

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 17th day of December, 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, 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, and Police Chief Bill Mizner.

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

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

CONSENT AGENDA

The City Council approved the minutes of the December 3, 2007, City Council meeting as printed.

The City Clerk was authorized to establish January 7, 2008 as the date for a public hearing to discuss a land swap concerning property on either side of the Elkhorn River east of 1st Street (**Gesell** property).

The City Council adopted Resolution No. 2007-63 approving an agreement with the Nebraska Department of Roads (NDOR) for improvements to the intersection of **Highway 275** and **Industrial Road** in Norfolk designated as Project No. HSIP-275-5(144), State Control No.

31881. The project cost is currently estimated at \$70,500 with the City responsible for 20% of all eligible preliminary engineering, right-of-way and non-betterment utility expenses and 10% of all eligible construction and construction engineering expenses.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with M & B Quality **Concrete**, L.L.C. of Norfolk, Nebraska for the Concrete Improvements 2007-1 project. The change order results in a net increase of \$83,666.64. The change order provides for repair of additional concrete areas needing repair.

The City Council approved and authorized the Mayor to sign Change Order No. 2 with Rutjens Construction of Tilden, Nebraska, for the **Meadow Ridge** Phase 4, 1st Addition improvements project. The change order results in a net increase of \$3,067.70 and provides additional embankment to build up the lots along the south side of Sycamore Avenue for future duplexes without basements.

The City Council approved and authorized the Mayor to sign an agreement with Nebraska Central Railroad Company for a public highway rail grade crossing on South 16th Street. The new at-grade public highway-rail grade crossing will provide access to the **Affiliated** Foods' facilities. Affiliated Foods is land locked with the only property available located south of the Union Pacific tracks operated by Nebraska Central Railroad. Affiliated Foods acquired property south of the tracks for expansion and this agreement allows access to that property. The agreement also provides that the City will reimburse the railroad for all of its costs, estimated at \$500,000. However, the City has applied for and received a Community Development Block Grant (CDBG) to defray a portion of the costs for construction of 16th Street from Monroe Avenue to Affiliated Foods, as well as this railroad crossing. Since the railroad doesn't currently have any liability associated with an at-grade crossing at this location, the railroad insists that the City of Norfolk indemnify, defend and hold harmless the railroad for any liability related to the crossing, including any environmental exposures that may occur. Most of the indemnification will be self-insured by the City since its insurance policies contain railroad exclusion. The agreement also provides that the railroad will grant right-of-way to the City of Norfolk to facilitate construction of the new public highway-rail grade crossing.

The City Council approved and authorized the Mayor to sign both a contract and Change Order No. 1 with Elkhorn Paving Construction of Norfolk to furnish all labor, materials, and all equipment and all else necessary to properly construct all the improvements for the 16th Street from Monroe Avenue to **Affiliated** Foods project. The documents result in a project contract amount of \$216,232.56. On August 7, 2007, two bids were received and opened for the project. The other bidder was A & R Construction, Plainview, in the amount of \$238,159.90.

The City Council approved all bills on file in the amount of \$1,572,072.99.

REGULAR AGENDA

A public hearing was held to consider the **Specialty Protein** Producers, LLC Redevelopment Plan Modification #1. Public Works Director Dennis Smith provided information to the Mayor and City Council. The modification changes the effective date for Tax Increment Financing (TIF) from January 1, 2008 to a date to be established by a future plan modification. This change preserves the 15 years of incremental tax receipts for a future redevelopment project on the property.

The Norfolk Planning Commission held a public hearing on Modification #1 on November 6, 2007 and the City Clerk read the Planning Commission's recommendation for approval into the record.

No one else spoke either in favor of or in opposition to the modification and the Mayor closed the hearing.

The Mayor requested consideration of Resolution No. 2007-62 approving **Modification #1** to the Specialty Protein Producers, LLC, Redevelopment Plan.

Councilperson Brenneman moved for adoption of Resolution No. 2007-62 approving Modification #1 to the Specialty Protein Producers, LLC, Redevelopment Plan, seconded by Councilperson Van Dyke. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-62 was adopted.

The Mayor requested consideration of an agreement with Don **Wesely** for lobbyist services through October 31, 2008 with total compensation of \$24,000.

Councilperson Saunders moved, seconded by Councilperson Lange to approve an agreement with Don Wesely for lobbyist services through October 31, 2008 with total compensation of \$24,000.

Councilperson Fauss stated "this is a money issue" and feels "this is a good cause" but the City already has a contract with O'Hara, Lindsay & Associates in the amount of \$25,000. Fauss would rather the City spend the \$24,000 on replacing personnel either in the Fire Division, Police Division or Street Division. Fauss said the City "may need to increase the budget to do that." Fauss suggested the City "hire Wesely on an as-needed basis."

Councilperson Saunders stated the services provided by all three lobbyists has been invaluable regarding the Norfolk Regional Center and other issues related to Norfolk.

City Administrator Mike Nolan explained the O'Hara, Lindsay & Associates contract automatically renews unless the City provides notice of termination. However, the agreement with Wesely is on an annual basis. Nolan stated the 2008 Legislative Session will be "a huge session for Norfolk" because of the nursing facility and roads/highways issues. Nolan stated Senator Flood is Speaker of the House which can help Norfolk and the expressways in Nebraska "need to get done."

