

## 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 September, 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, Wastewater Plant Superintendent Todd Boling, Solid Waste Manager Gary Lund, Prevention Manager Scott Cordes, Water & Sewer Director Dennis Watts, Library Director Ted Smith, Finance Officer Randy Gates, Housing Director Sheila Miller, Information Systems Manager Jim McKenzie, Transportation, Building & Grounds Director Jim Koch, Police Chief Bill Mizner, Fire Chief Shane Weidner 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 moved, seconded by Councilperson Saunders 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 Brenneman moved, seconded by Councilperson Wilson 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.

### SPECIAL PRESENTATION

A town hall meeting was held to receive comments on the Northeast Nebraska Solid Waste Coalition (NNSWC) **budget** and rates for the fiscal year ending September 30, 2008. Finance Officer Randy Gates provided information to the Mayor and City Council. The NNSWC Interlocal Agreement requires town hall meetings be held in the three largest communities (Columbus, Fremont and Norfolk) each year to review the Coalition's proposed budget and

rates. Rates remain at \$25 per ton for FY 2007-2008. Revenues are projected to increase \$147,364 or 6.86% because of an 8% projected increase in tonnage. The increased tonnage also increases the disposal fees by \$43,533 or 4.66%. Gates explained insurance payments to the League Association of Risk Management are projected to decrease substantially for both workers' compensation (over 17%) and property and casualty insurance (over 14%). Capital outlay includes \$52,800 to purchase a second set of windscreens and litter cases.

Gates stated the Closure/Post-Closure Care Fund budget is projected to increase 7% primarily due to interest earnings on prior contributions. There is also a \$12,000 transfer budgeted from the General Fund for the 2007-2008 funding requirements.

Adam Staib, 601 Kingwood Street, Stanton, NE requested a list of companies being paid out of the Professional Fees account.

Gates will provide that information to Staib.

No action was required on this item.

#### CONSENT AGENDA

The City Council approved the minutes of the September 4, 2007 City Council meeting as printed.

The City Clerk was authorized to establish October 1, 2007 as the public hearing date to comply with provisions of Nebraska Revised Statutes Section 18-1755 to receive public comment on the proposed acquisition of approximately 20 acres of property by the City of Norfolk on behalf of the Norfolk Airport Authority for flight path protection south of the airport in the amount of \$85,000.

The City Council adopted Resolution No. 2007-48 authorizing placement of **stop signs** on all streets intersecting with Dover Drive and Wyndham Road from North 30th Street to Golf View Drive with those streets being North 30th Street, Coventry Way, Dover Drive, Kings Way and Regal Way, and to place a stop sign on Wyndham Road where it intersects with Golf View Drive.

The City Council adopted Resolution No. 2007-51 approving a request for a twenty-year **sidewalk waiver** for NE Colorado Cellular/**Viaero** Wireless at 2301 North Victory Road.

The City Council adopted Resolution No. 2007-52 approving the **Crafts, Inc. Redevelopment Agreement**. The redevelopment agreement provides for the use of tax increment financing (TIF) for infrastructure development. This includes removal of asbestos, demolition of dilapidated structure(s), site preparation and construction interest to serve the redevelopment project area which is generally located southeast of 13th Street and Monroe Avenue. Following site preparation, the redeveloper intends to construct an 18,000 square foot steel-framed, steel siding commercial building with extensive concrete parking and staging area, which will house a full service sales and parts business for commercial trucks. The redevelopment agreement provides for a maximum of \$335,000 of taxable TIF bonds. The redeveloper will be responsible for placement of the bonds. The Community Development Agency reviewed and approved the redevelopment agreement on September 17, 2007.

The City Council approved the Mayor's reappointment of Connie Geary and Roger Brummels to the Board of Directors for the **Vehicle Parking** District (previously known as the Business Improvement District) each with terms ending August 2010.

The City Council approved and authorized the Mayor to sign a consent to Assignment of Lease entered into by **Edgewood Properties**, L.L.C., a North Dakota Limited Liability Company, as assignor, and **INREIT** Properties, L.L.L.P. a North Dakota Limited Liability Limited Partnership, as assignee, relating to the lease of Union Pacific Railroad right-of-way property by Edgewood Properties, L.L.C. described as a part of Lots 2 and 3, Gordon Moritz Addition to the City of Norfolk, Madison County, Nebraska.

