

Agenda Packet

NORFOLK CITY COUNCIL MEETING

Monday, November 20, 2023
5:30 p.m.

Created 11/16/2023 12:17 PM

**NOTICE OF MEETING
CITY OF NORFOLK, NEBRASKA**

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Norfolk, Nebraska, will be held at 5:30 p.m. on Monday, November 20, 2023, in the Council Chambers, 309 N. 5th St., Norfolk, Nebraska, which meeting will be open to the public.

The Mayor and City Council reserve the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

An agenda for such meeting, kept continually current, is available at the office of the City Clerk, 309 N 5th St, Norfolk Nebraska, during normal business hours.

Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's office at (402) 844-2000 no later than 4:30 p.m. on the Friday preceding the meeting.



Brianna Duerst
City Clerk

Publish (November 15, 2023)
1 P.O.P.



AGENDA
NORFOLK CITY COUNCIL MEETING
November 20, 2023

In accordance with Section 84-1412 sub-section eight (8) of the Reissue Revised Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written material to be discussed is available to the public at this meeting for examination and copying. The Mayor and City Council reserve the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

CALL TO ORDER

1. 5:30 p.m. - call meeting to order
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Moment of silence/Pledge of Allegiance to the flag of the United States of America
4. Roll call

RECOMMENDED ACTIONS

- | | |
|--|---------------|
| 5. Approval of consent agenda.
All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately. | Motion |
| 6. Approval of full agenda. | Motion |

CONSENT AGENDA

- | | |
|---|---------------|
| 7. Consideration of approval of the minutes of the November 6, 2023, City Council meeting. | Motion |
| 8. Keno comparison report for October 2023 | Motion |
| 9. Consideration of approval to advertise for a Request for Proposals (RFP) to design and supply a fishing dock at Skyview Lake. | Motion |
| 10. Consideration of approval of the Mayor's appointment of Mike Joy to the Civil Service Commission for a six-year term, effective December 23, 2023 and ending December 2029. | Motion |
| 11. Consideration of approval of the Mayor's appointment of Jason Tollefson to the Parks and Recreation Board to fill the vacancy from the resignation of previous Board member, Bill Robinson. Appointment will be for the remainder of the term, ending January 2025. | Motion |

12. Consideration of approval of a Special Designated Liquor License for The Whitehouse/Taylor's Bar and Grill, to serve beer, wine and distilled spirits at Our Savior Lutheran Church, 2420 West Omaha Ave, on January 12, 2024, from 4:30 p.m. to 11:00 p.m. for a fundraising event. **Motion**
13. Consideration of approval to ratify a Special Designated Liquor License requested by Midtown Events, LLC, to serve beer, wine and distilled spirits at the Warhorse Center, 4300 West Norfolk Avenue on December 1, 2023 from 1:00 p.m. to 2:00 a.m. for a company Christmas party. **Motion**
14. Consideration of Resolution No. 2023-62 approving final plat of Husker Investment Group LLC - Busco Inc.'s Addition. **Resolution 2023-62**
15. Consideration of Resolution No. 2023-63 approving final plat of Bank of Norfolk's 2nd Subdivision. **Resolution 2023-63**
16. Consideration of approval of Maintenance Agreement No. 19 with the Nebraska Department of Transportation for calendar year 2024, and authorization for the Mayor to execute Certificate of Compliance at the end of 2024. **Motion**
17. Consideration of approval of an agreement with Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, to hold a Hometown Holiday Festival in downtown Norfolk on Tuesday, November 21, 2023 (with a rain/snow date of November 28, 2023) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, trolley rides, live reindeer display, live nativity scene, caroling, tree lighting ceremony, and having small campfires in self-contained steel fire pits. **Motion**
18. Consideration of approval of all bills on file. **Motion**

SPECIAL PRESENTATIONS

19. Proclamation for November 25, 2023, as "Small Business Saturday."

PUBLIC HEARINGS AND RELATED ACTION

20. Public hearing for the Board of Equalization to hear and equalize special assessments for Paving District No. 520 (Walters' East Knolls 14th Addition).
21. Consideration of approval of Ordinance No. 5856 levying special assessments in Paving District No. 520 (Walters' East Knolls 14th Addition). **Ordinance No. 5856**
22. Public hearing to consider amending Chapter 27, Division 5, of the Official City Code to change "single family residential district" to "one and two family residential district"; to amend Chapter 27, Division 6, of code to change "one- and two- family residential district" to "one to four family residential district"; to amend Section 27-114 of the Code to update height and area regulations in "multiple family residential district".

23. Consideration of Ordinance No. 5857 to amend Chapter 27, Division 5, of the Official City Code to change "single family residential district" to "one and two family residential district"; to amend Chapter 27, Division 6, of code to change "one- and two- family residential district" to "one to four family residential district"; to amend Section 27-114 of the Code to update height and area regulations in "multiple family residential district". **Ordinance No. 5857**

REGULAR AGENDA

24. Consideration of Ordinance No. 5858 to reduce speed limit on 1st Street from Norfolk Avenue to Prospect Avenue to 25 miles per hour. **Ordinance No. 5858**
25. Consideration of Ordinance No. 5859 amending Section 4-18 of the Code to change a reference from "cross" animal to "aggressive" animal. **Ordinance No. 5859**
26. Consideration of Ordinance No. 5853 authorizing issuance of public safety tax anticipation bonds in the principal amount not to exceed \$1,270,000. Ordinance No. 5853 was tabled at the November 6, 2023 City Council meeting. **Ordinance No. 5853**
27. Consideration of Ordinance No. 5855 amending the dates and times that permissible fireworks may be discharged, and limiting the dates and times that permissible fireworks may be sold. Ordinance No. 5855 passed on first reading, as amended, at the November 6, 2023 City Council meeting. **Ordinance No. 5855**

CLOSED SESSION

28. Potential closed session for the protection of public interest to discuss potential litigation.

STAFF MEMORANDUM
NORFOLK CITY COUNCIL MEETING
November 20, 2023

CALL TO ORDER

1. 5:30 p.m. - call meeting to order
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Moment of silence/Pledge of Allegiance to the flag of the United States of America
4. Roll call

RECOMMENDED ACTIONS

5. Approval of consent agenda. **Motion**
All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately.
6. Approval of full agenda. **Motion**

CONSENT AGENDA

7. Consideration of approval of the minutes of the November 6, 2023, City Council meeting. **Motion**

See Enclosure 7.
8. Keno comparison report for October 2023 **Motion**

Keno commissions for October 2023 are \$47,781.12, which is up \$3,351.33 or 7.54% from last October. Year-to-date commissions are up \$47,781.12, or 7.54%.

See Enclosure 8.
9. Consideration of approval to advertise for a Request for Proposals (RFP) to design and supply a fishing dock at Skyview Lake. **Motion**

We are seeking qualified vendors to design and supply a fishing dock at Skyview Lake as part of the Mahlon B. Kohler donation in the Amount of \$250,000. Working with Game Fish and Parks, we have determined a suitable style and location. Expected cost of dock will not exceed \$184,000. Once a dock is selected, we will bid out the installation of the fishing dock. The remaining funds will be used for anchoring and installing the new dock and provide ADA access.

See Enclosure 9.

10. Consideration of approval of the Mayor's appointment of Mike Joy to the Civil Service Commission for a six-year term, effective December 23, 2023 and ending December 2029. **Motion**

See Enclosure 10.

11. Consideration of approval of the Mayor's appointment of Jason Tollefson to the Parks and Recreation Board to fill the vacancy from the resignation of previous Board member, Bill Robinson. Appointment will be for the remainder of the term, ending January 2025. **Motion**

See Enclosure 11.

12. Consideration of approval of a Special Designated Liquor License for The Whitehouse/Taylor's Bar and Grill, to serve beer, wine and distilled spirits at Our Savior Lutheran Church, 2420 West Omaha Ave, on January 12, 2024, from 4:30 p.m. to 11:00 p.m. for a fundraising event. **Motion**

See Enclosure 12.

13. Consideration of approval to ratify a Special Designated Liquor License requested by Midtown Events, LLC, to serve beer, wine and distilled spirits at the Warhorse Center, 4300 West Norfolk Avenue on December 1, 2023 from 1:00 p.m. to 2:00 a.m. for a company Christmas party. **Motion**

See Enclosure 13.

14. Consideration of Resolution No. 2023-62 approving final plat of Husker Investment Group LLC - Busco Inc.'s Addition. **Resolution 2023-62**

See Enclosure 14.

15. Consideration of Resolution No. 2023-63 approving final plat of Bank of Norfolk's 2nd Subdivision. **Resolution 2023-63**

See Enclosure 15.

16. Consideration of approval of Maintenance Agreement No. 19 with the Nebraska Department of Transportation for calendar year 2024, and authorization for the Mayor to execute Certificate of Compliance at the end of 2024. **Motion**

Maintenance Agreement No. 19 authorizes City maintenance of the State highway system within city limits. The City is responsible for the day-to-day maintenance, including snow removal. The State reimburses the City for these services at a standard rate according to the number of lane miles within city limits. The number of lane miles is 53.48 miles at \$2,100.00 per lane mile for a total of \$112,308.00. The Certificate of Compliance will be received at the end of 2024, after the city has provided the required maintenance. The Public Works Director recommends approval of Maintenance Agreement No. 19 with the Nebraska Department of Transportation for calendar year 2024 and authorization for Mayor to execute Certificate of Compliance at the end of 2024.

See Enclosure 16.

17. Consideration of approval of an agreement with Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, to hold a Hometown Holiday Festival in downtown Norfolk on Tuesday, November 21, 2023 (with a rain/snow date of November 28, 2023) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, trolley rides, live reindeer display, live nativity scene, caroling, tree lighting ceremony, and having small campfires in self-contained steel fire pits. **Motion**

This agreement supersedes the agreement approved at the November 6, 2023 City Council meeting due to a communication from the organizer requesting different street closure than initially confirmed.

See Enclosure 17.

18. Consideration of approval of all bills on file. **Motion**

SPECIAL PRESENTATIONS

19. Proclamation for November 25, 2023, as "Small Business Saturday."

See Enclosure 19.

PUBLIC HEARINGS AND RELATED ACTION

20. Public hearing for the Board of Equalization to hear and equalize special assessments for Paving District No. 520 (Walters' East Knolls 14th Addition).

Initially the Mayor and City Council adjourn the City Council and convene as a Board of Equalization. While convened, the Board conducts an equalization hearing for the district. After the Board equalizes the assessments, the Mayor and City Council reconvene in regular session to pass the ordinance levying special assessments. The agenda packet includes a cost summary of the district. Assessed costs are calculated using the assessment due based on an equal benefit per lot. Costs allocated according to previous established methods are as follows: \$38,003.12 non-assessable and \$245,005.50 assessable.

See Enclosure 20.

21. Consideration of approval of Ordinance No. 5856 levying special assessments in Paving District No. 520 (Walters' East Knolls 14th Addition).

Ordinance No. 5856

The City Engineer recommends adoption of Ordinance No. 5856 on three readings since interest calculates through November 20, 2023.

See Enclosure 21.

22. Public hearing to consider amending Chapter 27, Division 5, of the Official City Code to change "single family residential district" to "one and two family residential district"; to amend Chapter 27, Division 6, of code to change "one- and two- family residential district" to "one to four family residential district"; to amend Section 27-114 of the Code to update height and area regulations in "multiple family residential district".

These proposed code changes are for multiple reasons:

1. The city is required to have an affordable housing action plan before year-end, otherwise there are state statutes that require code changes which would be much less restrictive than what is proposed here.
2. This would bring, particularly R-1 zoning, into compliance with our 2017 comprehensive plan description of single-family.
3. This would also bring many of the older lots into conformity with size, width, etc.

This proposed amendment deals with R-1, R-2 and R-3 districts. If passed, this would allow 1 & 2 family units in R-1, 1 to 4 family units in R-2 (R-2 currently allows up to 4 units but with CUP, this would eliminate the need for the extra step of a CUP), and did not change the allowed uses in R-3 as it already allows one to multi-family units.

The amendment also reduces some of the minimum lot widths and square footages. As we've heard, the cost of utilities, paving, etc. has continued to rise. For example: If a block could have 5 lots instead of 4 due to reduction in min. lot size, then the cost of infrastructure is less per lot and therefore should result in a reduction in house prices. By adding very little in the way of gentle density like this, it does not add drastically to the traffic, parking or density in a neighborhood.

There are many instances where there are already non-conforming duplexes or 3-4 unit apartments in a neighborhood and it doesn't affect the neighborhood or neighbors negatively, if they even are aware that use is taking place. This proposed amendment could potentially result in some of the non-conforming uses that have been taking place for a very long time becoming conforming so that is something were to happen to them, they might be able to be rebuilt.

See Enclosure 22.

23. Consideration of Ordinance No. 5857 to amend Chapter 27, Division 5, of the Official City Code to change "single family residential district" to "one and two family residential district"; to amend Chapter 27, Division 6, of code to change "one- and two- family residential district" to "one to four family residential district"; to amend Section 27-114 of the Code to update height and area regulations in "multiple family residential district". **Ordinance No. 5857**

See Enclosure 23.

REGULAR AGENDA

24. Consideration of Ordinance No. 5858 to reduce speed limit on 1st Street from Norfolk Avenue to Prospect Avenue to 25 miles per hour. **Ordinance No. 5858**

With the redevelopment on Johnson Park and the installation of a roundabout at 1st and Braasch, Norfolk Engineering and Police staff recommend reducing the traffic speed on North 1st Street from Norfolk Ave to Prospect Avenue to 25 mph. This area has a new roundabout installed at 1st and Braasch Avenue and is in the process of renovating Johnson Park. The roundabout requires reduced speeds, and the Johnson Park renovation will result in increased pedestrian traffic. Both improvements make the reduced speed limit in this area a commonsense suggestion.

See Enclosure 24.

25. Consideration of Ordinance No. 5859 amending Section 4-18 of the Code to change a reference from "cross" animal to "aggressive" animal. **Ordinance No. 5859**

In the past, individuals who have been cited for harboring a “cross” animal have sometimes misinterpreted the term “cross” animal to mean “cross-breed” animal. This amendment is being made for clarification purposes to prevent any confusion when the Code is referring to a mean or aggressive animal. (See attached Agenda Memo for further explanation.)

See Enclosure 25.

26. Consideration of Ordinance No. 5853 authorizing issuance of public safety tax anticipation bonds in the principal amount not to exceed \$1,270,000. Ordinance No. 5853 was tabled at the November 6, 2023 City Council meeting. **Ordinance No. 5853**

This ordinance authorizes issuance of public safety tax anticipation bonds to fund an ambulance, CAD/RMS Police software, in-car video replacement/body cameras, Fire station and Police station roof replacements, and outdoor warning sirens. The bond issue is expected to be \$1,265,000 as shown on the enclosed sources and uses of funds. The ordinance authorizes a maximum issue size of \$1,270,000 and a maximum true interest cost of 6.5%. The ordinance provides for the final interest rate, true interest cost, and aggregate principal amount to be determined in a written designation to be signed by the Mayor or Finance Officer. This is a 14 year bond issue with a 5 year call provision.

See Enclosure 26.

27. Consideration of Ordinance No. 5855 amending the dates and times that permissible fireworks may be discharged, and limiting the dates and times that permissible fireworks may be sold. Ordinance No. 5855 passed on first reading, as amended, at the November 6, 2023 City Council meeting. **Ordinance No. 5855**

This Ordinance provides for times of sale and discharge of fireworks of 10:00 a.m. to 10:00 p.m. (changed from 8:00 a.m. to 11:00 p.m.) on June 25 thru July 3. The times on July 4 have not been amended.

The Ordinance considered at the November 6, 2023 City Council meeting provided for a beginning date for fireworks sales and discharge of June 28 (changed from June 25). The ordinance further provided for times of sale and discharge of noon to 11pm (changed from 8am to 11pm) June 28 thru July 3. A motion to amend the ordinance to allow sales and discharge for 10 days (June 25 thru July 4), from 10:00 a.m. to 10:00 p.m. on June 25 thru July 3, with no amendments to the times on July 4 was approved on a 5-3 vote. The ordinance, as amended, passed on first reading on November 6, 2023.

See Enclosure 27.

CLOSED SESSION

28. Potential closed session for the protection of public interest to discuss potential litigation.

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 November 2023, beginning at 6:15 p.m. The meeting was delayed due to the 5:15 p.m. Community Development Agency meeting ending at 6:14 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, Justin Webb, Andrew McCarthy, Justin Snorton, Shane Clausen and Kory Hildebrand. Absent: Thad Murren.

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, Operations Manager Lyle Lutt, City Planner Val Grimes, Water and Sewer Director Chad Roberts, Economic Development Director Candice Alder, Streets Manager Will Elwell, Street Shop Supervisor Matt Ernesti, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director PJ Evans, Communications Manager Nick Stevenson, Fire Chief Tim Wragge, Fire Marshal Sean Lindgren, Information Systems Manager Brad Andersen, Administrative Secretary Kylee Soderberg 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 Arens to approve the consent agenda as printed. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren.

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

Consent Agenda Items Approved

Minutes of the October 16, 2023, City Council meeting

Minutes of the October 19, 2023, City Council meeting Work Session

October sales tax report (August sales)

Elric Breault and Heidi Breault Sanitary Sewer Easement for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 2110 and 2112 South 1st Street for \$1,265.23

Engineer's Final Certificate for Paving District No. 520 (Walters' East Knolls 14th Addition

Motion to establish November 20, 2023 for the Board of Equalization to conduct a public hearing for equalization of special assessments for Paving District No. 520 (Walters' East Knolls 14th Addition)

Advertise for bids for network battery backup replacements

Mayor's appointment of Michael Joy, as an alternate, and reappointment of Brad Love to the Board of Zoning Adjustment for a three-year term, ending November 2026

Resolution No. 2023-61 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent for the State of Nebraska Department of Transportation and reappoint Steven D. Rames, License Number S-1587, Class A as the City of Norfolk Street Superintendent

Dale L. Bittner and Jayne A. Bittner Sanitary Sewer Easements for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 2006 and 2010 Logan Street for \$476.55

Acceptance of the Parks and Recreation Board reports (October 19th and September 28th meetings).

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement to hold a Hometown Holiday Festival in downtown Norfolk on Tuesday, November 21, 2023 (with a rain/snow date of November 28, 2023) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, trolley rides, live reindeer display, live nativity scene, caroling, tree lighting ceremony, and having small campfires in self-contained steel fire pits

Staff to negotiate a contract with Tool Design for completion of an Action Plan for the Safe Streets and Roads for All (SS4A) program

Advertise for a Request for Qualifications (RFQ) from consulting firms for professional services for Nature Playground and Landscaping at Johnson Park

Andrew Olsen, dba Olsen Mowing & Snow Removal, agreement for snow piling/de-icing for the Vehicle Parking District (VPD) and Downtown Snow Operations, for the 2023-2024 snow season

ASPM Landscapes agreement for snow hauling for the Vehicle Parking District (VPD) and Downtown Snow Operations, for the 2023-2024 snow season

Special Designated Liquor License for Elkhorn Valley Historical Society, to serve beer and wine at Elkhorn Valley Museum, 515 Queen City Blvd on December 10, 2023 from 7:00 p.m. to 10:00 p.m. for a beer and wine tasting event

Bills in the amount of \$3,330,678.22

Special Presentations

The Mayor proclaimed for the month of November, 2023, as "Read Aloud To A Child Month".

The Mayor recognized Lucy Yost with the "People Power" award for distinguished citizenship and good neighborliness for her efforts replacing and repairing missing or damaged markers at the gravesites of veterans in Prospect Hill.

Recognition of the 2023 Norfolk 101: Citizens Academy

Regular Agenda

Advertise for sale of City owned property, 1001 Northdale Drive

Councilmember Arens moved, seconded by Councilmember McCarthy, for approval for staff to advertise for the sale of City owned property located at 1001 Northdale Drive.

Operations Manager Lyle Lutt provided information to elected officials and gave a brief history of the property. The dwelling on the property was a total loss following a fire on June 30, 2011. The property was condemned on July 1, 2011 and the city took ownership in June 2012. After taking ownership, City razed the structure and returned the property to vacant land. The proceeds of the sale will go towards the operation funding for the Land Bank to help get the program going.

Lutt and elected officials discussed the potential of adding certain stipulations to the purchase agreement that, within one year, a building permit must be submitted and within two years, a certificate of occupancy be issued for the new dwelling. There was discussion amongst council members and Clausen, Hildebrand and Granquist stated they would not like to see any stipulations regarding building permits or occupancy added.

