

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk met in regular session in the Council Chambers, 309 West Madison Avenue, Norfolk, Nebraska on the 5th day of June, 2006, beginning at 7:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the United States of America, Mayor Gordon Adams called the meeting to order. Roll call found the following Councilpersons present: Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss, and Saunders. Absent: Wilson.

Staff members present were: City Administrator Mike Nolan, Director of Public Works Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Water & Sewer Director Dennis Watts, Transportation, Building & Grounds Director Jim Koch, and Property/Operations Manager Gary Miller.

The Mayor presided and the City Clerk recorded the proceedings.

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.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Stauffer to delete Item G-10, Consideration of purchasing a suburban for the Community Character Development Coalition, from the agenda and to approve the consent agenda as amended. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

Councilperson Van Dyke moved, seconded by Councilperson Fauss to adopt the regular agenda as printed. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

SPECIAL PRESENTATION

The Mayor proclaimed June 12 through June 18, 2006 as "United States Army Week" and June 14, 2006 as "United States Army's 231st Birthday".

CONSENT AGENDA

The City Council approved the minutes of the May 15, 2006 City Council meeting as printed.

The City Council approved a request from CTO, L.L.C., dba **Bulas** Sports Bar and Grill, for an addition to an existing liquor licensed premise at 904 Riverside Boulevard, Suite F.

The City Council approved the Corporate Manager Application of Guy Gardiner in connection with the Class B liquor license of **Kum & Go.**, 101 East Omaha Avenue.

The City Council approved and authorized the Mayor to sign an agreement with the Northeast Nebraska **Thunderbirds** for use of Memorial Field for the 2006 football season. The Thunderbirds shall pay the City \$500.00 per game. There are four games scheduled at Memorial Field for the 2006 season.

The City Council approved a Special Designated Liquor License for **Kyriss Enterprises, Inc.**, dba "O", 1106 Riverside Boulevard, to sell beer, wine and distilled spirits on June 24, 2006, in an outdoor beer garden.

The City Council authorized the Mayor to sign and forward a letter of no recommendation to the Nebraska Liquor Control Commission on the "Class C" liquor license application of The **Granary Rice, Inc.**, dba the Granary, 922 South 13th Street, and the Corporate Manager Application of Suelllyn M. Rice.

The City Council approved award of and authorized the Mayor to sign a contract with Penro Construction, Inc., Pender, Nebraska, for **Eisenhower Avenue Water Improvements**, Norfolk, Nebraska – 2006 project for an amount of \$385,408.50 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements for the project. Four sealed bids were received at the May 31, 2006 bid letting. The other bidders were Rutjens Construction, Tilden, Nebraska - \$386,514.20; Starostka Group Unlimited, Grand Island, Nebraska - \$396,882.90; and Judds Bros. Construction, Lincoln, Nebraska - \$437,320.00.

The City Council authorized the Mayor to sign and forward a letter to the Nebraska Department of Economic Development requesting a six-month extension for the #02-TFHP-507 **Meadow Ridge** 2002 housing grant to complete the project.

The City Council approved all bills on file in the amount of \$1,075,919.51.

REGULAR AGENDA

A public hearing was held to discuss acquisition by the City of Norfolk of an interest in real property necessary for West **Water** Treatment Plant well field expansion and protection. Public Works Director Dennis Smith provided information to the Mayor and City Council.

Smith explained Tract "1" is located in the W 1/2 of the SW 1/4 of Section 30, Township 24 North, Range 1 West of the 6th P.M. in Madison County, Nebraska and is approximately 45 acres. Tract "1" will provide the 1,000 foot buffer needed for Well #11. Cost of the Tract "1" is \$70,100. Tract "2" is the SW 1/4 and the W 1/2 of the SE 1/4 and the South 100 rods of the E 1/2 of SE 1/4 all in Section 25, Township 24 North, Range 2 West of the 6th P.M. in Madison County, Nebraska and contains approximately 290 acres. City staff recommends approval of an option to purchase Tract "2" at a cost of \$12,500. The option is for one year and allows the City to explore water-bearing formations under the property to include drilling multiple test holes and/or monitoring wells. In the event water-bearing formations are found, then the City is authorized to drill and pump one or more test wells on the property. Purchase price for the property (Tract "B") is \$700,700.00.

Councilperson Kaspar-Beckman questioned when testing on the property will begin.

Smith stated the City will begin testing very soon. There aren't any current wells on the property and the NRD and State do not have any background data on formations of the ground. The property contains some pasture and some crop land.

No one appeared either in favor of or in opposition to the property acquisition and the Mayor declared the hearing closed.

