

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 21st day of May, 2012, 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: Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Fauss. Absent: Saunders.

Staff members present were: City Administrator Shane Weidner, Director of Public Works Dennis Smith, City Attorney Clint Schukei, Acting City Clerk Bethene Hoff, Finance Officer Randy Gates, Police Chief Bill Mizner, Human Resources Director Sheila Schukei, Wastewater Plant Superintendent Todd Boling, Park Superintendent Pat Mrsny, Fire Chief Scott Cordes, Preventions Manager Trent Howard, Director of Economic Development Courtney Klein-Faust, Information Systems Manager Jim McKenzie and several Fire Division personnel.

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 Brenneman to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried.

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

Consent Agenda Items Approved

Minutes of the minutes of the May 7, 2012, City Council meeting

Minutes of the May 16, 2012, City Council Work Session meeting

Special Designated Liquor License for Sacred Heart Church, 204 South 5th Street, to serve beer and wine at an alumni reunion reception at Sacred Heart Parish Center, 2301 West Madison Avenue, on July 27, 2012 from 5:00 p.m. to 1:00 a.m.

Plans, specifications, and engineer's estimate on file in the city offices for Alley Improvements 2012-1 project and authorization for the City Clerk to advertise for bids.

Plans, specifications, and engineer's estimate on file in the city offices for the 7th Street & Norfolk Avenue project and authorization for the City Clerk to advertise for bids.

Authorization for the Mayor to execute a contract with Siemens for the purchase and replacement of Water Pollution Control's Sequential Batch Reactor (SBR) blowers for an amount not to exceed of \$1,299,524.00

Award a contract to Rutjens Construction, Inc. of Tilden, Nebraska for the Ta-Ha-Zouka Sewer (5th Street; McKinley to Jackson) project for an amount not to exceed of \$42,274.15 to furnish all labor, materials, equipment and all else necessary to properly construct the project. Two sealed bids were received at the May 15, 2012 bid letting. The other bidder was Penro Construction Company, Inc., Pender, Nebraska for \$94,351.70.

Purchase a new pickup for Region 11 from the Husker Auto Group off of the State of Nebraska Contract for \$23,597.77, to be paid by Region 11 and Homeland Security Grant funds.

Mayor's appointment of Aaron Otten to the Economic Development Citizens Advisory Review Committee filling the remaining three-year term of Tammy Langan-Young expiring October 31, 2013

Authorize staff to collect amounts less than prescribed in the fee ordinance for 2012 aquatic season passes as follows: \$60 for individuals age 5 to 15; \$70 for individuals age 16 to 54; \$60 for senior age 55 and up; and \$150 for a family due to AquaVenture not being open for the entire 2012 season

Bills in the amount of \$2,168,480.85

Special Presentations

The Mayor proclaimed the week of May 20 - 26, 2012, as "Emergency Medical Services Week"; and the week of May 20 - 26, 2012, as "National Public Works Week".

Josh Wolfe, Treasurer of the Noon Rotary Club, gave a presentation for a Music in the Park festival to include use of the temporary stage and alcohol consumption in Skyview Park. Wolfe said the organization is proposing a series of festivals modeled after Omaha's Jazz on the Green that will lead to annual events and will offer Jazz & Blues type music. Wolfe feels there is a need to keep people in Norfolk and this event will benefit economic development. Tentative dates for the festivals are: June 21, July 20, August 10, and July 7 (7 p.m. – 9 p.m.), and July 7 (7 p.m. – 9:40 p.m.). The July 7 festival will be held in conjunction with Big Bang Boom and music will also be played after the fireworks. No alcohol will be allowed at the July 7 event.

Councilmember Merrill has concerns about monitoring alcohol consumption in the park.

Wolfe said the Club will not sell alcohol. The request is to allow attendees to bring their own alcohol to the park. The organization plans to have a designated area (defined by fences) for alcohol consumption. Wolfe plans to discuss the request with the Police Division regarding this matter.

Councilmember Fauss has concerns about how late music will be played and who will take care of cleanup.

Wolfe said the events will take place from 7 p.m. – 9 p.m. and the Noon Rotary Club will take care of all the cleanup.

City Administrator Shane Weidner feels 7 p.m. – 9 p.m. is a good timeframe. Weidner said there have been complaints in the past about the hours that music has been played at the Christian Cross Festival.

Councilmembers Clausen and Merrill feel the organization is trying to do the right thing by attracting people to the community.

