

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 7th day of March, 2022.

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, Andrew McCarthy, 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, Assistant City Administrator Scott Cordes, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, City Planner Val Grimes, Administrative Secretary Kylee Soderberg, Communications Manager Nick Stevenson, Economic Developer Candice Alder, Parks and Rec Director Nathan Powell, Interim Water and Sewer Director Chad Roberts, Street Superintendent Will Elwell, Wastewater Superintendent Robert Huntley, Staff Engineer Pat Boyle 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 Clausen to approve the consent agenda as printed. Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None.

Councilmember Murren moved, seconded by Councilmember Granquist to adopt the full agenda as printed. Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None.

Consent Agenda Items Approved

Minutes of the February 22, 2022, City Council meeting

February sales tax report (December sales)

Keno comparison report for January 2022

Mayor's reappointment of Les Swanson to the Fire Code Board of Appeals for a term ending February 2027

Mayor's reappointment of Joyce McDonald to the Riverfront Overlay Review Board for a term ending February 2025

Mayor's reappointment of Mark Johnson and Terry Wolfe to the Building Code Appelas/Property Maintenance Board of Appeals for a term ending February 2027

Steven Anderson, doing business as Heartland Gondolas, agreement to operate a gondola business at Skyview Park and Lake from May 1, 2022 through September 30, 2022

Lutheran High School Association of Northeast Nebraska, Incorporated, a Nebraska Nonprofit Corporation, agreement to hold soccer practice, camps, and games on Memorial Field at Veterans Memorial Park from the date of this agreement through May 31, 2022

Fischer Tree Central, Inc. agreement for the Benjamin Avenue from 13th to Riverside Boulevard Tree Removal and Disposal project for an amount of \$6,000.00

Fischer Tree Central, Inc. agreement for the 1st Street Bridge and Instream Improvements - Tree Removal and Disposal project for an amount of \$12,500.00

VFW Winter-Munson Post No. 1644 agreement for the annual Loyalty Day Parade on Friday, April 29, 2022

Right of Way Agreement and Acceptance, Temporary Easement, Real Estate Purchase Agreement, and Warranty Deed for Tract #3 between David Archer and the City of Norfolk for the 1st Street Bridge project for \$2,630.00

Right of Way Agreement and Acceptance, Temporary Easement, Real Estate Purchase Agreement, Warranty Deed, and donated Permanent Easement for Tract #2 between Young Men's Christian Association of Norfolk, Nebraska and the City of Norfolk for the 1st Street Bridge project for \$22,240.00

Special Designated Liquor License for Jim's Fine Wine and More, 2001 Market Lane, to serve wine and distilled spirits at Dr. Kim Chiropractic, 324 West Norfolk Avenue, on Wednesday, March 30, 2022, from 6:00 p.m. to 9:00 p.m. for a wine and cordial tasting

Bills in the amount of \$1,511,312.64

Public Hearings and Related Items

Public Hearings

(Geary zone change & Mixed Use Overlay, east of 3rd Street near Winter Avenue)

Public hearings were held simultaneously to consider a zoning change from I-1 (Light Industrial District), C-1 (Local Business District), and R-3 (Multiple-family Residential District) to C-2 (Central

Business District) and a Mixed Use Overlay on properties generally located east of 3rd Street near Winter Avenue at the request of Daniel E. and Connie J. Geary.

City Planner Val Grimes provided information to elected officials. Grimes explained that a mixed-use overlay can be used either as the base zoning or as an overlay, which is what was chosen for this property. The zoning district of C-2 provides most of what the applicant is looking for and the overlay allows for greater flexibility.

Dan and Connie Geary, applicants, spoke to the project, which will include condominiums, apartments and commercial buildings. The development is the result of a partnership with Wayne State College with plans to have Wayne State seniors living in the development.

On February 23, 2022, the Norfolk Planning Commission held public hearings regarding the Geary zone change and Mixed Use Overlay requests. The City Clerk read the Planning Commission's recommendations for approval into the record.

No one else appeared either in favor of or in opposition to the Geary zone change and Mixed Use Overlay requests and the Mayor declared the hearing closed.

