

## CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 18th day of August, 2008, beginning at 7:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of 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 Al Roder, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Solid Waste Manager Gary Lund, Water & Sewer Director Dennis Watts, Wastewater Plant Superintendent Todd Boling, Library Director Ted Smith, Property/Operations Manager Gary Miller, Prevention Manager Scott Cordes, Housing Manager Sheila Miller, Human Resources Director Sheila Schukei, Finance Officer Randy Gates, Park Superintendent Pat Mrsny, Transportation, Building & Grounds Director Jim Koch, Fire Chief Shane Weidner, Information Systems Manager Jim McKenzie, 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 Brenneman moved, seconded by Councilperson Fauss 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 Wilson moved, seconded by Councilperson Lange 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 PRESENTATIONS

The Mayor proclaimed the week of August 31 to September 6, 2008 as "ALS Awareness Week" (Lou Gehrig) in the City of Norfolk.

### CONSENT AGENDA

The City Council approved the minutes of the August 4, 2008, City Council meeting as printed.

The City Council adopted Resolution No. 2008-36 extending the current **E911 surcharge** rate through 2009.

The City Council adopted Resolution No. 2008-37 approving the final allocation of levy authority for the **Offstreet Parking** District for fiscal year 2008-2009 allowing the District to levy a property tax of \$86,280 not to exceed \$.35 per hundred dollars of assessed valuation.

The City Council adopted Resolution No. 2008-39 vacating the existing thirty feet (30') front yard **setback** and providing for a front yard setback of twenty-five feet (25') on Lot 2B of Eldorado Hills 18th Subdivision at the request of Bob Hupp.

The City Council approved the Mayor's appointment of Florence Lavender to serve on the Norfolk **Housing Agency** Board of Commissioners to complete the term of Luke Drozd with a term expiring June 2009.

The City Council approved the City repairing **sidewalks**, according to Section 22-23 of the City Code, located at the following addresses in Ward 4-3:

124 Adams Avenue, 126 Adams Avenue, 201 Adams Avenue, 209 Adams Avenue  
106 Jefferson Avenue, 117 Jefferson Avenue, 217 Jefferson Avenue, 227 Jefferson Avenue, 229 Jefferson Avenue  
101 Miller Avenue, 105 Miller Avenue, 109 Miller Avenue, 116 Miller Avenue,  
129 Miller Avenue, 218 Miller Avenue  
1800 South 1st Street  
113 West Monroe Avenue, 207 West Monroe Avenue, and  
1224 Taylor Avenue

The City Council approved the Guidelines for the **Down Payment** Assistance Program for the Meadow Ridge Phase IV, 2nd Addition project.

The City Council ratified approval of advertising, on August 11, 2008, for replacement **bunker gear** for the Norfolk Fire Division.

The City Council approved the Mayor's reappointment of Mark Werner to the **Plumbing Board** for a three-year term ending August 2011.

The City Council approved changes to the personnel manual Section 8.40 regarding **sick leave** and adding Section 8.120 regarding Family **Military Leave**. The changes, discussed at a subcommittee meeting on August 8, 2008, are as follows:

Family Military Leave

By Federal law employers are mandated to provide family military leave to its employees. That leave would be available to all eligible employees who are the spouse or parent of a person called to military service lasting 179 days or longer with the State or the United States pursuant to the orders of the Governor or the President of the United States. The law provides up to 30 days of unpaid family military leave to an eligible employee during the time federal or state deployment orders are in effect.

### Sick Leave

As a part of comparability with other first class cities, the Human Resources Director reviewed information with representatives of the Fire Division. The benefit in particular that was reviewed was the maximum balance for the accumulation of sick leave. Currently the maximum in Norfolk is 1,378 hours. The average for fire employees of the other first class cities is 1,757 hours. Currently the maximum for police and general employees is 1,040 hours. The average for other employees of the other first class cities is 1,095.

The City Council approved and authorized the Mayor to sign an interlocal agreement with the Lower Elkhorn Natural Resources District to cooperate on **wellhead protection** efforts.

The City Council approved all bills on file in the amount of \$763,028.81.

