

FINANCE COMMITTEE MEETING

The Finance Committee of the City of Norfolk, Nebraska met in the City's Conference Room, 309 West Madison Avenue, Norfolk, Nebraska, on Monday, January 28, 2008, beginning at 7:00 a.m.

In the absence of Mayor Gordon D. Adams, Council President Jim Brenneman called the meeting to order.

Roll call found the following Committee members present: Councilpersons Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke and Wilson. Absent: None. Mayor Adams participated by telephone conference call.

Staff members present were City Administrator Mike Nolan, Public Works Director Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Police Captain Steve Hecker, Operations Manager Gary Miller, Police Chief Bill Mizner, Prevention Manager Scott Cordes, Health Inspector John Kouba, Fire Chief Shane Weidner and Finance Officer Randy Gates.

The media was represented by Jim Curry, WJAG/KEXL; Greg Wees, Norfolk Daily News; and Brian Masters, KUSO.

Notice of the meeting was given in advance by publication in the Norfolk Daily News, and notice of the meeting was given to the Mayor and all members of the Council prior to the meeting.

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

The Council President informed the public about the location of the current copy of the Open Meetings Act posted in the meeting room and accessible to members of the public.

The first item discussed was an update on relocation of the **skateboard** park. Operations Manager Gary Miller distributed a map of the proposed location in the area of 4th Street and Elm Avenue across from the Senior High School. The map showed several "hatched" areas that were purchased by the City with federal grant funds and are not available to be used for the park. Miller stated local skateboarders expressed on interest, at a subcommittee meeting on January 7, 2008, to take over operation and maintenance of the park from the City of Norfolk. One of the things necessary to effectuate the transfer of ownership would be to provide the group with a location for the equipment. The City of Norfolk would then transfer ownership of the property to the non-profit organization. The proposed location is the current parking lot located directly north of the tennis courts at 4th Street and Elm Avenue. The organization is planning fundraising events for the skateboard park. Miller stated the City has stopped repairing the current ramps in the event the skateboard park group wants to "do their own ramp building". However, spring is coming up and the skateboard group will want "some park open". Miller stated the skateboard group is not interested in the City's ramps.

Councilperson Van Dyke questioned where people will park to use the tennis courts if the lot is transformed into a skateboard park.

Miller feels the basketball courts could be changed into a parking lot and there are a lot of basketball courts in Norfolk, including one by Central Park. There is also parking on the north side of Elm Avenue.

Councilperson Wilson feels the location of 4th Street will be easier to monitor.

Councilperson Coy questioned whether there is adequate square footage at the proposed location.

Miller “thinks it could be made the same.”

City Administrator Mike Nolan referred to the Recreation Liability Act regarding design of skateboard parks. Nolan questioned whether the City should be concerned about the design of the ramps by a non-profit organization in the event the City ends up with the skateboard park in the future. Nolan feels the City should have an active role in designing the park/ramps.

Miller explained the City would not be able to “take back the ramps designed” by the group unless appropriate engineering firms worked on the equipment.

City Attorney Clint Schukei stated either the City should own and operate the skateboard park or the City should give it away. If the City keeps involved with the skateboard park, the City will have responsibility.

Councilperson Wilson questioned whether the basketball court could be used as the site for the skateboard park and have a Board established to oversee the operations.

Public Works Director Dennis Smith stated the surface on the basketball court is not very smooth and will probably not work for a skateboard park. The surface is part concrete and part asphalt.

Councilperson Fauss questioned whether Tax Lot 3 on the map (located north of the basketball court and just south of Wattier’s Auto Body) could be used for the skateboard park.

Smith doesn’t feel there would be enough room in the area south of Tax Lot 3. However, the City does own Tax Lot 3 and there would be enough room on that parcel.

Councilperson Fauss would like Tax Lot 3 to be considered as a possible site for the park which would leave the basketball courts and parking lot in place.