Councilmember Hildebrand asked if a duplex or townhouse could be placed on the lot. City Planner Val Grimes explained that the property is currently zoned R-1 (single family residential)

so, currently, a duplex would not be permitted; however, a code amendment will be coming before the Council at the next meeting that would expand the R-1 zoning district to include one- and two-family residential units. If this code amendment is approved, a duplex would be permitted.

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

Ordinance No. 5853

(public safety tax anticipation bond issue, \$1,270,000)

Councilmember McCarthy introduced, seconded by Councilmember Snorton, Ordinance No. 5853 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$1,270,000) FOR THE PURPOSES OF PURCHASING PUBLIC SAFETY EQUIPMENT AND PUBLIC SAFETY BUILDING IMPROVEMENTS AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Finance Officer Randy Gates provided information to the Mayor and City Council. This ordinance authorizes issuance of public safety tax anticipation bonds to fund an ambulance, CAD/RMS Police software, in-car video replacement/body cameras, Fire station and Police station roof replacements, and outdoor warning sirens. The bond issue is expected to be \$1,265,000. The ordinance authorizes a maximum issue size of \$1,270,000 and a maximum true interest cost of 6.5%. The ordinance provides for the final interest rate, true interest cost, and aggregate principal amount to be determined in a written designation to be signed by the Mayor or Finance Officer. This is a 14-year bond issue with a 5-year call provision. This has been the city's standard method of acquiring public safety capital items. The city cannot have more than a 5-cent levy for public safety taxes and the debt service that is paid from that levy cannot exceed 90% of the amount of public safety tax authorized. The timing of this particular bond issue is being driven to take advantage of the \$5 million arbitrage rebate exemption. If you issue no more than \$5 million of bonds in a particular year, you can earn arbitrage on those bonds without rebating it to the IRS. We haven't been able to earn arbitrage for quite some time. We're going to be able to invest any unspent bond proceeds, until we get them spent, and earn more on it than what we're paying on the bond issue. In order to take advantage of the arbitrage rebate exemption, this bond issue needs to close prior to the end of the calendar year.

Councilmember Hildebrand asked if this was projected in the budget. Gates said these items

were anticipated being paid for by public safety tax anticipation bonds in the current budget and said if we don't issue bonds to pay for these items, they will need to be paid for out of some other revenue source, by drawing down fund balance, or cutting other expenditures.

City Administrator Andy Colvin said issuing bonds to fund public safety projects is a practice the city has had for a long time, likely decades. If there is a shift in how we want to do this going forward, that is a larger discussion that needs to happen at budget time.

Councilmember Clausen questioned the Police Station roof being paid for with these bonds when there is discussion on remodeling the Police Station in the future and said he would like the ordinance tabled to get more information.

Police Chief Don Miller explained that the current Police Station roof was installed in 2008 with a 15-year warranty, which expires in 2023. The roof replacement was in the 2021 CIP but it was determined to delay it due to the potential Police Station expansion project. Miller described the issues with the current roof, including a leak in the newly renovated dispatch center requiring plastic tarps to cover equipment and buckets to catch the water during rain events. While Miller anticipates the Police Station expansion happening in the future, they are at a point where the roof replacement cannot wait any longer. The cost of the roof is estimated at \$210,000 and not part of the expansion plans, so wouldn't be disturbed if that project proceeds.

Brad Brooks, 2204 Highland Drive, asked if the 5-cent levy for public safety bonds can be exceeded and used for the police station expansion and said a task force is needed to figure out how to make needed improvements to the Police station. Gates explained we cannot have debt service on public safety tax anticipation bonds that exceeds 90% of the 5-cent levy and the cost to the police station expansion will not fit into that 5-cent levy limit.

Councilmember Hildebrand moved, seconded by Councilmember Clausen, to table Ordinance No. 5853.

Roll call: Ayes: Arens, Webb, Snorton, Clausen and Hildebrand. Nays: Granquist and McCarthy. Absent: Murren. Motion to table Ordinance No. 5853 was approved.

Ordinance No. 5854

(update speed limits to include community developments and annexations)

Councilmember McCarthy introduced, seconded by Councilmember Hildebrand, Ordinance No. 5854 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO INCLUDE SPEED LIMITS FOR RECENTLY-ANNEXED AREAS; 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 the Mayor and City Council. After the City of Norfolk annexed parts of the surrounding community, it became necessary to add speed limits to those areas that were not previously covered by city ordinance. This also included a full review

of all speed limits in the code. This was completed by the Norfolk Police Division and the Norfolk Engineering Division reviewing the code, reviewing the community streets, suggesting changes, and again reviewing before introducing the proposed changes.

Ordinance No. 5854 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. Ordinance No. 5854 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. 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 Clausen moved, seconded by Councilmember Snorton, 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. 5854 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. 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. 5854 as required by law.

Ordinance No. 5855
(fireworks discharge)

Councilmember Hildebrand introduced, seconded by Councilmember Snorton, Ordinance No. 5855 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 14-230 OF THE OFFICIAL CITY CODE TO AMEND THE DATES AND TIMES THAT PERMISSIBLE FIREWORKS MAY BE DISCHARGED; TO LIMIT THE DATES AND TIMES THAT PERMISSIBLE FIREWORKS MAY BE SOLD; 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.

City Administrator Andy Colvin said this ordinance is brought before the Council for consideration at the request of elected officials. Colvin said a similar ordinance was considered by the council a couple years ago, but no changes were made at the time. This ordinance provides for fireworks sales and discharge for seven days, from noon to 11:00 p.m. on June 28 through July 3. No changes are proposed for July 4, which would remain from 8:00 a.m. to 12:00 a.m.

Elected officials discussed varying conversations they have had with citizens. Some councilmembers have heard support to reduce dates and times and some have heard support to make no changes. Councilmember Arens noted while elected officials brought the ordinance forward for consideration, doing so is the result of communication with citizens, so the topic warrants discussion.

Don Wisniski, 56022 Hwy 275, said he would not be opposed to changing the hours of permissible discharge and sales, but not a reduction in days.

Soshia Bohn, 1628 Mulberry Dr, said she is in favor of keeping the days permitted at 10-days, but would support a cutoff of 10:00 p.m.

Eric Sanders, 84675 560th Ave, Hoskins, representing Fly by Night Fireworks, said his company has already purchased fireworks for next year, and they would be at a loss if sales were limited to seven days instead of ten. Sanders referenced a survey done by Norfolk Daily News in October 2021 that indicated 57% of respondents were in favor of keeping fireworks sales and discharge at 10 days.

Cole Blum, 517 Locust St, Yankton, representing DAM Fireworks, noted he has customers that prefer to shop during the morning hours and asked that the hours and dates of sale remain the same.

Tim Ernst, 2906 Dover Dr, said shortening the number of days that fireworks can be sold punishes business people and said to leave the current regulations the same.

Kim Davis, 310 N Oak St, noted comparisons amongst similar sized cities in Nebraska and said that Grand Island, North Platte and Omaha allow fewer days for sales and discharge.

Curt Lammers, 1207 Madison Ave, said he is in favor of reducing the discharge of fireworks to seven days and sees that as a fair compromise.

Kathy Sanders, 84675 560th Ave, Hoskins, representing Fly by Night Fireworks, would like the current regulations to remain the same and spoke of the importance of supporting local businesses.

Walt Haberman, 204 E Phillip Ave, a Vietnam Veteran, said there is no need for ten days of fireworks and discussed the negative effects fireworks have on him 50 years after his time in the military.

Sara Ablar, representing Fly by Night Fireworks, said ten days are needed for the business as it is already a short window and there are already other factors that can have a negative effect on the business. Ablar also referenced a survey done by Norfolk Daily News this year that indicated 38% of respondents would prefer to keep sales and discharge of fireworks at ten days; 19.5% would prefer sales and discharge be limited to seven days; 25% would prefer sales and discharge be limited to three days; and 3% would prefer sales and discharge on July 4 only.

Janet Miller asked that sales and discharge be kept at ten days.

Stacey Anderson asked that sales and discharge be kept at ten days.

Councilmember Arens moved, seconded by Councilmember Webb to amend Ordinance No 5855 to allow sales and discharge of fireworks for ten days, from 10:00 a.m. to 10:00 p.m., June 25 through July 3, with no changes to July 4.

Roll call: Ayes: Granquist, Arens, Webb and McCarthy. Nays: Snorton, Clausen and Hildebrand. Absent: Murren. Neither having the majority, Mayor Moenning voted Aye and provided the fifth affirmative vote; therefore, the motion to amend was approved on a 5-3 vote.

Ordinance No. 5855 was then read into the record by title by the City Clerk.

Roll call on Ordinance No. 5855: Ayes: Granquist, Arens, Webb, McCarthy, and Clausen. Nays: Snorton and Hildebrand. Absent: Murren. Ordinance No. 5855 passed, as amended, on first reading.

Administrative Reports

Streets Manager Will Elwell gave a presentation on the 2023 Snow & Ice Plan.

There being no further business, the Mayor declared the meeting adjourned at 8:38 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, November 6, 2023, 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

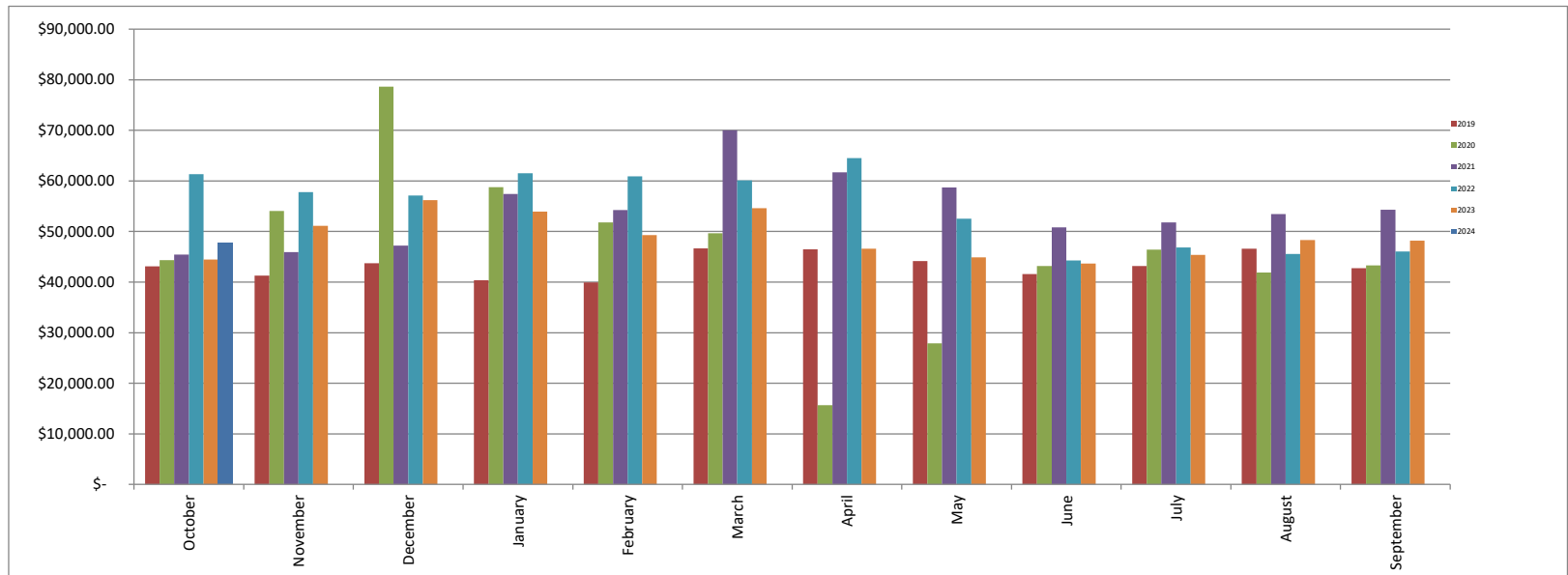
said meeting and the subjects to be discussed at said meeting.

Brianna Duerst
City Clerk

(S E A L)

**Keno Yearly Comparison
Net Proceeds**

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2024</u> <u>BUDGET</u>	<u>Change 2023 to 2024</u>	<u>BUDGET VARIANCE</u>
October	\$ 43,114.38	\$ 44,340.77	\$ 45,457.02	\$ 61,349.66	\$ 44,429.79	\$ 47,781.12	\$ 44,429.79	\$ 3,351.33	7.54%
November	\$ 41,279.37	\$ 54,030.23	\$ 45,923.18	\$ 57,767.61	\$ 51,152.69	\$ -	\$ 51,152.69	\$ -	0.00%
December	\$ 43,753.84	\$ 78,613.61	\$ 47,207.45	\$ 57,133.03	\$ 56,195.09	\$ -	\$ 53,995.09	\$ -	0.00%
January	\$ 40,338.99	\$ 58,759.56	\$ 57,420.94	\$ 61,502.20	\$ 53,938.71	\$ -	\$ 53,938.71	\$ -	0.00%
February	\$ 39,907.59	\$ 51,823.58	\$ 54,245.75	\$ 60,915.12	\$ 49,296.83	\$ -	\$ 49,296.83	\$ -	0.00%
March	\$ 46,659.87	\$ 49,683.96	\$ 70,011.38	\$ 60,123.37	\$ 54,638.78	\$ -	\$ 54,095.16	\$ -	0.00%
April	\$ 46,500.77	\$ 15,634.72	\$ 61,697.54	\$ 64,513.29	\$ 46,576.20	\$ -	\$ 59,013.29	\$ -	0.00%
May	\$ 44,168.34	\$ 27,915.55	\$ 58,731.05	\$ 52,524.25	\$ 44,917.40	\$ -	\$ 52,524.25	\$ -	0.00%
June	\$ 41,568.03	\$ 43,176.10	\$ 50,809.90	\$ 44,261.27	\$ 43,688.59	\$ -	\$ 44,261.27	\$ -	0.00%
July	\$ 43,195.79	\$ 46,401.55	\$ 51,800.60	\$ 46,873.25	\$ 45,361.70	\$ -	\$ 46,873.25	\$ -	0.00%
August	\$ 46,590.14	\$ 41,871.35	\$ 53,431.82	\$ 45,577.72	\$ 48,286.11	\$ -	\$ 45,577.72	\$ -	0.00%
September	\$ 42,769.65	\$ 43,272.60	\$ 54,276.98	\$ 46,041.95	\$ 48,165.84	\$ -	\$ 46,041.95	\$ -	0.00%
Total	\$ 519,846.76	\$ 555,523.58	\$ 651,013.61	\$ 658,582.72	\$ 586,647.73	\$ 47,781.12	\$ 601,200.00	\$ 3,351.33	7.54%



Lyle Lutt
llutt@norfolkne.gov

Administration Division
Purchasing Agent

REQUEST FOR PROPOSAL

The City of Norfolk is requesting proposals for the design and delivery of a fishing dock for Skyview Lake located at 1900 Maple Avenue, Norfolk, Nebraska 68701. Submit the original proposal, four (4) identical hardcopies, and one (1) electronic copy (PDF format) to City of Norfolk, Attn: Purchasing, 309 N. 5th Street, Norfolk, Nebraska 68701 by <<DATE>>.

The City reserves the right to reject any or all proposals or any portion and to waive informality in any bid. Bids will be awarded to the low bidder meeting or exceeding bid specifications and all bids must be honored for a minimum of 120 days after opening. In making proposal awards, the City of Norfolk reserves the right to determine responsive proposals and responsible proposals as defined below.

RESPONSIVE PROPOSAL: A proposal which conforms in all material respects to the REQUEST FOR PROPOSAL.

RESPONSIBLE PROPOSAL: A proposal that has the capability in all respects to perform fully the contract requirements, and the integrity and reliability, which will assure good faith performance as prescribed by Norfolk City Code Section 2-110(e).

The City reserves the right to consider “lowest total cost” including, but not limited to product features, services, and life cycle costs.

INSTRUCTIONS:

1. Return enclosed forms complete with contact information and signature of an authorized representative with the submitted proposal. Neither faxed proposals nor emailed will be accepted.
2. The City of Norfolk is tax exempt. A tax-exempt certificate will be furnished upon request, and payment may be made by credit card at the City’s option.
3. All prices quoted shall be F.O.B., City of Norfolk, 720 N 25th Street, Norfolk, Nebraska 68701.
4. Return required sealed proposals marked “**Skyview Fishing Dock**” on or before **<<DATE>>** to the following address:

City of Norfolk,
Attn: Lyle Lutt,
309 N 5th Street,
Norfolk, Nebraska 68701

Lyle Lutt
llutt@norfolkne.gov

Administration Division
Purchasing Agent

NOTICE: REQUEST FOR PROPOSAL – Skyview Fishing Dock

SUBMITTAL DUE DATE: <<DATE>>

SEALED PROPOSALS MUST BE MAILED OR DELIVERED TO:

**City of Norfolk
Attn: Lyle Lutt
309 North 5th Street
Norfolk, NE 68701**

Please mark your envelope “Skyview Fishing Dock”

EIN/SSN (Required) _____
Federal I.D. Number

COMPANY NAME _____

ADDRESS: _____

CITY/STATE/ZIP _____

PHONE _____ EMAIL _____

PRINTED NAME _____

AUTHORIZED SIGNATURE _____

TITLE _____

Signature acknowledges that Proposer has read the documents thoroughly before submitting a proposal, will fulfill the obligations in accordance with the scope of work, terms and conditions and is submitting without collusion with any other individual firm. You must submit this page with an authorized signature.

DO NOT CONTACT ANY OTHER CITY EMPLOYEE OR DEPARTMENT.

ALL QUESTIONS MUST BE SUBMITTED BY EMAIL TO THE FOLLOWING PERSONS:

Regarding the Skyview Fishing Dock:

Nathan Powell, Parks & Recreation Director
npowell@norfolkne.gov
(402) 844-2184

Regarding the RFP Submittal:

Lyle Lutt, Purchasing Agent
llutt@norfolkne.gov
(402) 844-2015

Questions must be submitted no later than **<<DATE>>**. Questions submitted after that date may not be considered.

MUST SUBMIT THIS PAGE WITH PROPOSAL

- NOTICE -

PROPOSAL
Norfolk, Nebraska

_____, 2023

MAYOR AND CITY COUNCIL
NORFOLK, NEBRASKA

Ladies & Gentlemen:

The undersigned, having examined the contract documents and the site of the work, hereby proposes to furnish all labor, materials, use of contractor's equipment plan and all else necessary for the performance of the work for:

Skyview Fishing Dock

according to the following schedule of approximate quantities for the unit price herein set forth.

ITEM	DESCRIPTION	QTY	UNIT	TOTAL
1.	Skyview Fishing Dock	1	If paid with Check \$	_____
(Amount Written in Words)				_____
				If paid with Credit Card \$

(Amount Written in Words)				_____

The undersigned, should this proposal be accepted, agrees to enter into contract within sixty (60) days from the date of the award in prescribed form and with good and sufficient surety.

Fishing Dock must be delivered to 720 N 25th Street by 5:00pm central time, Wednesday, May 15th, 2024.

In submitting this proposal, the supplier further states that he/she is complying with, and if awarded a contract, will continue to comply with fair labor standards as defined in 73-104, R.S. Nebraska Statutes in pursuit of his/her business and in execution of this dock bid submission.

The City of Norfolk, Nebraska, reserves the right to waive informalities and to reject any or all bids, or portions of any or all bids.

Respectfully submitted,

If an Individual:

(Signature of Individual)

doing business as

(Name of Firm)

If a Partnership:

(Name of Partnership)

(Signature of Partner)

(Signature of Partner)

If a Corporation:

(Name of Corporation)

ATTEST:

(Officer's Signature)

(Title)

(Address)

(Phone)

SPECIAL CONSIDERATIONS AND PROJECT BACKGROUND

The City of Norfolk is seeking proposals to provide a fishing dock for Skyview Lake in Norfolk, Nebraska. Skyview Park is the largest park in Norfolk and is located in the Northwest part of the community. It consists of 175 acres and at its center is a lake that was created in a flood control project in the early 1970's. A hike/bike path runs around the entire perimeter of the lake, which sees hundreds of walkers, joggers, and bikers every day. The park also hosts several community events and concerts, such as the Big Bang Boom Festival and Fireworks Show, the Christian Cross Music Festival, and Music in the Park held on Thursdays during the summer. In addition, several residential housing developments have been developed adjacent to the park.

