

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 5th day of January, 2009, beginning at 5:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of the United States of America, Mayor Sue Fuchtman 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 Clerk Beth Deck, Transportation, Building & Grounds Director Jim Koch, Water & Sewer Director Dennis Watts 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.

Agenda Motions

Councilperson Saunders moved to approve the consent agenda as printed.

Councilperson Fauss requested Item 11, appointment of Gary L. Miller to the Airport Authority Board of Directors, be considered on the regular agenda.

Councilperson Fauss moved, seconded by Councilperson Van Dyke to approve the consent agenda with the removal of Item 11. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Councilperson Reeder moved, seconded by Councilperson Fauss to adopt the regular agenda with the addition of Item 11. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Consent Agenda Items Approved

Minutes of the December 15, 2008 City Council meeting minutes

Grant of Utility Easement to provide a permanent easement over, under, across and through part of Lot 2, RBBA Addition in the NE 1/4 of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, to provide power to the Viaero Wireless tower

Amendment No. 18 with Black & Veatch to provide engineering services for the East Water Treatment Plant Backwash Improvements project in an amount not to exceed of \$166,650

Letter of no recommendation to the Nebraska Liquor Control Commission on the Corporate Manager Application of Brandon Cunningham regarding the Class C liquor license of Norfolk Country Inn, 1201 South 13th Street

Special Designated Liquor License for the Northeast Nebraska Beards & Spurs, Wild Turkey Federation, to sell beer, wine and distilled spirits in the City Auditorium on February 7, 2009

Agreement with Northeast Nebraska Beards and Spurs Chapter of the National Wild Turkey Federation for use of the City Auditorium on February 7, 2009 for a fund raiser banquet and benefit auction

Bills in the amount of \$788,274.83

Regular Agenda Items

Ordinance No. 5050

(sale of City property, Highway 81 & Monroe Avenue, The Wilson Group)

Councilperson Van Dyke introduced, seconded by Councilperson Brenneman, Ordinance No. 5050 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on first reading. 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. 5050 passed on first reading.

Councilperson Van Dyke moved, seconded by Councilperson Coy, that the statutory rule requiring reading on three different days be suspended.

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, seconded by Councilperson Coy, that the statutory rules requiring reading on three different days be suspended and for final passage of the

ordinance. The Mayor then stated the question "Shall Ordinance No. 5050 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. 5050 as required by law.

Airport Authority Board of Directors Appointment

Mayor Fuchtman requested consideration of approval of the appointment of Gary L. Miller to the Norfolk Airport Authority Board of Directors to serve until a successor can be elected at the next general city election.

Councilperson Van Dyke moved, seconded by Councilperson Brenneman to approve the appointment of Gary L. Miller to the Norfolk Airport Authority Board of Directors to serve until a successor can be elected at the next general city election.

Don Smejkal, 2300 Random Road, has a concern that the appointment should be someone who is knowledgeable about aviation to keep operation of the airport "in good order." The current board consists of five members of which one is a banker and two are pilots. Smejkal wants a "good functional working member" appointed to the Board.

Doris Kingsbury, 622 Magnet, agrees with Smejkal and wants a Board member who "knows about aviation." Kingsbury stated safety is the Board's first concern and the Board wants members who have an interest in aviation. Kingsbury suggested the City Council wait 1-2 months to allow further discussions.

Councilperson Fauss questioned whether the appointment is only until the next election and whether the appointment could be for a 3-month trial period.

City Administrator Al Roder stated the appointment, per State Statute, is until the next general election which will be held in November 2010 which makes the appointment for 2 years. Roder feels any City staff member would be a good appointment to the Board; in addition, Miller has strong business acumen. Roder stated the Airport Authority is an integral part of the City because both receive tax money from the same property base. Roder explained this appointment should have actually occurred in December 2008 but the Mayor wanted to get a little more familiar with Airport Authority operations before making a recommendation. Roder said this action could maybe be put off for one more meeting but it is the Mayor's appointment with confirmation by the City Council.

Mayor Fuchtman did mention a possible 3-month trial period but would need a legal opinion. Fuchtman stated all City staff members have the same intent which is the betterment of Norfolk. Fuchtman stands firm on the recommendation.

Councilpersons Fauss and Reeder support Fuchtman's recommendation.

Councilperson Brenneman feels the Airport Authority does a good job but the appointment is a good step forward with communication between the two entities. Brenneman stated staff will be able to enhance the communication interface.

Councilperson Lange agrees on the communication issue. Lange also stated Miller is a citizen of Norfolk and is an excellent appointment for the position.

Mark Hall, 1642 Hackberry Drive, requested the City Council consider assigning Miller to “assist the Airport Authority” but have someone else “from the public appointed to the position.” Hall doesn’t feel this appointment is appropriate because it doesn’t provide transparency for government.

Councilperson Saunders questioned whether the Airport Authority Board had solicited citizens to run for the position.

Smejkel stated the Airport Authority Board did solicit citizens and recommended Mark Hall for the position. However, Hall did not register for the election. Smejkel doesn’t feel a City employee should be appointed to the Airport Authority Board of Directors.

Councilperson Wilson feels the Airport Authority Board “is being harsh” about Miller. Wilson feels Mayor Fuchtman put a lot of time into the appointment.

Councilperson Coy will go along with the sentiments of the City Council but questions why a staff member is being appointed to the position when Norfolk has over 22,000 residents.

Roll call on the appointment of Gary L. Miller to the Airport Authority Board of Directors:
Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Administrative Reports

December 22, 2008 Public Works Subcommittee meeting summary

Councilperson Fauss moved, seconded by Councilperson Lange to adjourn the meeting at 6:03 p.m. Roll call: Ayes: Councilpersons Coy, Lange, Van Dyke, Reeder, Wilson, Brenneman, Fauss and Saunders. Nays: None. Absent: None. Motion carried.

Sue Fuchtman
Mayor

ATTEST:

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, January 5, 2009, 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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