

FINANCE COMMITTEE MEETING

The Finance Committee of the City of Norfolk, Nebraska met in the City's Conference Room, 309 Madison Avenue, Norfolk, Nebraska, on Monday, October 3, 2005, beginning at 7:00 a.m.

Mayor Gordon D. Adams called the meeting to order.

Roll call found the following Committee members present: Mayor Gordon Adams and Councilpersons Kaspar-Beckman, Brenneman, Fauss, Lange, Saunders, Van Dyke and Wilson. Absent: Leshovsky.

Staff members present were City Administrator Mike Nolan, Public Works Director Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Transportation, Building & Grounds Director Jim Koch, Finance Officer Randy Gates and Police Chief Bill Mizner.

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

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 Mayor presided and the City Clerk recorded the proceedings.

The first item discussed was proposed Resolution No. 2005-69 approving the appointment of the Elkhorn Valley Economic Development Council as the lead agency in Nebraska's Economic Development **Certified Community** (EDCC) Program. The resolution appoints R.J. Baker as the local contact for the program and pledges the City's full support, endorsement and cooperation. Mayor Adams gave a short presentation on the EDCC program. Certified communities will be better positioned for economic development opportunities and publicly recognized as economic development leaders. The certification is for three years and the program can act as a road map for economic development. All communities are judged on the same criteria. Parameters include organization, target market, workforce issues, infrastructure, local financing and building and site availability. General information included in the EDCC program are web site and collateral materials, economic development partners, BRE program, local business recognition, housing, child care, zoning and land use, tourism and Nebraska diplomats. Mayor Adams stated there is no cost to the City for participating in the program; however, the City of Norfolk does need to endorse the program.

Councilman Van Dyke moved, seconded by Councilwoman Saunders to move forward with Resolution No. 2005-69 approving the appointment of the Elkhorn Valley Economic Development Council as the lead agency and R.J. Baker as the local contact for the Certified Community Program and pledging the City of Norfolk's full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program. Roll call: Ayes: Kaspar-Beckman, Brenneman, Fauss, Lange, Saunders, Van Dyke, Wilson and Mayor. Nays: None. Absent: Leshovsky. Motion carried.

The next item discussed was a proposed ordinance amending Sections 5-28, 22-4, 24-1 and 24-100 of City Code to provide for an exception to certain provisions of the code which pertain to

gas- or electric-powered scooters so that said provisions are not applicable to **scooters**, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility.

Councilwoman Saunders moved, seconded by Councilwoman Kaspar-Beckman to approve and move forward with a proposed ordinance to amend Sections 5-28, 22-4, 24-1 and 24-100 of City Code to provide for an exception to certain provisions of the code which pertain to gas- or electric-powered scooters so that said provisions are not applicable to **scooters**, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility.

Timothy Brazeal, 1713 College View Drive, requested elected officials regulate gas-powered and electric-powered scooters differently. Brazeal stated gas-powered scooters are subject to more public complaints whereas electric-powered scooters are more for recreational purposes.

Councilman Fauss questioned how scooters are classified.

Police Chief Bill Mizner explained people can either stand on a scooter or some scooters have a small seat to sit on. Mizner said a mini chopper is not considered a scooter even though they may be sold as scooters. A mini chopper is more of a mini bike. Mizner stated the Police Division is addressing concerns raised by Will Masters, 1212 Verges. Masters was ticketed by police over an altercation when Masters' riding lawn mower backed into a mini chopper driven by a juvenile. The 15-year-old juvenile was ticketed for operating an unlawful scooter on a sidewalk. Mizner stated there are different issues between the neighbors and resolution will be difficult.

Brazeal is fearful the City Council will resort to banning all scooters in the City of Norfolk.

City Attorney Clint Schukei understands the concerns about scooters. However, Schukei stated scooters are not the problem between the parties mentioned. Schukei stated a police officer issued Masters a ticket for riding a mobility scooter on the street. The ordinance is to clarify the use of a conveyance designed for and being utilized by individuals with limited mobility.

Roll call on moving forward with a proposed ordinance to amend Sections 5-28, 22-4, 24-1 and 24-100 of City Code to provide for an exception to certain provisions of the code which pertain to gas- or electric-powered scooters so that said provisions are not applicable to **scooters**, power chairs or electric wheelchairs having more than two wheels which are designed for and being utilized by individuals with limited mobility. Ayes: Kaspar-Beckman, Brenneman, Fauss, Lange, Saunders, Van Dyke, Wilson and Mayor. Nays: None. Absent: Leshovsky. Motion carried.

City Administrator Mike Nolan explained the City received a news release, dated September 21, 2005, from **Aquila** regarding the sale of selected utility assets totaling \$896.7 million. The sale of assets will occur in Missouri (gas operations) and Kansas (electric operations) at this time. Nolan stated this is the third time Aquila has sold assets for its repositioning plan. The press release contains forward-looking information. Forward-looking information involves risk and uncertainties and certain important factors can cause actual results to differ materially from those anticipated. Aquila's forward-looking statement includes: Using the proceeds from the transactions to decrease debt and other liabilities; strengthen the balance sheet; improve credit

rating and position for continued growth in the regulated gas and electric utility markets; consider the sale of certain non-regulated assets and plan a settlement of the Elwood tolling contract; and strengthen sales and achieve continued EBIT growth of 3-5 percent. Nolan has concerns that if Aquila continues selling assets Nebraska may be the next state where that occurs. Nolan stated staff and elected officials have a good working relationship with Aquila.

Councilman Van Dyke stated elected officials need to continue watching and monitoring the Aquila situation. Van Dyke requested Nolan continue to keep elected officials informed on matters related to Aquila.

On October 4, 2005, a Judiciary Committee hearing will be held beginning at 10:30 a.m. in the City Council Chambers to receive testimony on LR 191 regarding **mental health** care and LR 221 regarding substance abuse treatment services to persons abusing methamphetamine. City Administrator Mike Nolan encouraged elected officials to attend the hearing. Councilwoman Saunders will make a short comment on behalf of the Norfolk City Council.

The last item discussed was **storm water** legislative issues. Transportation, Building & Grounds Director Jim Koch stated the City of Norfolk received a request for additional information in response to the MS4 permit application. A number of revisions are required. The comments tend to indicate that the program will need to be active and not passive. The revisions include:

1. Naming the person or persons responsible for implementing or coordinating the Best Management Practices (BMPs) for the storm water plan
2. Incorporating a procedure for a site plan review taking into consideration the potential impacts to water quality
3. Develop a program to reduce storm water runoff from construction activities as well as implement and enforce the program, which was formerly completed by the Nebraska Department of Environmental Quality (NDEQ)

City Administrator Mike Nolan stated the City of Norfolk is also requesting support of LB 102 which is enabling legislation to finance some of the efforts to pay for the storm water management plan. Costs of implementing the storm water management plan are not known at this time.

Public Works Director Dennis Smith explained NDEQ moved the implementation and enforcement of storm water management to the local level which requires entities to develop a plan for storm water permitting. Local entities have been mandated the responsibility for storm water management but not the funding for implementation.

This item was for informational purposes only at this time.

Councilman Fauss moved, seconded by Councilman Van Dyke to adjourn the meeting at 7:34 a.m. Roll call: Ayes: Council members Kaspar-Beckman, Brenneman, Fauss, Lange, Saunders, Van Dyke, Wilson and Mayor Adams. Nays: None. Absent: Leshovsky. Motion carried.

Elizabeth A. Deck
City Clerk