<https://norfolkne.gov/government/departments/parks-and-recreation/parks/parks-skyview-park/>

The City of Norfolk received a generous donation from the Kohler Estate to enhance public fishing access to Skyview Lake. In an effort to honor the wishes of the Kohler family, this request for proposal is for the design, purchase and delivery of a fishing dock in area four (4) on the attached map. Contractors for installation will be sought out at a later date after dock submissions have been received and likely approved.

SCOPE OF WORK

- Design and furnish all material and equipment needed for delivery of a fishing dock at Skyview Lake.
- Total cost of dock, materials, equipment, shipping any and all related costs is **not to exceed \$184,000**. There are no circumstances where this proposal will exceed this amount.
- Each vendor may submit up to three (3) options using different designs, styles, configuration and/or materials. Furthermore, vendors may submit product data sheets and support documentation as deemed necessary.
- Vendor shall submit copies of each: black and white overhead drawings of the dock system design with an itemized description of all materials, equipment and components used.
- Proposals will be reviewed by a committee and the selection made based upon life expectancy, ease of maintenance, creativity, and appeal to various lake users.
- Dock must be delivered no later than **5:00pm, Wednesday, May 15th, 2024**.
- See site plan for dock locations and depth restrictions.
- The City of Norfolk reserves the right to reject any and all proposals and seek new proposals if the committee feels the requirements and/or design are unacceptable.

-CONTRACTOR SERVICES-

VENDOR SERVICES

The selected Vendor shall be responsible for the following:

- The Vendor shall provide all material, equipment, labor and supplies to satisfy the intent of the RFP.
- Confer with City staff prior to submitting the final order to confirm color, attributes, and layout of the dock, materials, and equipment.
- Respond to inquiries from City staff concerning equipment and provide prompt attention to any issues regarding missing, damaged, or mislabeled parts.
- Vendor will be required to provide installation manuals, operation and maintenance manuals, spare parts, touchup paint and checklists to City staff.

GENERAL REQUIREMENTS

- Dock system components must meet current CPSC and ADA guidelines and requirements.
- Dock system is not to incorporate or include any vessel ramps or launches.
- Dock system shall be designed to fit in the existing space as shown on attachment. Vendor shall confirm measurements and space.
- Dock system is to be left in place during winter months.
- Color scheme and/or materials will be chosen upon award of the project. However, vendors are encouraged to provide color and material options with each submission.

SPECIFIC DOCK ELEMENT REQUIREMENTS

Required Dock Elements:

- Minimum 1,400 sq ft of deck space
- Minimum four (4) benches for seating
- Railing all around, including gangways
- Floating dock
- Stamped and sealed engineered plans for dock and gangways
- Ability to over-winter in place
- Ability to handle a 3' rise/fall in water levels over the course of a year

Preferred Dock Elements:

- Wolf PVC Decking
- Safety Railing Meeting ADA Specs
- Two (2) 5' x 25' ADA Aluminum Gangways with aluminum nonskid decking, side railings, intermediates handrails, and kickplates
- Landside Hinges
- Dockside Hinges
- Compensation Floats
- Edge Guard around perimeter
- Underwater Connectors

PROJECT BUDGET

The City is requesting proposals not to exceed the amount of \$184,000.

SUBMISSION REQUIREMENTS

Each vendor may submit up to three (3) designs that do not exceed the budgeted amount. Although up to three designs may be submitted, only one proposal will be selected. The proposed design(s) shall be compatible with the site. It is the responsibility of the Vendor to confirm available space and compatibility for the proposed design.

Each proposal shall include, at minimum, the following:

- Four hard copies.
- One electronic copy for necessary distribution.
- Questions 1-10 answered with any additional information at the end.

The following are the minimum submittal requirements:

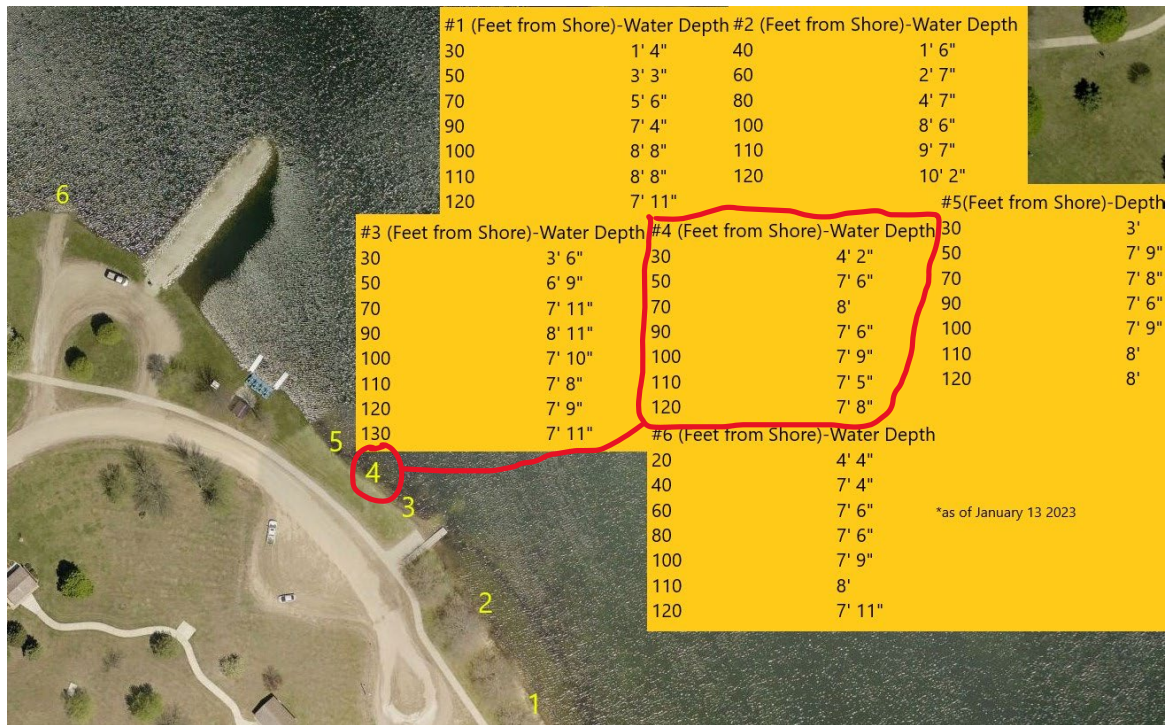
1. Company background (brief information on company's experience and qualifications, number of years designing and constructing docks at this latitude or higher).
2. Three client references from Nebraska or neighboring states on similar municipal projects that have been completed within the last three years. Include name of entity, address, contact person, phone number, email, cost of the project, year completed. Reference letters are also encouraged, but not required.
3. List or reference of design components.
4. Description of component materials/specifications.
5. Accessibility summary.
6. Indicate anticipated delivery timeline once order is placed.
7. A single total project cost proposal (not exceeding \$184,000) must include an itemized breakdown of all charges for each submission.

8. An 11"x 17" site plan showing entire design with dimensions.
9. Color rendering of design.
10. Copy of manufactures warranty, liability coverage and estimated life expectancy under normal conditions.

EVALUATION CRITERIA

- Experience with comparable projects
- Past experience with City of Norfolk and other comparable municipalities
- Creativity
- Perceived use value
- Visual appeal (final colors and materials can be adjusted by City at time of order)
- Compatibility with site
- Compliance with the RFP
- Research and understanding of project requirement
- Compliance with budget
- Project schedule/delivery
- Product specifications/warranty

IMAGES AND MAPS



AERIAL VIEW OF LOCATIONS



CITY OF NORFOLK

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

NOTE: As an applicant for a City Board, Commission or Committee, your name, address, and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment. Incumbents whose term expires are automatically considered for reappointment unless they indicate non-interest.

(Please type or print clearly)

DATE: 4-29-23

NAME: MICHAEL JOY

TELEPHONE: 702 841 9444 (H)

ADDRESS: 610 MAGNET ST

_____ (O)

E-MAIL ADDRESS: firemanjoy@hotmail.com

OCCUPATION: Retired firefighter
(If retired, please indicate former occupation or profession.)

EDUCATION: _____

PROFESSION AND/OR COMMUNITY ACTIVITIES: Retired city & state employee.
former member board of Trustees @ First United Methodist Church.

Please return this form to:

Office of the Mayor
309 N 5th Street
Norfolk, NE 68701

I am interested in serving on the:
(Please Check)

- Arts Council
- Board of Zoning Adjustment
- Building Code of Appeals/Property Maintenance Board of Appeals
- Civil Service Commission
- Community Beautification Task Force
- Fire Code Appeals Board
- Housing Authority Board
- Land Bank Board
- Library Advisory Board
- Parks & Recreation Board
- Planning Commission
- Plumbing Board
- Property Tax Compliance and Review & 5% LID Committee
- Riverfront Overlay Review Board
- Trail Advisory Board
- Tree Advisory Board
- Vehicle Parking Dist. Advisory Board

Michael Joy
(Signature of Applicant)

CITY OF NORFOLK

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

NOTE: As an applicant for a City Board, Commission or Committee, your name, address, and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment. Incumbents whose term expires are automatically considered for reappointment unless they indicate non-interest.

(Please type or print clearly)

DATE: 4/26/23

NAME: Jason TolleFson

TELEPHONE: 402 817 8941 (H)

ADDRESS: 1408 Verges Ave

402 371 3325 (O)

E-MAIL ADDRESS: tollefson-jason@yahoo.com

OCCUPATION: Owner Bicycle Repair Shop "Norfolk Bike"
(If retired, please indicate former occupation or profession.)

EDUCATION: Bachelor's

PROFESSION AND/OR COMMUNITY ACTIVITIES: Head Coach Maskentine Owls mountain bike team, Trail Leader @ Ponca State Park, Member - Trails Have Our Respect (THOR) trailshaveourrespect.org

Please return this form to:

Office of the Mayor
309 N 5th Street
Norfolk, NE 68701

I am interested in serving on the:
(Please Check)

- Arts Council
- Board of Zoning Adjustment
- Building Code of Appeals/Property Maintenance Board of Appeals
- Civil Service Commission
- Community Beautification Task Force
- Fire Code Appeals Board
- Housing Authority Board
- Land Bank Board
- Library Advisory Board
- Parks & Recreation Board
- Planning Commission
- Plumbing Board
- Property Tax Compliance and Review & 5% LID Committee
- Riverfront Overlay Review Board
- Trail Advisory Board
- Tree Advisory Board
- Vehicle Parking Dist. Advisory Board


(Signature of Applicant)

**Special Designated License
Local Recommendation (Form 200)**
Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

The Whitehouse / Taylor's
Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)
116 S 2nd St Suite 1 Acre NE 68767
Retail Liquor License Address or Non-Profit Business Address
CK 076285
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): 1-12-20 _____
Event Start Time(s): 4:30pm _____
Event End Time(s): 11 pm _____

Alternate Date: _____
Alternate Location Building & Address: _____

Event Building Name: Our Savior Lutheran Church
Event Street Address/City: 2420 West Omaha Ave, Norfolk NE 68701
Indoor area to be licensed in length & width: 50x100

Outdoor area to be licensed in length & width: ___ X ___ (Diagram Form #109 must be attached)

Type of Event: Fundraiser Estimate # of attendees: 120

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Shene Taylor Event Contact Phone Number: 402 841-5823

Event Contact Email: taylormadecatering20@gmail.com

*Signature Authorized Representative: [Signature] Printed Name Shene Taylor
I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:
The local governing body for the City/Village of _____ OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature Date

**Special Designated License
Local Recommendation (Form 200)**
Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Midtown Events LLC - Midtown Event Center

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

1102B Riverside Blvd Norfolk NE 68701

Retail Liquor License Address or Non-Profit Business Address

125307

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

12-01

Event Start Time(s):

1PM

Event End Time(s):

2AM

Alternate Date:

Alternate Location Building & Address:

Event Building Name: Warhorse Center

Event Street Address/City: 4300 West Norfolk Ave Norfolk Nebraska

Indoor area to be licensed in length & width: 165 x 180

Outdoor area to be licensed in length & width: ___ X ___ (Diagram Form #109 must be attached)

Type of Event: Company Christmas Party Estimate # of attendees: 1,000

Type of alcohol to be served: Beer XXX Wine XXX Distilled Spirits XXX

(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Scott Stevens Event Contact Phone Number: 402-649-2357

Event Contact Email: scott@midtowneventcenter.com

***Signature Authorized Representative  Printed Name Scott Stevens**

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

***Retail licensee – Must be signed by a member listed on permanent license**

***Non-Profit Organization – Must be signed by a Corporate Officer**

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

11/20/2023

For Office Use Only	Date Rec'd _____
	Fee \$ _____
	Rec'd by _____

SUBDIVISION APPLICATION

Name of Subdivision: Husker Investment Group LLC - Busco Inc.'s Addition to City of Norfolk, Madison County, NE

Preliminary Final

Applicant: Husker Investment Group, L.L.C. - Al Rajae 700 E Norfolk Ave., Norfolk, NE
 Name Address
402-750-8484 sales@cornhuskerauto.com
 Phone Email

*If applicant is an LLC, a copy of the operating agreement must be submitted with the application.

Contact: _____
 (other than Name Address
 Applicant) _____
 Phone Email

Current Zoning: I-1

General Location/Address: 700 & 720 E Norfolk Ave., Norfolk, NE

Legal Description: See Attached Legal Description

Tax ID# 590039911, 590039962, 590039954 & 590040200

Property Area, Square Feet and/or Acres: 6.58 Acres

al R
 Signature of Owner
Al A. Rajae OR
 Printed Name of Owner

 Authorized Agent

 Printed Name of Authorized Agent

Return Completed forms to: Norfolk Planning Department; 309 N 5th Street; Norfolk, NE 68701

For Office Use Only	Date Rec'd _____
	Fee \$ _____
	Rec'd by _____

SUBDIVISION APPLICATION

Name of Subdivision: Husker Investment Group LLC - Busco Inc.'s Addition to City of Norfolk, Madison County, NE

Preliminary Final

Applicant: Husker Investment Group, L.L.C. - Al Rajae 700 E Norfolk Ave., Norfolk, NE
 Name Address
402-750-8484 sales@cornhuskerauto.com
 Phone Email

*If applicant is an LLC, a copy of the operating agreement must be submitted with the application.

Contact: _____
 (other than Name Address
 Applicant) _____
 Phone Email

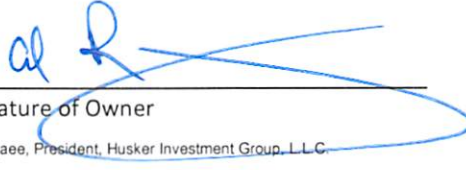
Current Zoning: I-1

General Location/Address: 700 & 720 E Norfolk Ave., Norfolk, NE

Legal Description: See Attached Legal Description

Tax ID# 590039911, 590039962, 590039954 & 590040200

Property Area, Square Feet and/or Acres: 6.58 Acres


 Signature of Owner _____
 Al Rajae, President, Husker Investment Group, L.L.C. OR
 Printed Name of Owner _____

 Authorized Agent

 Printed Name of Authorized Agent

Return Completed forms to: Norfolk Planning Department; 309 N 5th Street; Norfolk, NE 68701

Print Form

Clear From

For Office Use Only	Date Rec'd _____
	Fee \$ _____
	Rec'd by _____

SUBDIVISION APPLICATION

Name of Subdivision: Husker Investment Group LLC - Busco Inc.'s Addition to City of Norfolk, Madison County, NE

Preliminary Final

Applicant: Husker Investment Group, L.L.C. - Al Rajae 700 E Norfolk Ave., Norfolk, NE
 Name Address
402-750-8484 sales@cornhuskerauto.com
 Phone Email

*If applicant is an LLC, a copy of the operating agreement must be submitted with the application.

Contact: _____
 (other than Name Address
 Applicant) _____
 Phone Email


Current Zoning: I-1

General Location/Address: 700 & 720 E Norfolk Ave., Norfolk, NE

Legal Description: See Attached Legal Description

Tax ID# 590039911, 590039962, 590039954 & 590040200

Property Area, Square Feet and/or Acres: 6.58 Acres

 _____
 Signature of Owner Authorized Agent
Busco, Inc. OR _____
 Printed Name of Owner Printed Name of Authorized Agent

Return Completed forms to: Norfolk Planning Department; 309 N 5th Street; Norfolk, NE 68701

Print Form

Clear From

Legal Description:

Tax Lot 2 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof and LESS that part of Tax Lot 2 lying in Lot 1 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska, now replated into Liberty Addition, an Addition to the City of Norfolk, Madison County, Nebraska being a lot subdivision of Lot 1, Busco Addition to the City of Norfolk, Madison County, Nebraska and LESS that part of Tax Lot 2 lying in Lot 2 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska, now replated into Legacy Addition, a Replat of Lot 2, Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska

AND

Tax Lot 3 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 4 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

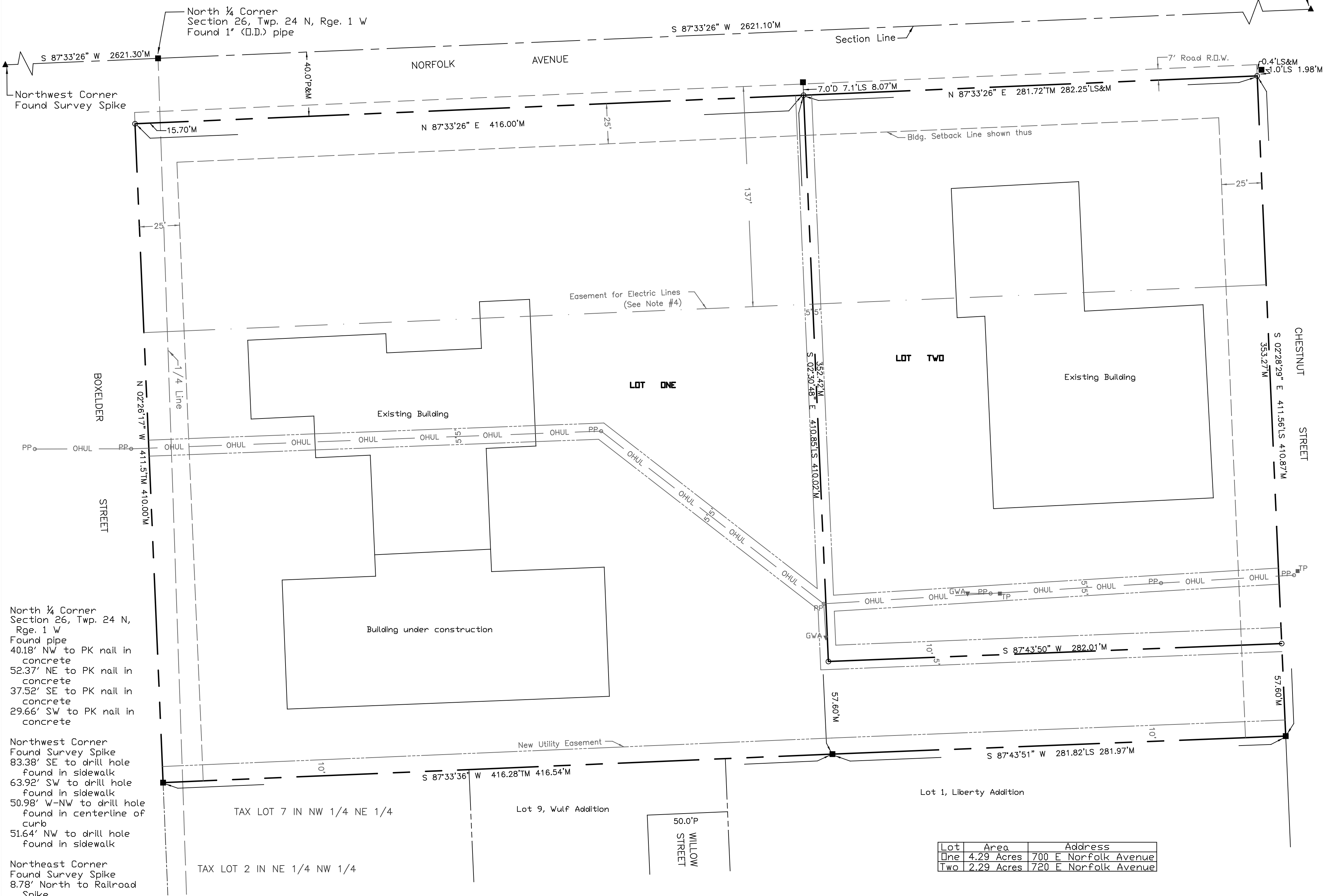
AND

Tax Lot 5 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 1 in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska



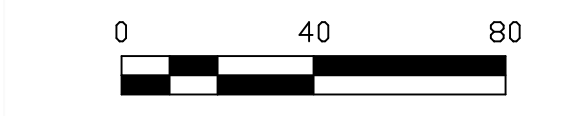
Northwest Corner Found Survey Spike
 Northwest Corner Found Survey Spike
 Northwest Corner Found Survey Spike
 Northwest Corner Found Survey Spike
 Northwest Corner Found Survey Spike

- Notes:**
- Bearings are based on Grid North (US/NAD83/NE Datum) based on direct observation using G.P.S. equipment on the HPRTK Network.
 - Distances shown on the Plat are Horizontal Ground Distances.
 - A five (5) foot sidewalk shall be constructed by the owner on the street side or sides of each lot in the addition abutting on a platted street as provided for by Ordinance No. 5617 of the City of Norfolk passed and approved on June 3, 2019.
 - Easements for Electric Lines are recorded as follows: a line being parallel to and approx. 137 feet South of the North line of Tax Lots 2, 3 & 4 in the NW 1/4 NE 1/4 is in Vol. 27 of Misc. pages 353-355; and across Tax Lot 5 in NW 1/4 NE 1/4 and Tax Lot 1 in NE 1/4 NW 1/4 is in Vol. 27 of Misc., page 305. The easements gives the power company the right of ingress & egress across the owner's property for construction, operation, maintenance, inspection & removal of existing line.

