

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 19th 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, Shane Clausen, Thad Murren, Josh Moenning, Dave Fauss, and Dick Pfeil. Absent: Merrill.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, Acting City Clerk Bethene Hoff, Police Chief Bill Mizner, Wastewater Plant Superintendent Todd Boling, Preventions Manager Trent Howard, Water and Sewer Director Dennis Watts, Assistant City Engineer Mark Dolechek, Solid Waste Supervisor Rob Mercer, Property/Operations Manager Gary Miller, and Administrative Secretary Deb Johnson.

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

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

Consent Agenda Items Approved

Minutes of the May 5, 2014, City Council meeting

Special Designated Liquor License for Mudder's, Inc., dba Mudder's Sports Bar, 1032 South 13th Street, to serve beer, wine and distilled spirits at the Norfolk City Auditorium, 127 North 1st Street, on Saturday, July 26, 2014 from 5:00 p.m. to 1:00 a.m. in conjunction with the Nebraska Rocks event

James R. Casey, dba Nebraska Music Hall of Fame, agreement allowing the use of the City Auditorium for its annual Nebraska Rocks event on Saturday, July 26, 2014

BBRE LLP temporary easement for property along Highway 81 for \$320.00

Bre-Mar Enterprises, LLC permanent easement contracts and permanent easement deeds for Tracts 10 and 11 along Monroe Avenue for \$4,720.00

Mayor's reappointments of Tom Higginbotham and Florence Lavender to the Housing Agency Board of Directors for 5-year terms expiring June 2019

Young Men's Christian Association of Norfolk, Nebraska (a Nebraska Nonprofit Corporation), YMCA, to use the 8-lane swimming pool in AquaVenture Water Park for swim team practices from 5:30 a.m. to 9:00 a.m. June 1, 2014 through July 31, 2014

The Nebraska Humanities Council, dba Humanities Nebraska, agreement to use Warren Cook Park to hold a "Nebraska Chautauqua" event Tuesday, June 17, 2014, through Sunday, June 22, 2014

Elkhorn Valley Cycling, Inc. (a Nebraska Nonprofit Corporation) agreement to use Skyview Park for a Skyview CX running and bicycle race event on Saturday, September 27, 2014, from 6:00 a.m. to 4:00 p.m.

Norfolk Golden Girls, Inc. (a Nebraska Nonprofit Corporation) agreement to use softball fields in Liberty Bell Park and/or Ta-Ha-Zouka Park to hold a Fallen Soldier Fundraiser (softball game) on Thursday, June 12, 2014

Letter to the Nebraska Department of Economic Development requesting a 6-month extension for the housing rehabilitation grant no. 11-HO-5033 until December 12, 2014

The Huse Publishing Company (a Nebraska Corporation) agreement to use Skyview Park for a family fun wellness event from 9:00 a.m. to 1:00 p.m. on Saturday, August 2, 2014

Winter-Munson Post No. 1644, Veterans of Foreign Wars of the United States, Norfolk, Nebraska (a Nebraska Nonprofit Corporation) agreement to use Central Park for a Memorial Day program and Little Sister of Liberty rededication ceremony, on Monday, May 26, 2014

Resolution No. 2014-11 authorizing submittal of the Blight & Substandard Determination Study for area referred to as "East Norfolk Avenue Redevelopment Area" to the Planning Commission for review and recommendation

Bills in the amount of \$1,783,685.32

Special Presentations

A presentation was given by Norfolk Public Schools Middle School Principal Jen Robinson and Junior High Principal Mike Hart on the 21st Century Learning Grant that the Middle School and Junior High were recently awarded by the Nebraska Department of Education. The grant is a five-year grant providing afterschool extended learning opportunities.

Public Hearing and Related Item

Public Hearing

(2014 national electrical code & amendments)

A public hearing was held to amend Section 6-52 of the City Code to adopt the 2014 national electrical code; to amend Section 6-71 to add “installer” to the list of types of licenses required in order to do electrical work; to amend Section 6-76 requiring a homeowner to live in his or her principal residence at the time he or she does their own electrical work; to amend Section 6-78 to make a clarification with regard to electrical contractors; and to amend Section 6-79 to delete unnecessary language related to registration periods. Prevention Manager Trent Howard provided information to the Mayor and City Council.

Councilmember Clausen clarified that the 2014 International Code is being implemented because of State law. Clausen is concerned that construction costs of a new home rise every time there are changes to code and urges citizens to contact elected officials about this matter.

Councilmember Lange feels there are hidden costs of building a new home that aren't revealed to the contractor and homeowner until the project has been completed.

Preventions Manager Trent Howard said that any change to code adds cost; however, the tradeoff is life safety.

No one else appeared either in favor of or in opposition to the City code amendment and the Mayor declared the hearing closed.

Ordinance No. 5289

(2014 national electrical code & amendments)

Councilmember Fauss introduced, seconded by Councilmember Moenning Ordinance No. 5289 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 6-52 OF THE OFFICIAL CITY CODE TO ADOPT THE 2014 NATIONAL ELECTRICAL CODE; TO AMEND SECTION 6-71 TO ADD “INSTALLER” TO THE LIST OF TYPES OF LICENSES REQUIRED IN ORDER TO DO ELECTRICAL WORK; TO AMEND SECTION 6-76 REQUIRING A HOMEOWNER TO LIVE IN HIS OR HER PRINCIPAL RESIDENCE AT THE TIME HE OR SHE DOES THEIR OWN ELECTRICAL WORK; TO AMEND SECTION 6-78 TO MAKE A CLARIFICATION WITH REGARD TO ELECTRICAL CONTRACTORS; TO AMEND SECTION 6-79 TO DELETE UNNECESSARY LANGUAGE RELATED TO REGISTRATION PERIODS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the Acting City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5289 passed on first reading.

