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 November, 2022, 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, Andrew McCarthy, Thad Murren, Gary L. Jackson, and Kory Hildebrand. Absent: Shane Clausen.

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, Public Works Director Steve Rames, Park & Recreation Director Nathan Powell, Risk Manager Lyle Lutt, City Planner Val Grimes, Communications Manager Nick Stevenson, Assistant City Engineer Anna Allen, Solid Waste Supervisor Rob Mercer, Wastewater Plant Superintendent Rob Huntley, Will Elwell, Water & Sewer Director Chad Roberts, Economic Development Director Candice Alder, 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. Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen.

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

Consent Agenda Items Approved

Minutes of the November 7, 2022 City Council meeting

Minutes of the November 14, 2022 City Council meeting Work Session

Mayor's appointment of Ben Collins to the Norfolk Public Art Council for a three-year term ending November 2025

Resolution 2022-57 to recognize Martin Luther King Jr. Day as an official City holiday, to be observed on the third Monday of January every year, in accordance with the rules contained in City's Personnel Manual

American Cancer Society, Inc., a New York Nonprofit Corporation, d/b/a Norfolk Area Relay for Life, agreement allowing the use of Ta-Ha-Zouka Park to hold a Norfolk Area Relay for Life event including but not limited to live music performances, ceremonies, vending of food and other items, walking, and a silent auction on Friday, June 2, 2023

Lutheran High School Association of Northeast Nebraska, Incorporated, a Nebraska Nonprofit Corporation, agreement to allow the use of City streets to hold a 5K Turkey Trot run on Thursday, November 24, 2022

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement to hold a Hometown Holiday Festival in downtown Norfolk on Tuesday, November 22, 2022, (with a rain/snow date of November 29, 2022) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, live reindeer display, live nativity scene, and having small campfires in self-contained steel fire pits

Northeast Nebraska All-Star Football Classic, a Nebraska Nonprofit Corporation, agreement allowing the use of Memorial Field in Veterans Memorial Park to hold an all-star classic football game on Saturday, June 10, 2023

Special Designated Liquor License for Elkhorn Valley Museum, to serve beer and wine at 515 Queen City Boulevard on December 11, 2022 from 7:00 p.m. to 9:30 p.m. for a beer and wine tasting event

Special Designated Liquor License for Taylormade Catering, dba White House Reception Hall, to serve beer, wine and distilled spirits at Our Savior Lutheran Church, 2420 West Omaha Avenue, on January 13, 2023, from 4:30 p.m. to 12:00 a.m. for a fundraising event

Special Designated Liquor License for Bar A to serve beer, wine and distilled spirits at Lot 279, 400 West Monroe Avenue, on December 8, 2022, from 11:00 a.m. to 12:00 a.m. for an open house.

Advertise for bids for one Terminal tractor, also known as a “Spotter truck”, for the Transfer Station

Advertise for bids for replacement of the octopus water feature at Aquaventure Waterpark

Bills in the amount of $5,282,011.43

Special Presentations

Mark Hall with the Lower Elkhorn Natural Resources District presented a check, accepted by Parks and Recreation Director Nathan Powell, for the 7th Street Beautification Project in the amount of $3,163.69.

Public Hearings and Related Items

Public Hearing
(levy assessments, Water District No. 127, Channel Road)

A public hearing was held for the Mayor and City Council to sit as a Board of Equalization to levy special assessments Water Extension District No. 127 (Channel Road).

Councilmember Merrill moved, seconded by Councilmember Hildebrand to adjourn as Mayor and City Council and convene as a Board of Equalization to hear and equalize special assessments for Water Extension District No. 127 (Channel Road).

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

Public Works Director Steve Rames provided information to the Mayor and City Council. Water Extension District No. 127 (Channel Road) has total costs of $213,730.31 with non-assessable abutting property costs of $71,157.19 and assessable abutting property costs of $142,573.12. Included in the district are seven parcels with five landowners.

Rames explained the extension was requested by a landowner in the district and said the water quality in the area is poor. The project was discussed with subcommittee members in early 2022 and the decision was made to reduce the amount of the assessments by 50% by way of a water extension agreement. This agreement states that if the parcel is ever subdivided, the remaining 50% of the assessable cost is due in full. As of the date of this meeting, three property owners have signed agreements.

Benefits of the water extension include increased water quality, increased flow and fire protection, and increased potential of future development.

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

Councilmember Merrill moved, seconded by Councilmember Arens to adjourn as a Board of Equalization and reconvene as Mayor and City Council.

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

Ordinance No. 5808
(levy assessments, Water District No. 127, Channel Road)

Councilmember Jackson introduced, seconded by Councilmember Hildebrand, Ordinance No. 5808 entitled: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE ABUTTING UPON AND ADJACENT TO AND SPECIALLY BENEFITED BY THE IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 127 OF THE CITY OF NORFOLK, NEBRASKA, TO DEFRAY THE COST OF SAID IMPROVEMENTS; 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: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. Ordinance No. 5808 passed on first reading.