Councilperson Reeder questioned how long the City has had three lobbyists working on issues. Reeder feels it would be nice to hear Senator Flood's opinion on having three lobbyists working for Norfolk. Reeder would also like to know how "it cripples taking one lobbyist away versus adding one position."

Nolan stated all three lobbyists have worked for Norfolk since 2004. Nolan stated City staff does not have time to monitor all legislative issues and there is a continual effort in the Legislature to close the Norfolk Regional Center.

Councilperson Brenneman feels finishing the highways/expressways across Nebraska are important. However, Brenneman feels the Health & Human Services issues are paramount to keeping the Norfolk Regional Center open.

Councilperson Van Dyke understands Fauss' concerns but O'Hara, Lindsay and Wesely are "heavy hitters" and Van Dyke wants the lobbyists on Norfolk's side.

Councilperson Lange stated these lobbyists have "saved the City 10 times" the \$24,000 just on the leaking underground storage tank issue. Lange stated the issue of replacing personnel needs to be handled in the budget process. Lange stated elected officials may "need to step up to the plate and increase taxes."

Councilperson Wilson hates to have the City lose Wesely as a lobbyist for Norfolk. However, Wilson would like to review the contract with O'Hara and Lindsay at the end of the legislative session to determine whether or not to continue with their services.

Nolan explained all three lobbyists have strengths that work well together.

Roll call on the Wesely agreement: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, and Saunders. Nays: Fauss. Absent: None. Motion carried.

The Mayor requested consideration of an agreement with the Northeast Nebraska Beards and Spurs Chapter of the National Wild **Turkey** Federation for use of the City Auditorium on February 9, 2008.

Councilperson Saunders moved, seconded by Councilperson Fauss to approve an agreement with the Northeast Nebraska Beards and Spurs Chapter of the National Wild Turkey Federation for use of the City Auditorium on February 9, 2008.

Councilperson Brenneman supports the Turkey Federation but is opposed to the sale of alcohol in the City Auditorium.

Councilperson Fauss stated the Auditorium was built so citizens would have a place to socialize.

Councilperson Reeder stated citizens paid for the auditorium and should be able to use it at any time.

Roll call on the agreement: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss, and Saunders. Nays: Brenneman. Absent: None. Motion carried.

The Mayor requested consideration of an agreement with the Elkhorn Valley **Pheasants** Forever for use of the Auditorium on March 13, 2008.

Councilperson Fauss moved, seconded by Councilperson Reeder to approve an agreement with the Elkhorn Valley Pheasants Forever for use of the Auditorium on March 13, 2008. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss, and Saunders. Nays: Brenneman. Absent: None. Motion carried.

The Mayor requested consideration of a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium on Thursday, March 13, 2008.

Councilperson Fauss moved, seconded by Councilperson Reeder to approve a Special Designated Liquor License for the Elkhorn Valley Pheasants Forever Chapter to sell beer, wine and distilled spirits at the City Auditorium on Thursday, March 13, 2008. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Fauss, and Saunders. Nays: Brenneman. Absent: None. Motion carried.

ADMINISTRATIVE REPORTS

No comments were received regarding the sales tax collection report for September 2007; the monthly commercial and industrial building permit report for November 2007; and the Works-In-Progress report for the period November 28 through December 11, 2007.

PUBLIC COMMENT PERIOD

Mayor Adams reminded citizens that no action can be taken on items discussed during the public comment period.

Tom Schommer suggested the public comment period be on the Council agenda once each month instead of quarterly. Schommer commented on the Option to Purchase the City entered into for the First Christian Church property on North 13th Street and feels the City Administration offices should stay in Downtown Norfolk. Schommer supports a collaborative effort for the City to work with other entities on a public facility and the creation of a citizens committee to look at the issue.

Councilperson Reeder stated the First Christian Church property is a good value for the citizens. Reeder questioned whether citizens will support a “grandiose” building as suggested by Schommer in the letter to the editor printed in the Norfolk Daily News.

Mayor Adams explained a public hearing is required prior to purchasing the property to provide the opportunity for additional public comments.

Councilperson Wilson feels a citizens subcommittee is a good idea to review various options. Wilson feels a councilperson “asking for a subcommittee meeting is not out of line.”

Councilperson Van Dyke stated elected officials have listed phone numbers and receive a lot of citizen input.

Jerry Huse agrees staff have outgrown the current City offices. Huse “agrees with the objective” but feels a new administrative offices building should be located in Downtown Norfolk. If the offices are moved, “it will send a terrible message” to citizens. Huse suggests financing a lease/purchase with a local company.

Byron Ballantyne is grateful for the City’s efforts and investment in Downtown Norfolk. Ballantyne requested elected officials reconsider moving the city offices out of the downtown area.

Chris Amundson “was alarmed to see elected officials moving ahead” with the First Christian Church property without public input prior to execution of the Option to Purchase. Amundson feels elected officials need to look at different options. Amundson also suggested elected officials evaluate who will replace City Administrator Nolan and put together a process to evaluate leadership qualities for a new city administrator by using a citizens group. Amundson suggests a block of buildings in Downtown Norfolk be raised and a new Administration building constructed. Amundson suggested contacting Lance Hedquist at South Sioux City for input.

Roger Brummels of Century Lumber feels it is important that the Administrative offices be kept in the downtown area. Brummels suggested an open discussion on the issue to look at other viable options.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 8:37 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss, and Saunders. Nays: None. Absent: None. 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, December 17, 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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