

**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 6th day of September, 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, Andrew McCarthy, Thad Murren, Gary L. Jackson, Shane Clausen, and Kory Hildebrand. Absent: Rob Merrill.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Public Safety Director Scott Cordes, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, Parks and Recreation Director Nathan Powell, City Planner Val Grimes, 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 McCarthy moved, seconded by Councilmember Jackson to approve the consent agenda, with Item #20, Resolution 2022-44, moved to the Regular Agenda. Roll call: Ayes: Granquist, Arens, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: Merrill.

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

**Consent Agenda Items Approved**

Minutes of the August 15, 2022, City Council meeting

August sales tax report (June sales)

Mayor's call to hold a special meeting on Monday, September 12, 2022 at 5:30 p.m. to conduct public hearings on the proposed 2022-2023 Budget and tax request

Special Designated Liquor License for Norfolk Arts Center, to serve beer at Liberty Bell Park, 700 Georgia Avenue, on October 15, 2022 from 10:00 a.m. to 11:00 p.m. for an outdoor festival

Norfolk Arts Center, a Nebraska Nonprofit Corporation, agreement allowing the use of Liberty Bell Park to hold a Fork Fest event, including but not limited to live music performances, food truck vendors, beer garden, crafts, and artist vendors, on Saturday, October 15, 2022

Special Designated Liquor License for Jim's Fine Wine & More, 2001 Market Lane, to serve wine at Dr. Kim Chiropractor's office, 324 West Norfolk Avenue, on September 28, 2022, from 5:30 p.m. to 8:30 p.m. to serve wine and distilled spirits for a wine and cordial tasting event

Faith Regional Health Services, a Nebraska Nonprofit Corporation, agreement to hold a Day the the Lake event, which may include but is not limited to holding a cornhole tournament, yoga, and paddleboat/canoe rentals, at Skyview Park and Lake on Saturday, September 10, 2022

Ray Johnson d/b/a Norfolk Disc Golf Club, agreement to utilize the disc golf course in Skyview Park to hold a "Battle at the North Fork" disc golf tournament on Saturday, September 24, 2022

Mayor's reappointment of Lonn Atwood to the Tree Advisory Board for a three-year term ending August 2025

Mayor's appointment of Rachel Mann to the Tree Advisory Board for a three-year term ending August 2025

Establish September 19, 2022 as the public hearing to discuss the 2022-2027 One and Six Year Street Improvement Plan

Resolution No. 2022-42 approving the final plat of Dave Johnson Subdivision

Resolution No. 2022-43 approving the final plat and subdivision agreement of Love Subdivision

Resolution No. 2022-45 approving the final plat of OGT Subdivision

Resolution No. 2022-46 approving the final plat of Vonderohe's Addition

Resolution No. 2022-47 approving the final plat and subdivision agreement of North Development

Bills in the amount of \$2,505,902.89

### **Special Presentations**

The Mayor proclaimed September 17, 2022, as "Buddy Poppy Day" for the Veterans of Foreign Wars (VFW).

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

#### Public Hearing

(City Code amendment, Tiny Houses)

A public hearing was held to consider an amendment to enact Division 8.5 to Article VII of Chapter 27 of the Official City Code to create a Tiny House District; to amend various Code Sections affected by the creation of the Tiny House District; to amend various Code Sections to allow Accessory Dwelling Units in Residential Zoning Districts.

City Planner Valerie Grimes provided information to the Mayor and City Council. A tiny house is defined as a 70-649 square foot house placed on a permanent foundation, hooked up to utilities. Part of the ordinance has the adoption of the ICC IRC Appendix Q which contains special building codes for tiny houses. Per the International Code Council (ICC), tiny houses are a maximum of 400 square feet, so if it is above 400 square feet, standard building codes apply. The district begins with a minimum 1 acre lot in which there are multiple ways to lay out the tiny house neighborhood. 1) A plat is made, so people may own the land under the tiny house. 2) A layout is approved similar to a mobile home park (or Andy's Lake) where the "lots" are leased from the property owner but another person owns the house. 3) If the property owner wants, can do a layout option but maintain ownership of the houses and rent them.

The second major item in the ordinance relates to Accessory Dwelling Units (ADU), often referred to as mother-in-law units or cottage units. These are smaller, detached residential units in the rear yards of single-family detached houses where the property owner lives either in the primary structure or the ADU. These structures may be up to 864 square feet or 60% of the square footage of the primary dwelling, whichever is less and must be architecturally harmonious with the primary residential structure.

Another item in the ordinance is related to the intent of large residential lots being in the half-mile outer ring of the extraterritorial zoning jurisdiction (ETJ) in line with the Comprehensive Plan. By being in the intent, large lots are not prohibited from being close to city limits, but a reminder of where large lots best fit into the growth of the community.

Also addressed in the ordinance is a change to R-R (Rural Residential) and S-R (Suburban Residential). The ordinance proposes leaving S-R in the zoning code, as there are a small number of properties with that zoning designation, but not to zone anymore after the date of this ordinance.

Councilmember Clausen asked if ADUs are able to hook onto the utilities of the existing home. Grimes said utilities would be hooked up and shared. Clausen also asked for clarification on large lot development and the ability to develop large lots closer than one half mile from the ETJ. Grimes said it would ultimately still be up to Council whether or not to approve large lot residential development.

Councilmember Arens asked about tiny house lot dimension. Grimes said the minimum lot width is 20 feet.

Charlene Schaible, 1100 Grant Ave, asked if a tiny house district could contain short term rental units. Grimes explained that some of the units could be short term rentals, but not all. 10% can be short term rental, the rest would need to be lived in.

