

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 1st day of June, 2020, 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, Thad Murren, Gary L. Jackson, Shane Clausen, and Dick Pfeil. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Information Systems Manager Jim McKenzie and City Attorney Danielle Myers-Noelle via telephone.

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 Jackson to approve the consent agenda as printed. 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 Granquist to adopt the full agenda as printed. 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 May 18, 2020, City Council meeting

May sales tax report (March sales)

Resolution No. 2020-14 releasing the 5 foot utility easement shown on Lot Boundary Change between Lot 4, Stauffer's Subdivision, a replat of part of Block 47, Queen City Place Addition to

the City of Norfolk, Madison County, Nebraska and a tract of land lying wholly in tax lots 6 and 7 in the Northeast ¼ of the Northwest ¼ of Section 22, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

Easement Agreement between Shane M. Bohaty and the City of Norfolk for the construction of a concrete trail along Victory Road

Permanent Easement agreement between Victory Road Evangelical Free Church and the City of Norfolk for the construction of a concrete trail along Victory Road

The Zone Afterschool Program, Inc,(a Nebraska Nonprofit Corporation) and Uh-Hop Entertainment, L.L.C. (a Nebraska Limited Liability Company) agreement allowing the use of Johnson Park for the Rock the Block event to be held from 5:00 p.m. to 8:00 p.m. on Saturday, August 8, 2020

Resolution No. 2020-15 to ratify all actions taken by the Council in regular session teleconference meetings held April 6, 2020;| April 20, 2020; May 4, 2020; and May 18, 2020, respectively

Neil Oleson agreement allowing the use of the horseshoe courts in Ta-Ha-Zouka Park for the purpose of conducting a horseshoe tournament on Sunday, June 14, 2020

Bills in the amount of \$1,128,184.22

Public Hearings and Related Items

Public Hearing

(create PACE District, clean energy assessment district)

A public hearing was held to consider creation of a clean energy assessment district known as the City of Norfolk PACE District, which boundaries shall be the corporate boundaries of the City of Norfolk and its extraterritorial jurisdiction. Chris Peterson, President and CEO of CP Strategies LLC, provided information to the Mayor and City Council.

Peterson gave an overview of PACE, which is an acronym for Property Assessed Clean Energy, and why a business may choose a PACE loan for their project. PACE financing is a long-term financial tool, which is secured as special assessments for commercial real estate. The City administers the loans, but there is no City or taxpayer liability.

Peterson discussed the history of PACE in Nebraska, past projects and what can be financed by using PACE, which includes anything that increases energy efficiency, water conservation or renewable energy. Peterson also discussed the benefits of a PACE loan for the applicant and the City.

Peterson further discussed the application process, fees and City's responsibilities. The PACE administrator reviews and approves applications and contracts. The City receives a \$1,000 application fee at the time the application is received, as well as an administration fee of 1% of the loan amount at the time of closing, up to a maximum of \$40,000. Further, an annual fee of \$500 is received every year the loan is active thereafter. The City is responsible for filing liens if the loan is defaulted and submitting an annual report of activity to the State.

Moenning asked about residential PACE financing. Peterson noted there are consumer protection issues and said that while PACE law in Nebraska does allow residential PACE, no City has chosen to adopt a residential program.

Peterson answered elected official's questions regarding benefits of PACE financing for the applicants and the city, how fees are dispersed, how the loan is paid, the history of delinquent loans and the types of businesses most likely to use this type of financing.

Merrill asked City Administrator Andy Colvin if he felt PACE would be a valuable tool for economic development. Colvin said he felt it would be utilized if in place.

Granquist asked Gates if there was any concern regarding the City administering the loans. Gates said the additional work is minimal and all administration costs would be covered by fees. Gates noted the proposed ordinance caps the 1% administration fee at \$25,000.

No one else appeared either in favor of or in opposition to the creation of the PACE District and the Mayor declared the hearing closed.

Ordinance No. 5665
(create PACE District)

Councilmember Merrill introduced, seconded by Councilmember Wiebelhaus, Ordinance No. 5665 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO CREATE A CLEAN ENERGY ASSESSMENT DISTRICT; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR THE FINANCING, ADMINISTRATION, AND COLLECTIONS, TO PROMOTE ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS; AND TO PROVIDE THE EFFECTIVE DATE HEREOF 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, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5665 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 Mayor then stated the question "Shall Ordinance No. 5665 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 Mayor then instructed the City Clerk to publish said Ordinance No. 5665 as required by law.