Councilmember Arens 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, and Hildebrand. Nays: None. Absent: Clausen. 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 Arens 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. 5808 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. 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. 5808 as required by law.

Public Hearing
(Neighborworks zone change, northeast corner of Phillip Avenue and 5th Street)

A public hearing was held to consider a zone change from C-1 (Local Business District), to R-3 (Multiple Family Residential District) on property located at the northeast corner of Phillip Avenue and 5th Street.at the request of Elkhorn Valley Community Development Corporation dba NeighborWorks Northeast Nebraska. City Planner Valerie Grimes provided information to the Mayor and City Council and said the applicant is looking to construct apartments on the property. Grimes noted that letter of opposition was received from First United Methodist Church, which is included in the agenda packet.

Quelbin Izaguirre, with Neighborworks, said the project is in conjunction with Growing Together and Wayne State College.

Kelby Herman, Progressive Builders, said he has been working with Neighborworks on potentially constructing a 30-unit apartment building to accommodate more downtown housing. Parking will be on the lot, with the exception of six required stalls. There is an agreement with Midtown Health to utilize their parking lot for the additional required stalls. A majority of the units would be utilized by Wayne State students, the remaining units would be market rate. Construction should begin in spring of 2023 to complete Phase I by the fall of 2024. Herman said he spoke with the pastor of First United Methodist Church, who voiced his support of the project after the Planning Commission meeting.

On November 8, 2022, the Norfolk Planning Commission held a public hearing regarding the zone change request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5809
(Neighborworks zone change, northeast corner of Phillip Avenue and 5th Street)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, Ordinance No. 5809 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, and Hildebrand. Nays: None. Absent: Clausen. Ordinance No. 5809 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. 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 Murren moved, seconded by Councilmember Granquist, 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. 5809 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. 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. 5809 as required by law.

Regular Agenda Items

Ordinance No. 5810
(Amend City Code Section 25, tree and shrub planting)

Councilmember Arens introduced, seconded by Councilmember McCarthy, Ordinance No. 5810 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 25-1, 25-2, 25-3, AND 25-9 OF THE OFFICIAL CITY CODE TO PROHIBIT THE REMOVAL OF CITY CORRIDOR TREES FUNDED AND/OR PLANTED BY THE CITY WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY; TO ALLOW PLANTING A TREE CLOSER THAN 5 FEET TO THE BACK OF A CURB ON CERTAIN RESIDENTIAL STREETS; 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.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell said the purpose of the change to code is to remove barriers to allow people to plant trees in the terrace. Staff has reviewed the concerns of elected officials and have removed the permit process. The ordinance speaks to the removal of trees that were planted or paid for by the city as part of a city project. Trees in these areas will be maintained by the city. These sections are identified in the ordinance. Trees will be allowed to be planted within 5' of the curb in residential areas with a speed limit of 25 miles per hour or less, or by approval of the City Engineer.

Ordinance No. 5810 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren and Jackson. Nays: Hildebrand. Absent: Clausen. Ordinance No. 5810 passed on first reading.

Purchase Bobcat/Skid Steer

Councilmember Merrill moved, seconded by Councilmember Granquist, for approval to purchase a Bobcat T66 T4 Track Loader/Skid Steer from Bobcat of Norfolk with the Nebraska State Contract discount for the amount of $61,687.61, for use by the Parks Division.

Parks and Recreation Director Nathan Powell provided information to elected officials and said a skid steer would provide parks staff with the tools necessary to complete tasks safely and efficiently. The equipment will be used for snow removal and projects such as playground installation. Playground installation has not been completed by staff. Having the equipment for staff to install playgrounds will save on contract costs.

Councilmember Hildebrand asked about the usage of the equipment. Powell said he would expect daily usage of the skid steer.

Jim McKenzie, 1412 Longhorn Drive, stated it is his understanding that the Street Division currently has two skid steers and only 100-200 hours are put on each meter annually. The Parks Department has always borrowed the Street Division's skid steer or asked the Street Division to assist in projects when a skid steer was needed. McKenzie said he feels the money would be better spent toward the Police expansion. McKenzie urged the Council to reject the expenditure and to prioritize spending and put this money toward more pressing needs.

Powell discussed the process of the request and issues with the availability of equipment. Powell said it is not efficient when staff does not have the equipment available to do their jobs. We want to make sure they have the tools they need to do their jobs on a day to day basis.

Public Works Director Steven Rames said that due to the large annexation and more street projects, the Street Division is using their equipment much more and the opportunity to share their equipment is becoming more limited.

City Administrator Andy Colvin discussed changes in the city's Park Department going from mostly a maintenance department to a more proactive department. The playground installation is something new the Parks Department is doing in an effort to be more efficient with the taxpayer dollar than we have been in the past.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson. Nays: Hildebrand. Absent: Clausen. Motion approved.

