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 4th day of June, 2018, 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 Josh Moenning called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Jarad Dahlkoetter, Thad Murren, Gary L. Jackson, Dave Fauss, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Attorney Clint Schukei, City Clerk Beth Deck, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Water & Sewer Director Dennis Watts, Risk Manager Lyle Lutt, City Planner Val Grimes, Police Chief Bill Mizner, Assistant City Engineer Mike Middendorf and Danielle Noelle.

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 Dahlkoetter to amend the consent agenda with the removal of Item No. 15, Change Order #6, Hausmann Construction, and to approve the consent agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Councilmember Lange moved, seconded by Councilmember Fauss to amend the regular agenda with the addition of Item No. 15, Change Order #6, Hausmann Construction, and to adopt the full agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Consent Agenda Items Approved

Minutes of the May 21, 2018, City Council meeting

May sales tax report (March sales)

Tilden Interlocal Agreement allowing Norfolk to provide building inspection services to Tilden related to property maintenance issues

Special Designated Liquor License for Uncle Jarrol's Pub-B-Que, 2610 West Norfolk Avenue, to serve beer at 2610 West Norfolk Avenue for a dance, beer tasting, games and food event on June 30, 2018, from 11 a.m. to 1:00 a.m.

Special Designated Liquor License for Sacred Heart Parish, 204 South 5th Street, for a class reunion reception on July 27, 2018 at the Sacred Heart Activity Center, 2300 West Madison Avenue, from 5:00 p.m. to 12:00 a.m.

Accept $5,000 grant from the Norfolk Area Community Foundation to help fund the Mayor's Diversity Council

Big Bang Boom, Inc. (a Nebraska Nonprofit Corporation) and J & M Displays, Inc. (an Iowa Corporation) agreement to use Skyview Park for various activities for a 4th of July celebration on Saturday, June 30, 2018, and in the event of a weather-related cancellation, the celebration shall be held on the first suitable day thereafter

Ryan Hansen, doing business as Nebraska Slow Pitch, agreement to use the softball fields in Ta-Ha-Zouka Park to hold a slow pitch softball tournament on Saturday, June 30, 2018

Hausmann Construction Change Order No. 6 for the library expansion and renovation project, resulting in a net increase of $20,932.76

Special Designated Liquor License for Elkhorn Valley Historical Society, 515 Queen City Boulevard, to serve wine at 515 Queen City Boulevard for an exhibition opening reception on June 23, 2018, from 6 p.m. to 8 p.m.

Bills in the amount of $1,364,063.57

Public Hearings and Related Items

Public Hearing
(Miracle Skate Park, grant application)

A public hearing was held to consider submitting a grant application in the amount of $425,000 to the Nebraska Department of Economic Development for Community Development Block Grant (CDBG) funds for removal of architectural barriers and to make the current Miracle Skate Park handicap accessible. Jan Merrill, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk is requesting $425,000 in CDBG fund for Tourism Development Grant, of which $400,000 will be used for removal of Architectural Barriers and to make the current Miracle Skate Park, which is located at 901 Blaine Street, Norfolk, NE, handicap accessible for both participants and spectators. $10,000 will be used for construction management and $15,000 will be used for general administration of the grant. The City of Norfolk will provide the required 25% or $100,000 in matching funds and $25,000 in leverage funds. An additional $19,500 of donated funds will also be used as leverage.

The total budget for project cost and grant administration is $569,500. No persons will be displaced as a result of this project.

No one else appeared either in favor of or in opposition to the grant application and the Mayor declared the hearing closed.

Resolution No. 2018-28
(Miracle Skate Park CDBG grant application)

Councilmember Merrill moved, seconded by Councilmember Fauss, to adopt Resolution No. 2018-28 approving a grant application in the amount of $425,000 to the Nebraska Department of Economic Development for Community Development Block Grant (CDBG) funds for removal of architectural barriers and to make the current Miracle Skate Park handicap accessible.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2018-28 was adopted.