The City Council approved and authorized the Mayor to sign Change Order No. 1 with Rutjens Construction of Tilden, Nebraska for the **Sewer Replacement** 2007-1 project resulting in a net increase of \$19,114.68. The major changes include remove and replace eight-inch concrete instead of six-inch (\$12,921.68); add eighteen-inch R.C.P. (\$2,227) that replaced an old eighteen-inch C.M.P.; and replace unsuitable soils (\$2,135) with the remaining of the change order for balancing actual quantities with bid quantities.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class I" liquor license application of Central Nebraska **Pizza Hut**, Inc., dba Pizza Hut of Norfolk #1, 506 South 25th Street, and the Corporate Manager Application of Donna Wright.

The City Council approved the plans, specifications and engineer's estimate on file in the City Clerk's office for **Paving District No. 493** providing for improvements to the sidewalk and landscaping along Norfolk Avenue from 1st to 8th Streets and authorized for the City Clerk to advertise for bids.

The City Council approved the Mayor's appointment of Councilperson Karl Reeder to serve as the alternate to Mayor Adams on the **Elkhorn Valley Economic Development** Board of Directors.

The City Council authorized the Mayor to execute all documents necessary to accomplish the purchase of property addressed as **404 McKinley** Street from Fannie Mae. The City is desirous of purchasing the property to expand Ta-Ha-Zouka Park.

The City Council authorized the Mayor to execute a purchase agreement and all related documents with Wendell J. **Newcomb** M.D. and family for right-of-way to locate a traffic signal at the intersection of 13th Street and Monroe Avenue. Cost of the property is \$119,785.00.

The City Council approved a request by Wendy Clayton on behalf of Lutheran High Northeast (LHNE) and authorized the Mayor to sign an agreement with LHNE to use the TaHaZouka softball fields to shoot off **fireworks** on Thursday, September 27, 2007 for a kick-off event for the LHNE softball team.

The City Council approved all bills on file in the amount of \$1,100,079.03.

## REGULAR AGENDA

Public hearings were held simultaneously to discuss Items D-1, D-2 and D-3, as follows: review the City's FY 2007-2008 municipal **budget**; review the FY 2007-2008 proprietary (water, sewer, solid waste) budget; and change the Vehicle Parking Fund and General Fund tax requests for the 2007-2008 fiscal year from the amounts for FY 2006-2007. City Administrator Mike Nolan provided information to the Mayor and City Council.

The City's property tax increased \$44,221 from \$1,198,500 to \$1,242,721. The Debt Service Fund property tax remains unchanged at \$690,676. Property tax decreased \$616 for the Vehicle Parking Fund to \$77,044 due to decreased valuation of personal property in the Offstreet Parking District. The Vehicle Parking District levies the maximum 35¢ allowed by law.

General Fund property tax increases \$44,837 due to a change in Council policy. City policy has been to maintain or decrease property tax dollars budgeted. The City Council has tried to maintain the actual dollar amount of property tax levied at, or below, the prior year amount that normally resulted in declining levy rates as valuation increased. This year, the City Council changed its policy to one of maintaining or decreasing the levy rate. This allows property tax to increase with growth and inflation. The City increased the combined General Fund and Debt Service Fund property tax for 2007-2008 by 4% or \$44,837. This policy change was necessary due to lack of sales tax growth. Based on levy rates of Nebraska's first class cities last year, Norfolk will continue to have the lowest levy rate of the thirty first class cities. York will be the second lowest first-class city for 2007-2008 with a levy rate of 13.768¢ compared to Norfolk's levy rate of 11.2765¢.

During FY 2006-2007 several positions became vacant, including a mechanic in the Street Division and a firefighter in the Fire Division. These positions remain in the budget but will not be filled unless revenues improve in FY 2007-2008. The only personnel increase budgeted is for a Storm Water Manager in the Storm Water Management Fund. This is a new fund used to account for revenue to implement the storm water management plan required by the Nebraska Legislature in 2006. A state grant for storm water management is the primary funding source. There is also a 10% increase in health insurance, normal merit pay increases, and a 3% cost-of-living adjustment that affects increased personnel costs.

