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 November, 2019, 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, Fred Wiebelhaus, Gary L. Jackson, Shane Clausen, and Dick Pfeil. Absent: Thad Murren.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, Parks Superintendent Pat Mrsnv, Water and Sewer Director Dennis Watts, Wastewater Plant Superintendent Rob Huntley, Street Superintendent Mark Miller, Solid Waste Supervisor Rob Mercer and Police Chief Don Miller.

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

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

Consent Agenda Items Approved

Minutes of the October 21, 2019, City Council meeting

October sales tax report (August sales)
No recommendation to the Nebraska Liquor Control Commission on the Manager Application of Nicholas A. Brungardt in connection with the Class D liquor license of Walmart, Inc., dba Walmart #645, 2400 West Pasewalk Avenue

Eric A. and Jessica M. Luber permanent and temporary easement agreement for property along Lot 7, Block 6, Eldorado Estates 2nd Addition for Sanitary Sewer Extension District No. 250 (Portia Place) for an amount of $896.80

James G. and Connie J. Kube permanent and temporary easement agreement for property along Lot 8, Block 6, Eldorado Estates 2nd Addition for Sanitary Sewer Extension District No. 250 (Portia Place) for an amount of $884.64

Lutheran High School Association of Northeast Nebraska, Incorporated (a Nebraska Nonprofit Corporation) agreement, allowing a 5K Turkey Trot event utilizing portions of City streets on Thursday, November 28, 2019

Special Designated Liquor License for Jim's Fine Wine & More, 2001 Market Lane, to serve wine and distilled spirits at Earl May Nursery, 1910 Center Dr., on Thursday, November 21, 2019, from 4:00 p.m. to 9:00 p.m. for a wine tasting event

Olsson, Inc. Amendment #1 to the Engineering Services contract for the SBR Electrical and Controls Improvements project at the Water Pollution Control Plant for an amount of $3,500.00

Downtown Norfolk Association, Inc. (a Nebraska Nonprofit Corporation) agreement allowing the closure of designated City-owned parking and Norfolk Avenue to hold the Christmas Festival in downtown Norfolk on Tuesday, November 26, 2019

Resolution No. 2019-60 declaring the City's official intent under Internal Revenue Code regulations to incur indebtedness which includes reimbursement of expenditures for hazmat equipment, emergency operation center upgrade, training tower classroom and driving simulator, crash reconstruction, and call logger

Resolution No. 2019-61 declaring the City's official intent under Internal Revenue Code regulations to incur indebtedness which includes reimbursement of expenditures for an elevated water tank at Northeast Industrial Road and John Doherty Drive

Addition To Premise of an indoor area for the Class I liquor license of El Capulin, Inc., dba El Mezcal, 1601 S 25th St #100 & 200

Advertise for bids for one Municipal Solid Waste Transfer Trailer for the Transfer Station

Bills in the amount of $3,580,737.18

Special Presentations

Gale Bender, City of Norfolk Tree Advisory Board Chair, presented the 2019 Green Leaf Business Award to representatives of Raising Cane's located at 1150 S. 13th St., and the 2019 Green Leaf Residential Award to Jay and Brenda Fleecs at 3006 Golf View Dr.
The Mayor proclaimed November 2019 as: "Read Aloud To A Child Month".

Public Hearings and Related Items

Public Hearing
(Ewin Properties zone change, 3207 South 12th Street)

A public hearing was held to consider a zone change from C-3 (Service Commercial District) to R-M (Mobile Home District) and R-M (Mobile Home District) to C-3 (Service Commercial District) on two separate tracts within the property located at 3207 South 12th Street at the request of Ewin Properties, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes reviewed an aerial image of the property to provide clarity on the request. Grimes stated the change will allow the property owners to request a conditional use permit to allow campers on the R-M zoned property.

Richard Johnson, representing the applicant, spoke to the request noting the area where the lagoon was located will be filled in and graded for RV storage.

Doug Ohlrich, 805 Bonita Drive, asked about the size of the commercial area and setback requirements.

