

## 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, October 15, 2007, 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 Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke and Wilson.  
Absent: None.

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, Fire Chief Shane Weidner, Police Chief Bill Mizner, Finance Officer Randy Gates, and Library Director Ted Smith.

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

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 Mayor 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 a request for funding for the Norfolk Community **Health Care Clinic**. Rev. Ray Wilke requested financial assistance for the clinic in the amount of \$90,000. Madison County is committing \$90,000 to the clinic. The Clinic currently has \$70,000 on hand.

Wilke stated the clinic is available for the “underserved population” which Wilke says is a liability to the community. Wilke wants a community health care system in place to help take some of the burden off Faith Regional Health Services (FRHS). The clinic will begin charging a nominal fee for services whereas in the past the services were free of charge. Wilke stated the clinic can do a lot of preventive medical care. Wilke stated FRHS is being asked to furnish space for the clinic and participation of its physician residents if that program resumes at the hospital. In the meantime, Dr. Bob Smith has recruited “a dozen doctors to donate time” to the clinic. Wilke asks that elected officials of the City seriously consider donating to the clinic.

Councilperson Saunders stated the law requires a patient coming to the emergency room must receive care whether or not insurance coverage is in effect. Saunders also questioned whether persons using the “free clinic” have applied for Medicaid coverage. Saunders feels the citizens need to contact social services for help. Saunders is in favor of helping people but the City’s budget can’t handle the additional expenditure.

Wilke stated the Health Care Clinic doesn’t have enough staff to help persons apply for social services benefits. Wilke feels the Clinic is a cost-effective way to provide care to the needy and

take the burden off of the emergency room at FRHS. Wilke “will accept the City’s answer” no matter what it is.

Councilperson Van Dyke “is impressed with the doctors who donate time” but the City’s budget is strained.

Wilke questioned whether the Clinic can anticipate help from the City at some point in time.

There wasn’t a response from elected officials to Wilke’s question.

Kathy Nordby, clinic co-chairwoman and director of the Elkhorn-Logan Valley Public Health System that Madison County is part of, said a large portion of the population is not covered by Medicare or Medicaid coverage. Nordby stated the Clinic helps fill the gap for people with serious health problems who are waiting to qualify for Medicare or Medicaid. Nordby stated the Clinic receives donations from the United Way, FRHS (facility use) and Elkhorn-Logan Valley Public Health.

City Administrator Mike Nolan questioned whether the Norfolk Public Schools or Natural Resources District have been asked to donate money for the clinic.

Nordby stated the Clinic hasn’t approached the Norfolk Public Schools or the Natural Resource District. However, the Clinic is soliciting from Northeast Community College. Nordby stated the Clinic has applied for five federal grants to no avail. However, the Clinic will continue applying for grants. Nordby stated one of the criteria for not getting a federal grant is the diversity of board members, and that issue can easily be solved.

Mayor Adams empathizes with the Clinic but the City has real budget problems including staff vacancies.

Joe Ferguson, Health Clinic board member, explained the Clinic has also approached corporations (mainly Tyson Foods) and are awaiting a response. Ferguson “understands the City’s budget constraints” but requested that staff “try to work this into the City’s budget.”

Rick Uhler, Madison County Commissioner, stated Madison County budgeted \$90,000 for the Health Care Clinic and requested the City consider placing in its budget next year. Uhler stated Madison County was able to make the contribution because that amount was almost the same amount “that Nordby saved the county” by having Elkhorn-Logan Valley Public Health take over the county’s relief fund.

Nolan is grateful for Madison County’s support for the projects, including the trestle project and the New American Center. Nolan stated the City of Norfolk has paid over \$150,000 in fees to keep the Regional Center open. Nolan explained the City’s budget is very tight and there are still vacancies in the Police Division and Street Maintenance Division.

No action was taken on this item.

The next item discussed was participation in **Storm Water** lobbying efforts. Public Works Director Dennis Smith stated in 2006 the City of Norfolk participated in a cost share through the Nebraska Phase II Storm Water Communities Cooperative that the communities participate in

funding a lobbyist to assist with education related to Storm Water National Pollution Discharge Elimination System (NPDES) Permit in pursuing enabling legislation permitting the creating of a storm water utility and help with obtaining grants for storm water issues. The City of Lincoln has retained American Communication Group (ACG) for the past two years and would like to continue that effort. The City's share would be \$1,000.00.