On August 16, 2022, the Norfolk Planning Commission held a public hearing to consider approval of the amendments to City Code. 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 City Code amendment and the Mayor declared the hearing closed.

Ordinance No. 5799  
(City Code amendment, Tiny Houses)

Councilmember Granquist introduced, seconded by Councilmember Murren, Ordinance No. 5799 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT DIVISION 8.5 TO ARTICLE VII OF CHAPTER 27 OF THE OFFICIAL CITY CODE TO CREATE A TINY HOUSE DISTRICT; TO AMEND VARIOUS CODE SECTIONS AFFECTED BY THE CREATION OF THE TINY HOUSE DISTRICT; TO AMEND VARIOUS CODE SECTIONS TO ALLOW ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONING DISTRICTS; 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: Granquist, Arens, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: Merrill. Ordinance No. 5799 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, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: Merrill. 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. 5799 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: Merrill. 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. 5799 as required by law.

### **Regular Agenda Items**

#### Resolution 2022-44

(final plat and subdivision agreement for River Fork Subdivision)

Councilmember Granquist moved, seconded by Councilmember Hildebrand, consideration of Resolution No. 2022-44, approving the final plat and subdivision agreement of River Fork Subdivision.

An updated subdivision agreement was provided to elected officials, the media and public at the meeting. Public Works Director Steven Rames explained the differences between the subdivision agreement provided at the meeting and the subdivision agreement contained in the agenda packet. Rames explained there were changes made to Paragraph 5, related to grading and drainage, and Paragraph 7, related to estimated completion dates.

Councilmember Granquist moved, seconded by Councilmember Hildebrand to approve Resolution No. 2022-24, substituting the subdivision agreement in the agenda packet with the subdivision agreement provided and discussed.

Roll call: Ayes: Granquist, Arens, McCarthy, Murren, Jackson, Clausen and Hildebrand. Nays: None. Absent: Merrill. Resolution No. 2022-44 was adopted.

#### Advertise for bids, WPC Improvements project)

Councilmember Hildebrand moved, seconded by Councilmember Jackson, for approval to advertise for bids for the Water Pollution Control Plant Improvements project.

Public Works Director Steven Rames provided information to elected officials. This project includes select demolition activities at the existing treatment facility that include: pre-aeration basin, grit facilities and piping, and lift station equipment and piping, associated site concrete and/or structures, grating, stairs, associated piping, valves, and controls; miscellaneous mechanical/electrical equipment, and site modifications.

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

#### Norfolk Construction Company bid acceptance

(demolition of aeration basin, WPC, 610 East Monroe Avenue)

Councilmember Murren moved, seconded by Councilmember McCarthy, for approval of accepting the low bid of \$65,250 submitted by Norfolk Construction Company for the demolition of the aeration basin at Water Pollution Control located at 610 East Monroe Avenue.

Public Works Director Steven Rames said the engineer's estimate on this project was \$65,000.

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

GLMV Architecture, Inc. Agreement  
(Phase 2 – Norfolk Police Division Design)

Councilmember Hildebrand moved, seconded by Councilmember Murren, for approval of an agreement with GLMV Architecture, Inc. for Phase 2 - Norfolk Police Division Design to expand and renovate the existing building.

Police Chief Don Miller provided information to elected officials. This agreement is to complete the construction documents necessary to expand the police division building and renovate existing space to meet those needs previously identified. Only a portion of the contract amount will be paid, until a project funding source is identified, at which time the remaining work will proceed when construction can proceed. This agreement is with GLMV Architecture, Inc. who is in the process of combining with Police Facility Design Group.

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

J.H. Hesse Co., Inc. Change Order No. 2  
(Johnson Park North Fork River Restoration – Restroom & Parking Lot project)

Councilmember Arens moved, seconded by Councilmember Jackson, for approval of Change Order No. 2 with J.H. Hesse Co., Inc. for the Johnson Park North Fork River Restoration - Restroom and Parking Lot project resulting in a net increase of \$6,260.00.

Parks and Recreation Director Nathan Powell provided information to elected officials. This change order consists of replacing standard door locks at #101 and #104 with electric locks on a timer. Doors would still be able to be opened from the inside. This change will save the Parks Department about \$2,000 annually in overtime. This will also save the Police Division staff time but the savings to that are unknown.

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

United Contractors, Inc. Change Order No. 1  
(1st Street Bridge and Instream Improvements project)

Councilmember Jackson moved, seconded by Councilmember Arens, for approval of Change Order No. 1 with United Contractors, Inc. for the 1st Street Bridge and Instream Improvements project resulting in a net increase of \$111,080.00.

Public Works Director Steven Rames provided information to elected officials. On March 7,

2022 Mayor and City Council approved a \$9,337,720.71 contract with United Contractors, Inc. for the 1st Street Bridge and Instream Improvements project. Approximately \$4.7 million overall is for the River portion of the project. Drop Structures 7 and 8 are complete. When structure #8 was tested, fine migration through the boulders was discovered. This is due to the velocity of the water pushing the fines through. The proposal is to build sheet pile walls each of the remaining drop structures to create an impermeable wall, which is critical step to stop the fines from migrating out. The cost of the additional sheet pile is estimated between \$15,000 and \$18,000 for each wall. Rames said as the project is still in the early phase, there is potential for cost savings in other areas.

Councilmember Arens asked if this change will alter the completion date of the project. Rames said it will not. Each structure is taking about one to two weeks to complete.

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

There being no further business, the Mayor declared the meeting adjourned at 6:20 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 Tuesday, September 6, 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

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