Capital outlay is budgeted at \$3,457,500 that is a 32.19% increase. Capital outlay includes \$1 million for street maintenance contract work, an increase of \$450,000 from the prior year. Projects re-budgeted include: a \$400,000 contribution for the Nucor Road relocation; \$282,000 for a traffic signal on Highway 81 and Monroe Avenue; \$370,000 for engineering on 25th Street from Benjamin Avenue to U.S. Highway 275; \$525,000 for curb and sidewalk improvements on Norfolk Avenue; \$250,000 to complete Oak and Spruce Avenue street improvements; and \$134,000 for the 16th Street from Monroe Avenue to Affiliated Foods project.

Nolan stated the FY 2007-2008 budget does not contain any rate increases for water, sewer or solid waste funds.

Adam Staib, 701 Kingwood Street, Stanton, NE requested a total of the amount of insurance costs paid by the City of Norfolk and who receives the payment(s). Staib also asked for "the

amount of money paid by the City to the League of Nebraska Municipalities on all issues” and the difference between the Business Improvement District and the Vehicle Parking District. Staib questioned the “sewer pipe problems” in Norfolk.

Public Works Director Dennis Smith stated the League Association of Risk Management doesn’t provide insurance coverage for sewer backups, flooding or those types of occurrences.

Councilperson Van Dyke encouraged citizens to review homeowners’ policies to check on coverage for sewer backups, flooding, etc.

No one else appeared either in favor of or in opposition to the City of Norfolk’s FY 2007-2008 municipal budget, the FY 2007-2008 proprietary budget, or the tax request changes for the Vehicle Parking Fund and General Fund and the Mayor declared the hearings closed.

Public hearings were held simultaneously to consider Items D-4, D-5, D-6, D-7, D-8, D-9 and D-10 on the agenda related to building, mechanical, fire, energy conservation, residential, plumbing, and property maintenance code amendments. Prevention Manager Scott Cordes provided information to the Mayor and City Council. The International Codes are updated every three (3) years and the 2006 Version is the latest edition. City staff have taken approximately two years to review the 2006 Codes and received input from local contractors. Several major changes include the requirement that all new establishments that sell liquor need to have a sprinkler system up to 100 occupancy rate instead of 300. The mechanical code contains a few reduced fees. The plumbing code contains the requirement for installation of backflow devices for new construction or major reconstruction. The Property Maintenance Code contains new language and a timeline to initiate repairs on properties damages by fire, wind, flood, etc.

Cordes stated discussions on the backflow devices is fairly new and is somewhat controversial. Staff feels it is important to implement the backflow requirement in new construction because of recent damaging storms and from a risk management standpoint.

No one appeared either in favor of or opposition to the City Code amendments and the Mayor declared the hearings closed.

A public hearing was held to consider compliance with provisions of N. R. S. 18-1755 and 25-2501, et. seq. before the purchase of property located at **404 McKinley** Street. Property/Operations Manager Gary Miller provided information to the Mayor and City Council. This property is owned by Fannie Mae and contains five (5) lots (approximately 14 acres). Staff recommends purchasing the property for expansion of the Ta-Ha-Zouka ball fields.

No one appeared either in favor of or in opposition to purchasing the property located at 404 McKinley Street and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 4967 approving the FY 2007-2008 appropriations, authorizing carryover of unused **budget authority** to FY 2008-2009 and approving the FY 2007-2008 proprietary budget.

Councilperson Van Dyke introduced Ordinance No. 4967 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; APPROPRIATING SUMS FOR

NECESSARY EXPENSES AND LIABILITIES; ADOPTING THE PROPRIETARY BUDGET STATEMENT; PROVIDING FOR THE CARRYOVER OF UNUSED BUDGET AUTHORITY TO FISCAL YEAR 2008-2009; PROVIDING FOR SEVERABILITY; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Councilperson Lange 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4967 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Reeder seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Van Dyke 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 Reeder. The Mayor then stated the question "Shall Ordinance No. 4967 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4967 as required by law.

The Mayor requested consideration of Ordinance No. 4968 approving the FY 2007-2008 **Classification and Pay Plan.**

Councilperson Reeder introduced Ordinance No. 4968 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, CLASIFYING THE EMPLOYEES OF THE CITY: FIXING THE RANGES OF COMPENSATION OF SUCH EMPLOYEES: PROVIDING A PAY RANGE REPEALING ORDINANCE NO. 4900; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND WHEN THIS ORDINANCE SHALL TAKE EFFECT and moved that the ordinance be passed on first reading. Councilperson Van Dyke 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4968 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Brenneman seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Van Dyke 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 4968 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4968 as required by law.

