

## **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 21st day of October, 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 Wieblehaus, Thad Murren, Gary L. Jackson, Shane Clausen, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Clerk Brianna Duerst, Administrative Secretary Bethene Hoff, City Attorney Danielle Myers-Noelle, Public Works Director Steve Rames, Public Safety Director Shane Weidner, Risk Manager Lyle Lutt, City Planner Val Grimes, Staff Engineer John Cahill, Water and Sewer Director Dennis Watts.

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 Granquist to amend the consent agenda with the removal of Item No. 11, Resolution 2019-53 (appointment of City Clerk) and to approve the consent agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried.

Councilmember Lange moved, seconded by Councilmember Murren amend the regular agenda with the addition of Item No. 11, Resolution No. 2019-53 (appointment of City Clerk) and to adopt the full agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried.

### **Consent Agenda Items Approved**

Minutes of the October 7, 2019 City Council meeting

Minutes of the October 7, 2019 Work Session meeting

Food & beverage occupation tax report for 3rd quarter 2019

Keno comparison report for September 2019

Reappointment of April Vandenberg to the Tree Advisory Board

Reappointments of Jon Stuthman and Danelle McKeown to the Trail Advisory Board

Reappointment of James Waphelhorst to the Vehicle Parking District Loan Advisory Board

Appointment of Gary Jackson to the Vehicle Parking District Loan Advisory Board

Resolution No. 2019-54 approving District TT Hospitality, LLC, dba District Table and Tap, 226 W Norfolk Avenue, as a satellite location of Endgame Lottery Services LLC dba Big Red Keno for the Norfolk Keno Lottery

Resolution No. 2019-54 approving Corey Granquist as the City's representative and Gary L. Jackson as the alternate representative to the Northeast Nebraska Solid Waste Coalition Board

Resolution No. 2019-56 designating authorized signers for the City of Norfolk bank accounts at Midwest Bank

Resolution No. 2019-57 designating authorized signers for the City of Norfolk bank accounts at Wells Fargo Securities, LLC

Purchase of (10) Self Contained Breathing Apparatus (SCBA) packs in the amount of \$68,045.90 from Sandry Fire Supply LLC

Marty Clausen agreement for access and use of a portion of the property belonging to the City on property generally located north of 1840 S 37th Street

Resolution No. 2019-58 approving the final plat and subdivision agreement of Buske Subdivision

Bills in the amount of \$2,158,095.98

### **Regular Agenda**

Resolution No. 2019-53  
(appointment of City Clerk)

Councilmember Lange moved, seconded by Councilmember Granquist to adopt Resolution No. 2019-53 approving the Mayor's appointment of Brianna Duerst as City Clerk for the remainder of the Mayor's four (4) year term, pursuant to Section 16-309 of the Nebraska Revised Statutes.

Mayor Moenning explained that the current City Clerk, Beth Deck, is retiring and a new clerk is to be appointed.

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

### **Public Hearings and Related Items**

#### Public Hearing

(East Omaha Avenue Redevelopment Area)

A public hearing was held to consider amending the East Omaha Avenue Redevelopment Area to add 2.27 acres. Jan Merrill, Northeast Nebraska Economic Development District, provided information to elected officials. On August 21, 2017 the City Council declared the East Omaha Avenue Redevelopment Area blighted and substandard. This area included the Nor-Park Redevelopment Project approved by the City Council on March 18, 2019. Merrill said the developer, Granville Custom Homes, is looking to develop thirteen lots immediately north of the Nor-Park Development and that eight of the lots are north of the quarter section line and not in the original blight and substandard designated area. At the September 16, 2019 City Council meeting the Council approved Resolution No. 2019-49 submitting to the Planning Commission for review and recommendation the Blight and Substandard Determination Study for the East Omaha Avenue Redevelopment Area amended September 10, 2019.

The Planning Commission held a public hearing on the amended Blight and Substandard Determination Study and after the hearing voted 7-0 to recommend declaring the amended East Omaha Avenue Redevelopment Area blighted and substandard. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

#### Resolution No. 2019-59

(East Omaha Avenue Redevelopment Area)

Councilmember Lange moved, seconded by Councilmember Merrill, to adopt Resolution No. 2019-59 declaring the amended East Omaha Avenue Redevelopment Area blighted and substandard.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2019-59 was adopted.

#### Public Hearing

(W Norfolk Ave & 27th St, zone change)

A public hearing was held to consider a zoning change from C-2A (Special Business District) to C-3 (Service Commercial District) on property generally located on the southwest corner of W Norfolk Avenue and 27th Street at the request of Faith Regional Health Services. City Planner Val Grimes provided information to elected officials. Grimes explained the applicant is desirous of larger signage due to the building setback on Highway 275 than is allowed in C-2A zoning, and that C-3 zoning would be more appropriate.

On October 8, 2019, the Norfolk Planning Commission held a public hearing regarding the Faith Regional zone change. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one spoke in favor of or in opposition to the zone change and the Mayor declared the hearing closed.