Public Hearing
(Werner Final Planned Development)

A public hearing was held to consider a Final Planned Development on properties addressed as 307 North 31st Street and 306 and 310 North 32nd Street at the request of Kerry and Barbara Werner. City Planner Valerie Grimes provided information to the Mayor and City Council.

On May 22, 2018, the Norfolk Planning Commission held a public hearing regarding the Final Planned Development. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the Final Planned Development and the Mayor declared the hearing closed.

Ordinance No. 5549
(Werner Final Planned Development)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5549 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING 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 City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5549 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 Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. 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. 5549 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. 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 City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5549 as required by law.

Regular Agenda Items

Hausmann Construction
(Change Order #6, Library project)

Councilmember Merrill moved, seconded by Councilmember Dahlkoetter, to approve Change Order #6 with Hausmann Construction for the library expansion and renovation project resulting in a net increase of $20,932.76. Library Director Jessica Chamberlain provided information to elected officials.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Resolution No. 2018-29
(Sunset Plaza Mall, occupation tax eligibility)

Councilmember Lange moved, seconded by Councilmember Pfeil, to adopt Resolution No. 2018-29 approving to designate the Sunset Plaza Mall, excluding the lot containing the Target store, as an enhanced employment area eligible for imposition of an occupation tax pursuant to the Community Development Law. City Administrator Andy Colvin provided information to elected officials. Colvin was approached by Dial Properties (owners of the Sunset Plaza) about making improvements to the mall. The Enhanced Employment Area designation in 2018 requires the creation of ten new jobs over and above what was in place in 2017 pursuant to state statutes. An Enhanced Employment Area cannot be included in a blight or substandard designated area. The mall owners want to attract new businesses and this resolution creates an area/district that can be eligible to levy an occupation tax of 1 percent on businesses to pay off the bonds.

Mayor Moenning said this is the first step in creating the district; however, the resolution does not address or authorize financing an occupation tax.

Mike Bacon, attorney on behalf of the Dial Properties, said the City of Norfolk would only be the flow-through agency to pay the bonds with an occupation tax and there is no liability on citizens. Bacon said it is very difficult to get new retailers to come to an old property without renovations. With the closing of Herbergers, Dial Properties is planning to use the occupation tax to renovation that 78,000 square feet of space into smaller spaces for new tenants, which will require a loading dock and new entrance. Bacon said Dial Properties must prove any funds used are spent correctly.

Councilmember Lange said the occupation tax is similar to the additional real estate tax levied on businesses in Downtown Norfolk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No2018-29 was adopted.

Ordinance No. 5548
(Annexation, south Victory Road and Highway 35)

Councilmember Pfeil introduced, seconded by Councilmember Fauss, Ordinance No. 5548 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A TRACT OF LAND LYING WHOLLY IN THE NORTH ½ OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on second reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5548 passed on second reading only.

Rutjens Construction Change Order No. 1
(Sewer Improvements 2017-1)

Councilmember Lange moved, seconded by Councilmember Granquist, to approve Change Order #1 with Rutjens Construction for the Sewer Improvements 2017-1 (Cottonwood Street from Nebraska Avenue north 344 feet) project resulting in a net increase of $46,607.62.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

Mainelli Wagner & Associates, Inc. contract
(5th Street and Corporation Gulch culvert replacements project)

Councilmember Granquist moved, seconded by Councilmember Lange, to approve a contract with Mainelli Wagner & Associates, Inc. for engineering services for the 5th Street and Corporation Gulch culvert replacements project resulting in a lump sum fee of $10,000.00.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Jackson, Fauss and Pfeil. Nays: None. Absent: None. Motion carried.

There being no further business, the Mayor declared the meeting adjourned at 6:07 p.m.

Josh Moenning
Mayor

ATTEST:

Elizabeth A. Deck
City Clerk

(SEAL)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, June 4, 2018, 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

(SEAL)