### REGULAR AGENDA

A public hearing was held to consider repealing Section 6-4 of the City Code that defines and designates a **wellhead protection** area; amending Section 27-2 of City Code to add definitions related to the zoning code; enacting Section 27-41 of City Code to address amendments to wellhead protection overlay district; and enacting Article VIII, Division 5 to Chapter 27 of City Code providing for a wellhead protection overlay district. Solid Waste Manager Gary Lund provided information to the Mayor and City Council.

Lund explained the City wishes to protect its west well field water source, which produces the vast majority of the City's drinking water. By creating a zoning overlay, activities can be restricted that would pose an elevated risk of groundwater contamination. The overlay district restricts heavy industrial development, limits septic tank density, increases the safety level of fuel storage tanks and should encourage safe and orderly development along the Highway 275 corridor that crosses the Wellhead Protection Area. The overlay boundaries are determined by a map drawn by the Nebraska Department of Environmental Quality (DEQ). The map is defined by the location of the 20-year time of travel lines for each well, i.e., today's location of drinking water in the next 20 years. This process began in 1999 with the compilation of a list of landowners and a contaminant source inventory. Two public meetings were held on the subject: May 8, 2006, and April 24, 2008. Significant time has been dedicated to this project by City staff with assistance by Black & Veatch and the Natural Resources District (NRD). City staff has also been working with Madison County on this issue since the map straddles the city/county jurisdiction line. Madison County passed the overlay for their jurisdiction on July 22, 2008.

Charles Henkel, 1614 North 61st Street, Norfolk, Nebraska, is a landowner in the Wellhead Protection Area. Henkel distributed and read a letter dated August 8, 2008 to elected officials. Henkel feels landowners in the wellhead protection area should be compensated "for value lost and expenses imposed due solely to inclusion in the wellhead protection area" but does not know how much the compensation should be and how it should be calculated.

Councilpersons Reeder and Coy feel it may be a good idea to contact NDEQ to ask if compensation is available to landowners.

Water & Sewer Director Dennis Watts stated the City is teaming with NRD on the project which will open some doors for cost-share programs to landowners in the wellhead protection area. Watts stated the wellhead protection area is being established to protect residents of the City of

Norfolk as well as residents in the rural areas who draw from the same water source. Watts has reviewed many programs dealing with this issue, and Watts isn't aware of anyone that compensates landowners in wellhead protection areas.

Councilperson Fauss said the City has purchased some property near the west well field to help protect the water source.

Public Works Director Dennis Smith stated the wellhead protection overlay district will help regulate industrial and commercial development along Highway 275.

No one else appeared either in favor of or in opposition to the City Code amendment and the Mayor declared the hearing closed.

The Mayor requested consideration of Ordinance No. 5024 repealing Section 6-4 of City Code defining and designating a wellhead protection area.

Councilperson Van Dyke introduced Ordinance No. 5024 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO REPEAL SECTION 6-4 OF THE OFFICIAL CITY CODE DEFINING AND DESIGNATING A WELLHEAD PROTECTION AREA; 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. 5024 passed on first reading.

Councilperson Van Dyke 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 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 Fauss. The Mayor then stated the question "Shall Ordinance No. 5024 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. 5024 as required by law.

The Mayor requested consideration of Ordinance No. 5025 amending Section 27-2 of the City Code to add definitions related to the zoning code; to enact Section 27-41 of the City Code to address amendments to **wellhead protection** overlay district; and to enact Article VIII, Division 5 to Chapter 27 of the City Code providing for a wellhead protection overlay district.

Councilperson Lange introduced Ordinance No. 5025 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-2 OF THE OFFICIAL CITY

CODE TO ADD DEFINITIONS RELATED TO THE ZONING CODE; TO ENACT SECTION 27-41 OF THE OFFICIAL CITY CODE TO ADDRESS AMENDMENTS TO WELLHEAD PROTECTION OVERLAY DISTRICT; TO ENACT ARTICLE VIII, DIVISION 5 TO CHAPTER 27 OF THE OFFICIAL CITY CODE PROVIDING FOR A WELLHEAD PROTECTION OVERLAY DISTRICT; 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 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. 5025 passed on first reading.

Councilperson Reeder feels it may be beneficial to contact NDEQ to obtain additional information prior to passing Ordinance No. 5025 on 2nd and 3rd readings.