Grimes explained that Mr. Ohlrich’s property is zoned I-3 and there are no setback requirements between C-3 and I-3 zoning, but that conditions could be added during the conditional use permit process.

On October 22, 2019, the Norfolk Planning Commission held a public hearing regarding the zone change at 3207 South 12th Street. The City Clerk read the Planning Commission’s recommendation for approval into the record.

No one else appeared either in favor of or in opposition to the zone change at 3207 South 12th Street and the Mayor declared the hearing closed.

Ordinance No. 5639
(Ewin Properties zone change, 3207 South 12th Street)

Councilmember Merrill introduced, seconded by Councilmember Jackson, Ordinance No. 5639 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; 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.


Councilmember Lange moved, seconded by Councilmember Jackson, that the statutory rule requiring reading on three different days be suspended.
Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. 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 Jackson, 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. 5639 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. 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. 5639 as required by law.

Resolution No. 2019-62
(Ewin Properties 2nd Addition final plat and subdivision agreement)

Councilmember Wiebelhaus moved, seconded by Councilmember Pfeil, for adoption of Resolution No. 2019-62 approving the final plat and subdivision agreement of Ewin Properties 2nd Addition.


Public Hearing
(Nightcap Addition Final Planned Development amendment, 1302 Cyhawk Loop)

A public hearing was held to consider an amendment at the Nightcap Addition Final Planned Development on property located at 1302 Cyhawk Loop at the request of Norfolk Extended Lodging, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the plat and planned development that was approved about a year ago included a second lot to be used as a retail space. The developer has decided only the lot for the hotel is needed. The amended planned development includes one lot with height and setback relief as originally granted.

On October 22, 2019, the Norfolk Planning Commission held a public hearing regarding the Nightcap Addition 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 Nightcap Addition Final Planned Development and the Mayor declared the hearing closed.

Ordinance No. 5640
(Nightcap Addition Final Planned Development amendment, 1302 Cyhawk Loop)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5640 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY,
COUNCIL 2019 NOV4.2019 BK NO 60

NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, BY AMENDING A PREVIOUSLY APPROVED PLANNED DEVELOPMENT OVERLAY; 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.


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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. 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 Granquist, 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. 5640 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. 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. 5640 as required by law.

Public Hearing
(Husker Automotive Redevelopment Plan)

A public hearing was held to consider Redevelopment Plan for the Husker Automotive Redevelopment Project. Finance Officer Randy Gates provided information to the Mayor and City Council. The Redeveloper recently acquired Courtesy Ford and intends to renovate the former Shopko building for the dealership. The Redeveloper recently purchased the former Shopko property for $4 million and expects the renovation to cost another $3 million for total project cost of $7 million. The Redeveloper has requested up to $828,350 of tax increment financing for the project.

Al Rajaee, redeveloper, said the intent is to begin demo of the interior in the next couple of weeks and to begin construction in January 2020, with a completion date of August 2020.

On October 22, 2019, the Norfolk Planning Commission held a public hearing regarding the Husker Automotive Redevelopment. The City Clerk read the Planning Commission's recommendation for approval into the record.
No one else appeared either in favor of or in opposition to the Husker Automotive Redevelopment and the Mayor declared the hearing closed.

**Resolution No. 2019-63**
(Husker Automotive Redevelopment Plan)

Councilmember Merrill moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2019-63 approving the Redevelopment Plan for the Husker Automotive Redevelopment Project.


**Regular Agenda Items**

**Ordinance No. 5641**
(West Norfolk Avenue local truck traffic)

Councilmember Jackson introduced, seconded by Councilmember Granquist, Ordinance No. 5641 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO PROVIDE FOR LOCAL TRUCK TRAFFIC ONLY ON WEST NORFOLK AVENUE BETWEEN 13TH STREET (U.S. HIGHWAY 81) AND U.S. HIGHWAY 275 IN THE CITY OF NORFOLK, NEBRASKA; 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.

Public Works Director Steven Rames provided information to elected officials stating there have been on-going complaints about heavy truck traffic using Norfolk Avenue.


