

## **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 16th day of March, 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: Jim Lange, Rob Merrill, Fred Wiebelhaus, Thad Murren, Gary L. Jackson, Shane Clausen, and Dick Pfeil. Absent: Corey Granquist.

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, Public Works Director Steve Rames, Administrative Bethene Hoff, Risk Manager Lyle Lutt, City Planner Val Grimes, Wastewater Superintendent Rob Huntley, Library Director Jessica Chamberlain 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 Merrill moved, seconded by Councilmember Lange to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: Granquist. Motion carried.

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

### **Consent Agenda Items Approved**

Minutes of the March 2, 2020, City Council meeting

Minutes of the March 3, 2020, City Council Retreat Work Session meeting

Keno Comparison report for February 2020

Norfolk Public Library's Strategic Plan for 2020-2025 and of updates to the Norfolk Public Library's policies

Addition to Premise of an indoor and outdoor area for the Class C liquor license of Midtown Events, LLC, dba The O Lounge, 1106 Riverside Boulevard

Special Designated Liquor License for Taylor's Bar & Grill, 116 S 2nd Street, Pierce, Nebraska, to serve beer, wine and distilled spirits at the National Guard Armory, 817 S 1st St., Norfolk, Nebraska for a fundraiser on April 24, 2020 from 5:00 p.m. to 12:00 a.m.

Establish April 6, 2020 for Board of Equalization to conduct a public hearing for equalization of special assessments for Sidewalk District No. 2017-1 (Victory Road Trail), Sidewalk District No. 2018-1 (15th Street), and Gap Paving District No. 514 (15th Street)

Purchase of a 2020 Ford F450 with Aerial Device, replacing the boom truck currently in the Street Division fleet, for \$68,877.75 which is \$3,066.04 less than the Sourcewell Quote ID # 13170R1

Low bid of \$71,750.00 for the pump rebuild and well relining project at the East Water Plant, submitted by the Layne Christensen Company

Mayor's reappointment of Jacob Thone, Mary Hammond, and Matt Gilmore to the Norfolk Planning Commission for a three-year term expiring February 2023

Young Men's Christian Association of Norfolk, Nebraska, a Nebraska Nonprofit Corporation, agreement allowing the use of the tennis courts located at 4th Street and Elm Avenue, to be used for a tennis camp Monday, June 29, 2020, through Wednesday, July 1, 2020

Ray Johnson d/b/a Norfolk Disc Golf Club, agreement allowing the use of the disc golf courses in Skyview Park and Ta-Ha-Zouka Park to hold a "Battle at the North Fork" disc golf tournament on Saturday, May 30, 2020

Our Savior Lutheran Church, a Nebraska Nonprofit Corporation, agreement allowing the use of a portion of South 25th Street for the purpose of holding the 5K Run on Saturday, April 11, 2020

Young Men's Christian Association of Norfolk, Nebraska, a Nebraska Nonprofit Corporation, agreement allowing the use of its 8-lane swimming pool located at AquaVenture Water Park for swim team practices from 6:00 a.m. to 9:00 a.m. May 26, 2020 through August 2, 2020

Bills in the amount of \$1,461,579.85

### **Special Presentations**

Presentation of Public Safety Annual Report

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

#### Public Hearing

(tree plantings in required landscaped areas for townhouses and multi-family uses)

A public hearing was held to consider an amendment to Section 27-309 of the City Code to address tree plantings in required landscaped areas for townhouses and multi-family uses. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the

code currently requires landscaping in commercial, office and industrial uses and the amendment would add landscaping requirements for townhouses without individual lot lines and multi-family uses. Grimes said the amendment also adds to the tree calculation formula in the minimum depth requirement for industrial uses.

Councilmember Clausen expressed concerns over the formula used and the potential number of trees required for corner lots in particular. Grimes clarified that the required number of trees remains one tree per 500 square feet and that there is flexibility on where the trees can be placed on the property.

On March 3, 2020, the Norfolk Planning Commission held a public hearing regarding the city code amendment pertaining to tree plantings in required landscaped areas for townhouses and multi-family uses. 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 amendment and the Mayor declared the hearing closed.

#### Ordinance No. 5655

(tree plantings in required landscaped areas for townhouses and multi-family uses)

Councilmember Merrill introduced, seconded by Councilmember Wiebelhau, Ordinance No. 5655 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-309 OF THE OFFICIAL CITY CODE TO ADDRESS TREE PLANTINGS IN REQUIRED LANDSCAPED AREAS FOR TOWNHOUSES AND MULTI-FAMILY USES; 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.

Roll call: Ayes: Councilmembers Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: Granquist. Motion carried. Ordinance No. 5655 passed on first reading.

#### Public Hearing

(NAHTF grant, 120 South 3rd Street)

A public hearing was held to consider submitting a grant application to the Nebraska Department of Economic Development in the amount of \$500,000 for a Nebraska Affordable Housing Trust Fund (NAHTF) award. Jan Merrill, Northeast Nebraska Economic Development District provided information to the Mayor and City Council stating the grant will be used to convert an existing vacant building into nine rental housing units which will be located at 120 South 3rd Street in Norfolk, Nebraska; \$465,000 will be used for construction cost, \$25,000 will be used for Housing Management and Lead Clearance, and \$10,000 will be used for General Administration of the grant. The total project cost is estimated at \$1,284,115 with Conover Properties, LLC providing \$50,000 in matching funds and \$734,115 in leverage funds. Five of the nine rental units will be only available to income eligible applicants for a ten-year affordability period.