Proj. No. 2023-71

Legend

- Pipe Found
- ▲ Survey Spike Found
- Pin Set
- △ Calc. Point
- P Platted Dist.
- LS LaVern F. Schroeder's Previous Dist.
- TM Tax Lot Map Dist.
- M Measured Dist.
- Section Line
- - - 1/4 Line
- Property Line
- Lot Line
- Tax Lot Line
- Block Line
- Building Line
- Building Setback Line
- Utility Easement Line (new)
- Telephone Pedestal
- PPo Power Pole
- GWA Guy Wire Anchor
- OHUL Overhead Utilities Line
- Easement for Electric Lines



Surveyors Statement

I, LaVern F. Schroeder, Registered Land Surveyor in the State of Nebraska, have made a survey of HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska. Said Addition being a Subdivision of part of Tax Lots 2, 3, 4 and 5 in the Northwest 1/4 of the Northeast 1/4 and part of Tax Lot 1 in the Northwest 1/4, all in Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; that the Plat attached hereto is the original, accurate, true and correct plat of said HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska; that said plat accurately and correctly reflects all of the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds in said HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska, all of which are correctly designated and shown on the attached plat; that I surveyed and platted said HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska, consisting of Lots One and Two at the instance and request of the owner.

The tract of land comprising said Addition is more particularly described as follows:

Legal Description:

Tax Lot 2 in the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof and LESS that part of Tax Lot 2 lying in Lot 1 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska, now replated into Liberty Addition, an Addition to the City of Norfolk, Madison County, Nebraska being a lot subdivision of Lot 1, Busco Addition to the City of Norfolk, Madison County, Nebraska and LESS that part of Tax Lot 2 lying in Lot 2 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska now replated into Legacy Addition, a Replat of Lot 2, Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska

AND

Tax Lot 3 in the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 4 in the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 5 in the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

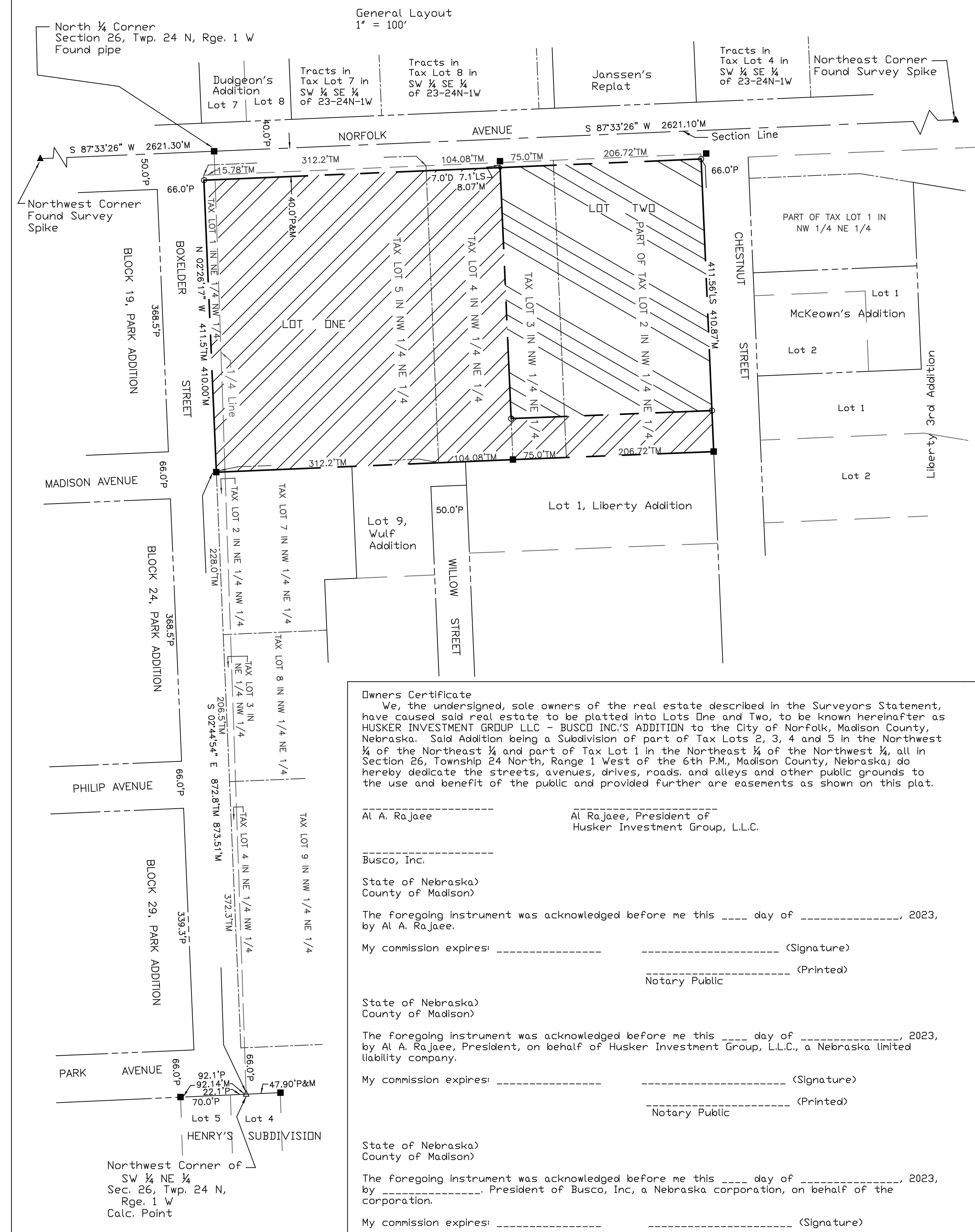
AND

Tax Lot 1 in the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

I hereby state that I have executed this instrument on this 19th day of September, 2023.

LaVern F. Schroeder
 Registered Land Surveyor #312

Lot	Area	Address
One	4.29 Acres	700 E Norfolk Avenue
Two	2.29 Acres	1720 E Norfolk Avenue



Owners Certificate

We, the undersigned, sole owners of the real estate described in the Surveyors Statement, have caused said real estate to be platted into Lots One and Two, to be known hereinafter as HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska. Said Addition being a Subdivision of part of Tax Lots 2, 3, 4 and 5 in the Northwest 1/4 of the Northeast 1/4 and part of Tax Lot 1 in the Northwest 1/4 of the Northeast 1/4, all in Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; do hereby dedicate the streets, avenues, drives, roads, and alleys and other public grounds to the use and benefit of the public and provided further are easements as shown on this plat.

Al A. Rajae
 Al Rajae, President of
 Husker Investment Group, L.L.C.

Busco, Inc.

State of Nebraska)
 County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Al A. Rajae.

My commission expires: _____ (Signature)

 Notary Public (Printed)

State of Nebraska)
 County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Al A. Rajae, President, on behalf of Husker Investment Group, L.L.C., a Nebraska limited liability company.

My commission expires: _____ (Signature)

 Notary Public (Printed)

State of Nebraska)
 County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, President of Busco, Inc., a Nebraska corporation, on behalf of the corporation.

My commission expires: _____ (Signature)

 Notary Public (Printed)

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Planning Commission of the City of Norfolk, Madison County, Nebraska on this ____ day of _____, 2023.

 Dan Spray
 Chairman

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Honorable Mayor of the City of Norfolk, Madison County, Nebraska, by resolution duly passed on this ____ day of _____, 2023.

Attest: _____
 Brianna Duerst
 City Clerk

 Josh Moenning
 Mayor

State of Nebraska)
 County of Madison)

This is to certify that this instrument was filed for record by the Register of Deeds Office at ____ M on this ____ day of _____, 2023.

 Diane Nykodym
 Register of Deeds

WAIVER

We, Al A. Rajae, Husker Investment Group, L.L.C. and Busco, Inc. are the owners of the real estate described hereon and hereby waive any right of claims as a result of damages occasioned by the establishment of grades or alterations of the surface.

Al A. Rajae
 Al Rajae, President of
 Husker Investment Group, L.L.C.

Busco, Inc.

Consent of Lienholder (For Al A. Rajae & Husker Investment Group, L.L.C.)

I, _____ (title) of BankFirst, being a lienholder of the described tract of land, hereby approve and agree to the plating of HUSKER INVESTMENT GROUP LLC - BUSCO INC.'S ADDITION to the City of Norfolk, Madison County, Nebraska, on this ____ day of _____, 2023, on behalf of said BankFirst.

 (Signature)
 _____ (Print), _____ (title) of BankFirst

State of Nebraska)
 County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____ (title) of BankFirst.

My commission expires: _____ (Signature)

 Notary Public (Print)

November 7, 2023

Honorable Mayor
and
City Council

Dear Mayor and Council:

On November 7, 2023 the Norfolk Planning Commission reviewed the final plat of Husker Investment Group, LLC – Busco Inc.’s Addition.

All items required for the final plat approval have been submitted and reviewed by the City Engineer.

The Planning Commission recommends approval of the request with a 6-0 vote.

Sincerely,



Dirk Waite, Vice-Chair
Norfolk Planning Commission

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska 68701

RESOLUTION NO. 2023-62

WHEREAS, the following described real property is located within the City of Norfolk or within the extraterritorial area in which the City exercises zoning jurisdiction, to wit:

Tax Lot 2 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof and LESS that part of Tax Lot 2 lying in Lot 1 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska, now replated into Liberty Addition, an Addition to the City of Norfolk, Madison County, Nebraska being a lot subdivision of Lot 1, Busco Addition to the City of Norfolk, Madison County, Nebraska and LESS that part of Tax Lot 2 lying in Lot 2 of Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska, now replated into Legacy Addition, a Replat of Lot 2, Busco Addition, an Addition to the City of Norfolk, Madison County, Nebraska

AND

Tax Lot 3 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 4 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 5 in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

AND

Tax Lot 1 in the Northeast ¼ of the Northwest ¼ of Section 26, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska LESS the North 7 feet thereof

WHEREAS, said property is owned by Husker Investment Group, LLC, a Nebraska Limited Liability Company; and Busco, Inc., a Nebraska Corporation; and

WHEREAS, the owners of the above described property are desirous of platting the property pursuant to the laws of the State of Nebraska and the City of Norfolk; and

WHEREAS, a plat has been prepared in anticipation of platting the above described property.

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Norfolk, Nebraska, hereby adopt the following Resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska, that the final plat of Husker Investment Group LLC – Busco Inc.’s Addition, City of Norfolk, Madison County, Nebraska, duly made, acknowledged and certified, be and the same are hereby approved and ordered filed and recorded in the office of the Register of Deeds of Madison County, Nebraska.

BE IT FURTHER RESOLVED that the above described property shall hereinafter be legally described as set forth and depicted on the final plat being approved hereunder.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Josh Moenning, Mayor

Brianna Duerst, City Clerk

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

Legal Description

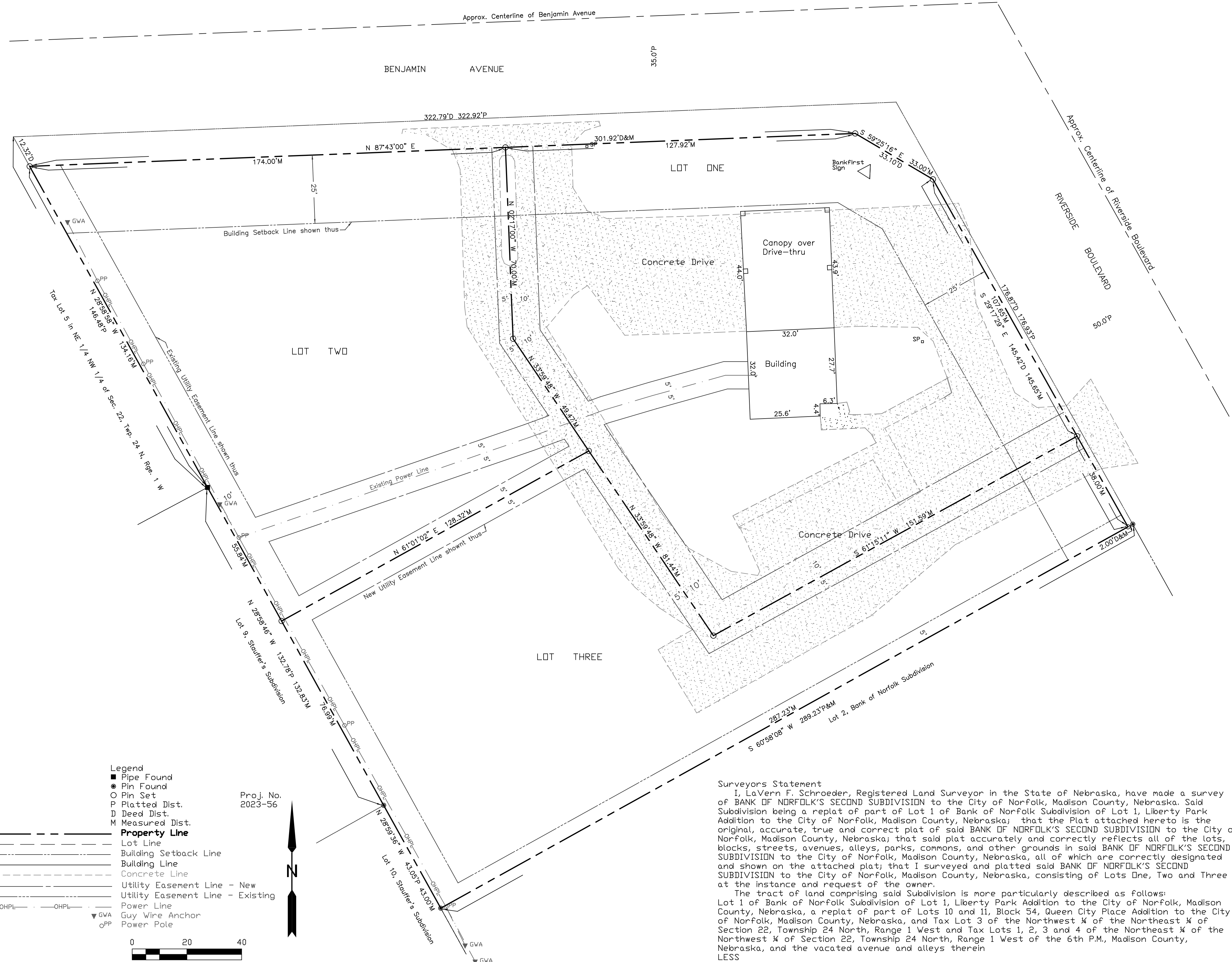
Lot 1 of Bank of Norfolk Subdivision of Lot 1, Liberty Park Addition to the City of Norfolk, Madison County, Nebraska, a replat of part of Lots 10 and 11, Block 54, Queen City Place Addition to the City of Norfolk, Madison County, Nebraska, and Tax Lot 3 of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 24 North, Range 1 West and Tax Lots 1, 2, 3 and 4 of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and the vacated avenue and alleys therein

LESS

Area of Right-of-way Acquisition for Road Construction as per Warranty Deed recorded in Book 2022, page 01435:

A tract of land located in Lot 1, Bank of Norfolk Subdivision to the City of Norfolk, Madison County, Nebraska, described as follows:

Beginning at the Northwest corner of said Lot 1; thence Southeasterly on an assumed bearing of South 29° 00' 11" East on the West line of said Lot 1, a distance of 12.32 feet to a point on the West line of said Lot 1; thence Easterly on a bearing of North 87° 41' 47" East, a distance of 301.92 feet; thence Southeasterly on a bearing of South 59° 26' 29" East, a distance of 33.10 feet; thence Southeasterly on a bearing of South 29° 14' 56" East, a distance of 145.42 feet to a point on the Southerly line of said Lot 1; thence Northeasterly on a bearing of North 60° 56' 40" East, a distance of 2.00 feet to a point on the Westerly existing Riverside Boulevard right-of-way line; thence Northwesterly on a bearing of North 29° 14' 56" West on the Westerly existing said right-of-way line, a distance of 176.87 feet to a point on the South existing Benjamin Avenue right-of-way line; thence Westerly on a bearing of South 87° 42' 06" West on the South existing said right-of-way line, a distance of 322.79 feet to the point of beginning containing 4044.18 square feet, more or less.



Surveyors Statement

I, LaVern F. Schroeder, Registered Land Surveyor in the State of Nebraska, have made a survey of BANK OF NORFOLK'S SECOND SUBDIVISION to the City of Norfolk, Madison County, Nebraska. Said Subdivision being a replat of part of Lot 1 of Bank of Norfolk Subdivision of Lot 1, Liberty Park Addition to the City of Norfolk, Madison County, Nebraska; that the Plat attached hereto is the original, accurate, true and correct plat of said BANK OF NORFOLK'S SECOND SUBDIVISION to the City of Norfolk, Madison County, Nebraska; that said plat accurately and correctly reflects all of the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds in said BANK OF NORFOLK'S SECOND SUBDIVISION to the City of Norfolk, Madison County, Nebraska, all of which are correctly designated and shown on the attached plat; that I surveyed and platted said BANK OF NORFOLK'S SECOND SUBDIVISION to the City of Norfolk, Madison County, Nebraska, consisting of Lots One, Two and Three at the instance and request of the owner.

The tract of land comprising said Subdivision is more particularly described as follows: Lot 1 of Bank of Norfolk Subdivision of Lot 1, Liberty Park Addition to the City of Norfolk, Madison County, Nebraska, a replat of part of Lots 10 and 11, Block 54, Queen City Place Addition to the City of Norfolk, Madison County, Nebraska, and Tax Lot 3 of the Northwest ¼ of the Northeast ¼ of Section 22, Township 24 North, Range 1 West and Tax Lots 1, 2, 3 and 4 of the Northeast ¼ of the Northwest ¼ of Section 22, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and the vacated avenue and alleys therein.

LESS
Area of Right-of-way Acquisition for Road Construction as per Warranty Deed recorded in Book 2022, Page 014351

A tract of land located in Lot 1, Bank of Norfolk Subdivision to the City of Norfolk, Madison County, Nebraska, described as follows:

Beginning at the Northwest corner of said Lot 1; thence Southeasterly on an assumed bearing of South 29° 00' 11" East on the West line of said Lot 1, a distance of 12.32 feet to a point on the West line of said Lot 1; thence Easterly on a bearing of North 87° 41' 47" East, a distance of 301.92 feet; thence Southeasterly on a bearing of South 59° 26' 29" East, a distance of 33.10 feet; thence Southeasterly on a bearing of South 29° 14' 56" East, a distance of 145.42 feet to a point on the Southerly line of said Lot 1; thence Northeasterly on a bearing of North 60° 56' 40" East, a distance of 2.00 feet to a point on the Westerly existing Riverside Boulevard right-of-way line; thence Northwesterly on a bearing of North 29° 14' 56" West on the Westerly existing said right-of-way line, a distance of 176.87 feet to a point on the South existing Benjamin Avenue right-of-way line; thence Westerly on a bearing of South 87° 42' 06" West on the South existing said right-of-way line, a distance of 322.79 feet to the point of beginning containing 4044.18 square feet, more or less.

I hereby state that I have executed this instrument on this 4th day of October, 2023.

