

## CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 5th day of May, 2014, 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 Councilmembers present: Dale Coy, Jim Lange, Rob Merrill, Shane Clausen, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Police Chief Bill Mizner, Wastewater Plant Superintendent Todd Boling, Water & Sewer Director Dennis Watts, Park Superintendent Pat Mrsny, Information Systems Manager Jim McKenzie, Administrative Secretary Bethene Hoff, Administrative Secretary/Personnel Technician Deb Johnson, Operations Manager Gary Miller, and Assistant City Engineer Mark Dolechek.

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**

Councilmember Merrill moved, seconded by Councilmember Fauss to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Councilmember Coy moved, seconded by Councilmember Clausen to adopt the full agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

### **Consent Agenda Items Approved**

*Minutes* of the April 21, 2014, City Council meeting

*Northeast Nebraska All-Star Football Classic* (a Nebraska Nonprofit Corporation) agreement to hold an all-star classic football game for area graduating seniors at Memorial Field on Saturday, June 14, 2014

*Purchase 32 replacement **computers** off the State of Nebraska contract from Hewlett Packard for a total of \$42,089.80*

*Partial acquisition contract, permanent easement contract, warranty deed, and permanent easement deed from **Robin D. Pollard** for property along Monroe Avenue in conjunction with the SW Sanitary Sewer Interceptor Phase I project for an amount of \$9,220.00*

*Advertise for bids for a contractor to **install grit pumping** and washing equipment at the Water Pollution Control Plant*

*Plans, specifications, and engineer's estimate on file in the City offices for the **Southwest Sanitary Sewer Interceptor** - Phase I project and authorization for the City Clerk to advertise for bids*

***American Legion Post 16** to discharge a fireworks display on May 30, 2014 in conjunction with a fundraiser/dance in the parking lot at 1305 Riverside Boulevard*

*Three Special Designated Liquor Licenses for **Fifth Street Tavern** to serve beer, wine and distilled spirits at a dance in an outdoor beer garden at 500 West Norfolk Avenue from 1 p.m. to 1 a.m. on Saturday, May 31, 2014; Friday, July 25, 2014; and Saturday, August 23, 2014*

*Authorize and direct the Mayor to proceed with the formulation of any and all contracts, documents, or other memoranda with the **Nebraska State Recycling Association** to affect submission and acceptance (if awarded) of a grant for 50% of \$4,590 to purchase a "Fluorescent Bulb Crusher"*

*Special Designated Liquor License for **Fine Wine, LLC**, dba Jim's Fine Wine & More, 2001 Market Lane, to serve beer and wine at Creatively Fired Pottery to Paint, 1317 West Pasewalk Avenue, Norfolk, Nebraska, on Thursday, May 29, 2014 from 5 p.m. to 9 p.m., for a sampling/tasting event*

***Norfolk Arts Center** (a Nebraska Nonprofit Corporation) agreement to utilize the Central Park performance stage for placement of a projection screen to host four summer outdoor movie nights scheduled for Friday, May 16, 2014; Wednesday, June 11, 2014; Friday, July 18, 2014; and Friday, August 15, 2014*

Bills in the amount of \$1,198,657.42

### **Special Presentations**

The Mayor proclaimed May 17, 2014 as "Poppy Day" at the request of The American Legion Auxiliary Unit #16 of Norfolk; and May 4-10, 2014 as "National Drinking Water Week."

Dan Wolverton and Brian Lewin of Sanitary Improvement District #1 (SID #1) of Stanton County, Nebraska spoke with elected officials about the Woodland Park housing development. Wolverton said the SID #1 board is working on repairing the current sewer system. Lewin reviewed the City's minimum requirements for SID #1 to stay on the City's sewer system and agree with all of the points except #4, which is the payment of a \$230,000 fee. SID #1 would

like the City to consider waiving the fee. Wolverton and Lewin stated the SID #1 would like a timely and equitable resolution to the sewer issue with the City of Norfolk.

SID #1 of Stanton County negotiations

Mayor Fuchtman thanked Wolverton and Lewin for the information and requested a motion to go into closed session related to contract negotiations with Sanitary Improvement District No. 1 (SID #1) of Stanton County, Nebraska and consideration of reaffirming or altering the Memorandum of Understanding approved at the April 21, 2014 City Council meeting.

