

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, September 17, 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, Street Supervisor Dave Rumsey, Equipment Operator Dan Schmidt, Equipment Operator Doug Prauner, Water & Sewer Director Dennis Watts, Prevention Manager Scott Cordes, Building Inspector Duane Gall, Finance Officer Randy Gates, Fire Chief Shane Weidner and Property/Operations Manager Gary Miller.

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 from the Vehicle Parking District for the City of Norfolk to accept full cost for the median and pedestrian mid-block crossings that are part of the Downtown **Norfolk streetscape** project. City Administrator Mike Nolan explained City staff has met with the Vehicle Parking District Board on several occasions to discuss this issue. Nolan stated everyone has worked very hard to make this sidewalk project work which should take care of immediate liability issues with respect to misaligned sidewalks but will also address ADA requirements in Downtown Norfolk. However, the project will also preserve the aesthetic look business people in Downtown Norfolk have been trying to accomplish. Nolan stated the funding formula for the project was established in 2006 and was based on 1/3 City, 1/3 Vehicle Parking District and 1/3 special assessments against property owners. The allocation, estimated at \$1.7 million at that time, included the cost of the median and pedestrian mid-block crossings. Nolan stated that, as a consequence of delays with the project, the project will probably have a significant increase in cost. The request for the City to assume responsibility for financing median improvements and pedestrian crosswalks, which includes the construction of nodes, is at an additional cost of approximately \$185,000. The rationale for this request is to allow more cash availability to address aesthetic needs of the project.

Councilperson Saunders questioned whether the City "has that kind of money" to use for the project.

Nolan stated the funds come from gasoline tax.

Councilperson Reeder feels the medians are in Downtown Norfolk to help control traffic. Reeder stated the City has paid for median construction in other areas of town.

Councilperson Van Dyke questioned how important the nodes are for the project.

Roger Brummels, Vehicle Parking District, stated the project was first reviewed in 2004 and contained the nodes to help align pedestrian traffic. Brummels feels the nodes add aesthetic value to the project with the only drawback seeming to be maintenance, mainly snow removal. The goal of the nodes is to get people to cross in the correct area using the crosswalks.

Steve McNally, Vehicle Parking District, agrees with Brummels and said City staff didn't indicate problems with snow removal when the project was previously discussed. McNally stated the Vehicle Parking District would not "have wanted to move forward if there had been any indication from staff that it would take twice as much time" for snow removal. McNally feels the nodes will provide better public safety for pedestrians. McNally feels the lighting in the medians will benefit pedestrian traffic at night. Once the lighting is shifted to the median, there will be more pedestrians "down there at night which will be more of an issue for crossing the street." McNally feels the City and Vehicle Parking District should have further discussions on design of the nodes but there should be some type of compromise because it is important for pedestrians to know where it is safe to cross the street. McNally feels this is a liability issue. McNally stated the issue needs to be discussed and maybe the design of the nodes needs to be changed. The Vehicle Parking District has also discussed there may be too many mid-block crossings and that can be reviewed. McNally "isn't necessarily an advocate of a node sticking out or even how far it has to stick out but we have to have something."

Nolan clarified that Street Division staff are not asking to eliminate mid-block crossings but the nodes are problematic.

Van Dyke has a concern that nodes can also be trip hazards because pedestrians expect the pavement to be level.

Reeder questioned whether, as an alternative to nodes, lighting on either side of the entrance to the mid-block crossings can be left in place.

Nolan stated the design can be done to make the area look good. Nolan stated staff is advocating the project be as aesthetically pleasing as possible.

Transportation, Building & Grounds Director Jim Koch worked for an engineering firm in the mid-1960s that designed a project for the City of Neligh. Koch stated nodes were installed on the corners of Neligh and "it wasn't too many years later they tore them out." Koch stated the City windrows snow in Downtown Norfolk but the proposed design indicates there is only 14' between the island and the nodes, which is not wide enough for snow removal. Koch stated the snow will need to be hauled away with loader buckets, which takes a much longer time. Koch suggested calling other communities to see about the use of nodes and whether there are any concerns with maintenance.

Connie Geary, Vehicle Parking District, feels it would be a good idea to contact other communities to see how snow removal is handled where **nodes** are in place.

Coy questioned what an acceptable distance would be for snow removal if 14 feet isn't enough in Downtown Norfolk.

Koch stated Street Division staff would have to practice to see what an acceptable distance would be for snow removal. Koch stated any extension will cause delays in snow removal.

Nolan stated the City's no parking ordinance minimizes the amount of vehicles in the Downtown area when snow removal is taking place.

Van Dyke stated curbs tend to collect trash and the extensions will do the same. Street sweepers will also have problems with any extensions.

Geary feels another item of consideration is the fact that the design was provided to the public and "everybody thinks that's how the Downtown" will look. Geary stated the plan "was paraded out and town hall meetings held" for this design. Geary feels people will be upset if there is a deviation in the design.