LaVern F. Schroeder
Registered Land Surveyor #312

Owners Certificate

I, the undersigned, sole owner of the real estate described in the Surveyors Statement, have caused said real estate to be platted into Lots One, Two and Three, to be known hereinafter as BANK OF NORFOLK'S SECOND SUBDIVISION to the City of Norfolk, Madison County, Nebraska. Said Subdivision being a replat of part of Lot 1 of Bank of Norfolk Subdivision of Lot 1, Liberty Park Addition to the City of Norfolk, Madison County, Nebraska; do hereby dedicate the streets, avenues, drives, roads, and alleys and other public grounds to the use and benefit of the public and provided further are easements as shown on this plat.

BankFirst, a Nebraska
Banking Corporation
formerly known as
Bank of Norfolk

State of Nebraska)
County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____ (title) of BankFirst, a Nebraska Banking Corporation formerly known as Bank of Norfolk, on behalf of the corporation.

My commission expires: _____ (Signature)

Notary Public (Printed)

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Planning Commission of the City of Norfolk, Madison County, Nebraska on this ____ day of _____ 2023.

Dan Spray
Chairman

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Honorable Mayor of the City of Norfolk, Madison County, Nebraska, by resolution duly passed on this ____ day of _____, 2023.

Attest: Brianna Duerst City Clerk
Josh Moenning Mayor

WAIVER

I, BankFirst, as the owner of the real estate described hereon and hereby waive any right of claims as a result of damages occasioned by the establishment of grades or alterations of the surface.

BankFirst, a Nebraska
Banking Corporation
formerly known as
Bank of Norfolk

State of Nebraska)
County of Madison)

This is to certify that this instrument was filed for record by the Register of Deeds Office at ____ M on this ____ day of _____ 2023.

Diane Nykodym
Register of Deeds

Legend

- Pipe Found
- Pin Found
- Pin Set
- P Platted Dist.
- D Deed Dist.
- M Measured Dist.

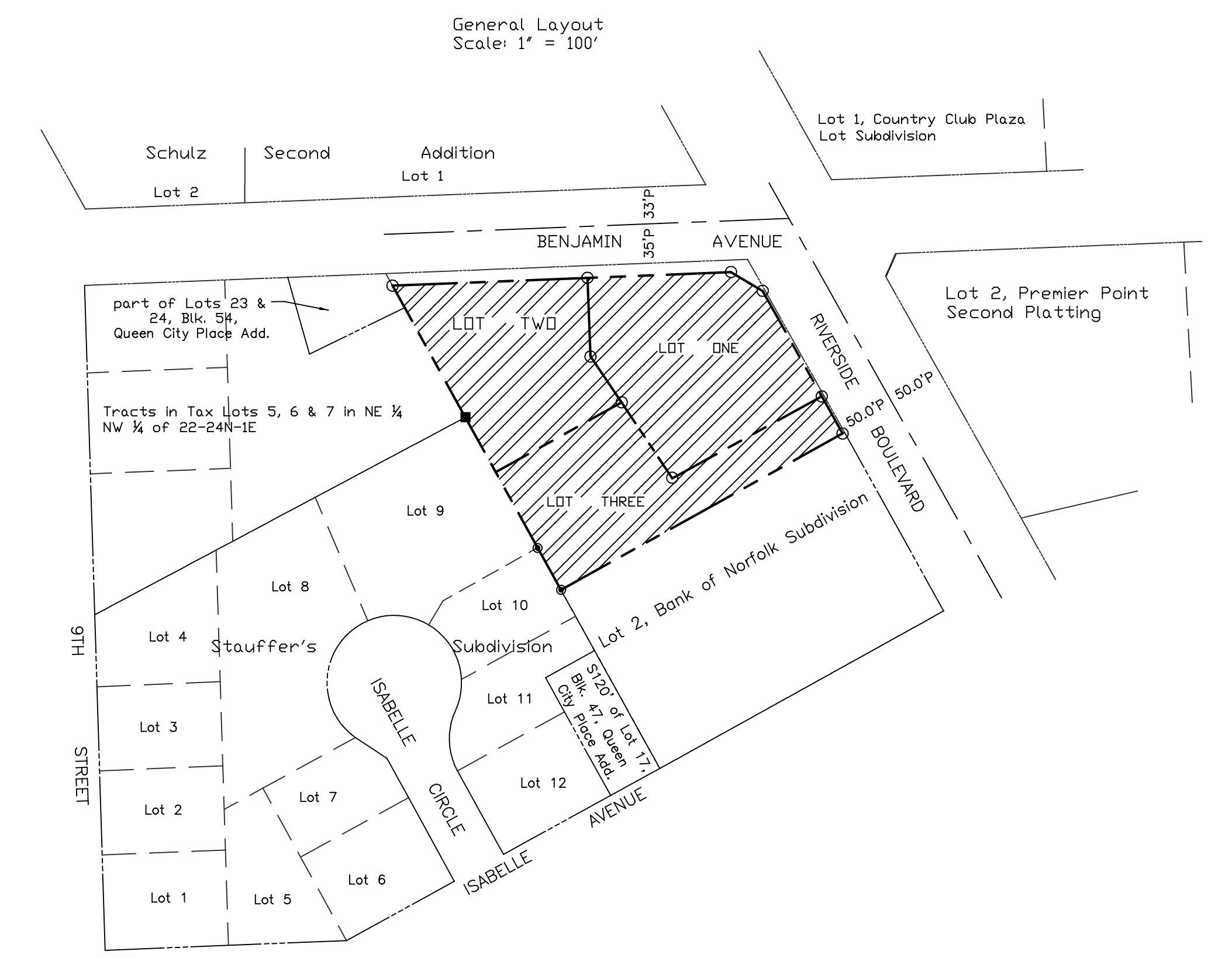
Property Line

- Lot Line
- - - Building Setback Line
- - - Building Line
- - - Concrete Line
- - - Utility Easement Line - New
- - - Utility Easement Line - Existing
- - - Power Line
- - - OHPL
- - - Guy Wire Anchor
- - - Power Pole

Proj. No. 2023-56

Lot	Area	Address
One	25,211 Sq. Ft.	1211 Riverside Boulevard DR 801 W Benjamin Avenue
Two	21,032 Sq. Ft.	807 Benjamin Avenue
Three	21,777 Sq. Ft.	1207 Riverside Boulevard

- Notes:**
- Bearings are based on Grid North (US/NAD83/NE Datum) based on direct observation using G.P.S. equipment on the HPRTK Network.
 - Distances shown on the Plat are Horizontal Ground Distances.
 - A five (5) foot sidewalk shall be constructed by the owner on the street side or sides of each lot in the addition abutting on a platted street as provided for by Ordinance No. 5617 of the City of Norfolk passed and approved on June 3, 2019.



November 7, 2023

Honorable Mayor
and
City Council

Dear Mayor and Council:

On November 7, 2023 the Norfolk Planning Commission reviewed the final plat of Bank of Norfolk's Second Subdivision.

All items required for the final plat approval have been submitted and reviewed by the City Engineer.

The Planning Commission recommends approval of the request with a 6-0 vote.

Sincerely,



Dirk Waite, Vice-Chair
Norfolk Planning Commission

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska 68701

RESOLUTION NO. 2023-~~63~~

WHEREAS, the following described real property is located within the City of Norfolk or within the extraterritorial area in which the City exercises zoning jurisdiction, to wit:

Lot 1 of Bank of Norfolk Subdivision of Lot 1, Liberty Park Addition to the City of Norfolk, Madison County, Nebraska, a replat of part of Lots 10 and 11, Block 54, Queen City Place Addition to the City of Norfolk, Madison County, Nebraska, and Tax Lot 3 of the Northwest ¼ of the Northeast ¼ of Section 22, Township 24 North, Range 1 West and Tax Lots 1, 2, 3 and 4 of the Northeast ¼ of the Northwest ¼ of Section 22, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and the vacated avenue and alleys therein

LESS

Area of Right-of-way Acquisition for Road Construction as per Warranty Deed recorded in Book 2022, page 01435:

A tract of land located in Lot 1, Bank of Norfolk Subdivision to the City of Norfolk, Madison County, Nebraska, described as follows:

Beginning at the Northwest corner of said Lot 1; thence Southeasterly on an assumed bearing of South 29° 00' 11" East on the West line of said Lot 1, a distance of 12.32 feet to a point on the West line of said Lot 1; thence Easterly on a bearing of North 87° 41' 47" East, a distance of 301.92 feet; thence Southeasterly on a bearing of South 59° 26' 29" East, a distance of 33.10 feet; thence Southeasterly on a bearing of South 29° 14' 56" East, a distance of 145.42 feet to a point on the Southerly line of said Lot 1; thence Northeasterly on a bearing of North 60° 56' 40" East, a distance of 2.00 feet to a point on the Westerly existing Riverside Boulevard right-of-way line; thence Northwesterly on a bearing of North 29° 14' 56" West on the Westerly existing said right-

of-way line, a distance of 176.87 feet to a point on the South existing Benjamin Avenue right-of-way line; thence Westerly on a bearing of South 87° 42' 06" West on the South existing said right-of-way line, a distance of 322.79 feet to the point of beginning containing 4044.18 square feet, more or less.

WHEREAS, said property is owned by Bank of Norfolk; and

WHEREAS, the owners of the above described property are desirous of platting the property pursuant to the laws of the State of Nebraska and the City of Norfolk; and

WHEREAS, a plat has been prepared in anticipation of platting the above described property.

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Norfolk, Nebraska, hereby adopt the following Resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska, that the final plat of Bank of Norfolk's Second Subdivision, City of Norfolk, Madison County, Nebraska, duly made, acknowledged and certified, be and the same are hereby approved and ordered filed and recorded in the office of the Register of Deeds of Madison County, Nebraska.

BE IT FURTHER RESOLVED that the above described property shall hereinafter be legally described as set forth and depicted on the final plat being approved hereunder.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Josh Moenning, Mayor

Brianna Duerst, City Clerk

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

AGREEMENT RENEWAL

Maintenance Agreement No. 19
Maintenance Agreement between the Nebraska Department of Transportation and the
Municipality of Norfolk
Municipal Extensions in Norfolk

We hereby agree that Maintenance Agreement No. 19 described above be renewed for
the period January 1, 2024 to December 31, 2024.

All figures, terms and exhibits to remain in effect as per the original agreement dated
January 1, 2017 with Attachments A, B and C attached hereto.

In witness whereof, the parties hereto have caused these presents to be executed by
their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this _____ day of _____, _____.

ATTEST: City of Norfolk

City Clerk/Witness

Mayor/Designee

Executed by the State this _____ day of _____, _____.

ATTEST: State of Nebraska

District Engineer, Department of Transportation

NEBRASKA

Good Life. Great Journey

DEPARTMENT OF TRANSPORTATION

Attachment "A"

MAINTENANCE OPERATION AND RESPONSIBILITY

Municipal extensions and connecting links

(Streets Designated Part of the State Highway System excluding Freeways)

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 39-2105			
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities	2 nd Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City & Village
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances (including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)	City	City	City	City & Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City & Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121				
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities > 40,000	1 st Class Cities < 40,000	2 nd Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City & Village
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

City Maintenance Agreement

Attachment B

City of: Norfolk

Date: 1/1/24

Surface Maintenance

From Attachment "C", it is determined that the State's responsibility for surface maintenance within the City limits is 53.48 lane miles. Pursuant to Sections 1c, 8b, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$2,100.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:
 53.48 lane miles x \$2,100.00 per lane mile = \$112,308.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ _____ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:
 _____ lane miles x \$ _____ per lane mile = \$ _____

Other (Explain)

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION

RESPONSIBILITY FOR SURFACE MAINTENANCE
OF MUNICIPAL EXTENSIONS

NEB. REV. STAT. 39-1339
and NEB. REV. STAT. 39-2101

DESCRIPTION	HWY. NO.	REF. POST		LENGTH IN MILES	NUMBER DRIVING LANES	LANE MILES TOTAL	RESPONSIBILITY	
		FROM	TO				STATE	CITY
US-275 to 1082' NE of Vista Rd	35	0.00	1.34	2.11	4	8.44	8.44	0.00
75' SE of 13th St.(555 Ave) to 120' N of Eisenhower Ave.	81	153.64	158.98	5.36	4	21.44	21.44	0.00
1330' W of 49th St. to 660' W of 49th Street	275	71.55	71.67	0.12	4	0.48	0.48	0.00
462' W of 49th St. to N- 24/N-35	275	71.71	77.48	5.78	4	23.12	23.12	0.00
Total Lane Miles				13.37		53.48	53.48	0

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the City of Norfolk, Nebraska, a Municipal Corporation, hereinafter referred to as "CITY", and Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, hereinafter referred to as "DOWNTOWN", WITNESSETH:

WHEREAS, DOWNTOWN is desirous of holding a Hometown Holiday Festival in downtown Norfolk, Nebraska, on Tuesday, November 21, 2023, (with a rain/snow date of November 28, 2023) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, trolley rides, live reindeer display, live nativity scene, caroling, tree lighting ceremony, and having small campfires in self-contained steel fire pits; and

WHEREAS, CITY's Council, at its November 6, 2023 meeting, approved an Agreement between the parties for the Hometown Holiday Festival on Tuesday, November 21, 2023; and

WHEREAS, after approval of the prior Agreement at the November 6, 2023 Norfolk City Council meeting, DOWNTOWN requested a change in street closures; and

WHEREAS, DOWNTOWN is desirous of utilizing Riverpoint Square located at 3rd Street and Norfolk Avenue for its Hometown Holiday Festival; and

WHEREAS, DOWNTOWN has requested that Norfolk Avenue be closed between the west line of 1st Street and the east line of 7th Street for the event on Tuesday, November 21, 2023 (or rain/snow date); and

WHEREAS, DOWNTOWN has requested that 3rd Street be closed from the east/west alley running between Norfolk Avenue and Braasch Avenue extending south to the east/west alley running between Norfolk Avenue and Madison Avenue; and

WHEREAS, DOWNTOWN has requested that 4th Street be closed from the east/west alley running between Norfolk Avenue and Braasch Avenue extending south to Norfolk Avenue; and

WHEREAS, DOWNTOWN desires to have live reindeer on display on a portion of CITY's parking lot at 112 W. Norfolk Avenue; and

WHEREAS, DOWNTOWN desires to have a live nativity scene on display on the closed portion of North 3rd Street; and

WHEREAS, CITY is desirous of allowing the closure of said CITY streets as described above, and the use of Riverpoint Square and a portion of CITY's parking lot at 112 W. Norfolk Avenue for the Hometown Holiday Festival at DOWNTOWN's request.

NOW, THEREFORE, in consideration of the foregoing recitals, and the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. AGREEMENT SUPERSEDES. This Agreement supersedes the Agreement between the parties approved by the Norfolk City Council at its November 6, 2023 meeting.

2. RIVERPOINT SQUARE. CITY, being the owner of the park facility commonly known as Riverpoint Square located at 301 W. Norfolk Avenue in Norfolk, Nebraska, is willing to allow DOWNTOWN to utilize Riverpoint Square in conjunction with DOWNTOWN's purpose of holding a Hometown Holiday Festival on Tuesday, November 21, 2023 (or rain/snow date of November 28, 2022).

3. TREE. DOWNTOWN shall be allowed to utilize CITY's decorated tree in Riverpoint Square for DOWNTOWN's tree lighting ceremony.

4. TEMPORARY STAGE & PHOTO AREA. CITY shall allow DOWNTOWN to place a temporary stage and temporary fence/backdrop photo area in Riverpoint Square for DOWNTOWN's event at locations approved by CITY's parks and recreation director.

5. STREET CLOSURE. CITY shall allow for the closure of the following streets on Tuesday, November 21, 2023 (or rain/snow date):

a. From 3:00 p.m. until 9:30 p.m.:

1) North 3rd Street from Norfolk Avenue extending north to the east/west alley running between Norfolk Avenue and Braasch Avenue.

b. From 4:30 p.m. until 9:30 p.m.:

1) Norfolk Avenue between the west line of 1st Street and the east line of 7th Street; and

2) South 3rd Street from the Norfolk Avenue extending south to the east/west alley running between Norfolk Avenue and Madison Avenue.

3) North 4th Street from the east/west alley running between Norfolk Avenue and Braasch Avenue extending south to Norfolk Avenue.

6. HORSE-DRAWN CARRIAGE RIDES. CITY shall allow DOWNTOWN to have a vendor provide horse-drawn carriage rides on the closed portion of Norfolk Avenue, on a route approved by CITY's police chief or his designee, only during the Hometown Holiday Festival on Tuesday, November 21, 2023 (or rain/snow date). Operation of horse-drawn carriage rides shall comply with Section 13-201 et seq. of the Norfolk City Code.

7. HAYRACK/TROLLEY RIDES. CITY shall allow DOWNTOWN to give tractor-pulled hayrack rides and trolley rides on the closed portion of Norfolk Avenue on the route

shown on the attached Exhibit “A” only during the Hometown Holiday Festival on Tuesday, November 21, 2023 (or rain/snow date). All hayracks and trolleys shall be equipped with taillights, brake lights, turn signals, and clearance lights as required by Nebraska Statutes.

8. CAMPFIRES. CITY understands that DOWNTOWN desires to have small campfires in self-contained steel fire pits in the downtown area in the US Bank courtyard and the courtyard east of Window World. CITY hereby authorizes the fire pits on said properties so long as the requisite permits are obtained and the fire pits are utilized in compliance with applicable codes. No fire pits shall be allowed on any sidewalk located on public property. CITY may authorize the placement of fire pits at other locations if approved in advance by CITY’s fire chief or his or her designee. DOWNTOWN shall be responsible for obtaining the necessary burn permits pursuant to the *International Fire Code 2018* adopted by CITY as amended by Norfolk City Code Section 8-28 and for utilizing the fire pits in compliance with applicable codes.

9. TEMPORARY TOILETS. DOWNTOWN may, at its expense, provide a sufficient number of temporary toilets to accommodate the number of people expected to attend the event; however, no temporary toilets shall be placed on the streets or on the sidewalk area between any store front or building front and the street.

10. INSURANCE.

A. DOWNTOWN shall provide CITY with a certificate of general liability insurance in the following minimum amounts:

General Aggregate	\$2,000,000
a. Bodily Injury/Property Damage	\$1,000,000 each occurrence
b. Personal Injury Damage	\$1,000,000 each occurrence
c. Contractual Liability	\$1,000,000 each occurrence
d. Products Liability & Completed Operations	\$1,000,000 each occurrence
e. Fire Damage	\$ 100,000 any one fire
f. Medical Expense	\$ 5,000 any one person

The policy/policies issued shall show insurance coverage for the following:

- a. Each and every horse-drawn carriage utilized for rides during the Hometown Holiday Festival;
- b. Each and every tractor, hayrack, and trolley utilized for rides during the Hometown Holiday Festival; and
- c. All activities sponsored by DOWNTOWN for its Hometown Holiday Festival with no exclusions.

B. In addition, DOWNTOWN shall name CITY as an additional insured. Said insurance shall be the primary insurance coverage for DOWNTOWN’s event. DOWNTOWN agrees to be responsible for any damages or claim of loss not covered by

DOWNTOWN's insurance. A certificate of insurance shall be filed with the Norfolk City Clerk upon execution of this Agreement. In the event the certificate of insurance is not filed by November 13, 2023, then (1) DOWNTOWN shall pay a late fee to CITY in the amount of \$75.00, and (2) this Agreement shall be voidable at the option of CITY's risk manager.

11. COPYRIGHTED MUSIC. DOWNTOWN agrees that it either has or will secure any necessary licenses required for the performance of copyrighted music at the activities being conducted by DOWNTOWN and expressly agrees to hold CITY harmless and indemnify CITY from any cost or liability that may result to CITY as a result of the activities sponsored by DOWNTOWN being held on property owned by CITY.

12. STREET BARRICADES. CITY shall erect moveable white and orange Type I and Type III barricades which completely barricade the closed public streets set forth in this Agreement. The portion of North 3rd Street will be completely closed by 3:00 p.m. on Tuesday, November 21, 2023 (or rain/snow date). CITY will begin closing the portions of Norfolk Avenue, South 3rd Street, and North 4th Street no earlier than 4:00 p.m. on Tuesday, November 21, 2023 (or rain/snow date) and said streets will be completely closed by 4:30 p.m. The streets being closed will remain closed for the duration of the event.

13. INDEMNIFICATION AND HOLD HARMLESS. DOWNTOWN agrees to save, hold harmless, indemnify and defend CITY, its representatives, agents and employees from any loss or damage or claim of loss by DOWNTOWN or any third party from damage or claim of damage that arises from any of the activities authorized or undertaken as provided in this Agreement and for any loss to CITY that results from DOWNTOWN failing to perform its obligations under this Agreement or engaging in any activity not authorized by this Agreement.

