall look and feel of a brand identity for Downtown Norfolk. The contract also includes the development of promotional pieces and radio media concepts including a jingle.

The City Council authorized the Mayor to sign and forward a letter to the Nebraska Department of Economic Development requesting a 90-day extension for the **Community Revitalization** (05-CR-013) grant in order to complete the project. The grant extension is requested to be able to complete the project and submit the final drawdown and final closing documents. The grant period ends August 31, 2007 but the request is to extend the grant through November 30, 2007.

The City Council approved all bills on file in the amount of \$1,003,836.99.

#### REGULAR AGENDA

A public hearing was held to comply with the provisions of N.R. S. 18-1755 and 25-2501, et. seq. before the purchase of property located at 2001 South 13th Street, 1207 West Monroe Avenue, and 2307 South 5th Street (six lots to the east), for **floodway mitigation** and road right-of-way. Fire Chief Shane Weidner provided information to the Mayor and City Council. The properties are located north of and adjacent to TaHaZouka Park and include the former Roman Packing property and property owned by John Mrsny. The City continues its purchase of

floodway property in south Norfolk through the FEMA sponsored Hazard Mitigation Grant Buyout program. Several properties were purchased and removed from the floodway in 2002. The purchase of these properties continues the Hazard Mitigation Buyout program.

No one appeared either in favor of or in opposition to purchasing the properties for floodway mitigation and road right-of-way and the Mayor declared the hearing closed.

A public hearing was held to consider a zoning change from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) at 1407 and 1409 West Park Avenue at the request of Perry and Kellie Lewis. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The current owners of the property are selling the two lots on West Park Avenue. There were two dwellings in a state of disrepair that were recently removed from the property. The prospective buyers wish to build a three-unit owner/occupied townhouse on the lots and propose to plat the property. The town homes will be 1,200 square feet with garages. However, the owners are awaiting approval of a conditional use permit from the Planning Commission to build the town homes. Cordes requested the City Council only consider the ordinance on first reading at this meeting to allow the other requirements to "catch up" with the zoning change. Cordes stated one neighbor, Edwin Ferris, 1407 Hayes Avenue, spoke at the Planning Commission hearing with concerns about the Conditional Use Permit. The concern has been taken care of by the Planning Commission and no one spoke in opposition to the zoning change.

On August 7, 2007, the Norfolk Planning Commission held a public hearing regarding the Lewis request. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the zoning change and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4962 changing the zoning from R-1 (Single Family Residential District) to R-2 (One and Two Family Residential District) at 1407 and 1409 **West Park Avenue** requested by Perry and Kellie Lewis.

Councilperson Van Dyke introduced Ordinance No. 4962 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Fauss 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, Brennenman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Ordinance No. 4962 passed on first reading only.

The Mayor requested consideration of Ordinance No. 4963 providing for an increase in the charge for **ambulance** calls. The last increase in ambulance rates for Norfolk was in November 2002 when the charge for BLS Emergency transports was increased from \$150 to \$270 and new codes were added to expend the ability to bill patients for various service levels. The rate for ALS Emergency transports did not increase in 2002 and has remained at \$375 since March of 1998.

Councilperson Van Dyke introduced Ordinance No. 4963 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-2 OF THE OFFICIAL CITY CODE TO ADJUST THE FEE SCHEDULE FOR AMBULANCE SERVICE; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED 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.

Councilperson Fauss received “a lot of calls” from citizens about the increase in ambulance fees. Fauss told the citizens “this was a business decision” because of the increased cost of providing ambulance service and to allow the City of Norfolk’s rates to be comparable with other ambulance providers.

Councilperson Lange feels it is more important to focus on the timeframe of when ambulance fees were last increased by the City of Norfolk since medical costs have increased significantly.

Roll call on Ordinance No. 4963: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Ordinance No. 4963 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Coy seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. 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 Coy. The Mayor then stated the question "Shall Ordinance No. 4963 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. 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. 4963 as required by law.

The Mayor requested consideration of Resolution No. 2007-41 approving the final allocation of **levy** authority for the **Offstreet Parking** District for fiscal year 2007-2008.

Councilperson Van Dyke moved for adoption of Resolution No. 2007-41 approving the final allocation of **levy** authority allowing a property tax not to exceed .35 dollars per one hundred dollars of valuation for the Offstreet Parking District for fiscal year 2007-2008, seconded by Councilperson Lange.