Councilperson Coy suggested moving the playground equipment to the north of the basketball courts and turning the area east of the tennis courts into a parking lot.

Smith stated doing anything to relocate the skateboard park is going to be pricey. DLR estimates the cost to move the skateboard park at about \$100,000.

Councilpersons Reeder and Van Dyke would like the City to consider locating the park on Tax Lot 3. Van Dyke doesn’t want people parking on the street and would prefer to keep the parking lot that is currently available.

Councilperson Coy questioned whether the City will be paying for relocating the fence and concrete and whether the City would get the land back if the skateboard organization decides in the future to “give it up.”

Miller stated the City may need to fund some of the relocation expenses depending on how much money the organization raises for the project. Miller said the agreement would probably contain a reverter clause.

Councilperson Lange questioned whether the City should continue repairing the ramps at the skateboard park.

Miller stated the City will need to spend an additional \$8,000 to finish repairing the ramps. The City has already spent about \$4,000 on repairs and the Parks Division is about 1/3 done with the ramps.

Councilpersons Fauss and Reeder understood the skateboard organization wants to build their own ramps.

Smith stated the group wants the ramps to be higher and wider which relates to structural changes that require engineering approval if the City owns the ramps. Smith said, no matter what elected officials decide for location of the skateboard park, the only place that would be available this year for skateboarders is at Miracle Skate Park.

City Attorney Clint Schukei stated that if the ramps are built by someone according to the industry standard, as opposed to someone building them by themselves, there is a different liability under the Recreation Liability Act.

Councilperson Coy questioned whether the skateboard members can help with reconstruction of the ramps.

Miller stated the group volunteered to help repair the current ramps. However, it is safer for the City to do the repairs with City staff. Miller stated a volunteer could personally be sued if someone is injured on the ramps.

Councilperson Reeder questioned whether the City needs to contact Wattier's Auto Body before relocating on Tax Lot 3.

Councilperson Fauss also wants to meet with the "skateboard people" to check on their fundraising. Councilperson Fauss feels the City would "waste the \$8,000" if a meeting with the group shows they are already building ramps for the park.

Councilperson Van Dyke feels the Park Division should make the necessary repairs to the ramps and continue operating the park for the time being.

Councilperson Brenneman referred this item back to subcommittee for discussion and recommendation, especially since there appears to be a preference to locate the skateboard park on Tax Lot 3 located on North 4th Street.

The next item discussed was **sexual predator** housing restrictions. Police Chief Bill Mizner received a letter dated October 29, 2007, from Pastor William R. Perrigan, Executive Director of the Norfolk Rescue Mission. Pastor Perrigan addressed a conflict between Norfolk's current City Code and the ministry of the Norfolk Rescue Mission. In July of 2006, Section 14-30 of City Code was approved which imposed housing restrictions for Level 3 Sexual Predators and set up a 500' perimeter around schools and daycare centers. The perimeter restricts Level 3 predators from living within that circle. There is a daycare currently located on 10th Street, which prohibits the Rescue Mission from serving "a handful of guests". Pastor Perrigan stated there isn't any other emergency housing available for the few guests that must be turned away because of the restrictions and those persons are now placed on the streets with little or no

accountability. If these individuals are allowed to reside at the Rescue Mission temporarily they would have, (1) a 5:30 p.m. curfew; (2) pastoral counseling; (3) reside within an organized Mission with guidelines and accountability; and (4) be located just a few blocks from the Norfolk Police Division. Section 14-30 of City Code currently allows exceptions under four circumstances with the first exception granted to treatment facilities operated by the state or any other political subdivision. However, the Rescue Mission is privately funded. Pastor Perrigan requests that a fifth exception be added to Section 14-30 of City Code allowing for privately funded organizations, such as the Norfolk Rescue Mission, to be able to house any man or woman in need, regardless of his/her Sex Offender Registration level. Pastor Perrigan stated the individuals have served jail time and a judge says they are “free” to live in society; however, the restrictions push the persons out into the street.