14. NO PAINT ON CONCRETE. DOWNTOWN shall not paint or permanently mark the concrete of any street, sidewalk, Riverpoint Square, or CITY' parking lot at 112 W. Norfolk Avenue for DOWNTOWN's event. In the event that DOWNTOWN does paint or permanently mark any street, sidewalk, Riverpoint Square, or parking lot, then CITY shall have the paint or marking removed and the cost thereof shall be paid by DOWNTOWN.

15. LIVE REINDEER. CITY shall allow for the closure of three parking stalls on the east side of CITY's parking lot at 112 W. Norfolk Avenue, Norfolk, Nebraska, for the purpose of displaying up to three (3) live reindeer during the Hometown Holiday Festival on Tuesday, November 21, 2023 (or rain/snow date). The owner/handler of the reindeer shall meet the requirements of the Nebraska Department of Agriculture Domesticated Cervine Animal regulations which include but are not limited to obtaining a permit and Certificate of Veterinary Inspection to move the reindeer to the exhibition. DOWNTOWN shall take full responsibility for the safety of all staff, employees, volunteers, patrons, attendants, citizens and animals while on CITY property. DOWNTOWN shall return the site to its pre-existing condition by removing all bedding and feces used or left behind by said animals.

16. DISPLAY OF LIVE ANIMALS. CITY shall allow DOWNTOWN to display live animals for a nativity scene, including but not limited to donkeys, goats, and sheep on the closed

portion of North 3rd Street provided that said live animals are enclosed in a gated area. The owner/handler of the animals shall meet any and all applicable Nebraska Department of Agriculture regulations related to the display of said live animals on CITY property. DOWNTOWN shall take full responsibility for the safety of all staff, employees, volunteers, patrons, attendants, citizens and animals while on CITY property. DOWNTOWN shall return the site to its pre-existing condition by removing all bedding and feces used or left behind by said animals.

17. NO SIGNS ALONG STATE HIGHWAY. Pursuant to Nebraska Administrative Code Title 410, Chapter 3, DOWNTOWN shall not place signs advertising DOWNTOWN's event on property adjacent to any state highway.

18. MANAGEMENT. The parties acknowledge and agree that DOWNTOWN shall be solely responsible for the operation and management of CITY's facilities during the term of this Agreement when CITY's facilities are being utilized by DOWNTOWN for DOWNTOWN's event and related activities. DOWNTOWN shall be responsible for operating and managing CITY's facilities in accordance with all applicable rules and regulations of any governmental entity with jurisdiction over CITY's facilities including, but not limited to, the most current and updated directed health measures of all local, state, and federal health agencies, and all resolutions and ordinances of CITY (collectively the "Rules"). DOWNTOWN represents and covenants to CITY that DOWNTOWN is familiar with the Rules and that DOWNTOWN shall operate and manage CITY's facilities in accordance with the Rules. DOWNTOWN shall ensure that all individuals utilizing CITY's facilities for DOWNTOWN's event shall conduct themselves in accordance with the Rules.

19. MAINTENANCE. DOWNTOWN shall be responsible for maintaining CITY's facilities in accordance with the Rules so that CITY's facilities may be utilized for permitted activities hereunder. Such obligation shall include, but not be limited to, all sanitation guidelines and maintenance obligations that are set forth in the Rules. DOWNTOWN shall ensure that any guests, invitees, or visitors are those permitted to be in attendance at CITY's facilities in accordance with the Rules.

20. CANCELLATIONS. Notwithstanding any other provision of this Agreement, CITY retains the right at any time to cancel any activities scheduled on CITY property due to inclement weather or for any other reason. CITY shall not be responsible for any loss to DOWNTOWN resulting from CITY's cancellation of DOWNTOWN's activities.

21. NO USAGE FEE. DOWNTOWN shall pay no fee to CITY for the use of CITY's facilities for its Hometown Holiday Festival.

22. AUTHORITY TO SIGN AGREEMENT. The individuals signing this Agreement represent that they are authorized to sign on behalf of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Agreement in duplicate the day and year first above written. This Agreement may be executed in counterparts.

Each such counterpart, executed in duplicate, shall be deemed an original hereof and all such executed counterparts shall together be one and the same instrument.

ATTEST:

CITY OF NORFOLK, NEBRASKA,
A Municipal Corporation

Brianna Duerst, City Clerk

By _____
Josh Moenning, Mayor

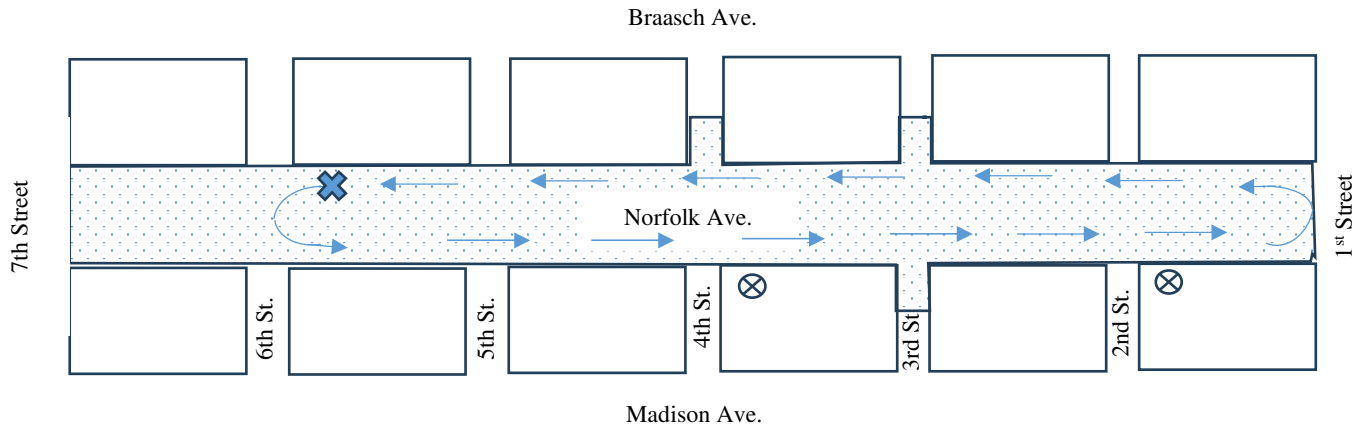
Approved as to Form: _____
Danielle Myers-Noelle, City Attorney





DOWNTOWN NORFOLK ASSOCIATION, INC.,
A Nebraska Nonprofit Corporation

By _____
Its President
Printed Name: _____

By _____
Its Treasurer
Printed Name: _____

EXHIBIT "A"



-  Hayrack Route
-  Hayrack Pickup
-  Burn Barrels
-  Street Closure

PROCLAMATION
for
“Small Business Saturday”

- Whereas,** the City of Norfolk, Nebraska, celebrates our local small businesses and the contributions they make to our local economy and community; and
- Whereas,** according to the U.S. Small Business Administration, there are 33 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62.7% of net new jobs created since 1995, and small businesses employ 46.4% of the employees in the private sector in the United States; and
- Whereas,** 68 cents of every dollar spent at a small business in the United States stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and
- Whereas,** 72% of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently-owned retailers and restaurants all year long; and
- Whereas,** the City of Norfolk, Nebraska, supports our local businesses that create jobs, boost our local economy and preserve our communities; and
- Whereas,** advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE, BE IT RESOLVED, that I, Josh Moenning, Mayor of the City of Norfolk, Nebraska, by the power vested in me, do hereby proclaim the November 25, 2023, as:

“Small Business Saturday”

in the City of Norfolk, Nebraska, and urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year.

Mayor

November 20, 2023

Seal

Assessments

Paving District No. 520
(Walters' East Knolls 14th Addition)

1-1	Mobilization	1.0	LS	\$1,200.00	\$1,200.00
1-2	Build 7" PC Concrete Pavement				
		3,778.6	SY	\$56.75	\$214,435.55
1-3	Build 4" Crushed Concrete Foundation	753.6	TONS	\$26.00	\$19,593.60
1-4	Subgrade Preparation	3,778.6	SY	\$2.00	\$7,557.20
1-5	Remove 18" CMP Roadway Pipe	70	LF	\$5.00	\$350.00
1-6	Build 18" RCP Roadway Pipe	70	LF	\$30.00	\$2,100.00
1-7	Remove Concrete header (31 L.F.)	1	EA.	\$250.00	\$250.00
1-8	Build Concrete Header (31 L.F.)	2	EA.	\$350.00	\$700.00
	Build Pedestrian Ramp w/Detectable				
1-9	Warning Plate	6	EA.	\$350.00	\$2,100.00
1-10	Adjust Sanitary Sewer Manhole to Grade	3	EA.	\$350.00	\$1,050.00
1-11	Adjust Water Valve to Grade	5.8	EA.	\$250.00	\$1,450.00
1-12	Install Low Porosity Silt Fence	60.6	LF	\$6.00	\$363.60
1-13	Extra Grading	1	EA.	\$1,500.00	\$1,500.00
1-14	18" FES	2	EA.	\$1,225.00	\$2,450.00
1-15	Rebar Mat Over Storm Sewer	1	EA.	\$750.00	\$750.00
	Century Lumber Survey Stakes				\$127.96
	Total Construction Cost				<u>\$255,977.91</u>

PLUS

Right-of-Way		\$0.00
Testing		\$2,556.00
Advertising		\$230.70
Abstracting		\$140.00
Register of Deeds		\$56.00
Bonding Company Fees		\$6,175.74
Interest		\$5,073.37
Engineering	4%	\$10,239.12
Administration at	1%	\$2,559.78
		<u>\$27,030.71</u>
		<u>\$27,030.71</u>

TOTAL PROJECT COSTS \$283,008.62

Intersection Fund	\$38,003.12
Abutting Property (Assessable)	<u>\$245,005.50</u>
	<u><u>\$283,008.62</u></u>

CERTIFIED BY



Steven D. Rames
City Engineer

Assessments

Paving District No. 520
(Walters' East Knolls 14th Addition)

TOTAL PROJECT COST **\$283,008.62**

COST PER SQUARE YARD =	Total Project Cost	\$283,008.62	
	Square Yards	3778.60	\$74.8977452

INTERSECTION FUND

Intersection @ Starr Avenue and Walters Drive

88 sq.yds. x \$74.8977452 a sq.yd. = \$6,591.00

Intersection @ Starr Avenue and Penney Lane

209.7 sq.yds. x \$74.8977452 a sq.yd. = \$15,706.06

Intersection @ Walters Drive and Benjamin Avenue

209.7 sq.yds. x \$74.8977452 a sq.yd. = \$15,706.06

TOTAL INTERSECTION FUND **\$38,003.12**

ASSESSABLE COSTS **\$245,005.50**

3271.20 sq.yds. x \$74.8977452 a sq.yd. = \$245,005.50

COST PER FRONT FOOT =	Assessable Amount	\$245,005.50	
	Number of Lots	13.00	\$18,846.5769231

Paving District No. 520
 (Walters' East Knolls 14th Addition)

<u>OWNER</u>	<u>DESCRIPTION</u>	<u>SPECIAL ASSESSMENTS</u>
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 5, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 6, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 7, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 3, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 4, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58

Paving District No. 520
(Walters' East Knolls 14th Addition)

OWNER	DESCRIPTION	SPECIAL ASSESSMENTS
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 5, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68701	Lot 6, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Daniel J. Widhelm and Lauren M. Widhelm 909 S 3rd Street Norfolk, NE 68701	Lot 7, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.57
Larry Cleveland and Phyllis Cleveland 309 Market Place Norfolk, NE 68701	Lot 1, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.57
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68704	Lot 2, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58

Paving District No. 520
 (Walters' East Knolls 14th Addition)

<u>OWNER</u>	<u>DESCRIPTION</u>	<u>SPECIAL ASSESSMENTS</u>
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68705	Lot 3, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Randall S. Walters 83933 Eagle Ridge Rd Norfolk, NE 68705	Lot 4, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.57
Jerry E. Thompson and Amber N. Thompson 804 N. Boxelder Street Norfolk, NE 68701	Lot 1, Block 18, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.57
TOTAL ASSESSMENTS		<u><u>\$245,005.50</u></u>

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska 68701

ORDINANCE NO. 5856

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 PAVING DISTRICT NO. 520 OF THE CITY OF NORFOLK, NEBRASKA, TO DEFRAID THE COST OF SAID IMPROVEMENTS; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORFOLK, NEBRASKA;

Section 1. The Mayor and Council find and determine: That the Council has heretofore designated this time and place for considering and levying special assessments upon the property specially benefited by street improvements to pay the cost of constructing same; that notice of the time and place of holding this meeting for said purpose has been duly given as provided by statute by publication in the Norfolk Daily News, a legal newspaper published and of general circulation in this City, for more than ten days before the time designated therein for holding this meeting, said publication being made in the issues of said paper published on November 8 and 15, 2023 that the Mayor and Council have at this session heard all persons who desired to be heard in reference to the special benefits or damages thereto by reason of the construction of said

improvements and with reference thereto have considered the advice of the engineer in charge of the construction of said improvements.

Section 2. The Mayor and Council find and determine that no lot or parcel of land in said Paving District No. 520 has been damaged by the construction of said improvements; that the amounts of benefits specially accruing to each lot and parcel of land in said District by reason of the construction of said improvements exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvements. The benefits are equal and uniform and the assessments shown on the schedule, hereinafter set out, are according to the number of lots or real estate within the District.

Section 3. There are hereby levied and assessed upon the several lots and parcels of land in said District special assessments to pay the cost of constructing said improvements in the amount in dollars and cents set out in the schedule below in the column headed "Special Assessments."

<u>DESCRIPTION</u>	<u>SPECIAL ASSESSMENTS</u>
Lot 5, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Lot 6, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Lot 7, Block 15, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Lot 3, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58
Lot 4, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.	\$18,846.58

Lot 5, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.58

Lot 6, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.58

Lot 7, Block 16, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.57

Lot 1, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.57

Lot 2, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.58

Lot 3, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.58

Lot 4, Block 17, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.57

Lot 1, Block 18, Walters' East Knolls 14th Addition to the City of Norfolk, Madison County, Nebraska being a part of the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. \$18,846.57

Total Assessments \$245,005.50

Section 4. That the assessment upon each lot and parcel of land is not in excess of the benefits thereto specially accruing from the construction of said improvements and the special

assessments have been apportioned among the various parcels of land in accordance with the benefits accruing to said lots and parcels of land respectively from such improvements.

Section 5. Said assessments shall be payable in ten equal installments of which the first shall become delinquent fifty (50) days after the date of the passage of this ordinance and subsequent installments shall become delinquent in one, two, three, four, five, six, seven, eight, and nine years respectively from the date of the passage of this ordinance; that each of said installments except the first, shall draw interest from the date of the passage of this ordinance at the rate of five per centum (5%) per annum, payable annually until the same become delinquent and after the same become delinquent interest at the rate specified by law for delinquent special assessments for such improvements shall be paid thereon; provided all said assessments may be paid at one time on any lot or land within fifty (50) days from the date of levy without interest. For payments made within fifty (50) days, the amount due shall be reduced by ninety-one hundredths per centum (0.91%), which represents the net underwriting fees and bonding costs that will not be incurred by the City as a result of the payment being made in fifty (50) days.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED this ____ day of _____, 20____.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

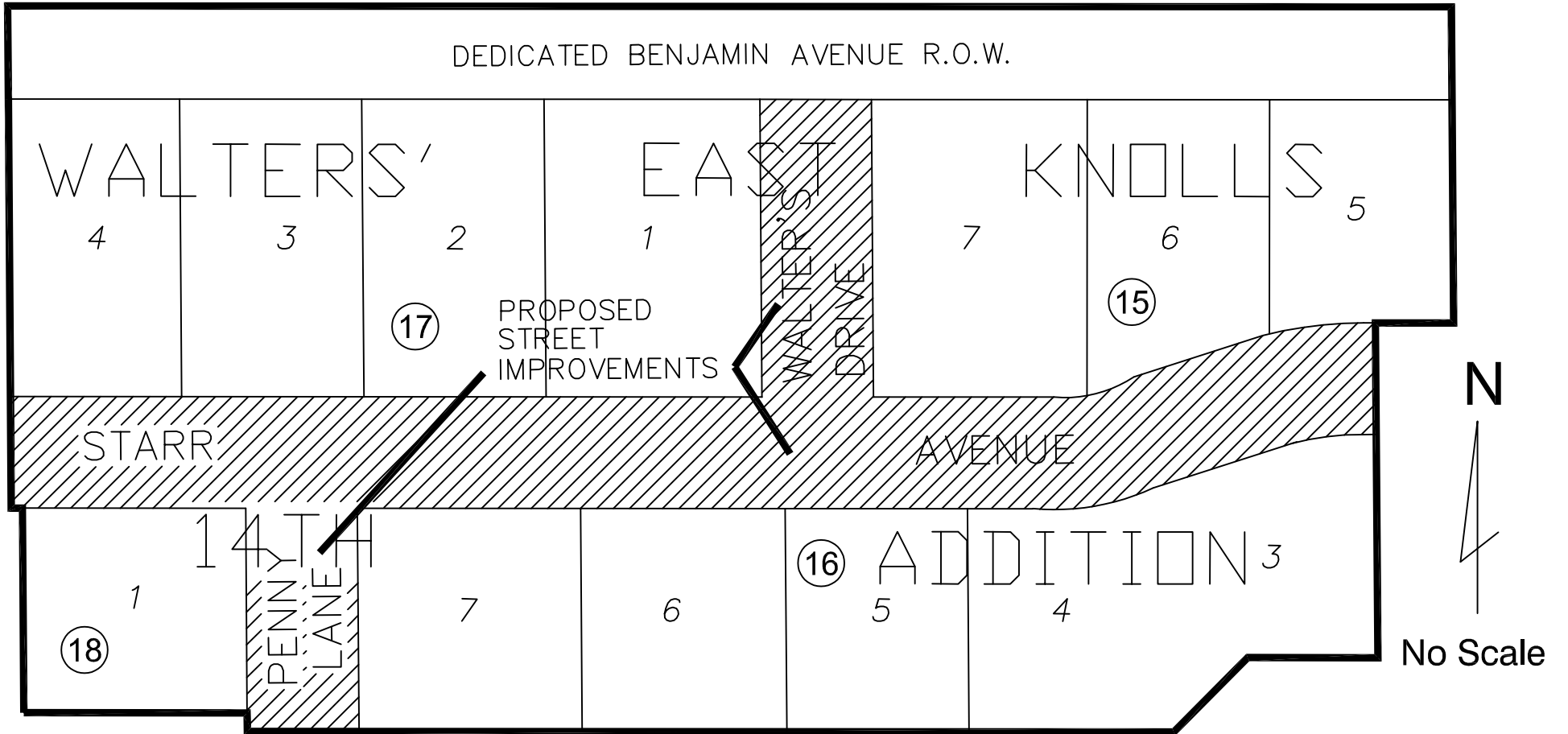
(S E A L)

Approved as to form:

Danielle L. Myers-Noelle, City Attorney

Paving District No. 520

Walters' East Knolls 14th Addition



Valerie Grimes

From: Gary Hilkemann <ghilkemann@servpronorfolkne.com>
Sent: Friday, November 3, 2023 11:26 AM
To: Valerie Grimes
Subject: Ordinance amendment chapter 27

Val,

Thank you for explaining to me the proposed Ordinance changes to Chapter 27 of City Code. Since 1992 most of the projects I have worked on have been for low-moderate income families as well as elderly-handicap families in the City of Norfolk. I have found that one needs to be quite creative to help these families out.

I am sure we can all agree that there are numerous non-conforming basements in the City limits rented out to people. College students, single persons, small families. Many of these can't afford some of the higher rents that are in our market today. I would rather see the proactive ordinance change that allows these basements to be conforming and keep our families safe in the City of Norfolk.

Current median income levels for a family of 4 in Madison County Nebraska is \$87,300.00. The 80% income limit is \$68,000.00, and 50% is \$42,500.

Current Department of Housing and Urban Development fair market rents for a 3 bedroom are \$1,203.00. 65% rent limits are \$1,105.05.

Based on rental rates of new construction units we all know that most units are above these limits. Two family members working 40 hours a week at \$18.00 an hour are paying well over 30% of their income for housing. There are many families in our community that make less than \$18.00 an hour and struggle to make ends meet.

