

## WORK SESSION

A work session was held by the Mayor and City Council of the City of Norfolk, Nebraska on Monday, March 9, 2009 beginning at 5:30 p.m. in the City Council Chambers Conference Room, 309 West Madison Avenue, Norfolk, Nebraska.

Mayor Sue Fuchtman called the meeting to order.

Roll call found the following members present: Mayor Sue Fuchtman and Councilpersons Brenneman, Coy, Fauss, Lange (5:34 p.m.), Reeder, Saunders, Van Dyke and Wilson. Absent: None.

Staff members present were Public Works Director Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Waste Water Plant Superintendent Todd Boling, Property/Operations Manager Gary Miller, Police Captain Steve Hecker, Finance Officer Randy Gates, Transportation, Building & Grounds Director Jim Koch, Information Systems Manager Jim McKenzie, Fire Chief Shane Weidner, Park Superintendent Pat Mrsny, and Water & Sewer Director Dennis Watts.

The media was represented by 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.

### Concealed Carry

Mayor Fuchtman said there has been a lot of discussion regarding the concealed carry issue and that is why this item is being discussed.

City Attorney Clint Schukei provided a brief history of the concealed carry law. State Statute Section 16-227 has been in existence since before 1929 and grants authority to regulate the carrying of concealed weapons to cities of the first class. The current City ordinance prohibiting the carrying of concealed weapons within the city limits of Norfolk has been in place since at least 1962. LB 454, the Nebraska Concealed Handgun Permit Act, took effect January 1, 2007. On January 14, 2009, the Attorney General issued an opinion that LB 454 preempted local control granted by Section 16-227. The Legislature did not talk about preemption. However, no court has embraced the Attorney General's opinion and the Legislature did not address the issue. Schukei explained LB 454 never mentions Section 16-227 and never sought to amend the authority given to municipalities. Schukei stated the Council has two options to consider in the future: (1) leave the current ordinance in place; or (2) provide for an exception to the existing ordinance to allow for concealed carry in compliance with the Nebraska Concealed Handgun Act. LB 430, which changes the Concealed Handgun Act but does not affect Section 16-227, is set for hearing on March 11, 2009. LB 430 makes some changes to the Act but does not affect

Section 16-227, which is the grant of authority to cities of the first class and doesn't change anything to Chapter 17 which is the grant of authority to the cities of the second class. LB 430 does have a provision which says "cities and villages should not have the power to regulate the ownership, possession or transportation of firearms except as expressly provided by state law and any existing ordinances, permits or regulations regulating the ownership, possession, or transportation of firearms are declared null and void." Schukei stated this wording has the potential to dispose of issue if the Legislature approves LB 430.

Fuchtman stated elected officials did not know the hearing on LB 430 was set for March 11 when this work session was planned. In hindsight the work session should probably have been held following the hearing. Fuchtman encouraged citizens to attend the legislative hearing to voice their opinions.

Dave Hedrick, 511 West Park Avenue, works at Menards and ran for a City Council seat last fall and, in doing so, has been approached by many citizens expressing dissatisfaction with Norfolk's concealed carry ordinance. Hedrick discussed the issue with Senator Christensen. Hedrick feels the ordinance is difficult for law-abiding citizens to obey. Hedrick stated thirteen (13) cities in Nebraska have concealed carry bans. However, Hedrick stated Omaha has changed its concealed carry ordinance, and Hedrick also heard that Columbus, Grand Island and Lincoln lifted the ban. Hedrick provided information about concealed carry and asked that it be distributed to all elected officials. Hedrick's main concern is the safety of citizens and law enforcement personnel and believes a person should have the right to carry if the law is followed. Hedrick questions whether the City's concealed carry ordinance is discriminatory and opens the City up for a lawsuit. Hedrick suggested the Council contact other municipalities regarding the concealed carry issue.

Jim Kilpatrick, Neligh, has a concealed carry permit and feels it is more dangerous to expose the handgun than keep it hidden in a vehicle.

Cheryl Dekker, 2308 Fairview Drive, has a concealed carry permit and suggested elected officials check with experts before deciding the issue. Dekker stated most people obtaining concealed carry permits are older and just want that right.

Carroll Kemp is retired law enforcement and stated less than 1/10 of 1% of people arrested for violent crimes in the nation carry a concealed weapon permit. Kemp feels the issue is with criminals and not law abiding citizens.

Barbara Kemp is 73 years old and has a concealed carry permit for self-protection.

Jeff Braithwait, 1800 Cedar Ridge Road, feels it is difficult for concealed carry permit holders to abide by the rules. Braithwait would like elected officials to obtain more input prior to making a decision on concealed carry in Norfolk.

