

## **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 2nd day of August, 2021 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, Frank Arens, Rob Merrill, Fred Wiebelhaus, Thad Murren, Gary L. Jackson, Shane Clausen, and Kory Hildebrand. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Administrative Assistant Deb Johnson, Assistant City Administrator Scott Cordes, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, 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 Merrill moved, seconded by Councilmember Arens to approve the consent agenda as printed.

Councilmembers Clausen and Wiebelhaus declared a conflict of interest and abstained from the vote.

Roll call: Ayes: Councilmembers Granquist, Arens, Merrill, Murren, Jackson and Hildebrand. Nays: None. Absent: None. Abstaining: Clausen and Wiebelhaus. Motion carried.

Councilmember Arens moved, seconded by Councilmember Merrill to adopt the full agenda with item #29 moved to the top of the regular agenda. Roll call: Ayes: Councilmembers Granquist, Arens, Merrill, Wiebelhaus, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Motion carried.

### **Consent Agenda Items Approved**

Minutes of the July 19, 2021, City Council meeting

Resolution No. 2021-26 approving the final plat and subdivision agreement of Clausen Brothers Addition.

Alzheimer's Disease and Related Disorders Association, Inc., a Delaware Nonprofit Corporation, agreement allowing them to place pinwheels in the medians in downtown Norfolk on Saturday, October 2, 2021, and to use Skyview Park for their Walk to End Alzheimer's event on Sunday, October 3, 2021.

Rotary Club of Norfolk, a Nebraska Nonprofit Corporation, Addendum Agreement, amending the agreement dated May 19, 2021 to allow an additional musical performance to be held at Skyview Park on Saturday, September 11, 2021

ALS in the Heartland, Inc., agreement to hold a community walk at Skyview Park on Sunday, September 26, 2021

Light of the World Gospel Ministries, Inc., a Nebraska Nonprofit Corporation, allowing the use of Central Park for a four-day tent revival event, which may include but is not limited to daily church worship services (7:00 p.m. each day), children's events, serving food, and leaving the tent overnight from Wednesday, August 4, 2021, to Monday, August 9, 2021

Norfolk Motor Company dba Norfolk Chevrolet Buick GMC, agreement allowing the use of Ta-Ha-Zouka Park to hold a company picnic on Saturday, August 21, 2021

Resolution No. 2021-27 extending the City's LARM (League Association of Risk Management) participation up to September 30, 2024 and including a requirement of at least 180-days notice of intent of termination

Send no local recommendation to the Nebraska Liquor Control Commission on the corporate manager application of Krystal M. Carter in conjunction with the Class D liquor license of Casey's Retail Company, dba Casey's General Store 2370, 1020 West Benjamin Avenue

Send no local recommendation to the Nebraska Liquor Control Commission on the corporate manager application of Krystal M. Carter in conjunction with the Class D liquor license of Casey's Retail Company, dba Casey's General Store 2885, 1010 South 13th Street

Send no local recommendation to the Nebraska Liquor Control Commission on the corporate manager application of Krystal M. Carter in conjunction with the Class D liquor license of Casey's Retail Company, dba Casey's General Store 2710, 2640 West Norfolk Avenue

Lutheran High School Association of Northeast Nebraska, Incorporated, a Nebraska Nonprofit Corporation, agreement allowing the use of the football field in Veterans Memorial Park to hold football games, scrimmages, and practices from date of this agreement through May 31, 2022

Special Designated Liquor License requested by Norfolk Arts Center, to serve beer at 101 E Nebraska Avenue, for an Outdoor Festival from 4:00 p.m. to 11:00 p.m. on August 20, 2021

Special Designated Liquor License for Jim's Fine Wine and More, to serve beer and wine at Sacred Heart Parish, 2300 W Madison Avenue on September 12, 2021 from 12:00 p.m. to 9:00 p.m. for a wine and beer garden

Special Designated Liquor License for Jim's Fine Wine and More, to serve wine and distilled spirits at Magnolias, 432 W Norfolk Avenue on September 2, 2021 from 3:00 p.m. to 8:00 p.m. for a wine and cordial tasting

gWorks contract to provide redistricting services based on the updated 2020 Census data for an amount of \$3,750.