Councilperson Van Dyke moved, seconded by Councilperson Lange to approve the City's participation in the storm water and education lobbying efforts at a cost of \$1,000.00. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, Wilson and Mayor. Nays: None. Absent: None. Motion carried.

City Attorney Clint Schukei explained a proposed ordinance amending Section 3-5 of City Code to establish the hours during which the holder of a Special Designated Permit may sell or distribute alcoholic liquors on Sunday. The City received a request from Bob Plisek, on behalf of the Nebraska State Fraternal Order of Eagles, to allow beer and liquor sales on Sunday morning, February 24, 2008, at the National Guard Armory for a Charity Fundraising Tournament. State Statute Section 53-179 allows for the sale of beer and wine only between 6:00 a.m. Sunday and 12 noon Sunday. However, the local governing body must approve an ordinance to allow for the sale of alcohol on Sunday. Norfolk City Code does not allow for the sale of any alcohol on Sunday until 12 noon. The proposed ordinance amends Section 3-5 by adding: (c) "The hours during which a holder of a special designated permit may sell or distribute alcoholic liquors on Sunday shall be established by the city council at the time the permit application is considered." The actual hours of liquor sales in the City of Norfolk aren't being changed by the proposed ordinance.

Councilperson Fauss doesn't feel it is wise to sell alcohol on Sunday morning and then send the Eagles tournament participants home by 1:30 p.m.

Councilperson Brenneman pointed out that the Eagles are proposing selling beer and bloody Marys.

Schukei pointed out that only beer and wine are permitted by State Statute for sale on Sunday mornings anywhere in Nebraska.

This item was for informational purposes only and will appear on the October 15, 2007 City Council meeting for formal consideration.

Included in the agenda packets was an article from the Nebraska Municipal review discussing LB 564 – A new age for recreational liability claims. Nolan stated the information was distributed for review by elected officials.

Schukei pointed out the two major changes outlined by LB 564:

- (1) LB 564 will probably increase political subdivisions' litigation expenses, insurance costs and judgment losses.
- (2) There will be different liability standards, likely have more defenses than before even though there will also now be more liability exposure.

The next item discussed was a request from Lee Myers, Executive Director of the Wisner Community Development, for the City of Norfolk to participate in an Interlocal Agreement for maintenance of the Highway 275 **rest stop** located in Stanton County near **Pilger**.

Nolan stated the City of Norfolk contributed \$5,000 out of reserves as a one-time donation several years ago. Nolan estimates it costs between \$12,000 and \$14,000 annually to maintain the Pilger rest stop. Nolan explained to Myers that another rest stop is located near Meadow Grove and if Norfolk contributes to the Pilger rest stop then other entities may also request funding. Nolan stated the City of Norfolk's park system is underfunded. Nolan requests consideration of forwarding a letter to Lee Myers stating the consensus of elected officials is that Norfolk should not participate in the interlocal agreement related to the rest area.

Councilperson Saunders moved, seconded by Councilperson Van Dyke to approve forwarding the proposed letter to Lee Myers stating that Norfolk will not be participating in the interlocal agreement related to the rest area by Pilger. Roll call: Ayes: Council members Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, Wilson and Mayor Adams. Nays: None. Absent: None. Motion carried.

Police Chief Bill Mizner discussed a concealed weapons ordinance with elected officials.

Councilperson Wilson left the meeting at 7:48 a.m.

Mizner explained Nebraska law allows authorized persons to carry a **concealed handgun** with a permit. The law, however, restricts where a permit holder is allowed to carry the concealed handgun. The Legislature allowed local governments to retain the authority to restrict the carrying of concealed handguns in local jurisdictions. During the last legislative session, LB 695 was introduced to eliminate local control to avoid situations in which otherwise law-abiding permit holders could unknowingly or inadvertently violate local ordinances which may cause the permit holder to lose the permit. Mizner discussed the issue with the Police Division's sworn officers. The majority of the officers were opposed to LB 695 voicing concerns about concealed handguns as well as loss of local control over a public safety issue. In an effort to avoid situations in which law-abiding permit holders may unknowingly or inadvertently violate the City's ordinance prohibiting the carrying of concealed weapons, Mizner recommends the following:

- \*Amend City Code to include an exception allowing concealed handgun permit holders to carry a concealed handgun in a vehicle. However, upon exiting the vehicle, the handgun must be left secured in the vehicle.