Councilperson Lange 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, Wilson, Brenneman, Fauss and Saunders. Nays: Reeder. 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 Brenneman. The Mayor then stated the question "Shall Ordinance No. 5025 be passed and adopted?" Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Wilson, Brenneman, Fauss and Saunders. Nays: Reeder. 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. 5025 as required by law.

The Mayor requested consideration of Resolution No. 2008-34 adopting the **wellhead** protection area by adopting the Wellhead Protection Area map.

Councilperson Van Dyke moved for adoption of Resolution No. 2008-34 adopting the wellhead protection area by adopting the Wellhead Protection Area map, seconded by Councilperson Saunders. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2008-34 was adopted.

A public hearing was held to consider submitting an application to the Department of Economic Development for a Nebraska **Affordable Housing** Program Grant. Tom Higginbotham, NENEDD, provided information to the Mayor and City Council. The grant provides \$541,000 for infrastructure costs to construct 38 single-family attached housing units in the Meadow Ridge Subdivision. Of the \$541,000 requested, \$490,000 will be used for infrastructure, \$35,000 will be used for housing management, and \$16,000 will be used for general management. The total project is \$5,386,400 of which \$541,000 will be Nebraska Affordable Housing Program Funds. The City of Norfolk will provide \$16,200 of matching funds on street improvements and \$14,000 on site improvements, Northeast Nebraska Economic Development District will provide

\$62,500 of matching funds for down payment assistance, and the remaining matching funds of \$4,752,700 will be provided by local contractors and the developer. This project will benefit at least 51% low to moderate income persons. There will be no persons displaced as a result of the Nebraska Affordable Housing Program Funds. The homes will be constructed over a period of approximately two years.

Dan Mauk, Chamber of Commerce President, spoke in favor of the grant application.

Councilperson Coy questioned whether the grant funds will be used to improve drainage in that area.

Public Works Director Dennis Smith stated the grant funds will not be used for the drainage project. However, the City will be using reuse money for a drainage study and engineering for the drainage project.

No one else appeared either in favor of or in opposition to the grant application and the Mayor declared the hearing closed.

The Mayor requested consideration of Resolution No. 2008-35 approving the submittal of an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant in the amount of \$541,000 for the Meadow Ridge Housing Development.

Councilperson Wilson moved for adoption of Resolution No. 2008-35 approving the submittal of an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant in the amount of \$541,000 for the Meadow Ridge Housing Development, seconded by Councilperson Lange. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2008-35 was adopted.

The Mayor requested consideration of Ordinance No. 5020 amending Section 22-68 of City Code to change the charge per lineal foot of **curb grinding** done by the City from \$7.50 to \$9.50. Ordinance No. 5020 passed on first reading at the August 4 City Council meeting.

Councilperson Van Dyke introduced Ordinance No. 5020 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 22-68 OF THE OFFICIAL CITY CODE TO CHANGE THE CHARGE PER LINEAL FOOT OF CURB GRINDING DONE BY THE CITY; 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 second reading. Councilperson Reeder 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. 5020 passed on second reading.

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 Coy. The Mayor then stated the question "Shall Ordinance No. 5020 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. 5020 as required by law.

The Mayor requested consideration of Ordinance No. 5023 amending Section 4-1 and enacting Section 4-36 of City Code to reconcile the requirements for keeping a declared **dangerous dog** with state statute. Ordinance No. 5023 passed on first reading at the August 4, 2008 City Council meeting.

Councilperson Reeder introduced Ordinance No. 5023 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-1 OF THE OFFICIAL CITY CODE TO INCLUDE ADDITIONAL DEFINITIONS RELATED TO DANGEROUS DOGS; TO ENACT SECTION 4-36 OF THE OFFICIAL CITY CODE TO INCLUDE RESTRICTIONS CONTAINED IN STATE STATUTE RELATED TO DANGEROUS DOGS; 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 second 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. 5023 passed on second reading.

Thereafter Councilperson Reeder 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. 5023 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. 5023 as required by law.

The Mayor requested consideration of Resolution No. 2008-38 approving the final allocation of levy authority for the Norfolk **Airport Authority** for fiscal year 2008-2009 allowing the Airport Authority to levy a property tax not to exceed \$.023572 per hundred dollars of assessed valuation.