Mayor's appointment of Dirk Waite to the Board of Adjustment to complete the term expiring August 2021, which was vacated by Dan Spray

Bills in the amount of \$1,569,436.36

### **Special Presentations**

Proclamation for August 1-7, 2021 as "Rotary Week."

### **Regular Agenda Items**

#### BKD, LLP audit agreement

(City's financial statements for FYE 9-30 of 2021, 2022, 2023, 2024, 2025)

Councilmember Merrill moved, seconded by Councilmember Wiebelhaus, for approval of an agreement with BKD, LLP to audit the City's financial statements for the fiscal years ending September 30, 2021, 2022, 2023, 2024, and 2025.

Finance Officer Randy Gates provided information to elected officials. Gates said requests for proposals were sent to sixteen auditing firms, which also included the Northeast Nebraska Solid Waste Coalition's audit for the next five years. Three firms submitted proposals. BerganKDV was the lowest bidder but submitted a proposal based on an incorrect fiscal year. Hayes & Associates, the City's current auditor, submitted a bid comparable to BKD. While Hayes & Associates have provided competent work, they do not possess the depth of knowledge that BKD has. It is also beneficial to change auditing firms periodically to get new input on how the City can improve their processes and internal controls. BKD LLP, although the highest bidder, has extensive knowledge of accounting and auditing standards and vast experience auditing other cities nationwide, including a number of cities in Nebraska. BKD has been part of INSIDE Public Accounting Best of the Best Firms list for the past 10 years. They have significant Single Audit experience with approximately one-third of their nonprofit and public sector clients receiving federal funding. A number of their clients have received GFOA's Certificate of Achievement for Excellence in Financial Reporting. BKD regularly provides training opportunities through webinars and has consistently been a presenter at Great Plains GFOA conferences.

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

#### 2019 Boundary Study Update

Public Works Director Steven Rames and Jo Johnson with Olsson Associates, provided the Mayor and Council with a 2019 Norfolk Boundary Study, August 2, 2021 update. Rames said this is an update to the study that was previously accepted with additional parcels that fit the annexation envelope.

Jo Johnson, Olsson Associates, discussed the areas added to the study. Study Area 1.5.1 consists of privately owned land along West Highway 275. Study Area 4.2 generally contains the City owned wellfield. Study Area 4.3 contains the airport land.

Councilmember Granquist moved, seconded by Councilmember Jackson to approve the 2019 Norfolk Boundary Study, August 2, 2021 update.

Resolution No. 2021-28  
(annexation, establish public hearing date for September 7, 2021)

Councilmember Merrill moved, seconded by Councilmember Wiebelhaus, for adoption of Resolution No. 2021-28 approving the City's desire to consider the annexation of land as noted in the attached annexation study and approving the plan for extending City services to said land and establishing September 7, 2021 as the date for a public hearing to consider said annexation.

Councilmembers Clausen and Murren declared a conflict of interest and abstained from discussion and voting on Resolution No. 2021-28.

Public Works Director Steven Rames provided information to elected officials. Rames discussed the timeline of the annexation process to the point of this meeting as well as the schedule moving forward. Further, Rames discussed the intent resolution, which includes the following; a map of the proposed annexation area, the annexation study and the plan for the extension of city services to the annexed areas. Rames said there are twenty-five (25) areas included for proposed annexation and discussed the cost and benefit analysis of the areas.

Moening discussed the reasoning for looking the proposed annexation, which includes facilitating growth, increase city services and to make the physical boundaries of the city make sense.

Rames noted several areas are already developed and discussed the inability to annex County Industrial Tracts. Rames also noted corrections to be made to the resolution. Area 3.1 should read Area 3.10 and the map should be updated to Exhibit A – Rev 1.

Councilmember Merrill asked where further information could be found. Rames said the city's website will contain more detailed information under the "City Projects" section on the homepage.

Councilmember Arens asked for clarification on area 2.4. After clarification was received, Arens declared a conflict of interest and abstained from further discussion and voting on Resolution No, 2021-28.

Councilmember Merrill moved, seconded by Councilmember Wiebelhaus to amend the resolution as follows: amend area 3.1 to read area 3.10; amend map to Exhibit A – Rev 1.