Regular Agenda Items

Ordinance No. 5662

(Cottonwood Street vacation)

Councilmember Wiebelhaus introduced, seconded by Councilmember Lange, Ordinance No. 5662 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO VACATE A PORTION OF COTTONWOOD STREET LOCATED IN PART OF PARK ADDITION, IN THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE 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, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5662 passed on second reading.

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 Mayor then stated the question "Shall Ordinance No. 5662 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 Mayor then instructed the City Clerk to publish said Ordinance No. 5662 as required by law.

Ordinance No. 5664

(Walters' East Knolls 12th Addition annexation)

Councilmember Lange introduced, seconded by Councilmember Granquist, Ordinance No. 5664 entitled: : AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A TRACT OF LAND LYING WHOLLY IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 24, AND A TRACT OF LAND LYING WHOLLY IN THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, ALL IN 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, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5664 passed on second reading.

Ordinance No. 5666

(transfer station fees, utility-type vehicle annual registration plate fee)

Councilmember Lange introduced, seconded by Councilmember Granquist, Ordinance No. 5666 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO INCLUDE A TRANSFER STATION PER-ITEM FEE FOR HANDLING OF ITEMS UNACCEPTABLE FOR TRANSFER TO THE NORTHEAST NEBRASKA SOLID WASTE COALITION LANDFILL; TO INCLUDE AN ANNUAL REGISTRATION PLATE AND/OR DECAL FEE FOR UTILITY-TYPE VEHICLES; 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.

City Attorney Danielle Myers-Noelle provided information to elected officials. The transfer station has been receiving mainly in roll-offs and dump trucks, an increasing number of items which are not acceptable to be shipped to the landfill. Those items need to be removed from the delivered loads by city staff. This Ordinance includes a \$10.00 charge for each unacceptable item that has to be removed from the delivered loads.

On May 18, 2020, the City Council passed Ordinance No. 5663 enacting Chapter 24, Article XI allowing for the operation of UTVs on city streets. Section 24-356 of Article XI requires registration of UTVs before they can lawfully be operated on the street. This Ordinance includes a fee for the registration plate and/or decal.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Ordinance No. 5666 passed on first reading.

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, 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 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. 5666 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 Mayor then instructed the City Clerk to publish said Ordinance No. 5666 as required by law.

Resolution No. 2020-16

(COVID-19 Participant Agreement form, group recreational activities requirements)

Councilmember Wiebelhaus moved, seconded by Councilmember Merrill, for adoption of Resolution No. 2020-16 approving Resolution No. 2020-16 (with attached Participant Agreement form) setting forth requirements for individuals or organizations sponsoring adult and/or youth team sports and other group recreational activities that desire to utilize City facilities for their programs.

City Attorney Danielle Myers-Noelle provided information to elected officials. The proposed resolution addresses the City allowing the use of City facilities for adult and/or youth team sports and other group recreational activities in accordance with Governor Ricketts' June 1st Statewide Sports Reopening Guidelines. The resolution includes the following requirements related to individuals or organizations who choose to utilize City facilities:

1. The individual or organization must enter into an Agreement (or Addendum, if appropriate) for use of the facilities that addresses COVID-19 issues.
2. All players, coaches, officials and other participants must sign a Participant's Agreement that acknowledges and assumes risk, releases and indemnifies the City, includes a covenant not to sue, and agrees to comply with all laws, regulations, directed health measures and guidelines, and all security policies or procedures established by the City.
3. The applicable provisions of the June 1st Statewide Sports Reopening Guidelines (or any updates or modifications thereto) must be posted on all practice and playing fields, courts, grounds, and/or other facilities where adult and/or youth practices and/or games or other group recreational activities occur.
4. Allows the City to deny entrance to its facilities to any non-complying participant or require a non-complying participant to leave the premises at any time.

Noelle answered elected official's questions regarding non-compliance and added that the waiver was put together by the League and, as such, should be honored in other cities.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2020-16 was adopted.

Regular item

(COVID-19 Recreational Activities Addendum Agreement)

Councilmember Pfeil moved, seconded by Councilmember Wiebelhaus, for approval of an Addendum Agreement form to be completed and attached to agreements with individuals or organizations sponsoring adult and/or youth team sports and other group recreational activities that desire to utilize City facilities for their programs.

City Attorney Danielle Myers-Noelle explained the addendum is a blank document that will be added to all existing team sports agreements.

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 6:39 p.m.

Josh Moenning
Mayor

ATTEST:

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, June 1, 2020, 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

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