Councilperson Coy moved for adoption of Resolution No. 2008-38 approving the final allocation of levy authority for the Norfolk Airport Authority for fiscal year 2008-2009 allowing the Airport Authority to levy a property tax not to exceed \$.023572 per hundred dollars of assessed valuation, 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. 2008-38 was adopted.

The Mayor requested consideration of Resolution No. 2008-40 related to support of the NorthFork **Riverwalk** Development Project.

Councilperson Wilson moved for adoption of Resolution No. 2008-40 related to support of the NorthFork Riverwalk Development Project, seconded by Councilperson Reeder.

Property/Operations Manager Gary Miller stated the City of Norfolk is supportive of the NorthFork Riverwalk Development Project and its efforts. However, the City is not able to provide financial support because the Mayor and City Council have previously identified replacement and expansion of recreational facilities as the highest priority of the City. The City of Norfolk is supportive of providing in-kind support including but not limited to involvement in grant writing and committee participation with NorthFork Development Foundation.

Roll call on Resolution No. 2008-40: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried. Resolution No. 2008-40 was adopted.

The Mayor requested consideration of directing staff to prepare the 2008-2009 **budget** for presentation at the budget hearing, based on the Level III budgets submitted by the department and division heads with additions approved at the Finance Committee budget review sessions, along with the following subcommittee recommended additions: a) increase fire reserve pay from \$8 to \$9 per hour - \$6,700; b) increase fire overtime to offset federal labor law impact - \$17,500; c) Norfolk Area Recruiters - \$17,000; d) Northeast Nebraska Economic Development District membership - \$23,516; e) Handibus - \$30,000 with partially offsetting increase of \$24,000 in NHA Section 8 Salary Reimbursement revenue; f) Elkhorn Valley Economic Development Council - \$47,032; and g) an increase in property tax of \$115,748.

Councilperson Van Dyke moved, seconded by Councilperson Brenneman to direct staff to prepare the 2008-2009 budget for presentation at the budget hearing, based on the Level III budgets submitted by the department and division heads with additions approved at the Finance Committee budget review sessions, along with the following subcommittee recommended additions: a) increase fire reserve pay from \$8 to \$9 per hour - \$6,700; b) increase fire overtime to offset federal labor law impact - \$17,500; c) Norfolk Area Recruiters - \$17,000; d) Northeast Nebraska Economic Development District membership - \$23,516; e) Handibus - \$30,000 with partially offsetting increase of \$24,000 in NHA Section 8 Salary Reimbursement revenue; f) Elkhorn Valley Economic Development Council - \$47,032; and g) an increase in property tax of \$115,748.

Finance Officer Randy Gates explained total additions to the General Fund Level III budget, including the previously approved Finance Committee additions of a firefighter and street maintenance worker, are \$241,451 mostly offset by a \$24,000 increase in NHA Section 8 Salary Reimbursement revenue for the Handibus and a \$215,451 increase in property tax. If assessed valuations increase 4 1/2 percent as expected, the result will be a slightly less than \$20 increase in property taxes on a home valued at \$100,000.

The subcommittee also recommended funding for Norfolk Area Recruiters be \$10,000 for fiscal year 2009-2010 and \$5,000 for fiscal year 2010-2011.

Tom Higginbotham, NENEDD; Vicki Goeken, Norfolk Handibus; and RJ Baker, EVEDC, thanked the Mayor and City Council for funding support.

Gary Blinn, 1507 Eldorado, spoke briefly in support of the Riverwalk project and made comments on an outside audit of the City, pet licensing, and empowering department and division heads. Blinn suggested departments be open on Saturdays from 10:00 a.m. to 12:00 noon to receive comments from citizens.

Roll call on the motion to direct staff to prepare the 2008-2009 budget: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

No comments were received regarding the monthly commercial and industrial building permit report for July 2008 or the Works-In-Progress report for the period July 30 through August 12, 2008. Both reports were included in the agenda packets.

Councilperson Fauss moved, seconded by Councilperson Reeder to adjourn the meeting at 8:36 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, August 18, 2008, 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 )