Ordinance No. 5766

(Geary zone change, east of 3rd Street near Winter Avenue)

Councilmember Merrill introduced, seconded by Councilmember Arens, Ordinance No. 5766 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.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5766 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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 Granquist moved, seconded by Councilmember McCarthy, 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. 5766 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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. 5766 as required by law.

Ordinance No. 5767

(Geary Mixed Use Overlay, east of 3rd Street near Winter Avenue)

Councilmember Arens introduced, seconded by Councilmember Jackson, Ordinance No. 5767 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA, AND 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.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5767 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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 Granquist moved, seconded by Councilmember Merrill, 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. 5767 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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. 5767 as required by law.

Public Hearing

(NAHTF contract budget amendment application)

A public hearing was held to consider submitting an application to the Nebraska Department of Economic Development in the amount of \$93,000 for a Nebraska Affordable Housing Trust Fund (NAHTF) contract budget amendment.

Andrea Larson, Northeast Nebraska Economic Development District, provided information to the Mayor and City Council. The City of Norfolk has been invited to apply for \$93,000 in additional NAHTF funds for the Conover Properties, LLC, Grand Theater project in response to Covid-19 pandemic-related unprecedented rising costs of construction materials and supply chain issues that have drastically impacted new construction and rental conversion projects funded through DED. The maximum request for additional NAHTFs is limited to 20% of the

current awarded NAHTF hard costs in the executed contract with the Department for New Construction or Rental Conversion (\$465,000).

No one else appeared either in favor of or in opposition to the NAHTF contract budget amendment application and the Mayor declared the hearing closed.

Resolution No. 2022-7
(NAHTF contract budget amendment application)

Councilmember Arens moved, seconded by Councilmember Clausen, for adoption of Resolution No. 2022-7 approving to submit an application to the Nebraska Department of Economic Development in the amount of \$93,000 for a Nebraska Affordable Housing Trust Fund (NAHTF) contract budget amendment.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Resolution No. 2022-7 was adopted.

Regular Agenda Items

Ordinance No. 5768
(accident reporting amounts, match current state statutes)

Councilmember Granquist introduced, seconded by Councilmember Arens, Ordinance No. 5768 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-68 OF THE OFFICIAL CITY CODE TO UPDATE THE REQUIREMENTS RELATED TO FILING A STATE ACCIDENT REPORT AND UPDATE A STATE STATUTE REFERENCE; 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.

Police Chief Don Miller provided information to elected officials. The state statute referred to in Section 24-68 has been repealed. New guidelines are outlined in Nebraska State Statute 60-699, changing the damage amount to \$1,500, and clarifying that a report to the Department of Motor Vehicles is required only when not investigated by a police officer.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5768 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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 Merrill moved, seconded by Councilmember Arens, 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. 5768 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: None. 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. 5768 as required by law.

Komline-Sanderson bid
(rebuild WPC Komline Belt Press #2)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of the bid from Komline-Sanderson to rebuild Komline Belt Press #2, located at the Water Pollution Control (WPC) Plant, for the sum of \$194,493.00.

Wastewater Superintendent Robert Huntley provided information to elected officials. Norfolk WPC has two belt presses that are used to dewater bio-solids, which are needed to run operations for removal of solids from the wastewater. Belt Press #2 is a Komline model GRS 2 and was purchased in 1988 and is 34 years old. It is capital budgeted this fiscal year for \$400,000 for replacement or rebuild. The belt press was evaluated for best option and it was decided to rebuild the Belt Press.

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

BX Civil and Construction, Inc.
(Benjamin Avenue, 13th to 1st Street project)

Councilmember Merrill moved, seconded by Councilmember Granquist, for approval of awarding a contract to BX Civil and Construction, Inc. of Dell Rapids, SD for the Benjamin Avenue from 13th Street to 1st Street project, including both the base bid and alternate bid, for a total amount of \$13,175,170.00 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Three sealed bids were received at the February 22, 2022 bid letting. Other bidders were A & R Construction Co. of Plainview, NE for \$13,243,796.76; and Steve Harris Construction, Inc. of Homer, NE for \$14,169,251.01.