Ordinance No. 5638

(W Norfolk Ave & 27th St, zone change)

Councilmember Merrill moved, seconded by Councilmember Wiebelhaus, Ordinance No. 5638 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 of first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance 5638 passed on first reading.

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

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen 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 Wiebelhaus, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Council President then stated the question "Shall Ordinance No. 5638 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen 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 Council President then instructed the City Clerk to publish said Ordinance No. 5638 as required by law.

**Regular Agenda Items**

Ordinance No. 5636

(right-of-way annexation)

Councilmember Merrill introduced, seconded by Councilmember Murren, 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 second reading. Ordinance No. 5636 passed on first reading at the October 7, 2019 City Council Meeting. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Steven Rames provided information to elected officials.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5636 passed on second reading.

Gerard Tank & Steel Inc. contract  
(Northeast Industrial Elevated Water Tank Alternate Bid Section "A")

Councilmember Pfeil moved, seconded by Councilmember Murren, to approve a contract with Gerard Tank & Steel Inc. from Concordia, Kansas for the construction of the Northeast Industrial Elevated Water Tank Alternate Bid Section "A" for an amount of \$1,799,500 to furnish all labor, materials, equipment and all else necessary to property construct all the improvements. Six sealed bids were received at the October 10, 2019 bid letting. Other bidders included Caldwell Tanks Inc. from Louisville, Kentucky for \$1,947,000; CB&I Storage Tank Solutions, Inc. from Plainfield, Illinois for \$2,011,000; Phoenix Fabricators and Erectors, LLC. from Avon, Indiana for \$2,116,131 and \$2,162,131; Maguire Iron, Inc. from Sioux Falls, South Dakota for \$2,249,000 and \$2,254,000; and Landmark Structures from Fort Worth, Texas for \$2,285,000 and \$2,305,000.

Public Works Director Steven Rames provided information to elected officials. Rames said Gerard Tank and Steel provided the lowest bid while meeting experience requirements for both the company and project manager.

Carter Spoelstra, representing Caldwell Tanks, asked the Council to reconsider the award over concerns of the contracting company's limited experience with large capacity tanks.

Rames said the City's design consultant, Olsson Engineering recommends Gerard Tank and Steel. Olsson has contacted four municipalities that have worked with the company and noted no issues. Rames said he is confident with Gerard Tank and Steel as well.

Water and Sewer Director Dennis Watts said that all of the welds on the tank are x-rayed and he is very comfortable with the experience of the company.

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

Rutjens Construction, Inc. contract  
(Northeast Industrial Booster Station Improvements Bid Section "B")

Councilmember Wiebelhaus moved, seconded by Councilmember Granquist, to approve a contract with Rutjens Construction, Inc. from Tilden, Nebraska for the construction of the Northeast Industrial Booster Station Improvements Bid Section "B" for an amount of \$376,359.00 to furnish all labor, materials, equipment and all else necessary to property construct all the improvements. One bid was submitted at the October 10, 2019 bid letting.

Public Works Director Steven Rames provided information to elected officials. Rames said the bid came in over budget due to increased electrical work, but the combined price of the low bid for the Northeast Industrial Elevated Water Tank and Booster Station Improvements Bid Section "A" or Alternate Bid Section "A" and Bid Section "B" was below the Engineer's Opinion of Costs for the project.

Watts said the booster station replaces four smaller booster stations and is needed for water usage and fire protection.

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

JJK Construction Change Order No. 1  
(Norfolk Bridge Repairs, Group C)

Councilmember Merrill moved, seconded by Councilmember Lange, to approve Change Order No. 1 with JJK Construction, LLC for the 2019 Norfolk Bridge Repairs, Group C (North 1st Street bridge) resulting in a net increase of \$177,821.55.

Public Works Director Steven Rames provided information to elected officials. After extensive examination of the deck, the contractor and Engineer determined that more than 70% of the deck surface is compromised and in need of repair. Change Order No. 1 provides for a complete removal of the top 2 inches along with any other partial or full depth repairs, additional mobilization, deck paving and bridge prep for a repair lasting 10 years or more resulting in a net increase of \$177,821.55. A lower cost option, which simply extends removal quantities, would cost \$114,673.15. This option would be structurally inferior to the deck overlay and would not increase the life of the deck.

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

**Closed Session**  
(Potential Litigation)

Mayor Moenning requested a motion to go into closed session to discuss potential litigation.

Councilmember Merrill moved, seconded by Councilmember Wiebelhaus to adjourn from regular session and convene into closed session at 6:13 p.m. to discuss potential litigation. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried.

The Mayor, City Council members and staff returned to the Council Chamber at 7:01 p.m.

Councilmember Merrill moved, seconded by Councilmember Clausen to adjourn from closed session at 7:02 p.m. and reconvene into regular session. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried.

There being no further business, the Mayor declared the meeting adjourned at 7:03 p.m.

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Josh Moenning  
Mayor

ATTEST:

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Brianna Duerst  
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, October 21, 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.

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Brianna Duerst  
City Clerk

( S E A L )