The Mayor requested consideration of Ordinance No. 4969 amending Section 6-16 of City Code to adopt the 2006 International **Building Code**, to repeal Section 6-18 of City Code, and to enact a new Section 6-18 in its place.

Councilperson Wilson introduced Ordinance No. 4969 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-16 OF THE OFFICIAL CITY CODE TO ADOPT THE 2006 INTERNATIONAL BUILDING CODE; TO REPEAL SECTION 6-18 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-18 IN ITS PLACE; 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. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4969 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Reeder seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Van Dyke 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 Reeder. The Mayor then stated the question "Shall Ordinance No. 4969 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4969 as required by law.

The Mayor requested consideration of Ordinance No. 4970 amending Section 6-106 of City Code to adopt the 2006 International Mechanical Code, to repeal Section 6-107 of City Code, and to enact a new Section 6-107 in its place.

Councilperson Lange introduced Ordinance No. 4970 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-106 OF THE OFFICIAL CITY

CODE TO ADOPT THE 2006 INTERNATIONAL MECHANICAL CODE; TO REPEAL SECTION 6-107 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-107 IN ITS PLACE; 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 Van Dyke 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4970 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, Fauss and Saunders. Nays: None. Absent: None. 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. 4970 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4970 as required by law.

The Mayor requested consideration of Ordinance No. 4971 amending Section 8-26 of City Code to adopt the International **Fire Code** 2006; to repeal Section 8-28 of City Code and to enact a new Section 8-28 in its place; to amend Section 8-29 of City Code to change registration fees for fire suppression system installers and change fire suppression system permit fees; and to amend Section 8-31 of City Code to establish a registration fee for fire alarm installer contractors.

Councilperson Coy introduced Ordinance No. 4971 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 8-26 OF THE OFFICIAL CITY CODE TO ADOPT THE INTERNATIONAL FIRE CODE 2006; TO REPEAL SECTION 8-28 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 8-28 IN ITS PLACE; TO AMEND SECTION 8-29 OF THE OFFICIAL CITY CODE TO CHANGE REGISTRATION FEES FOR FIRE SUPPRESSION SYSTEM INSTALLERS AND CHANGE FIRE SUPPRESSION SYSTEM PERMIT FEES; TO AMEND SECTION 8-31 OF THE OFFICIAL CITY CODE TO ESTABLISH A REGISTRATION FEE FOR FIRE ALARM INSTALLER CONTRACTORS; 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. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4971 passed on first reading.



Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Van Dyke 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4971 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4971 as required by law.

The Mayor requested consideration of Ordinance No. 4972 providing for enactment of Article VIII to Chapter 6 of City Code to adopt the 2006 International **Energy Conservation Code**, to move existing energy conservation standards from Article VII (Section 6-163) to Article VIII (Section 6-173) of Chapter 6 of the code, and to amend minimum requirements contained in that section.

Councilperson Reeder introduced Ordinance No. 4972 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT ARTICLE VIII TO CHAPTER 6 OF THE OFFICIAL CITY CODE TO ADOPT THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; TO MOVE EXISTING ENERGY CONSERVATION STANDARDS FROM ARTICLE VII (SECTION 6-163) TO ARTICLE VIII (SECTION 6-173) OF CHAPTER 6 OF THE CODE AND TO AMEND MINIMUM REQUIREMENTS CONTAINED IN THAT SECTION; 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. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4972 passed on first reading.

Councilperson Lange moved that the statutory rule requiring reading on three different days be suspended. Councilperson Saunders seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Saunders. The Mayor then stated the question "Shall Ordinance No. 4972 be

passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4972 as required by law.

The Mayor requested consideration of Ordinance No. 4973 amending Section 6-161 of City Code to adopt the 2006 International **Residential Code**, to repeal Section 6-162 of City Code, and to enact a new Section 6-162 in its place.

Councilperson Van Dyke introduced Ordinance No. 4973 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-161 OF THE OFFICIAL CITY CODE TO ADOPT THE 2006 INTERNATIONAL RESIDENTIAL CODE; TO REPEAL SECTION 6-162 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-162 IN ITS PLACE; 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. Said ordinance was then read into the record by title by the City Clerk. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4973 passed on first reading.

Councilperson Brenneman moved that the statutory rule requiring reading on three different days be suspended. Councilperson Fauss seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Brenneman 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4973 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4973 as required by law.