- \*Post signs at the major entrances into Norfolk to notify everyone of the prohibition on carrying concealed handguns with a permit.

Councilperson Brenneman wants to make sure the handgun will be in a secure, preferably locked, part of the vehicle once a person exits.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to move forward with an ordinance on the recommendations made by Chief Mizner regarding concealed weapons. Roll call: Ayes: Council members Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke and Mayor Adams. Nays: None. Absent: Wilson. Motion carried.

At the request of Councilperson Coy, Finance Officer Randy Gates provided an update on the **Meadow Ridge** refinancing project. Since the approval of the Meadow Ridge loan modifications on December 4, 2006, Meadow Ridge Partners, LLC, has made two payments on the City's promissory note: \$8,798.50 on January 19, 2007 and \$31,195 on August 14, 2007 for a total of \$39,993.50. The funds were placed in the CDBG fund and can only be used for HOME projects for low-to-moderate income persons. Prior to the loan modifications, no payments were made on the City's promissory note.

This item was for informational purposes only.

Public Works Director Dennis Smith explained the proposed resolution (Resolution No. 2007-56) to approve an agreement with the Nebraska Department of Roads (NDOR) for reconstruction of **25th Street** as a three-lane section between U.S. 275 and Benjamin Avenue, which the NDOR has designated as Project No. URB-6001(1), State Control No. 31875, seconded by Councilperson Brenneman. The project will include a traffic study to determine the best traffic control for the intersection at 25th Street and Norfolk Avenue. The project will also include an eight-foot trail on one side of the street. The cost of preliminary engineering, right-of-way, non-betterment utility rehabilitation, construction and construction engineering is estimated at \$4,185,000. This agreement provides for the City to be reimbursed by the State, using Federal STP funds, up to 80% of the actual eligible costs, which is currently estimated at \$3,348,000. Because this is a project using federal funds, the design will need to meet federal standards.

Councilperson Lange questioned when construction will begin on the project.

Smith stated the earliest construction will begin is probably 2009.

This item was for informational purposes and will appear on the October 15, 2007 City Council meeting for formal consideration.

At the request of Mayor Adams, the zoning change request from I-1 (Light Industrial District) to R-3 (Multiple Family Residential District) at 25th Street and Pasewalk Avenue and Michigan Avenue was discussed.

Dick Johnson, Johnson Engineering, stated a public hearing on the zoning change is scheduled for the October 15, 2007 City Council meeting.

Mike Smith of Pedcor, Inc., developer, briefly explained NIFA issues related to the development. Smith is not requesting funding from the City but does ask for support for the project. Smith feels the NIFA credits will not be available for another project. Pedcor owns, develops and manages apartment complexes for 15-45 years and are committed to the project. Smith stated location, visibility and accessibility to retail business is important to the project. The apartments are quality constructed and affordable for persons in the \$16,000 to \$35,000 income range. Each apartment has its own entrance and the complex includes a club house, swimming pool and playground.

Councilperson Saunders has only received two calls on the project and both were favorable.

Councilperson Fauss doesn't feel it is a good idea to locate an apartment complex by an industrial site.

Smith said many cities, including Grand Island, are using mixed use zoning.

Councilperson Reeder is concerned with a residential zoning located next to an industrial zoning. Reeder also has concerns with increased foot traffic.

Councilperson Coy has concerns the vacancy rate in Norfolk, reported as 3.2% in the study provided by the developer, is inaccurate.

Smith said NIFA requires a vacancy rate study and Pedcor contracted with an outside company to do the survey. Smith estimates the vacancy rate in the entire city is approximately 6-7%.

Mayor Adams stated a public hearing is scheduled for the October 15, 2007 City Council meeting for this item.

Councilperson Reeder moved, seconded by Councilperson Fauss to adjourn the meeting at 8:15 a.m. Roll call: Ayes: Council members Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, and Mayor Adams. Nays: None. Absent: Wilson. Motion carried.

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Elizabeth A. Deck  
City Clerk