Although changing the Ordinance will not in my opinion create a "rush" of people converting their homes to help supplement incomes but can possibly supply some additional rental units for college students and other low-income families to be able to rent something within their means. It can also help create jobs for local contractors.

In my opinion this is one of the best ideas to come forward in the City in many years. Although I am sure there will be those opposed to these changes, the City must find more ways to help our low-moderate income as well as our elderly-handicap families. There will be hiccups to start, such as does the current home meet regulations and codes to convert.

This email is in no way intended to be anything other than my personal opinion and not of a Company opinion of the Ordinance change.

Sincerely
Gary Hilkemann

November 16, 2023

Honorable Mayor
and
City Council

Dear Mayor and Council:

The Norfolk Planning Commission held a public hearing on November 7, 2023, to consider approval of an amendment to Section 27-114 of the Official City Code to change “single family residential district” to “one and two family residential district”; to amend Chapter 27, Division 6, of code to change “one- and two- family residential district” to “one to four family residential district”; to amend Section 27-114 of the Code to update height regulations in “multiple family residential district”.

The Planning Commission recommends approval of the amendment with a 6-0 vote.

Sincerely,



Dirk Waite, Vice-Chair
Norfolk Planning Commission

ORDINANCE NO. 5857

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND CHAPTER 27, DIVISION 5, OF THE OFFICIAL CITY CODE TO CHANGE “SINGLE-FAMILY RESIDENTIAL DISTRICT” TO “ONE AND TWO FAMILY RESIDENTIAL DISTRICT”; TO AMEND CHAPTER 27, DIVISION 6, OF THE CODE TO CHANGE “ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT” TO “ONE TO FOUR FAMILY RESIDENTIAL DISTRICT”; TO AMEND SECTION 27-114 OF THE CODE TO UPDATE HEIGHT AND AREA REGULATIONS IN “MULTIPLE FAMILY RESIDENTIAL DISTRICT”; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That Chapter 27, Division 5, of the Official City Code be and the same is hereby amended to read as follows:

CHAPTER 27 ZONING

DIVISION 5. DISTRICT R-1, SINGLE-ONE AND TWO FAMILY RESIDENTIAL DISTRICT

Sec. 27-91. Intent - District R-1.

The ~~Single family~~ One and Two Family Residential District (R-1) is intended for both developed and developing portions of the city. This district is typically for single-family residences and two-family residences that have a similar form and mass to the single-family residences but does have a larger list of potential conditional uses which may be appropriate in some areas of this district.

Sec. 27-92. Permitted uses - District R-1.

In District R-1, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered as a permitted use, except for one or more of the following or as provided for in Sec. 27-601:

- (1) Single-family residential (detached).
- ~~(2)~~ Single-family residential (attached), up to 2 units.
- ~~(3)~~ Duplex residential.
- ~~(2)~~ (4) Manufactured home dwellings.
- ~~(3)~~(5) Accessory dwelling units, as per Sec. 27-287(b).
- ~~(4)~~(6) Religious assemblies.
- ~~(5)~~(7) Community buildings, public museums and public libraries.
- ~~(6)~~(8) Publicly owned parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings and police and fire stations.
- ~~(7)~~(9) Schools and private schools.
- ~~(8)~~(10) Railroad rights-of-way not including railroad yards or buildings.
- ~~(9)~~(11) Home occupations.
- ~~(10)~~(12) Accessory buildings with a combined floor area less than the greater of 8% of the total lot area or 864 square feet per lot or four hundred (400) square feet per dwelling unit, whichever is greater, provided that the total square footage of all accessory buildings on a single lot shall not exceed 2,000 square feet. The accessory building shall not be utilized for any non-residential use unless said use is a permitted use within the district.
- ~~(11)~~(13) Soil extraction for public road purposes when meeting the requirements set forth in Section 27-293.

Sec. 27-93. Conditional uses - District R-1.

In District R-1, the following conditional uses, as well as those provided for in Sec. ~~27-~~401 27-601, may be allowed. Any conditional use permit shall include as minimal conditions those conditions specifically set forth in this section for each conditional use listed. Additional

conditions, stipulations, or restrictions may also be required as is deemed necessary for the protection of the public interest.

- (1) Accessory buildings with a combined floor area in excess of the greater of 8% of the total lot area or 864 square feet. The accessory building shall not be utilized for any non-residential use unless said use is a permitted use within the district.
- (2) Golf courses and customary accessory uses including club houses and driving ranges; except that miniature golf, driving ranges and other similar activities operated as a stand-alone business shall not be allowed.
 - a. No parking shall be allowed within fifty (50) feet of a property line and shall be screened from adjacent residential properties.
 - b. All principal or accessory structures shall be set back a minimum of one hundred (100) feet from any property line.
- (3) Temporary real estate offices.
 - a. Such offices shall be located on property being sold and limited to the period of sale but not to exceed two (2) years.
 - b. Building and setback regulations and lot size requirements shall be the same as for single-family dwellings.

Sec. 27-94. Height and Area Regulations - District R-1.

(a) In District R-1, unless otherwise specified, the maximum height and minimum lot requirements shall be as follows:

	Max Height	Front Yard	Side Yard	Rear Yard	Lot Width	Site Area per Unit	Lot Area	Max Building Coverage
Single-Family Detached Permitted Uses	35' See (5) below	15' to house 25' to garage	7' See (1) below for additional requirements	See (2) below	70' 50'	5,000 sq. ft.	7,000 sq. ft. 5,000 sq. ft.	40% 50%
Single-Family Attached (up to 2 units) Permitted Uses	35' See (5) below	15' to house 25' to garage	7' See (1) below for additional requirements	See (2) below	25'	3,000 sq. ft.	3,000 sq. ft.	55%
Duplex Permitted Uses	35' See (5) below	15' to house 25' to garage	7' See (1) below for additional requirements	See (2) below	50'	3,000 sq. ft.	6,000 sq. ft.	55%

Other Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below for additional requirements	See (2) below	70' <u>50'</u>	<u>6,000 sq.</u> <u>ft.</u>	7,000 sq. ft. <u>6,000 sq. ft.</u>	40% <u>50%</u>
Conditional Uses (3)	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below for additional requirements	See (2) below	70' <u>50'</u>	<u>6,000 sq.</u> <u>ft.</u>	7,000 sq. ft. <u>6,000 sq. ft.</u>	40% <u>50%</u>

- (1) Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet with garage at twenty-five (25) feet; provided, however, this regulation shall not reduce the buildable width of a corner lot in separate ownership as of the effective date of this chapter to less than thirty-five (35) feet.
- (2) The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet.
- (3) Unless modified as a part of a site plan or conditional use permit.
- (4) Maximum lot size shall not exceed ~~2-acres~~ 1 acre.
- (5) With a conditional use permit, height may be increased except that in all instances must comply with airport zoning.

(b) Where a lot in separate ownership as of ~~the effective date of this chapter~~ (*insert date of Ordinance*) has less area and/or width than herein required, this regulation shall not prohibit the erection of a single-family dwelling.

(c) Minimum first story size of a dwelling shall be six hundred fifty (650) square feet of living floor area.

(d) Accessory buildings and structures shall comply with the requirements of Sec. 27-287.

(e) Zero lot lines shall be allowed for single-family detached residential structures. Zero lot line requirements shall be as follows:

(1) When a zero lot line is utilized:

- a. The opposite side yard shall be fourteen (14) feet.
- b. There shall be provided a five (5) foot easement on the adjoining lot for maintenance, repair, and roof drainage.
- c. In no case shall there be less than fourteen (14) feet between buildings.
- d. There shall be no openings in a wall on a zero lot line.

(2) The zero lot line and easements shall be established on the subdivision plat.

(3) There shall be a rear yard of at least twenty (20) feet.

(f) A party wall agreement shall be recorded in the office of the Register of Deeds prior to issuance of a certificate of occupancy for any attached unit building and when a zero lot line is

utilized for single-family detached. Such agreement shall set terms for maintenance and upkeep of the entire structure and individual units including color, materials and access for maintenance and repairs.

(g) The scale, mass and form of the attached unit buildings shall be compatible, comparable, and designed to be similar to the single-family residences, so that the buildings are architecturally harmonious with the surrounding residential area.

Secs. 27-95--27-100. Reserved.

Section 2. That Chapter 27, Division 6, of the Official City Code be and the same is hereby amended to read as follows:

CHAPTER 27 ZONING

DIVISION 6. DISTRICT R-2, ONE ~~AND TWO~~ TO FOUR FAMILY RESIDENTIAL DISTRICT

Sec. 27-101. Intent - District R-2.

The One ~~and Two~~ to Four Family Residential District (R-2) is intended as a moderate density, ~~single and two family dwelling residential~~ residential district. It is intended for developing and developed portions of the city and recognizes existing, developed neighborhoods as well as promoting small lots for affordable housing options. As such it is essential that the height and area requirements be maintained.

Sec. 27-102. Permitted uses - District R-2.

In District R-2, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered as a permitted use, except for one or more of the following or as provided for in Sec. 27-601:

- (1) Single-family residential (detached ~~and attached~~).
- (2) Single-family residential (attached), up to 2 units.
- (3) Duplex residential.
- (4) Townhouse residential, up to 4 units.
- ~~(2)~~(5) Manufactured home dwellings.
- ~~(3)~~ Duplex residential.
- ~~(4)~~(6) Accessory dwelling units, as per Sec. 27-287(b).

- ~~(5)~~(7) Religious assemblies.
- ~~(6)~~ (8) Community buildings, museums and libraries.
- ~~(7)~~(9) Publicly owned parks and playgrounds, including public recreations or service buildings with such parks, public administrative buildings and police and fire stations.
- ~~(8)~~(10) Schools and private schools.
- ~~(9)~~(11) Railroad rights-of-way not including railroad yards or buildings.
- ~~(10)~~(12) Home occupations.
- ~~(11)~~(13) Soil extraction for public road purposes when meeting the requirements set forth in Section 27-293.

Sec. 27-103. Conditional uses - District R-2.

In District R-2, the following conditional uses, as well as those provided for in Sec. 27-401-~~601~~, may be allowed. Any conditional use permit shall include as minimal conditions those conditions specifically set forth in this section for each conditional use listed. Additional conditions, stipulations, or restrictions may also be required as is deemed necessary for the protection of the public interest.

- (1) Golf courses and customary accessory uses including club houses and driving ranges; except that miniature golf, driving ranges and other similar activities operated as a stand-alone business shall not be allowed.
 - a. No parking shall be allowed within fifty (50) feet of a property line and shall be screened from adjacent residential properties.
 - b. All principal or accessory structures shall be set back a minimum of one hundred (100) feet from any property line.
- (2) Temporary real estate offices.
 - a. Such offices shall be located on property being sold and limited to the period of sale but not to exceed two (2) years.
 - b. Building and setback regulations and lot size requirements shall be the same as for single-family dwellings.
- ~~(3) Townhouse residential with no more than four (4) units attached in a single structure.~~

Sec. 27-104. Height and Area Regulations - District R-2.

(a) In District R-2, unless otherwise specified, the maximum height and minimum lot requirements shall be as follows:

	Max Height	Front Yard	Side Yard	Rear Yard	Lot Width	Site Area per Unit	Min Lot Area	Building Coverage
Single-Family Detached Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	50' <u>40'</u>	5,000 <u>4,000 sq.</u> ft.	5,000 <u>4,000</u> sq. ft.	50% <u>55%</u>
Single-Family Detached (zero lot line)	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	14' one side, 0' opposite side. See (1) below	See (2) below	50' <u>40'</u>	5,000 <u>4,000 sq.</u> ft.	5,000 <u>4,000</u> sq. ft.	50% <u>55%</u>
Single-Family Attached (<u>up to 2 units</u>) Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	40' <u>25'</u>	5,000 <u>3,000 sq.</u> ft.	4,000 sq. ft. <u>3,000 sq. ft.</u>	50% <u>60%</u>
Duplex Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	60' <u>50'</u>	3,000 sq. <u>ft.</u>	6,000 sq. ft.	50% <u>60%</u>
Townhouse (<u>3 units up to 4 units</u>) Permitted Conditional Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	25'	4,000 <u>3,000 sq.</u> ft.	3,000 sq. ft. (if have individual lot lines); <u>9,000 sq. ft. (if no individual lot lines)</u>	50% <u>60%</u>
Conditional Uses (3)	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	50'		5,000 sq. ft.	50% <u>60%</u>

- (1) Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet with garage at twenty-five (25) feet; provided, however, this regulation shall not reduce the buildable width of a corner lot in separate ownership as of the effective date of this chapter to less than thirty-five (35) feet.
- (2) The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet. On corner lots, twenty percent (20%) of the shortest lot dimension may be used as the required rear yard setback.
- (3) Unless modified as a part of a site plan or conditional use permit.
- (4) Maximum lot size shall not exceed ~~2 acres~~ 1 acre.
- (5) With a conditional use permit, height may be increased except that in all instances must comply with airport zoning.

(b) Where a lot in separate ownership as of ~~the effective date of this chapter~~ (insert date of Ordinance) has less area and/or width than herein required, this regulation shall not prohibit the erection of a single-family dwelling or other permitted use meeting the area requirements.

(c) Minimum first story size of a dwelling unit shall be six hundred fifty (650) square feet of living floor area.

(d) Zero lot lines shall be allowed for single-family detached residential structures. Zero lot line requirements shall be as follows:

- (1) When a zero lot line is utilized:
 - a. The opposite side yard shall be fourteen (14) feet.
 - b. There shall be provided a five (5) foot easement on the adjoining lot for maintenance, repair, and roof drainage.
 - c. In no case shall there be less than fourteen (14) feet between buildings.
 - d. There shall be no openings in a wall on a zero lot line.
- (2) The zero lot line and easements shall be established on the subdivision plat.
- (3) There shall be a rear yard of at least twenty (20) feet.
- ~~(4)~~

(e) A party wall agreement shall be recorded in the office of the Register of Deeds prior to issuance of a certificate of occupancy for any attached unit building and when a zero lot line is utilized for single-family detached. Such agreement shall set terms for maintenance and upkeep of the entire structure and individual units including color, materials and access for maintenance and repairs.

~~(e)(f)~~ Accessory buildings and structures shall comply with the requirements of Sec. 27-287. The total square footage of floor area for accessory buildings, including detached garages, shall not exceed eight hundred sixty-four (864) square feet per ~~dwelling unit~~ lot or four hundred (400) square feet per dwelling unit, whichever is greater.

(g) The scale, mass and form of the attached unit buildings shall be compatible, comparable and designed to be similar to the single-family residences, so that the buildings are architecturally harmonious with the surrounding residential area.

Secs. 27-105--27-110. Reserved.

Section 3. That Sec. 27-114 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 27-114. Height and Area Regulations - District R-3.

(a) In District R-3, unless otherwise specified, the maximum height and minimum lot requirements shall be as follows:

	Max Height	Min Front Yard	Min Side Yard	Min Rear Yard	Min Lot Width	Min Site Area per Unit	Min Lot Area	Max Building Coverage
Single-Family Detached Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	50' <u>40'</u>	5,000 <u>4,000 sq. ft.</u>	5,000 <u>4,000 sq. ft.</u>	60%
Single-Family Attached (<u>up to 2 units</u>) Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	40' <u>25'</u>	4,000 <u>2,500 sq. ft.</u>	4,000 sq. ft. <u>2,500 sq. ft.</u>	60%
Duplex Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	60' <u>50'</u>	3,000 <u>2,500 sq. ft.</u>	6,000 sq. ft. <u>5,000 sq. ft.</u>	60%
Townhouse (<u>3 or more units</u>) Permitted Uses	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	25'	3,000 <u>2,500 sq. ft.</u>	<u>2,500 sq. ft. (if have individual lot lines); 7,500 sq. ft. (if no individual lot lines)</u>	60%
Multiple-Family Permitted Uses	45'	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	50'	2,000 <u>1,500 sq. ft.</u>	6,000 sq. ft. <u>4,500 sq. ft.</u>	60%
Multiple-Family Permitted Uses with building height greater than 45 feet	Limited by airport zoning	<u>15' to house</u> <u>25' to garage</u>	Greater of 15' or 40% of building height (1)	Greater of 15' or 40% of building height (2)	70'	See (3) below	10,000	60%
Conditional Uses (4)	35' See (5) below	<u>15' to house</u> <u>25' to garage</u>	7' See (1) below	See (2) below	50'		5,000 sq. ft.	60%

- (1) Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet with garage at twenty-five (25) feet; provided, however, this regulation shall not reduce the buildable width of a corner lot in separate ownership as of the effective date of this chapter to less than thirty-five (35) feet.
- (2) The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet. On corner lots, twenty percent (20%) of the shortest lot dimension may be used as the required rear yard setback.
- (3) Multiple-family dwellings with a building height exceeding forty-five (45) feet consisting of five (5) or more dwelling units shall meet the following site area requirements:
Three or more bedrooms per dwelling unit: 1,000 sq. ft. per unit
Two bedrooms per dwelling unit: 850 sq. ft. per unit
One bedroom per dwelling unit: 700 sq. ft. per unit
Efficiency apartments: 530 sq. ft. per unit
- (4) Unless modified as part of a site plan or conditional use approval.
- (5) With a conditional use permit, height may be increased except that in all instances must comply with airport zoning.
- (6) Maximum lot size shall not exceed 1 acre for one (1) to four (4) dwelling unit uses.

(b) Where a lot in separate ownership as of ~~the effective date of this chapter~~ *(insert date of Ordinance)* has less area and/or width than herein required, this regulation shall not prohibit the erection of a single-family dwelling or other permitted use meeting the area requirements.

(c) Minimum first story size of a dwelling unit shall be six hundred fifty (650) square feet of living floor area.

(d) Zero lot lines shall be allowed for single-family detached residential structures. Zero lot line requirements shall be as follows:

(1) When a zero lot line is utilized:

- a. The opposite side yard shall be fourteen (14) feet.
- b. There shall be provided a five (5) foot easement on the adjoining lot for maintenance, repair, and roof drainage.
- c. In no case shall there be less than fourteen (14) feet between buildings.
- d. There shall be no openings in a wall on a zero lot line.

(2) The zero lot line and easements shall be established on the subdivision plat.

(3) There shall be a rear yard of at least twenty (20) feet.

~~(4)~~

(e) A party wall agreement shall be recorded in the office of the Register of Deeds prior to issuance of a certificate of occupancy for any single-family attached, duplex and townhouse unit building, and when a zero lot line is utilized for single-family detached. Such agreement shall set terms for maintenance and upkeep of the entire structure and individual units including color, materials and access for maintenance and repairs.

~~(e)~~(f) Accessory buildings and structures shall comply with the requirements of Sec. 27-287. The total square footage of floor area for accessory buildings, including detached garages, shall not exceed eight hundred sixty-four (864) square feet per ~~dwelling unit~~ lot or four hundred (400) square feet per dwelling unit, whichever is greater.

(g) The scale, mass and form of the 2- 4 dwelling units attached unit buildings shall be compatible, comparable and designed to be similar to the single-family residences, so that the buildings are architecturally harmonious with the surrounding residential area.

Section 4. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

ORDINANCE NO. 5858

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO REDUCE THE SPEED LIMIT ON 1ST STREET FROM NORFOLK AVENUE TO PROSPECT AVENUE; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That Section 24-110 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 24-110. Speed limits for specific streets—Generally.