Don Wisnieski, Big Bang Boom (BBB) President, is excited to involve the Noon Rotary Club's Jazz Festival with BBB. BBB requested the Club not have alcohol at the July 7 event held in conjunction with BBB. Since the Jazz Festival plans to continue its music after the fireworks, this may alleviate congestion of people leaving the park.

Chuck Balsiger is in support of the festival and thinks there will be a lot of participation.

Rob Thomas said this event is supported by the community including the Chamber of Commerce, Visitors Bureau and Arts Center.

Public Works Director Dennis Smith provided a recreation update on Veterans Memorial Park and said progress continues to be made. Approximately 5-10% of concrete remains to be poured at all the facilities and the recreation pool has been filled with water. Circulation and chemical equipment will be operating this week and it is hoped that the wave pool will be filled next week. Floor work is behind in the multi-purpose building which may put a time crunch on other contractors. Smith stated it is the goal is to have the pool open by mid-June.

Human Resources Director Sheila Schukei recently met with recreation staff who request citizens be patient during the first year of operation of AquaVenture.

Public Works Director Dennis Smith gave an update on 25th Street Reconstruction. Due to the nice weather, lots of progress has been made. Paving on both sides of the street from Taylor Avenue to Westside Avenue has been completed. Concrete has been poured from Westside Avenue to Norfolk Avenue on the west half of the street and the east side should be poured next week. Utilities are being worked on at the intersection of 25th Street and Norfolk Avenue. The bridge contractor has the south abutment finished and will start work on the north side this week. Paving and utility work is in progress from the entrance to Skyview Park south to Hardison Drive.

Mayor Fuchtmann requested Smith provide information on the State of Nebraska Department of Roads project on Highway 81.

Smith explained the Highway 81 project is reconstruction of 13th Street from Pasewalk Avenue south over the viaduct to Sherwood Road. The project includes panel replacements, crack repairs, milling and overlay beginning the first Monday in June and is anticipated to take approximately two months to complete. Access to the road will be allowed with delays in traffic. An open house for property owners in the area will be held Wednesday, May 23, 2012.

Regular Agenda Items

Resolution No. 2012-16 (amend EDP Guidelines and Procedures)

Councilmember Coy moved, seconded by Councilmember Fauss, to adopt Resolution No. 2012-16 amending the City of Norfolk Economic Development Program (EDP) Guidelines and Procedures as suggested by the Citizen Advisory Review Committee (CARC), and to incorporate the hiring of an Economic Development Director by the City.

Economic Development Director Courtney Klein-Faust briefly explained changes/amendments to the EDP Guidelines and Procedures as follows:

1. Incorporate the anti-pirating provisions of Statutes into the guidelines and application for funding.
2. Eliminate the requirement that UCC financing statements be provided as part of the application process.
3. Provide for a job creation/retention form to be submitted by applicants.
4. Change 4.1 of EDP, referencing application documents, to give Elkhorn Valley Economic Development Council (EVEDC) staff some flexibility as to what is required.
5. Correction of spelling errors.
6. Incorporate hiring an Economic Development Director by the City.

Roll call on Resolution 2012-16: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Resolution No. 2012-16 was adopted.

Ordinance No. 5211 (amend City Code 24-164, parking prohibition)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5211 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO PROHIBIT PARKING ON THE EAST SIDE OF 27TH STREET FROM WESTSIDE PLAZA DRIVE TO PROSPECT AVENUE AND ON THE SOUTH SIDE OF PROSPECT AVENUE FROM 27TH STREET TO 13TH STREET; 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, Merrill, Clausen, Murren, Brenneman, and Fauss. Nays: None. Absent: Saunders. Motion carried. Ordinance No. 5211 passed on first reading.

Public Works Director Dennis Smith explained Ordinance No. 5211 is related to the 25th Street project. This ordinance will restrict parking to one side to allow better traffic flow.

Councilmember Merrill asked if this ordinance is permanent if adopted.

Smith said the ordinance can be changed at any time.

Councilmember Coy feels it is the Council's intent to change the ordinance at the end of 25th Street construction.

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

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Fauss. Nays: None. Absent: Saunders. 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 Coy, 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. 5211 be passed and adopted?"

Roll call: Ayes: Councilmembers Coy, Lange, Merrill, Clausen, Murren, Brenneman, and Fauss. Nays: None. Absent: Saunders. 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. 5211 as required by law.

There being no further business, Mayor Fuchtman declared the meeting adjourned at 6:12 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 21, 2012, 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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