Public Works Director Steven Rames provided information to elected officials. Rames said the contractor intends to start work this year with completion of the project at the end of 2023. Work will begin at 1st Street and move west through Riverside Boulevard in 2022, with the rest of the project completing in 2023. Traffic will be head to head during construction.

Councilmember Granquist asked about the timeframe of the project.

Doug Holle, Schemmer Associates, said the project was bid with a calendar construction date of 669 days, which was in the bid requirements. Holle also noted there would be liquidated damages charged if the project goes beyond schedule.

Councilmember Merrill asked about the impact construction will have on the Middle School. Rames said the goal will be to get as much work done as possible when school is out of session. Rames also noted BX Civil has stated there will be a project manager assigned that will be on site at all times and communicate regularly with affected property owners.

Councilmember Murren stressed the importance of communication with community members. Rames said there will be regular meetings with property owners along the corridor and information made available for community members.

Moenning said there is a long history of discussion on this project that has been continually “kicked down the road,” and he is excited to get work initiated.

Councilmember Granquist discussed having the concept and design on the city’s website for the public to look at.

Rames noted the 1st Street Bridge and Instream Improvements Project has an impact on the sequencing of this project and he will be reaching out to the school, YMCA and other businesses regarding the sequencing of the projects.

Hildebrand asked if the recommendation to approve the contract with BX Civil was due to the low bid. Holle said the low bid was the primary reason for the recommendation. Holle also noted that the second lowest bidder, A & R Construction submitted a letter with their bid indicating they would not be able to finish the work in 2023 and it would extend into 2024.

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

United Contractors contract
(1st Street Bridge and Instream Improvements project)

Councilmember Granquist moved, seconded by Councilmember McCarthy, for approval of awarding a contract to United Contractors for the 1st Street Bridge and Instream Improvements project in the amount of \$9,337,720.71 to furnish all labor, materials, equipment and all else necessary to properly construct all the improvements. Three sealed bids were received at the bid letting on March 3, 2022 as follows: A & R Construction, United Contractors, and Dixon Construction. Bids for 2022 construction ranged from \$11,220,032.10 to \$13,313,379.94. The low bid for 2022 was from Dixon Construction. Bids for 2023 construction ranged from \$9,337,720.71 to \$12,287,037.28. United Contractors was the low bidder.

Rames provided information to elected officials. Two construction seasons were bid with the option of steel or concrete girders. All three bidders bid concrete girders for 2023 construction. Rames explained concrete girders for this span of project would cost less than steel. There remains an option to go with a steel girder, but the cost difference would be about \$125,000. Conversation with a local supplier is anticipated to cover that additional cost. While there is not a lot of difference in longevity with steel versus concrete, concrete girders are typically used for bridges of this span. Rames also noted that concrete girders would not be available until November or December of this year.

Rames said the bidders indicated the instream work is where they had difficulty getting subcontractors to commit to the work within the timeframe. The bridge came in on budget.

Based on conversation with the low bidder, there is potential to start the project late this summer on the drop structures in the river with work beginning on the 1st Street Bridge sometime late fall, early winter. Reopening of 1st Street is scheduled for July 15, 2023 with 100% completion of the project by November 1, 2023. The 2023 construction season on this project allowed for the phasing of the Benjamin Avenue project to be switched to begin at 1st and Benjamin and move west, instead of moving east, which was originally planned.

Clausen asked how the two projects are being funded. Rames said the projects came in over budget mostly due to increased cost of materials; concrete costs have increased substantially in the last two years. On the City Highway Allocation Funding (CHAF) component, there is an increase of about \$325,000 annually on what we will be bonding for the Benjamin Avenue project. Those funds are typically budgeted conservatively so there is capacity within the CHAF budget to absorb that increased annual cost without any impact to existing 10-year CIP plan. There are also some funds available through ARP that will be reallocated toward the river project.

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

There being no further business, the Mayor declared the meeting adjourned at 6:28 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, March 7, 2022, 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

(S E A L)