City Administrator Mike Nolan feels the request is reasonable.

Councilperson Fauss stated “they will all come” to Norfolk if the City Code is amended to add the exception to Section 14-30.

Councilperson Saunders questioned where the individuals are coming from when arriving at the Rescue Mission.

Pastor Perrigan stated individuals come from a number of different sources including the Madison County Jail, various hospitals, the Regional Center, and from Lincoln. However, many of the persons are local individuals. Perrigan stated the Level 3 Sex Offenders cannot stay in HUD subsidized housing either and cannot go to Columbus, Lincoln or Omaha because of similar issues/restrictions. Perrigan stated there would be approximately six individuals per year that are affected by the restriction.

Councilperson Van Dyke feels the individuals need to live somewhere.

Councilperson Coy stated the laws are put in place to protect people.

Police Captain Steve Hecker stated the daycare on North 10th Street is, as of January 25, 2008, still operating. However, the Department of Health & Human Services only updates the list every 30 days. Hecker stated the City of Norfolk currently has 59 registered daycares. Hecker explained a Level 3 Sex Offender must re-register quarterly wherever they live. However, as a homeless person, the sex offender must re-register face-to-face every 30 days. Hecker stated the Nebraska Legislature is currently considering changing the registration period from five (5) days to three (3) days. Hecker stated the 500 feet restriction gives people a false sense of security because there are currently 4-5 Level 3 Sex Offenders living just outside the 500 foot radius of the Rescue Mission.

Councilperson Coy suggested grandfathering in the daycare center and changing City Code to not allow a daycare within 500 feet of the Norfolk Rescue Mission.

Councilpersons Reeder and Van Dyke feel Coy’s suggestion would be a good long term solution.

Councilperson Wilson left the meeting at 7:46 p.m.

Councilperson Brenneman questioned whether the City can restrict licensing of daycare centers.

City Attorney Clint Schukei explained the exceptions in Norfolk's City Code Section 14-30 aren't in State Statutes. The 500 foot radius came about because of a bill in the Nebraska Legislature restricting how close sex offenders can live by schools and daycare facilities. Schukei stated daycare facilities are licensed by the State Department of Health & Human Services and must pass inspections and certify zoning regulations.

Councilperson Van Dyke proposed the City Attorney draft an ordinance adding the exception to the Norfolk City Code to allow privately funded organizations such as the Norfolk Rescue Mission to be able to house any man or woman in need, regardless of his/her sex offender registration level.

Councilperson Van Dyke moved, seconded by Councilperson Saunders to have the City Attorney draft an ordinance adding the exception to the Norfolk City Code to allow privately funded organizations such as the Norfolk Rescue Mission to be able to house any man or woman in need, regardless of his/her sex offender registration level. Roll call: Ayes: Councilpersons Brenneman, Lange, Saunders and Van Dyke. Nays: Councilpersons Coy, Fauss and Reeder. Absent: Wilson and Mayor Adams. Motion carried.

The next item discussed was a draft resolution placing **Keno** on the May 13, 2008 Primary election.

Finance Officer Randy Gates stated staff was directed to prepare a resolution to place the issue on the May 13, 2008 Primary Election. Gates stated Nolan wanted the item discussed again because polls conducted by Keno companies indicate the issue won't pass.

Councilperson Saunders understood the item would be placed on the ballot. Saunders stated "people have a right to say yes or no so put it on the ballot."

Councilperson Fauss understood the item would be placed on the Primary Election in May.

Councilperson Brenneman understood elected officials chose not to hold a special election but would place the item on the primary ballot because there wouldn't be additional expense to the City on a primary or general election.

Councilperson Coy thought elected officials wanted to include a mandatory public hearing every four years to discuss use of keno funds. Coy also understood the money generated from keno proceeds would be used/spent above and beyond the current parks and recreation budgets.