The Mayor requested consideration of approval to execute a purchase agreement and all related documents between John Kouba and Suzanne Stolcpart, also known as Suzanne Stolzpart, Co-Trustees of the Al and Mildred Krenzien Living Trust and the City of Norfolk for the City's acquisition of 36.44 acres located northeast of the intersection of Omaha Avenue and 49th Street for an amount of \$70,100.

Councilperson Van Dyke moved to authorize the Mayor to execute a purchase agreement and all related documents between John Kouba and Suzanne Stolcpart, also known as Suzanne Stolzpart, Co-Trustees of the Al and Mildred Krenzien Living Trust and the City of Norfolk for the City's acquisition of 36.44 acres located northeast of the intersection of Omaha Avenue and 49th Street for an amount of \$70,100, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

The Mayor requested consideration of approval to execute an option to purchase real property and all related documents between John Kouba and Suzanne Stolcpart, also known as Suzanne Stolzpart, Co-Trustees of the Al and Mildred Krenzien Living Trust and the City of Norfolk for the City's option to purchase 290 acres of property located northwest of the intersection of Omaha Avenue and 49th Street for an option amount of \$12,500.

Councilperson Brenneman moved to authorize the Mayor to execute a purchase agreement and all related documents between John Kouba and Suzanne Stolcpart, also known as Suzanne Stolzpart, Co-Trustees of the Al and Mildred Krenzien Living Trust and the City of Norfolk for the City's option to purchase 290 acres of property located northwest of the intersection of Omaha Avenue and 49th Street for an option amount of \$12,500, seconded by Councilperson Fauss. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

The Mayor requested consideration of Ordinance No. 4885 amending Section 22-40 of City Code to require contractors who are eligible to do **curb grinding** under that section to be registered and to name the City as an additional insured on their insurance certificate; and amending Section 22-68 of the Code to provide for a charge per lineal foot of curb grinding done by the City. Ordinance No. 4885 passed on first reading at the May 15, 2006 City Council meeting.

Councilperson Van Dyke introduced Ordinance No. 4885 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 22-40 OF THE OFFICIAL CITY CODE TO REQUIRE CONTRACTORS WHO ARE ELEGIBLE TO DO CURB GRINDING UNDER THAT SECTION TO BE REGISTERED AND TO NAME THE CITY AS AN ADDITIONAL INSURED ON THEIR INSURANCE CERTIFICATE; TO AMEND SECTION 22-68 OF THE OFFICIAL CITY CODE TO PROVIDE FOR A CHARGE PER LINEAL FOOT OF CURB GRINDING DONE BY THE CITY; 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 second reading. Councilperson Stauffer seconded the motion. Said ordinance was then read into the record by title by the City Clerk.

Don Wisnieski, 56022 Hwy 275, spoke in opposition to the ordinance. Wisnieski spoke with Jim Koch, Transportation, Building & Grounds Director, about the City's calculations. Wisnieski and Koch "agreed to disagree" about the calculations. Wisnieski said the issue started out as a cost savings issue for the City but the actual cost to the City will be very close to Wisnieski's numbers. The ADA Transition project could have been bid out cheaper than Wisnieski currently charges for curb grinds. Wisnieski feels the City spent more than the budgeted amount to purchase a new skidsteer loader.

Councilperson Fauss questioned what the calculation differences are between the City and Wisnieski.

Wisnieski said adjusting the labor costs is the main item. Wisnieski feels the City's cost will be closer to \$6.50 per lineal foot instead of \$3.33.

Koch said the numbers may change but is confident the cost estimate is good. Koch believes having City staff do curb grinding will be a cost savings for taxpayers.

Councilperson Kaspar-Beckman questioned whether Koch's numbers "are generous or frugal".

Koch said the City's numbers are on the safe side.

Property/Operations Manager Gary Miller agreed the City's numbers are on the safe side and "the estimate could go down dramatically" when multiple cuts are done in one area. Miller said staff from the City of Lincoln estimate a curb grind takes 15-20 minutes per driveway.

Councilperson Fauss said once the ADA Transition Plan is complete the City will have a piece of machinery not being used.

Koch said the City has many other uses for the skidsteer loader.

Roll call on Ordinance No. 4885: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, and Saunders. Nays: Fauss. Absent: Wilson. Motion carried. Ordinance No. 4885 carried on second reading only.

No comments were received regarding the Works-In-Progress report for the period May 10 through 30, 2006. The report was included in the agenda packets.

Councilperson Kaspar-Beckman moved, seconded by Councilperson Fauss to adjourn the meeting at 7:53 p.m. Roll call: Ayes: Councilpersons Stauffer, Lange, Van Dyke, Kaspar-Beckman, Brenneman, Fauss and Saunders. Nays: None. Absent: Wilson. Motion carried.

Gordon D. Adams
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

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I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, June 5, 2006, had and done by the Mayor and 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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