Nolan questioned whether Geary feels the nodes are "absolutely critical" to the design and somehow there isn't any integrity if the nodes are eliminated from the design.

Geary said "I think we're not having integrity because we are changing" the design.

Brummels stated the Vehicle Parking District has been promoting this design since 2004.

Nolan is sensitive when tying a person's honor and integrity to a single issue. Nolan stated the Street Division is operating with the same number of people since 1980 and there is a lot more work to do in Norfolk.

Amundson feels this is a design decision and not a committee decision. Amundson suggested checking with other communities, as mentioned before, to see how nodes work. Amundson stated the plan "should have been designed with City workers involved". Amundson suggested the committee "spend some time, do some research and then bring those people in and revise the plan."

Brummels stated the last thing needed is to delay the project further. The worse thing "that would be a bigger egg on the face would be if it doesn't happen in 2008."

Lange questioned whether deletion of the nodes is a "unit cost situation". Lange feels the bid needs to "get out in the fall and fall is coming here really quick."

Smith explained there is a base bid (sidewalks, lighting, conduit, and electrical) going out to contractors. Then "there is a whole series of add-ons" such as the nodes, additional landscaping, mid-block crossings, bollards at the curb line and stamped concrete.

Nolan stated the discussion this morning is about the City absorbing the cost of the median and pedestrian mid-block crossings and not trying to delay the project. Nolan said that if the City agrees to pay the additional \$185,000 it does allay some of the strain on the budget for the project.

Smith explained it is true the Vehicle Parking District hasn't requested additional compensation for the medians but the median improvements in the downtown area are much more extensive

and expensive than any other areas of Norfolk. Smith stated there are “issues on all sides of this” project because the project was sold to the public with funding split 1/3, 1/3, and 1/3 between the City, the Vehicle Parking District and special assessments to property owners. There are many issues to look at prior to making changes.

McNally feels the round-a-bout landscaping is extensive in Norfolk. McNally stated the \$185,000 is for the medians and mid-block crossings and not the nodes. McNally stated the node issue could be tabled at this time to move forward with the medians and mid-block crossings.

Amundson stated the estimated cost for the nodes is \$50,000 - \$100,000.

Smith stated the overall median project was over \$200,000 and half of that has already been paid by the City of Norfolk.

Mayor Adams feels it is appropriate to separate the two issues. Mayor clarified that the mid-block crossings will be preserved but there is a question about the design and need for the nodes.

Councilperson Van Dyke moved, seconded by Councilperson Reeder for the City to accept and approve the full cost for the median and pedestrian mid-block crossings in the amount of \$185,000 as part of the downtown sidewalk project as discussed.

Brenneman has concerns that the Downtown Norfolk project agreement was for funding at 1/3, 1/3 and 1/3 (as previously discussed).

Nolan stated this project has taken a long time to implement with several delays along the way, including the annexation of properties in the 600 and 700 block of West Norfolk Avenue, all of which contributed to the increased cost of the project. Another issue is the amount of debt that the Vehicle Parking District can amortize.

Saunders wants to move forward with the project. Saunders “hopes businesses” in Downtown Norfolk start staying open at night.

Fauss has concerns and “is sensitive” about the additional cost to the City because of budgetary cuts, including recreation cuts and Street Division staffing levels. Fauss said elected officials “cut a lot of money out of the budget” to avoid raising taxes and “this is a lot of money to give away.”

Coy feels elected officials need to stay consistent “with the past”. Coy did not find another median in Norfolk that has improvements that were assessed against adjacent property owners.

Brummels stated the Vehicle Parking District has discussed “the downtown being extended all the way out past the car dealership” and wants “to see this area becoming much more viable”.

Brenneman agrees that the project needs to move forward as quickly as possible.

Roll call on the motion for the City to accept and approve the full cost for the median and pedestrian mid-block crossings in the amount of \$185,000 as part of the downtown sidewalk project: Ayes: Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, Wilson and Mayor. Nays: Brenneman. Absent: None. Motion carried.

Mayor stated the nodes can “be worked out at a later date.”

Smith said the bids on the Downtown Streetscape project will be let on October 9, 2007 and changes can be made prior to award of contract which is basically 60 days after opening bids. Smith stated Jim Koch will contact other communities to discuss nodes.

Amundson suggested the Vehicle Parking District Board be involved with contacting the other communities.

Nolan assumes a subcommittee will meet to discuss the bids received.

Van Dyke feels the study of the nodes needs to happen soon, prior to bid letting.

Fauss suggested having another meeting to update people and the media on the project.

The Mayor requested consideration of the plans, specifications, and engineer’s estimate on file in the City Clerk’s office for **Paving** District No. **493** providing for improvements to the sidewalks and landscaping along Norfolk Avenue from 1st Street to 8th Streets and authorizing for the City Clerk to advertise for bids.