Roll call: Ayes: Councilmembers Granquist, Merrill, Wiebelhaus, Jackson and Hildebrand.  
Nays: None. Absent: None. Abstaining: Arens, Murren and Clausen. Motion carried.

Roll call to adopt Resolution No. 2021-28 approving the City's desire to consider the annexation of land as noted in the attached annexation study and approving the plan for extending City

services to said land and establishing September 7, 2021 as the date for a public hearing to consider said annexation: Ayes: Councilmembers Granquist, Merrill, Wiebelhaus, Jackson and Hildebrand. Nays: None. Absent: None. Abstaining: Arens, Murren and Clausen. Motion carried. Resolution No. 2021-28 was adopted.

Bauer Underground, Inc. contract  
(Benjamin Avenue Overhead to Underground Utility Relocation project)

Councilmember Wiebelhaus moved, seconded by Councilmember Clausen, for approval of awarding a contract to Bauer Underground, Inc. of Norfolk, Nebraska for the Benjamin Avenue Overhead to Underground Utility Relocation project for an amount of \$798,904.10 to furnish all labor, materials, equipment and all else necessary to properly construct the project. One bid was received at the July 15, 2021 bid letting.

Public Works Director Steven Rames provided information to elected officials. The project is necessary for the reconstruction of Benjamin Avenue from 13th to 1st Streets. City staff and Nebraska Public Power District staff reviewed the bid and feel it is in line with the scope of the project.

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

SCS Engineers contract Amendment No. 1  
(Transfer Station Site Improvements project Phase 3)

Councilmember Merrill moved, seconded by Councilmember Jackson, for approval of Amendment No. 1 to the Engineering Services contract with SCS Engineers for Phase 3 (construction phase services) for the Transfer Station Site Improvements project for an amount not to exceed \$96,814.60.

Public Works Director Steven Rames and Solid Waste Supervisor Rob Mercer provided information to elected officials. Amendment No. 1 provides for the Phase 3 construction phase engineering services for a total contract amount of \$514,315.95.

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

Mainelli Wagner & Associates, Inc. agreement  
(Asphaltic Overlays 2021 project)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of a professional services consultant agreement with Mainelli Wagner & Associates, Inc. for the Asphaltic Overlays 2021 project for an amount of \$96,720.00.

Public Works Director Steven Rames provided information to elected officials. The agreement provides for construction monitoring of the project on an actual time and reimbursable expenses basis.

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

J. H. Hespe Co., Inc contract  
(Police Department Parking Lot Expansion – 2021 project)

Councilmember Wiebelhaus moved, seconded by Councilmember Jackson, for approval of a contract with J. H. Hespe Co., Inc. of Norfolk, Nebraska for the Norfolk Police Department Parking Lot Expansion - 2021 project for an amount of \$170,626.77.

Police Chief Don Miller discussed the need for additional parking at the Police Division. There are currently sixty spaces available. Based on the current size of the building, seventy spots are needed. Potential future expansion will limit parking even further. The parking lot expansion can create an additional thirty-eight spaces. If some spaces are lost as a result of a future expansion, there would still be eighty-five spaces available that would better fit the needs of the department.

Elected officials and staff discussed landscaping requirements. While the property is zoned C-2 and does not have landscaping requirements in the parking lot, elected officials would like to see some landscaping added.

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

Councilmember Fred Wiebelhaus resignation, Ward 4 representative

Councilmember Merrill moved, seconded by Councilmember Granquist, for approval of accepting the resignation of Councilmember Fred Wiebelhaus as Ward 4 representative.

Roll call: Ayes: Councilmembers Granquist, Arens, Merrill, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Motion carried.

Call Special City Council meeting  
(fill Ward 4 vacancy)

Councilmember Granquist moved, seconded by Councilmember Arens, for approval to call a Special City Council meeting on Thursday, August 12, 2021 at 12:00 p.m. to fill the City Council seat vacancy in Ward 4 as a result of the resignation of Fred Wiebelhaus.

Roll call: Ayes: Councilmembers Granquist, Arens, Merrill, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Motion carried.

There being no further business, the Mayor declared the meeting adjourned at 6:46 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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