Councilmember Fauss moved, seconded by Councilmember Moenning that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Murren, Moenning, Fauss and Pfeil. Nays: Lange, Clausen. Absent: Merrill. Motion to suspend the rules for Ordinance No. 5289 failed on second and third readings.

Regular Agenda Items

TDK Construction Company bid (sidewalk, ADA ramp, alley return concrete work)

Councilmember Coy moved, seconded by Councilmember Lange to accept the low bid from TDK Construction Company, LLC of Norfolk, Nebraska, to provide a four-man crew plus equipment at \$185 per hour for sidewalk, ADA ramp, and alley return concrete work in Areas 1-3C, 2-3C, 3-3C and 4-3C. On April 21, 2014, the Norfolk City Council approved advertisement of bids for concrete contract repair for sidewalk, ADA ramp, and alley return work. On Monday, May 12, 2014, four bids were received with TDK Construction having the low bid of \$185 per hour.

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

Northern Truck Equipment bid (transfer trailer)

Councilmember Murren moved, seconded by Councilmember Fauss, to accept the low bid from Northern Truck Equipment for \$66,795.00 to purchase a new live floor transfer trailer for the Transfer Station. On May 7, 2014, three bids were received and the low bid of \$66,795.00 from Northern Truck Equipment meets bid specifications. The other bidders were Wilkens Industries, \$68,383.00 (Keith floor), \$68,883.00 (Hallco floor); and Elliot Equipment, \$97,176.45 (Visa), \$92,549.00 (cash).

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

F. C. Industries bid (incinerator, transfer station)

Councilmember Lange moved, seconded by Councilmember Clausen, to accept the bid from F.C. Industries, for \$49,983.00 to purchase a new incinerator for the Transfer Station.

On May 8, 2014, six sealed bids were received but the low base bid of \$44,900.00 from B & L Equipment does not meet bid specifications. Bid specifications called for a "Top Load Incinerator" and B & L proposed a side load door. F.C. Industries, Kansas City, MO, was the next lowest base bid at \$49,930.00 for a "Therm-Tek" brand that meets all bid requirements. Other bidders were: Therm-Tec \$51,478.00 (PO), \$53,537.00 (Visa); Bestech Environmental \$53,194.22 (PO), \$54,558.40 (Visa); F.C. Industries (Shennandoah), \$53,745.00 (PO), \$55,945.00 (Visa); and NCE Crawford EMOTEK, \$63,050.00 (PO), \$64,941.00 (Visa);

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

TDK Construction Company bid
(Trails 2014-1 project)

Councilmember Murren moved, seconded by Councilmember Moenning, to award a contract to TDK Construction Company, LLC of Norfolk, Nebraska for the Trails 2014-1 (4th Street & Elm Avenue) and (3rd Street & Georgia Avenue) project for an amount of \$65,780.50 to furnish all labor, materials, equipment and all else necessary to properly construct the project.

Four bids were received at the May 13, 2014 bid letting. Other bidders were: Elkhorn Paving Construction Co., Inc., Norfolk, Nebraska, \$75,390.37; M & B Quality Concrete, LLC of Norfolk, Nebraska \$116,948.55; and Wragge Construction, Inc., Plainview, Nebraska. The bid submitted by Wragge Construction, Inc. was rejected based on Article III.2 L. e. which states, "No bid will be accepted which does not contain adequate or reasonable price for each and every item provided for in the bidding schedule".

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

Ordinance No. 5290
(\$795,000 G. O. Various Purpose Refunding bond issue)

Councilmember Lange introduced, seconded by Councilmember Clausen, Ordinance No. 5290 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SEVEN HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$795,000) FOR THE PURPOSE OF REFUNDING \$920,000 OF THE CITY'S OUTSTANDING GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2009, DATE OF ORIGINAL ISSUE – AUGUST 25, 2009; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the Acting City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5290 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5290 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the Acting City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the Acting City Clerk to publish said Ordinance No. 5290 as required by law.

Resolution No. 2014-12

(\$920,000 outstanding Series 2009 G.O. Various Purpose bond call)

Councilmember Fauss moved, seconded by Councilmember Coy, to adopt Resolution No. 2014-12 calling \$920,000 of outstanding Series 2009 General Obligation Various Purpose Bonds for redemption on August 25, 2014.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Resolution No. 2014-12 was adopted.

Ordinance No. 5291

(parking restriction, North 3rd Street from Georgia Avenue to Elm Avenue)

Councilmember Lange introduced, seconded by Councilmember Murren, Ordinance No. 5291 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO RESTRICT PARKING ON THE EAST SIDE OF NORTH 3RD STREET FROM GEORGIA AVENUE TO ELM AVENUE; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the Acting City Clerk.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. Ordinance No. 5291 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Moenning, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Lange moved, seconded by Councilmember Moenning, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5291 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Clausen, Murren, Moenning, Fauss and Pfeil. Nays: None. Absent: Merrill. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the Acting City Clerk attested the passage and adoption of the same and affixed her

signature thereto. The Mayor then instructed the Acting City Clerk to publish said Ordinance No. 5291 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 6:30 p.m.

Sue Fuchtman
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, May 19, 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.

Elizabeth A. Deck
City Clerk

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