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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. 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 Jackson, 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. 5641 be passed and adopted?"
Ordinance No. 5636
(right-of-way annexation)

Councilmember Wiebelhaus introduced, seconded by Councilmember Granquist, Ordinance No. 5636 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART 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 third reading. Ordinance No. 5636 passed on first reading at the October 7, 2019 City Council Meeting and second reading at the October 21, 2019 City Council Meeting. Said ordinance was then read into the record by title by the City Clerk.


Rutjens Construction contract
(South 5th Street at Corporation Gulch Culvert Replacement project)

Councilmember Wiebelhaus moved, seconded by Councilmember Merrill, for approval awarding a contract to Rutjens Construction, Inc. of Tilden, Nebraska for the South 5th Street at Corporation Gulch Culvert Replacement project for an amount of $211,938.60 to furnish all labor, materials, equipment and all else necessary to property construct the project. Two sealed bids were received at the September 5, 2019, bid letting. The other bidder was A & R Construction, Co., Plainview, Nebraska, $219,983.70.

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

Resolution No. 2019-64
(add stop signs. West Madison Avenue and South 40th Street)

Councilmember Merrill moved, seconded by Councilmember Lange, for adoption of Resolution No. 2019-64 approving to add stop signs to control westbound traffic at the intersection of West Madison Avenue and South 40th Street.

Police Chief Don Miller provided information to elected officials. West Madison Avenue and South 40th Street are new roads that were installed as part of the Fountain Point Addition. The roads intersect to form a "T" intersection with the west end of Madison Ave. stopping as it intersects with South 40th Street.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Jackson, Clausen and Pfeil. Nays: None. Absent: Murren. Motion carried. Resolution No. 2019-64 was adopted.
Champion Coatings, Inc. Change Order No. 1  
(Trickling Filter "A" Wall Coatings Repair, WPC)

Councilmember Merrill moved, seconded by Councilmember Granquist, for approval of Change Order No. 1 with Champion Coatings, Inc. for the Trickling Filter "A" Wall Coatings Repair at the Water Pollution Control Plant resulting in a net increase of $31,005.00.

Wastewater Superintendent Rob Huntley provided information to elected officials. Huntley said a deeper wall repair was needed that was discovered after sand blasting was completed and the wall was fully exposed.

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

Black & Veatch Corporation Engineering Services Amendment No. 1  
(Corporation for Water System Planning Services)

Councilmember Pfeil moved, seconded by Councilmember Jackson, for approval of Amendment No. 1 to the Agreement for engineering services with Black & Veatch Corporation for Water System Planning Services for an amount not to exceed $411,271.00.

Water and Sewer Director Dennis Watts provided information to elected officials. Amendment No. 1 includes Phase 2 of the planned water system planning services including siting of a new well near the West WTP, hydraulic modeling, evaluation, and planning in development of an updated water system master plan.

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

Ordinance No. 5642  
(amend City code, authorize purchase of used equipment without following formal bid process)

Councilmember Wiebelhaus introduced, seconded by Councilmember Jackson, Ordinance No. 5642 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-110 OF THE OFFICIAL CITY CODE TO ADD AN EXCEPTION ALLOWING THE COUNCIL TO AUTHORIZE THE PURCHASE OF USED EQUIPMENT WITHOUT FOLLOWING THE FORMAL BIDDING PROCESS; 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 City Clerk.

Risk Manager Lyle Lutt provided information to elected officials. Lutt discussed the formal process for purchases over $30,000 and the current challenge the Parks Division is facing in purchasing a used forestry truck due to the timeline of large purchase requirements. Lutt said this is a unique circumstance and confirmed that anytime a similar request arose, prior authorization from the Council would have to be granted.

**Administrative Reports**

Street Superintendent Mark Miller provided information to the Mayor and City Council on the 2019 Snow & Ice Plan.

There being no further business, the Mayor declared the meeting adjourned at 6:38 p.m.

Josh Mendning
Mayor

ATTEST:

Brianna Duerst
City Clerk

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, November 4, 2019, 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.

Brianna Duerst
City Clerk