The Mayor requested consideration of Ordinance No. 4974 amending Section 6-121 of City Code to adopt the 2006 International **Plumbing Code**; to repeal Section 6-122 of City Code and to enact a new Section 6-122 in its place; to amend Sections 6-143 through 6-145 of Code to clarify requirements for renewal applications for plumbing contractor's registration, journeyman plumber's registration and apprentice plumber's registration, respectively.

Councilperson Fauss introduced Ordinance No. 4974 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-121 OF THE OFFICIAL CITY

CODE TO ADOPT THE 2006 INTERNATIONAL PLUMBING CODE; TO REPEAL SECTION 6-122 OF THE OFFICIAL CITY CODE AND TO ENACT A NEW SECTION 6-122 IN ITS PLACE; TO AMEND SECTIONS 6-143 THROUGH 6-145 OF THE CODE TO CLARIFY REQUIREMENTS FOR RENEWAL APPLICATIONS FOR PLUMBING CONTRACTOR'S REGISTRATION, JOURNEYMAN PLUMBER'S REGISTRATION AND APPRENTICE PLUMBER'S REGISTRATION, RESPECTIVELY; 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 Brenneman 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4974 passed on first reading.

Councilperson Van Dyke moved that the statutory rule requiring reading on three different days be suspended. Councilperson Reeder seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Van Dyke 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 Reeder. The Mayor then stated the question "Shall Ordinance No. 4974 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4974 as required by law.

The Mayor requested consideration of Ordinance No. 4975 amending and relocating the provisions of the Housing Code of the City Code by repealing Chapter 12, Article II-Housing Code, and enacting Chapter 6, Article IX-**Property Maintenance** Code, which shall include (1) adoption of the International Property Maintenance Code 2006, (2) additions, insertions and changes to the International Property Maintenance Code 2006, and (3) enacting a new section to address structures damaged by fire, flood, wind, disaster or other calamity.

Councilperson Lange introduced Ordinance No. 4975 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND AND RELOCATE THE PROVISIONS OF THE HOUSING CODE OF THE OFFICIAL CITY CODE BY REPEALING CHAPTER 12, ARTICLE II – HOUSING CODE, AND ENACTING CHAPTER 6, ARTICLE IX – PROPERTY MAINTENANCE CODE, WHICH SHALL INCLUDE (1) ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2006, (2) ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2006, AND (3) ENACTING A NEW SECTION TO ADDRESS STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAHPHLET FORM and

moved that the ordinance be passed on first reading. Councilperson Coy 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, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Ordinance No. 4975 passed on first reading.

Councilperson Brenneman moved that the statutory rule requiring reading on three different days be suspended. Councilperson Fauss seconded the motion to suspend the rules. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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 Brenneman 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 4975 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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. 4975 as required by law.

The Mayor requested consideration of Resolution No. 2007-49 approving the **property tax requests** for fiscal year 2007-2008 for the Vehicle Parking Fund and General Fund in amounts different than fiscal year 2006-2007.

Councilperson Van Dyke moved for adoption of Resolution No. 2007-49 approving the property tax requests for fiscal year 2007-2008 in the Vehicle Parking Fund and General Fund in amounts different than fiscal year 2006-2007, seconded by Councilperson Reeder. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-49 was adopted.

The Mayor requested consideration of Resolution No. 2007-50 approving a hard-surfacing waiver for **Heartland Baptist Church** at 1213 East Philip Avenue. The church is seeking a three-year hard surfacing waiver to ease building costs. Sixty-eight lots will be paved during 2007 with the remaining paved over the next two years. A four (4) foot sidewalk will be installed within three years or upon completion of the adjacent street improvement project.

Councilperson Lange moved to adopt Resolution No. 2007-50 approving a hard-surfacing waiver for Heartland Baptist Church at 1213 East Philip Avenue, seconded by Councilperson Coy. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2007-50 was adopted.

No comments were received regarding the monthly commercial and industrial building permit report for August 2007 or the Works-In-Progress report for the period August 29, through September 11, 2007. Both reports were included in the agenda packet.

## COMMENT PERIOD

Adam Staib, 601 Kingwood Street, Stanton, Nebraska, spoke about “freedom from fear” with regard to economic development for small businesses and entrepreneurs.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 9:01 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. 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, September 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.

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Elizabeth A. Deck  
City Clerk

( S E A L )