Except as otherwise provided, no person shall operate a vehicle in the areas designated below at a speed in excess of that shown below or as otherwise posted:

Street or area	From (Entire street if not otherwise indicated)	To	Speed (Miles per hour)
Benjamin Ave.	Victory Rd.	First railroad crossing east of 1 st Street	40
Benjamin Ave.	First railroad crossing east of 1 st Street	27 th Street	35
Benjamin Ave.	27 th Street	West city limits	45
Bonita Dr.			25
Braasch Ave.	1 st St.	7 th St.	25
Eisenhower Ave.	Victory Rd.	First Railroad crossing west of Victory Rd.	50
Eisenhower Ave.	13 th St.	25 th St.	45
Georgia Ave.	Riverside Blvd.	13 th St.	30
Madison Ave.	1 st St.	7 th St.	25

Street or area	From (Entire street if not otherwise indicated)	To	Speed (Miles per hour)
Madison Ave.	7 th St.	13 th St.	30
Magnet Dr.	Victory Rd.	West to Dead End	35
Monroe Ave.	1 st St.	300 ft. west of 5 th St.	25
Monroe Ave.	300 ft. west of 5 th St.	13 th St.	45
Monroe Ave.	1 st St.	East city limits	35
Norfolk Ave.	Highway 35	Grandview Dr.	45
Norfolk Ave.	West edge of roundabout at the junction of Norfolk Ave. and Nebraska Highway 35 North	East end of Bridge over North Fork of Elkhorn River	35
Norfolk Ave.	East end of Bridge over North Fork of Elkhorn River	9 th St.	25
Norfolk Ave.	9 th St.	18 th St.	35
Norfolk Ave.	18 th St.	31 st St.	40
North Airport Rd.	13 th St.	2500 feet West of 13 th St.	40
North Airport Rd.	2500 feet West of 13 th St.	West city limits	55
Omaha Ave.	East city limits	Pine Industrial Rd.	50
Omaha Ave.	Pine Industrial Rd.	20 th Street	35
Omaha Ave.	20 th Street	37 th St.	45
Omaha Ave.	37 th St.	West city limits	50
Pasewalk Ave.			30
Prospect Ave.	3 rd St.	7 th St.	25
Prospect Ave.	7 th St.	25 th St.	30
Queen City Blvd.			30
Riverside Blvd.	Maple Ave.	Benjamin Ave.	35
Riverside Blvd.	Benjamin Ave.	13th St.	40
Sherwood Rd.	1 st St.	2860 ft. west of 1 st St.	45
Taylor Ave.	Pasewalk Ave.	25 th St.	30
Valley View Dr.	Norfolk Ave.	25 th St.	15
Victory Rd.	Omaha Ave.	South city limits	30

Street or area	From (Entire street if not otherwise indicated)	To	Speed (Miles per hour)
Victory Rd.	Norfolk Ave.	North city limits	40
1 st St.	South city limits	Elkhorn River bridge	55
1 st St.	Elkhorn River bridge	Jackson Ave.	40
1 st St.	Jackson Ave.	Andrews Dr. Norfolk Ave.	35
<u>1st St.</u>	<u>Norfolk Ave.</u>	<u>Prospect Ave.</u>	<u>25</u>
<u>1st St.</u>	<u>Prospect Ave.</u>	<u>Andrews Dr.</u>	<u>35</u>
1 st St.	Andrews Dr.	North city limits	45
3 rd St.	Omaha Ave.	Madison Ave.	30
4 th St.	Northwestern Ave.	Phillip Ave.	30
4 th St.	Phillip Ave.	Elm Ave.	25
4 th St.	Elm Ave.	Maple Ave.	35
5 th St.	Omaha Ave.	Madison Ave.	30
6 th St.	Omaha Ave.	Madison Ave.	30
7 th St.	Omaha Ave.	Prospect Ave.	30
13 th St.	South city limits	N. Airport Rd.	55
13 th St.	N. Airport Rd.	Monroe Ave.	50
13 th St.	Monroe Ave.	500 feet south of Omaha Ave.	45
13 th St.	500 feet south of Omaha Ave.	Maple Ave.	35
13 th St.	Maple Ave.	Benjamin Ave.	45
13 th St.	Benjamin Ave.	North city limits	50
18 th St.	Pasewalk Ave.	300 feet south of Imperial Rd.	30
25 th St.	South city limits	North Airport Rd.	55
25 th St.	Omaha Ave.	North city limits	35
37 th St.	South city limits	North city limits	40
45 th St.	South city limits	Omaha Ave.	55
49 th St.	U.S. Highway 275	North city limits	45
Nebraska Highway 35	Omaha Ave.	Norfolk Ave.	55
Nebraska Highway 35	Victory Rd.	1500 feet east of Victory Rd.	45

Street or area	From (Entire street if not otherwise indicated)	To	Speed (Miles per hour)
Nebraska Highway 35	1500 feet east of Victory Rd.	East city limits	60
U.S. Highway 275	1500 feet west of 13th St.	700 feet west of 20th St.	40
U.S. Highway 275	700 feet west of 20th St.	555 feet west of 25th Street	45
U.S. Highway 275	555 feet west of 25th Street	3000 feet west of 37 th St.	50
U.S. Highway 275	3000 feet west of 37 th St.	West city limits	70
All alleys			15
All park and recreational areas owned by the city			15

Section 2. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

Danielle Myers-Noelle
City Attorney

dnoelle@norfolkne.gov

AGENDA MEMO

To: Mayor and City Council

Agenda: City Council Meeting

Date: November 20, 2023

Item #: 25

Subject: Amending Section 4-18 of the City Code to change a reference from “cross” animal to “aggressive” animal

Staff Contact: Danielle Myers-Noelle
City Attorney

BACKGROUND: Since at least 1988, the City Code has referred to dangerous or ferocious dogs and cats as “cross” dogs and cats. When a charge is filed against someone who owns/houses/maintains a dangerous or ferocious dog or cat, the charge we file with the court is entitled “Harboring a Cross Dog/Cat.”

There have been numerous instances where we were contacted by citizens who have been charged with cross dog and they don’t understand the charge. We have heard comments such as, “My dog is not a purebred but not everyone can afford those”; or “Who determines what a cross dog is since there are many hybrid dog breeds like labradoodles, cockapoos, etc.”; or “How can it be against the law to have a cross-breed dog?”.

Since the word “cross” is not as widely-used as in the past when referring to a mean or aggressive animal, we considered changing the wording in the Code section and concluded that the term “aggressive” animal more clearly describes the kind of animal that would warrant a charge being filed under Section 4-18.

DISCUSSION: The City Council is required to determine if changing the term “cross” animal to “aggressive” animal in Section 4-18 of the City Code should be made for clarification purposes and to aid in a potential violator’s understanding of the charge.

FISCAL IMPACT: There is no fiscal impact.

RECOMMENDATION: City Attorney recommends that the Council approve the amendment to Section 4-18 of the Code to refer to “aggressive” animals rather than “cross” animals.

ATTACHMENTS: Ordinance

ORDINANCE NO. 5859

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-18 OF THE OFFICIAL CITY CODE TO CHANGE A REFERENCE FROM “CROSS” ANIMAL TO “AGGRESSIVE” ANIMAL; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That Section 4-18 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 4-18. Aggressive Cross dogs or cats.

(a) It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control any dog or cat of an aggressive, a ~~cross~~, dangerous, or ferocious disposition as manifested by biting, habitual snapping, scratching, or growling, or otherwise acting so as to endanger a person or property without said dog or cat being securely fastened within the premises of the owner by a chain, or confined by an appropriate fence or enclosure, so that the dog or cat cannot be closer than six (6) feet from the public sidewalk and cannot go beyond the property line of the owner, and secured in such a manner that it does not cause injury or pose a threat of injury to any person or the property of any person who is lawfully on the premises of the owner. If, upon the hearing or trial of any offense mentioned in this chapter, it shall appear to the court that said dog or cat is still living, said court may, in addition to the usual judgment of conviction, order the chief of police to forthwith put the dog or cat to death. It shall be unlawful for any person to tease, annoy, or irritate any such dog or cat chained, or confined by an appropriate fence or enclosure, as hereinbefore described and which is within the owner's premises. For the purpose of this section, any dog owned or harbored primarily or in part for the purpose of dog-fighting or any dog trained for dog-fighting shall be defined as an aggressive ~~a cross~~ dog.

(b) In the event the judge shall, pursuant to this section, at hearing or trial order an animal put to death, the animal shall immediately be impounded by the animal control officer or a police officer if prior to the hearing or trial the animal was not previously impounded.

(c) Upon an order of destruction of an animal by the judge pursuant to this section, the animal to be destroyed shall be impounded and shall not actually be destroyed until:

- (1) The time to perfect an appeal to the district court has expired, or;
- (2) The owner of the animal to be destroyed signs a written declaration indicating that the order of the court pertaining to destruction will not be appealed and that the owner consents to the destruction of the animal.

(d) During the time the animal to be destroyed is being held pursuant to subparagraph (c) above, the owner shall continue to be responsible for the costs of impoundment as provided in this chapter.

Section 2. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of November, 2023.

ATTEST:

Josh Moenning, Mayor

Brianna Duerst, City Clerk

(S E A L)

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

ORDINANCE NO. 5853

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$1,270,000) FOR THE PURPOSES OF PURCHASING PUBLIC SAFETY EQUIPMENT AND PUBLIC SAFETY BUILDING IMPROVEMENTS AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. The Mayor and Council of the City of Norfolk, Nebraska (the “City”), hereby find and determine as follows:

(a) it is necessary for the City to provide funds for the purpose of purchasing public safety equipment and public safety building improvements and to pay miscellaneous costs associated therewith;

(b) in order to pay the cost of the foregoing, it is necessary and advisable for the City to issue its Public Safety Equipment Tax Anticipation Bonds;

(c) the taxable valuation of all taxable property within the City, as most recently determined (2023-2024), is \$2,371,569,304;

(d) the City has the following bonds outstanding under the provisions of Section 18-1202 R.R.S. Neb. 2012, as amended:

<u>Issue</u>	<u>Date</u>	<u>Original Principal Amount</u>	<u>Amount Outstanding</u>	<u>Final Maturity Date</u>
Series 2016	08/18/16	\$505,000	\$290,000	08/01/31
Series 2019	09/10/19	2,290,000	1,640,000	09/15/32
Series 2021A	03/23/21	850,000	670,000	12/15/29
Series 2021B	03/23/21	1,065,000	975,000	12/15/40

said bonds hereinafter being referred to as the “Outstanding Bonds”;

(e) pursuant to Section 18-1201 Reissue Revised Statutes of Nebraska, 2012, as

amended, the Mayor and Council of the City of Norfolk do hereby provide for the levying of a special tax, all as more specifically described in Section 11 hereof, and such special tax is sufficient to provide for payment of the principal of and interest on the Outstanding Bonds and the bonds herein authorized;

(f) the annual debt service on the bonds herein authorized (and the Outstanding Bonds) does not in any year exceed \$550,000;

(g) all conditions, acts and things required by law to exist or to be done precedent to the issuance of Public Safety Equipment Tax Anticipation Bonds pursuant to Section 18-1201 R.R.S. Neb. 2012, as amended, do exist and have been done as required by law.

Section 2. For the purposes specified in Section 1 hereof, there shall be and there are hereby ordered issued Public Safety Equipment Tax Anticipation Bonds, in the principal amount of not to exceed One Million Two Hundred Seventy Thousand Dollars (\$1,270,000) (the "Bonds"), provided, that the Bonds shall mature in such amounts and on such dates and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or the City Treasurer (each, an "Authorized Officer") on behalf of the City and agreed to by Piper Sandler & Co. (the "Underwriter"), which Designation may also determine or modify the principal amount, interest rate or maturity date of the Bonds, mandatory redemption provisions (if any) and pricing terms as set forth in Section 9 hereof, all within the following limitations:

(a) the aggregate principal amount of the Bonds shall not exceed the amount stated in this Section 2 above, provided, however, in the event the Bonds are sold with a net original issue discount such aggregate principal amount may be increased in an amount necessary to compensate for any such net original issue discount;

(b) the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of two percent (2.00%) of the stated principal amount of the Bonds;

(c) the longest maturity of the Bonds may not be later than December 15, 2037;

(d) the true interest cost of the Bonds shall not exceed 6.50%;

(e) two or more of the principal maturities may be combined and issued as "term bonds" and each of the Authorized Officers may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated).

Each of the Authorized Officers is hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the Mayor and Council.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall bear date of original issue of the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on June 15 and December 15 of each year (except as otherwise provided in the Designation), commencing June 15, 2024 (or such other date or dates as may be set forth in the Designation, each of said dates an "Interest Payment Date") and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (or such other date as provided in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the City's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or date of redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and accrued interest thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Unless otherwise provided in the Designation, the City Treasurer is hereby designated as the Paying Agent and Registrar for the Bonds. The City reserves the right in the discretion of the Mayor and Council to appoint a bank or trust company as successor to the City Treasurer in the capacity of Paying Agent and Registrar under the terms of an agreement to be approved at the time of any such designation. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the

denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Norfolk, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. In addition to any mandatory sinking fund redemptions that may be set forth in the Designation, the Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other redemption date as set forth in the Designation), at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City in the case of optional redemptions and without further direction in the case of mandatory redemptions, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective

notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be in amounts and on terms set forth in the Designation, at the principal amount redeemed plus accrued interest to the date set for redemption. The Paying Agent and Registrar shall select the term bonds to be redeemed in any maturity using any random method of selection deemed appropriate, subject to the provisions of Section 8 of this Ordinance.

Section 7. The Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA**

**PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BOND
THE CITY OF NORFOLK, NEBRASKA
SERIES 2023**

No. _____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	_____	_____, 2023	

Registered Owner:

Principal Amount: _____ Dollars (\$ _____)

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Norfolk, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date to which interest has been paid or provided for, whichever is later, at the rate per annum specified above, payable semiannually on _____ and _____ of each year, commencing _____, 20__ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the office of the City Treasurer, the Paying Agent and Registrar, in Norfolk, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of _____ Dollars (\$ _____), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of purchasing public safety equipment and public safety building improvements, and to pay miscellaneous costs associated therewith all in strict compliance with Section 18-1201 and 18-1202 R.R.S. Neb. 2012, as amended. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed, approved and published by the Mayor and

Council of said City (the “Ordinance”).

Bonds of this issue are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed at said registered owner’s address in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner’s attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Norfolk, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City has agreed to make a special levy of taxes as permitted by Section 18-1201 R.R.S. Neb., 2012, as amended, of not more than 5¢ per \$100 of taxable value on all the taxable property within the City, which tax shall be sufficient in rate and amount to fully pay the principal and interest of this bond, the other bonds of this issue and the Outstanding Bonds, as defined in the Ordinance, as the same become due. The City agrees that said bonds, together with said Outstanding Bonds, shall be secured by such tax so assessed and levied and shall be payable out of the funds derived from such tax.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of Norfolk, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF NORFOLK, NEBRASKA

(Sample – Do Not Sign)
Mayor

ATTEST:

(Sample – Do Not Sign)
City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION
AND REGISTRATION**

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

(Sample – Do Not Sign)
City Treasurer, Paying Agent and Registrar
for the City of Norfolk, Nebraska

(Form of Assignment)

For value received _____ hereby sells, assigns and transfers unto _____ (Social Security or Taxpayer I.D. No. _____) the within bond and hereby irrevocably constitutes and appoints _____, attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Dated: _____
Registered Owner(s)

Signature Guaranteed

By _____
Authorized Officer(s)

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter, including any such letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. With respect to the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the

Bonds be delivered to the ultimate beneficial owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If the Bonds are not initially issued as book-entry bonds, or if for any reason the Depository is terminated or resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Mayor and City Clerk and sealed with the City's seal, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

Section 9. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter as initial purchaser thereof. The Bonds are to be sold to the Underwriter, within the limitations of Section 2, for the purchase price set forth in the Designation (including an underwriter's discount of not to exceed 0.75% plus or minus original issue discount and/or original issue premium). Such Underwriter and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including without limitation, authorizing the release of the Bonds by the Depository at closing. Said Underwriter shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver a Bond Purchase Agreement for and on behalf of the City. The Treasurer of the City shall maintain a record of information with respect to the Bonds as required under Section 10-140, R.R.S. 2012, and shall cause the same to be filed in the office of the Auditor of Public Accounts of the State of Nebraska. The City Clerk shall make and certify a duplicate transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to the Underwriter. The officers of the City are further authorized to take such actions as such officers may deem necessary or appropriate in order to carry out the terms of this Ordinance.

Section 10. The proceeds of the Bonds shall be applied for the purposes as described in Section 1 hereof upon order of the Mayor and Council. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest falling due on said Bonds on the first Interest Payment Date. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 11. The City agrees that it shall, pursuant to Section 18-1201 R.R.S. Neb. 2012, as amended, levy a special tax so long as any of the Bonds and Outstanding Bonds remain outstanding of not more than 5¢ per \$100 of taxable value on all the taxable property within the City. The City further agrees that such tax shall be levied in such amount so that in each calendar year in which payments of principal and interest fall due on the Bonds and the Outstanding Bonds, the anticipated amount to be collected from such tax shall be an amount of not less than 112% of the total amount of principal and interest payable on the Bonds and the Outstanding Bonds in such calendar year. The Bonds and the Outstanding Bonds shall be secured by such tax and shall be payable out of the funds derived from such tax. On receipt of such taxes, the City Treasurer shall hold such tax in a separate fund for the purpose of paying the Bonds and the Outstanding Bonds or making redemptions as provided in Section 6 of this ordinance.

Section 12. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year that the Bonds are issued (taking into consideration the exception for current refunding issues).

Section 13. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 14. Each of the Authorized Officers is hereby authorized to approve, on behalf of the City, an official statement (which may include preliminary and final) relating to the Bonds. Such official statement shall be delivered in accordance with applicable securities laws.

Section 15. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City being the only "obligated person" with respect to the Bonds agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than seven months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City of the type accompanying the audited financial statements of the City entitled "Management's Discussion and Analysis" ("Annual Financial Information");

(b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting principles; and

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;

- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of the holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

(d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information or audited financial statements not later than the Delivery Date.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding

Section 16. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 17. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Mayor and the City Council hereby authorize and direct all of the officers, employees and agents of the City to carry out, or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any one of them, shall consider necessary, advisable, desirable, or appropriate in connection with this ordinance, and the issuance, placement or sale and delivery of the Bonds, including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents, instruments, certifications and opinions; and delegates, authorizes and directs the Mayor the right, power and authority to exercise his or her own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by the Mayor or by any such other officer, officers, agent or agents of the City of any such documents, instruments, certifications and opinions, or the doing by him or her of any act in connection with any of the matters which are the subject of this ordinance shall constitute conclusive evidence of both the City's and his or her approval of all changes, modifications, amendments, revisions and alterations made therein, and shall conclusively establish his or her absolute, unconditional and irrevocable authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments, certifications and opinions so executed and the action so taken.

Section 18. This Ordinance shall be in force and take effect from and after its passage and

publication in pamphlet form as provided by law.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

(SEAL)

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

**Policy and Procedures
Federal Tax Law and Disclosure Requirements for
Tax-exempt Bonds and/or Tax Advantaged Bonds**

ISSUER NAME: The City of Norfolk, in the State of Nebraska

COMPLIANCE OFFICER (BY TITLE): Finance Officer/Treasurer

POLICY

It is the policy of the Issuer identified above (the “Issuer”) to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as tax credit, direct pay subsidy or other tax-advantaged bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments or tax credits associated with its bonds issued as tax advantaged bonds are received in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

PROCEDURES

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the “Compliance Officer”). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website [“EMMA”] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer’s annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

Scope of Review.

Document Review. At the compliance review, the following documents (the “Bond Documents”) shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),

- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the “Tax Documents”):
- (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
 - (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
 - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer’s continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the “Continuing Disclosure Obligations”), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer’s bonds or relating to the Issuer’s Continuing Disclosure Obligations.

Use and Timely Expenditure of Bond Proceeds. Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

Arbitrage Yield Restrictions and Rebate Matters. The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the “Code”) and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the

Tax Documents or Federal tax law.

Continuing Disclosure. Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

SOURCES AND USES OF FUNDS

City of Norfolk PSTABs 2023 Series 2023 PSTABs

Sources:

<hr/>	
Bond Proceeds:	
Par Amount	1,265,000.00
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	1,265,000.00
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Uses:

<hr/>	
Project Fund Deposits:	
Project Fund	1,250,000.00
Delivery Date Expenses:	
Cost of Issuance	1,897.50
Underwriter's Discount	9,487.50
	<hr/>
	11,385.00
Other Uses of Funds:	
Additional Proceeds	3,615.00
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	1,265,000.00
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ORDINANCE NO. 5855

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 14-230 OF THE OFFICIAL CITY CODE TO AMEND THE TIMES THAT PERMISSIBLE FIREWORKS MAY BE DISCHARGED; TO LIMIT THE DATES AND TIMES THAT PERMISSIBLE FIREWORKS MAY BE SOLD; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That Section 14-230 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 14-230. Fireworks--When sale and discharge permissible.

Permissible fireworks may be sold, discharged, exploded or used in the city on June 25 through and including July 4 of each year; provided, that on such days the sale, discharge, and explosion of fireworks shall be permitted during the following times: June 25 through July 3 8:00 a.m. to 11:00 p.m. from 10:00 a.m. to 10:00 p.m.; and July 4 from 8:00 a.m. to midnight. The sale, discharge, or exploding of fireworks within the city on any dates or times other than as set forth in this section or as otherwise allowed by this article shall constitute an offense unless prior approval for the sale and/or discharge has been acquired from the city council.

Section 2. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Josh Moenning, Mayor

Brianna Duerst, City Clerk

Approved as to form: _____
Danielle Myers-Noelle, City Attorney