Elkhorn Paving Company Change order No. 2F & Completion Certificate
(US Highway 275 Undercrossing RTP-2017(001) project)

Councilmember Hildebrand moved, seconded by Councilmember Murren, for approval of Change Order No. 2F and Certificate of Substantial Completion with Elkhorn Paving Company for the US Highway 275 Undercrossing RTP-2017(001) project resulting in a net increase of $7,250.87.

Assistant City Engineer Anna Allen provided information to elected officials. Change Order No. 2F reconciles contract quantities to As-Built quantities resulting in a final contract amount of $356,755.18.

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

Bauer Underground, Inc. Change Order No. 1F
(Benjamin Avenue Overhead to Underground Utility Relocation project)

Councilmember Merrill moved, seconded by Councilmember McCarthy, for approval of Change Order No. 1F with Bauer Underground, Inc. for the Benjamin Avenue Overhead to Underground Utility Relocation project resulting in a net decrease of $8,940.50.

Public Works Director Steven Rames provided information to elected officials. Change Order No. 1F includes a decrease for not replacing the NPPD retaining wall, and additions for work at Benjamin & North 9th, Square Turn & Grant, and extra conduit for sign at Country Club Plaza resulting in a final contract amount of $789,963.60.

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

HDR Engineering, Inc. agreement
(Levee Certification – Phase IIIa)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of an agreement for engineering, consulting and related services for 60% design and pre-permitting of proposed improvements with HDR Engineering, Inc. for the Levee Certification - Phase IIIa project for an amount not to exceed $509,480.00.

Public Works Director Steven Rames provided information to elected officials. Total estimated cost of the project is $7,145,000. As the levee sponsor, the cost of the levee recertification is the responsibility of the city. The project has been delayed due to the 2019 flood and the pandemic in 2020. The FEMA re-mapping has also seen delays, which is the driving factor for the recertification of our levy. Design will occur over the next nine months. Permitting with the Corps of Engineers could take 12-18 months, followed by construction in 2024-2025

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

JEO Consulting Group, Inc. agreement
(2023 bridge inspections)

Councilmember Hildebrand moved, seconded by Councilmember Murren, for approval of an agreement for professional engineering services with JEO Consulting Group, Inc. for the 2023 bridge inspections for a total of $7,000.00.

Public Works Director Steven Rames provided information to elected officials. The Nebraska Department of Transportation requires regular bridge inspections and completion of reports as part of the National Bridge Inspection Standards. Currently we have 19 bridges on a two-year inspection cycle with all routine bridge inspections taking place in the odd years.

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

Ordinance No. 5811
(annex property, First Christian Church)
(southeast of East Benjamin Avenue and North Victory Road)

Councilmember Merrill introduced, seconded by Councilmember Murren, Ordinance No. 5811 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, 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 first reading only.

Public Works Director Steven Rames provided information to elected officials. This annexation was requested by the property owner. The request was partially driven by the desire to lower the water bill as water rates are double for those outside of city limits.

Ordinance No. 5811 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. Ordinance No. 5810 passed on first reading only.

Ordinance No. 5812
(restrict parking, North Cottonwood, East Prospect Avenue)

Councilmember Granquist introduced, seconded by Councilmember Arens, Ordinance No. 5812 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO RESTRICT PARKING ON THE EAST SIDE OF COTTONWOOD STREET FROM NORFOLK AVENUE TO PROSPECT AVENUE AND ON THE SOUTH SIDE OF PROSPECT AVENUE FROM FIRST STREET TO COTTONWOOD STREET TO COINCIDE WITH ROAD AND BRIDGE RECONSTRUCTION ON NORTH 1ST STREET; 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.

Police Chief Don Miller provided information to elected officials. The City of Norfolk will be rebuilding the roadway and bridge in the 200 block of North 1st Street and the intersection of North 1st Street and Braasch Avenue. This will close North 1st Street between Braasch and Prospect Avenue for an extended amount of time. In anticipation of increased local traffic on North Cottonwood Street and East Prospect Avenue, staff is recommending that parking be restricted on the east side of North Cottonwood Street and the south side of East Prospect Avenue to allow more space on the route. This will also allow for police, rescue and fire vehicles to safely proceed through the area. The proposed changes will be temporary.

Ordinance No. 5812 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. Ordinance No. 5812 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. 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 Arens 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. 5812 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. 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. 5812 as required by law.

Resolution No. 2022-58
(add stop signs, North Cottonwood & East Nebraska & Braasch Avenues)

Councilmember McCarthy moved, seconded by Councilmember Murren, for adoption of Resolution No. 2022-58 approving to add stop signs to control the following locations: east and west bound traffic at the intersection of North Cottonwood and East Nebraska Avenue, west bound traffic at the intersection of North Cottonwood Street and East Braasch Avenue.

Roll call: Ayes: Granquist, Arens, Merrill, McCarthy, Murren, Jackson, and Hildebrand. Nays: None. Absent: Clausen. Resolution No. 2022-58 was adopted.

There being no further business, the Mayor declared the meeting adjourned at 6:47 p.m.

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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, November 21, 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.

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Brianna Duerst
City Clerk

(S E A L)