Finance Officer Randy Gates stated the Offstreet Parking District requested a levy allocation of \$90,100 for the fiscal year ended September 30, 2008. The District wants to levy the maximum amount allowed. The assessed value actually decreased, however, so the requested amount of \$90,100 cannot be collected. With the decreased assessed value, the result will be \$81,667 of property taxes levied. Taking into account the 5% delinquent allowance and the 1% county treasurer’s fee, the property tax budget will be \$77,044.

Roll call on Resolution No. 2007-41: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Resolution No. 2007-41 was adopted.

The Mayor requested consider of Resolution No. 2007-42 approving the final allocation of **levy** authority for the Norfolk **Airport Authority** for fiscal year 2007-2008.

Councilperson Lange introduced Resolution No. 2007-42 approving the final allocation of levy authority for the Norfolk Airport Authority for fiscal year 2007-2008, seconded by Councilperson Van Dyke.

Finance Officer Randy Gates stated the Airport Authority requested a levy allocation of \$407,229 for fiscal year ended July 31, 2008. The agenda packet contains two versions of Resolution No. 2007-42. Version 1 authorizes the levy of property tax not to exceed .023572 dollars per one hundred dollars of valuation which leaves the levy rate the same as the prior year but provides an increase of \$10,267 because of increased valuations. Version 2 authorizes the levy of property tax not to exceed .037165 dollars per one hundred dollars of valuation which provides the entire requested amount of \$407,229 or an increase of over \$160,000 from the prior year.

Gates explained the City of Norfolk reduced the amount of property tax levy allocated to the Airport for fiscal year 2006-2007 by \$202,927 from FY 2005-2006. For FY 2006-2007, the Airport Authority received an allocation of levy authority in the amount of \$248,022. City staff discussed this issue with the Airport Authority at Finance Committee meetings on July 18, 2006 and August 7, 2006, which minutes were included in the agenda packet. The discussions do not reflect direction from elected officials that the funds “were going to be restored at a later date” to the airport.

Jerome Bahm, Attorney for the Airport Authority, spoke in favor of the Airport’s request for \$407,229 of property tax levy allocation. Bahm reviewed a summary of Airport budget requests since FY 2001-2002 with elected officials. Bahm stated prior to the Airport Authority receiving levy authority through the City Council, the Airport had its own levy authority. The levy rate for the Airport has been as high as 5.5441 cents per \$100/valuation in FY 2002-2003. Bahm stated valuations have increased 34.93% since FY 2001-2002 and the Airport feels it needs the additional funding for FY 2007-2008 to fund future projects. The Authority is trying to avoid a cash shortfall and the possibility of being required to borrow funds for advance project costs. The Authority is “trying to stay ahead of the game.”

Councilperson Lange doesn’t understand why the Authority doesn’t want to borrow money. Lange stated even at the lower levy allocation, the Authority will still have \$250,000 cash on hand at the end of the year.

Bahm stated the Authority needs to pay upfront engineering costs on the storm water project to be able to get Federal funding. The Authority doesn’t want to borrow money to fund those costs.

Gates stated the Airport Authority isn’t anticipating incurring those engineering costs until the 2008-2009 budget. However, the project is included in the Capital Improvement Program.

Bahm agreed the funds aren’t needed until FY 2008-2009 but the Authority would like the funds on hand in case the federal project gets awarded earlier than anticipated.

Gates pointed out the engineering for that project appears to be estimated at \$300,000. The Airport will receive 95% of that amount back once the project is let and work begins, which means the Authority will receive \$285,000 of that cost reimbursed. Therefore, borrowing the funds would be on a short term basis only and the Airport has done short term borrowing in the past.

City Administrator Mike Nolan stated the Airport Authority and City should be doing long term capital planning together. Nolan reiterated the levy authority for the Airport comes from the City's municipal levy. City staff feels the additional request for \$160,000 isn't necessary for FY 2007-2008.

Councilperson Reeder feels good communication is necessary and City staff needs to work with the Airport Authority to "make next year easier."

Councilperson Fauss said "there wasn't anything in the minutes, and there isn't, but I remember saying that we were taking the money this year and I asked the question are we going to give it back next year and I'm pretty sure the answer was that if they need it they would get it." Fauss said, "I do remember taking their money last year and the sense I got was that if they needed it we would give it back to them this year."

Gates believes the point of argument this year is whether the Airport really needs the additional levy authority this year or not.