Councilmember Merrill moved, seconded by Councilmember Clausen to adjourn from regular session and convene into closed session at 5:59 p.m. to discuss contract negotiations with Sanitary Improvement District No. 1 (SID #1) of Stanton County, Nebraska and consideration of reaffirming or altering the Memorandum of Understanding approved at the April 21, 2014 City Council meeting.

Roll call: Ayes: Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Mayor Fuchtman restated that the closed session was to discuss contract negotiations with Sanitary Improvement District No. 1 (SID #1) of Stanton County, Nebraska and consideration of reaffirming or altering the Memorandum of Understanding approved at the April 21, 2014 City Council meeting.

Elected officials came out of closed session.

Mayor Fuchtman restated that the only item discussed during the closed session was contract negotiations with Sanitary Improvement District No. 1 (SID #1) of Stanton County, Nebraska and consideration of reaffirming or altering the Memorandum of Understanding approved at the April 21, 2014 City Council meeting.

Mayor Fuchtman requested a motion to come out of closed session.

Councilmember Fauss moved, seconded by Councilmember Coy to come out of closed session at reconvene into regular session at 7:28 p.m.

Roll call: Ayes: Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Mayor Fuchtman stated elected officials propose to alter the Memorandum of Understanding by increasing the gallons per minute from 300 to 335 to allow the trailer park to use the Woodland Park sewer system and decrease the \$230,000 fee to \$190,000 due in four equal annual payments of \$47,500 each with the first payment due September 1, 2014.

The Mayor asked if there was further discussion. There being no further discussion, the Mayor requested consideration of altering the Memorandum of Understanding approved at the April 21, 2014 City Council meeting as proposed.

Councilmember Fauss moved, seconded by Councilmember Merrill to alter the Memorandum of Understanding approved at the April 21, 2014 City Council meeting by increasing the gallons

per minute from 300 to 335, based on population to be served to allow inclusion of the trailer park adjacent to Woodland Park, and decrease the \$230,000 fee to \$190,000 due in four equal annual payments of \$47,500 each with the first payment due September 1, 2014.

Roll call: Ayes: Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Resolution No. 2014-10  
(Kirkham Michael 275 Lift Station study)

Councilmember Merrill moved, seconded by Councilmember to adopt Resolution No. 2014-10 providing direction to staff related to providing direction to Kirkham, Michael & Associates, Inc. on loading from Woodland Park to include in the 275 Lift Station study underway. The resolution also provides a time frame for staff to provide the direction to Kirkham, Michael & Associates, Inc.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2014-10 was adopted.

Elkhorn Paving Construction contract  
(Prospect Avenue Paving Improvements Project)

Council member Pfeil moved, seconded by Councilmember Fauss to award a contract to Elkhorn Paving Construction Co., Inc. of Norfolk, Nebraska for Prospect Avenue Paving Improvements project for an amount of \$552,579.62 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Two sealed bids were received at the April 28, 2014 bid letting. The other bid submitted was from Paulsen, Inc. of Cozad, Nebraska for \$616,802.50.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Elkhorn Paving Construction Change Order No.1  
(Prospect Avenue Paving Improvements Project)

Councilmember Lange moved, seconded by Councilmember Fauss, to approve Change Order No. 1 with Elkhorn Paving Construction Co., Inc. for Prospect Avenue Paving Improvements project resulting in no change to the amount of the original contract.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Purchase Police Cruisers  
(Norfolk GM Auto)

Councilmember Merrill moved, seconded by Councilmember Lange, for approval of the purchase of two 2014 Chevrolet Impala police cruisers from Norfolk GM Auto for \$46,636.00 compared to the State contract price of \$46,736.00, for the Police Division.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Purchase Ford Explorer  
(Courtesy Ford)

Councilmember Fauss moved, seconded by Councilmember Murren, for approval of the purchase of a 2015 Ford Explorer from Courtesy Ford, Norfolk for \$26,984.00 compared to the State contract price of \$27,133.00, for the Police Division.

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

There being no further business, the Mayor declared the meeting adjourned at 7:41 p.m.

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Sue Fuchtman  
Mayor

ATTEST:

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Bethene A. Hoff  
Acting City Clerk

( S E A L )

I, the undersigned Acting City Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, May 5, 2014, 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.

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Bethene A. Hoff  
Acting City Clerk

( S E A L )