Councilperson Fauss said the money is needed for Memorial Field but that the money may be able to be spent on other projects after four years. Fauss thought the Keno companies would be interviewed prior to the election.

Finance Officer Randy Gates stated some of the major Keno companies won't submit a proposal because the polls showed it won't pass in Norfolk.

Councilperson Saunders left the meeting at 8:00 a.m.

City Attorney Clint Schukei stated the resolution wording could be broader by stating the funds could be used for community betterment purposes. Elected officials could then adopt a separate resolution that designates use of the funds for a specific purpose(s) and also put in language

about reviewing the use of funds after a specific number of years. Schukei suggested the resolution designating use of funds be adopted prior to the Primary Election. Schukei explained that in October of 2007 all of the proposals were rejected and, therefore, there aren't any firms to interview.

Councilperson Fauss moved, seconded by Councilperson Coy to approve and move forward with the proposed resolution placing Keno on the May 13, 2008 Primary Election with a change in the wording to be broader, such as for community betterment, and also to direct the City Attorney to draft a resolution designating use of the funds for parks and recreation for four years with a public hearing required to change the use of the funds if elected officials so desire. Roll call: Ayes: Councilpersons Brenneman, Coy, Fauss, Lange, and Reeder. Nays: Van Dyke. Absent: Saunders and Wilson. Motion carried.

The last item discussed was the proposed acquisition of property located at 903 **South 4th** Street and owned by Tim **Criss**. The house on the property was condemned in 2006 and has never been torn down. As a result, in August 2007, the City filed a charge in Madison County against Criss for failure to remove a condemned structure. The condemned house on the Criss property continues to have a negative impact on the neighborhood and the Fire Division desires to use budgeted money to remove the structure. The property has a number of judgment liens against it and liens for unpaid real estate taxes. The City made an agreement with Criss that provides for Criss to pay the real estate taxes, get the liens released and convey the property to the City. If the agreement is implemented, the City will, in effect, pay for demolition of the condemned house and be the owner of the bare lot. A public hearing will be held, in accordance with Section 18-1755 of Nebraska Revised Statutes, prior to acquisition of the property. The hearing is scheduled for February 4, 2008.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to approve and move forward with the proposed acquisition of property located at 903 South 4th Street and owned by Tim Criss. Roll call: Ayes: Councilpersons Brenneman, Coy, Fauss, Lange, Reeder and Van Dyke. Nays: None. Absent: Saunders and Wilson. Motion carried.

Councilperson Coy requested a discussion on "the deadline the Mayor has given the Shared Workforce Group".

Councilperson Brenneman explained the Finance Committee meeting is subject to the Open Meetings Law and the agenda cannot be amended at this time.

Councilperson Coy stated, "in light of the fact this is the first and last opportunity that this group has had to discuss this topic and with tomorrow, January 29, being the deadline, I feel it is appropriate to approach this as an emergency item. All I'm asking is that we extend the deadline until next Monday so the item can be discussed at the Finance Committee meeting at greater depth."

Councilperson Van Dyke stated "it is the Mayor's decision and not elected officials."

Councilperson Brenneman agrees that this is the Mayor's decision but the deadline could be changed at the next Finance Committee meeting.

Councilperson Coy requested that this item be placed "on the next Finance Committee meeting."

Mayor Adams, via telephone conference call, stated “the deadline was set because of the fact that the City is on the 90 day option and elected officials need information, if there is any available, in order to make a timely decision.”

Councilperson Coy questioned whether the Mayor has provided the information requested by the Shared Workforce Group regarding commons areas and restrooms.

Mayor Adams responded that it is inappropriate for the group to try to get down to the details of construction.

Councilperson Coy moved, seconded by Councilperson Fauss to adjourn the meeting at 8:10 a.m. Roll call: Ayes: Council members Brenneman, Coy, Fauss, Lange, Reeder, and Van Dyke. Nays: None. Absent: Saunders and Wilson. Motion carried.

Elizabeth A. Deck
City Clerk