Councilperson Lange moved for approval of Resolution No. 2007-42, Version 1, with the levy limit of .023572 dollars per one hundred dollars of valuation, seconded by Councilperson Van Dyke.

Van Dyke appreciates the Airport Authority trying to do what they think is best for the Airport. The City needs a good airport; however, Van Dyke feels the Authority can get by another year without the additional funding.

Brenneman agrees with Van Dyke's comments. Brenneman appreciates the frugality of the Airport. However, it seems the upfront funding of engineering costs is available under the resolution introduced.

Roll call on Resolution No. 2007-42 (Version 1) with a levy authority of .023572 dollars per one hundred dollars of valuation: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, and Brenneman. Nays: Fauss. Absent: Saunders. Motion carried. Resolution No. 2007-42 was adopted.

The Mayor requested consideration of Resolution No. 2007-43 extending the current **E911 surcharge** rate through 2008. This resolution allows telephone companies to bill and collect the \$1.00 per line per month E911 surcharge until December 31, 2008. Nebraska Revised Statutes requires adoption of an E911 surcharge resolution annually prior to September 1.

Councilperson Fauss moved for adoption of Resolution No. 2007-43 extending the current E911 surcharge rate through 2008, seconded by Councilperson Reeder. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Resolution No. 2007-43 was adopted.

At the request of Councilperson Fauss, the agreement with Thomas Hoiem, et al., for the lease of property for placement of an **entrance sign** for the City of Norfolk was taken from the consent agenda and considered on the regular agenda.

The Mayor requested consideration of an agreement with Thomas Hoiem, et al., for the lease of property for placement of an **entrance sign** for the City of Norfolk.

Councilperson Van Dyke moved, seconded by Councilperson Reeder to approve an agreement with Thomas Hoiem, et al., for the lease of property for placement of an entrance sign for the City of Norfolk.

Property/Operations Manager Gary Miller stated this project is very similar to the sign located on South Highway 81. This lease is for an entrance sign on the east end of Norfolk on the corner of Crown Road and Highway 275. Miller worked with 3-4 property owners for lease of land to place the entrance sign. This property is located one mile east of the truck stop and seems to be the best location for that area. The owners have approximately 7-8 acres and do not want to sell a small portion of land. Miller stated the property has power located next to the site and Stanton Public Power is ready to connect the power, at no cost to the City.

Reeder questioned whether it would be better to purchase the entire 7-8 acres rather than lease the land at a cost of \$1,000 per year. Reeder asked whether Miller inquired about the cost to purchase the entire site.

Miller did not inquire about purchasing the entire 7-8 acres. Miller didn't feel the City was interested in purchasing the entire site, which is located outside the city limits and in a residential area.

Nolan agrees it would probably be better for the City, in the long run, to own the property instead of making an annual lease payment. Nolan suggested getting the entrance signs in place and then negotiating to purchase the properties.

Reeder feels it would be better to purchase the property upfront. Reeder stated elected officials already discussed purchasing the property where the entrance signs are to be located and questioned "where that went."

Fauss stated elected officials did discuss the purchase of land for the entrance signs. Fauss feels it is better for the City to purchase the land instead of paying \$1,000 per year per sign. Fauss wants staff to negotiate with the property owners to buy the 7-8 acres and use that small portion for the entrance sign and sell the rest of the land. Fauss feels "a little more negotiating" should be done to see "what their price is." Fauss doesn't agree with the location but feels the City should own the land.

Wilson said it is important to note that the City anticipates five (5) entrance signs which would be approximately \$5,000 per year in rent.

Miller stated staff anticipates locating the North 81 and on West 275 entrance signs on City property. Therefore, the dollar cost average for the five signs decreases significantly. Miller stated the owners of the property where the South 81 sign is located "would not sell." Miller stated the \$1,000 for lease of the property is appropriate. Miller also wasn't sure elected officials would want to purchase 7-8 acres outside the city limits.

Fauss suggests elected officials table consideration of the agreement for at least two weeks.

Councilperson Fauss moved, seconded by Councilperson Wilson to table consideration of an agreement with Thomas Hoien, et al., for the lease of property for placement of an entrance sign for the City of Norfolk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion to table carried.

No comments were received regarding the monthly commercial and industrial building permit report for July 2007 and the Works-In-Progress report for the period August 1 through 14, 2007. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 8:27 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Fauss. Nays: None. Absent: Saunders. 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, August 20, 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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