Ben Conover, property owner, said he applied for the grant last year but about half of the available funds went to individuals affected by flooding, so is applying for the grant again this

year. Conover also discussed the redevelopment plan for the building and said TIF funds will strengthen the grant application with additional funds to make the project possible.

Councilmember Wiebelhaus asked Conover if the project would continue if the grant were not received. Conover said he is committed to doing the project but noted potential to apply for the grant again next year if not awarded this year.

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

Resolution No. 2020-7  
(NAHTF grant, 120 South 3rd Street)

Councilmember Lange moved, seconded by Councilmember Jackson, for adoption of Resolution No. 2020-7 approving to submit a grant application to the Nebraska Department of Economic Development (NAHTF funds) in the amount of \$500,000 to convert an existing vacant building located at 120 South 3rd Street into nine rental housing units.

Roll call: Ayes: Councilmembers Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: Granquist. Motion carried. Resolution No. 2020-7 was adopted.

Public Hearing  
(Grand Theater Redevelopment Plan)

A public hearing was held to consider the Redevelopment Plan for the Grand Theater Redevelopment Area. Finance Officer Randy Gates provided information to the Mayor and City Council. Gates said the Redeveloper proposes to rehabilitate the facility into nine apartments on the second floor, with the first floor open for a future commercial tenant. Project costs are estimated at \$1,250,000 and the Redeveloper is requesting \$194,000 of TIF to pay a portion of these costs. This project will have negative cash flow without TIF and not be economically feasible.

Ben Conover, Redeveloper, expressed his enthusiasm about the project and downtown development and was available for questions.

No one else appeared either in favor of or in opposition to the Grand Theater Redevelopment Plan and the Mayor declared the hearing closed.

Resolution No. 2020-8  
(Grand Theater Redevelopment Plan)

Councilmember Wiebelhaus moved, seconded by Councilmember Merrill, for adoption of Resolution No. 2020-8 approving the Redevelopment Plan for the Grand Theater Redevelopment Area.

Roll call: Ayes: Councilmembers Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: Granquist. Motion carried. Resolution No. 2020-8 was adopted.

## **Regular Agenda Items**

### Authorization for Enter for Construction (Levee Repair project)

Councilmember Merrill moved, seconded by Councilmember Jackson, for approval of the Authorization for Entry for Construction on property for levee erosion repair and in-channel shoaling construction work in relation to the Levee Repair project.

Public Works Director Steven Rames provided information to the Mayor and City Council stating the Authorization for Entry for Construction states that the City has acquired or has sufficient title to the property necessary to support construction efforts for the levee rehabilitating work concerning the Norfolk - Elkhorn River LB & RB project. The City further authorizes the Department of Army and its agents, employees, and contractors to enter upon the property to perform the levee erosion repair and in-channel shoaling construction work in relation to the Levee Repair project.

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

### Reject WPC Bid from Sequencing Batch Reactor Electrical & Control

Councilmember Wiebelhaus moved, seconded by Councilmember Murren, for approval of rejecting the lone bid received on February 26, 2020 for the Water Pollution Control (WPC) - Sequencing Batch Reactor Electrical & Control Improvements project and approval for the City Clerk to readvertise for bids.

Wastewater Superintendent Rob Huntley stated the lone bid that was received was quite a bit higher than anticipated and staff would like to readvertise in an attempt to get a bid closer to budget.

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

### Resolution No. 2020-9 (add stop signs, 2nd Street & Michigan Avenue)

Councilmember Wiebelhaus moved, seconded by Councilmember Lange, for adoption of Resolution No. 2020-9 approving to add stop signs to control Northbound and Southbound traffic at the intersection of 2nd and Michigan Avenue.

Police Chief Don Miller provided information to the Mayor and City Council stating the intersection consists of an unusual offset for northbound and southbound traffic. Concerns were expressed by elected officials about the visibility and safety associated with the offset. While there is not a high accident history at the location, the offset design of the intersection can cause some confusion for motorists. It was determined that stop signs for northbound and southbound traffic would not only slow traffic, but allow for better visibility for motorists using the intersection.

Roll call: Ayes: Councilmembers Lange, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Pfeil. Nays: None. Absent: Granquist. Motion carried. Resolution No. 2020-9 was adopted.

Nucor Corporation Water Tower Naming Agreement

Councilmember Merrill moved, seconded by Councilmember Lange, for approval of a Water Tower Naming Agreement between Nucor Corporation and the City of Norfolk.

Public Works Director Steven Rames provided information to the Mayor and City Council stating the agreement provides for Nucor's exclusive right to place it's name on the City's water tower being placed on Nucor's property.

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

Nucor Corporation Water Tower Easement  
(Northeast Industrial Water Tower project)

Councilmember Lange moved, seconded by Councilmember Merrill, for approval of a Water Tower Easement between Nucor Corporation and the City of Norfolk for the Northeast Industrial Water Tower project.

Public Works Director Steven Rames provided information to the Mayor and City Council stating the permanent and temporary easement is for the construction and maintenance of a water tower to serve northeast Norfolk.

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

**Public Comment Period**

No comments were received during the public comment period.

There being no further business, the Mayor declared the meeting adjourned at 6:21 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 (Day, Date, Year), 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

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