Councilperson Fauss has heard from a lot of citizens, both pro and con, regarding the concealed carry ban in Norfolk. Fauss said elected officials are trying to gather facts and learn more about the concealed carry law.

Schukei stated that if the Attorney General's opinion is correct then the concealed carry ban in Norfolk has no effect. However, 2006 legislation prohibits the carrying of weapons at certain

locations—public meetings and police stations. Resolution No. 2009-3, approved at the February 2, 2009 City Council meeting, specifically prohibits the carrying of a concealed handgun on all City property whether or not the carrier has obtained a permit from the State of Nebraska and further directs City staff to properly sign all City property to that effect. Schukei stated it is unfortunate that when the Legislature passed LB 454 did not make it clear whether it was preemptive or not.

Mayor Fuchtman stated this item was for discussion only at this time and no action could be taken.

**Space Needs Analysis Presentation**

Property/Operations Manager Gary Miller explained that, following the elected officials goal-setting meeting in January, City Administrator Al Roder contacted and interviewed architect firms to provide a space needs analysis for the City of Norfolk. BVH Architects was selected for the project. Miller distributed a copy of the study.

Paul Jeffries with Bahr Vermeer Haecker (BVH) Architects reviewed the City of Norfolk Administration offices Space Needs Study with elected officials. The analysis is a result of interviews with staff and tours of the existing facility. The analysis is on an objective basis only and is based on standard office sizes, work spaces based on department needs, room for future expansion and storage needs. The common areas needs are generic. Jeffries stated the net-to-gross square footage needed for the Administration offices is 26,938, broken down as follows:

Mayor’s office.....	250
City Administrator.....	225
City Council Chambers .....	4,225
City Attorney.....	700
Finance Department.....	2,870
Human Resources Department.....	860
Information Technology Department.....	1,880
Public Works Department.....	2,370
Property/Operations Department.....	1,180
Recreation Department.....	450
Future Expansion.....	1,440
Common Areas.....	5,100
 Subtotal.....	 21,550
 Circulation space, net to gross area.....	 5,388
(25% of subtotal square footage)	
 Total Square Feet Needed.....	 26,938

Jeffries explained the additional 25% would cover hallways, vestibule, circulation space, lobby, and wall thicknesses. The square footage is pretty standard based on this type of building and space needs which will allow for efficient layout of offices. Jeffries explained the analysis is for square footage needs only and is a guideline whether it is applied to a new building or remodeling of an existing building. Any building layout would strive for efficiency as the design

progresses to accomplish the necessary functions. The next step in the process would be to design a facility based on the square footage needs.

Councilperson Fauss left the meeting at 6:25 p.m.

Councilperson Van Dyke assumes the square footage needs are based on a one-story facility.

Jeffries stated the square footage is based on a single story structure and the 25% circulation space would account for any stairs, elevators, etc. necessary for a two-story structure.

Councilperson Lange assumes Jeffries is just presenting space needs and not necessarily a single or two-story facility. Lange agreed the 25% additional space would need to be considered if a two-story building is constructed.

Councilperson Van Dyke said, "Show me the money."

Councilperson Lange stated "this is the best time to build." Lange gave an example of the dollar difference a year makes and said the NECC Welcome Center is 33,000 square feet and the low bid was \$7.7 million; whereas the Nursing College is 42,000 square feet and the bid came in at \$6.6 million. The Welcome Center had three bidders and the Nursing College had 10 bidders.

Jeffries said the firm also did a review of the Norfolk Public Library to assess space needs. The current library contains approximately 23,000 square feet. The library is over 40 years old and functions of libraries have changed dramatically over the years. The library could be made more efficient to provide for more stacks and more volume. Jeffries stated the national rule-of-thumb for libraries in communities that serve 30,000 people is approximately one (1) square foot per person. Therefore, the Norfolk Public Library is below the standard by about 7,000 square feet. Jeffries said, however, that if the Information Technology Department moves that space could be converted into usable library space to provide more efficiency.

Property/Operations Manager Gary Miller reminded elected officials that a new Administration building was a goal set by the Council in January 2009. Miller encouraged elected officials to consider how to move forward to carry out those goals set by the City Council.

Councilperson Reeder moved, seconded by Councilperson Wilson to adjourn the meeting at 6:33 p.m. Roll call: Ayes: Councilpersons Brenneman, Coy, Lange, Reeder, Saunders, Van Dyke, Wilson and Mayor Fuchtman. Nays: None. Absent: Fauss. Motion carried.

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Sue Fuchtman  
Mayor

ATTEST:

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Bethene Hoff  
Acting City Clerk

( S E A L )