Councilperson Brenneman moved, seconded by Councilperson Van Dyke to approve and move forward with the plans, specifications, and engineer’s estimate on file in the City Clerk’s office for Paving District No. 493 providing for improvements to the sidewalks and landscaping along Norfolk Avenue from 1st Street to 8th Streets and authorize for the City Clerk to advertise for bids. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, Wilson and Mayor. Nays: None. Absent: None. Motion carried.

Russ McKillip, Nebraska Public Power District (NPPD), distributed the *Norfolk, Nebraska Community Fact* book to elected officials. The information was compiled by the City of Norfolk and NPPD in order to promote community development. Included in the booklet are facts on the following: General Information; Economic Development; Labor; Transportation; Utilities; Communications; Tax Structure; Education; Community Facilities; Community Services; Agriculture; Raw Materials; and Climate.

This item was for informational purposes only.

Prevention Manager Scott Cordes reviewed proposed ordinances regarding adoption of the **2006** International Building, Mechanical, Fire, Energy, Conservation, Residential, Plumbing and Housing **Codes**. The International Codes are updated every three (3) years and the 2006 Version is the latest edition. City staff have taken approximately two years to review the 2006 Codes and received input from local contractors. Several major changes include the requirement that all new establishments that sell liquor need to have a sprinkler system up to 100 occupancy rate instead of 300. The mechanical code contains a few reduced fees. The plumbing code contains the requirement for installation of backflow devices for new construction or major reconstruction.

Councilperson Wilson left the meeting at 7:47 a.m.

Cordes stated the Property Maintenance Code contains new language and a timeline to initiate repairs on properties damages by fire, wind, flood, etc.

Councilperson Fauss appreciates the work of the Codes staff and feels it eliminates controversy when the new Codes are adopted.

Mayor Adams questioned whether Norfolk's adoption of the 2006 International Codes is equivalent with other first class cities in Nebraska.

Cordes explained all first class cities in Nebraska, as well as Omaha and Lincoln, have adopted the International Codes. Cordes stated the only difference may be in how a community enforces the codes. Cordes stated the International Code has a recommended fee schedule that staff feels is excessive. However, Norfolk may need to increase some fees with the 2009 Code Update.

Councilperson Brenneman questioned whether other communities require the backflow devices.

Public Works Director Dennis Smith stated several communities do require the backflow devices. Smith explained the insurance industry has changed and the City of Norfolk doesn't have insurance coverage for sewer backups, flooding or those types of occurrences.

These ordinances will appear on the September 17, 2007, City Council meeting for formal consideration.

The next item for discussion was consideration of a purchase agreement with Wendell J. **Newcomb**, M.D., and family for right-of-way property located on South 13th Street and West Monroe Avenue more particularly described as a tract of land lying wholly in Lot 6, Roman's Third Addition, a Replat of a Part of Lot 5, Roman's Second Addition, a Replat of Lot 2, Roman's Addition, an addition to the City of Norfolk, Madison County, Nebraska. The purchase price for the property is \$119,785.00. The right-of-way will be used for construction of a traffic signal at the corner of 13th Street and Monroe Avenue. The real estate purchase agreement is standard with the parties sharing 50/50 of the surveying and title insurance expenses.

This item was for informational purposes only and will appear on the September 17, 2007 City Council meeting for formal consideration.

The last item discussed was the proposed purchase of property located at 404 **McKinley** Street. Staff request consideration of approval of authorization for the Mayor to execute all documents necessary to purchase the property. A public hearing is scheduled for the September 17, 2007 City Council meeting to comply with N.R.S. 18-1755 and 25-2501, et. seq. for acquisition of property.

Councilperson Fauss moved, seconded by Councilperson Brenneman to adjourn from regular session and convene into executive session at 8:01 a.m. to discuss property negotiations. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Saunders, Van Dyke, and Mayor. Nays: None. Absent: Wilson. Motion carried.

Councilperson Saunders left the meeting at 8:07 a.m.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn from executive session and reconvene into regular session at 8:08 a.m. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Van Dyke, and Mayor. Nays: None. Absent: Saunders and Wilson. Motion carried.

Mayor Adams restated for the record that the only item discussed in executive session was property negotiations.

Councilperson Brenneman moved, seconded by Councilperson Fauss to authorize staff to negotiate a purchase price of \$28,000 with Fannie Mae for the purchase of property at 404 McKinley Street and to authorize the Mayor to execute all documents necessary to accomplish the purchase of the property. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Van Dyke, and Mayor. Nays: None. Absent: Saunders and Wilson. Motion carried.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adjourn the meeting at 8:12 a.m. Roll call: Ayes: Brenneman, Coy, Fauss, Lange, Reeder, Van Dyke, and Mayor. Nays: None. Absent: Saunders and Wilson. Motion carried.

Elizabeth A. Deck
City Clerk