

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 3rd day of April, 2023, beginning at 5:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of the United States of America, Mayor Josh Moenning called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, Frank Arens, Justin Webb, Andrew McCarthy, Thad Murren, Justin Snorton, Shane Clausen and Kory Hildebrand. Nays: None. Absent: None.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Assistant City Engineer Anna Allen, Director of Administrative Services Lyle Lutt, City Planner Val Grimes, Water and Sewer Director Chad Roberts, Economic Development Director Candice Alder, Communications Manager Nick Stevenson, Information Systems Manager Brad Andersen, Street Shop Supervisor Matt Ernesti, Parks and Recreation Director Nathan Powell, Parks and Recreation Assistant Director PJ Evans 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 Arens moved, seconded by Councilmember Hildebrand to approve the consent agenda with the removal of Item #20, approval to participate in five new opioid settlements, from the consent agenda and added to the regular agenda.

Councilmember McCarthy declared a conflict of interest and abstained from the vote.

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

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

Consent Agenda Items Approved

Minutes of the March 20, 2023 City Council meeting

March sales tax report (January sales)

Authorize an application for Site and Building Development Funds to be submitted to the Nebraska Department of Economic Development requesting \$300,000 on behalf of Milk Specialties, and authorizing the Mayor and City staff to execute any documents necessary to effectuate the grant

Norfolk Golden Girls, Inc., a Nebraska Nonprofit Corporation, agreement utilizing City's softball fields to hold a softball tournament Friday through Sunday, June 2-4, 2023

Young Men's Christian Association of Norfolk, Nebraska, a Nebraska Nonprofit Corporation, agreement allowing the 8-lane swimming pool located in AquaVenture Water Park be used for swim team practices from May 27, 2023 through August 4, 2023

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement allowing them to utilize Riverpoint Square and closed portions of the adjacent alley, South 3rd Street, and Vehicle Parking District Lot F to host a farmers market in downtown Norfolk on Tuesdays and Thursdays, from June 6, 2023 to September 28, 2023, and on Saturdays from May 27, 2023 to October 28, 2023

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement to utilize Riverpoint Square for a Cinco de Mayo celebration which may include, but not be limited to, a music performance concert, pageants, beer garden, and food vendors on Friday, May 5, 2023

Special Designated Liquor License for Downtown Norfolk Association, to serve beer, wine and distilled spirits at Riverpoint Square, 307 W Norfolk Ave, on May 5, 2023, from 4:00 p.m. to 11:00 p.m. for a Cinco de Mayo celebration

RAR Enterprises, LLC, a Nebraska Limited Liability Company, agreement to close a portion of 4th Street between Norfolk Avenue and Madison Avenue, to host an outdoor concert event which may include live music performances, the sale of alcohol and food vendors, on Saturday, June 3, 2023

Special Designated Liquor License for RAR Enterprises, LLC, dba The Office Bar, to serve beer, wine and distilled spirits outside of 120 S 4th Street, from 12:00 p.m. to 12:00 a.m. for an outdoor live music event on June 3, 2023

Resolution No. 2023-17 approving the final plat of Northeast Nebraska Federal Credit Union's Addition

Purchase 33 Hewlett Packard replacement desktop computers, 2 Hewlett Packard replacement laptop computers, associated maintenance agreements, and peripherals from OneNeck IT Solutions with the lowest bid of \$37,625.00

Purchase 26 Microsoft Surface Pro replacement tablets, associated maintenance agreements, and peripherals off the Omnia Partners Public Sector purchasing contract from Insight Public Sector for a total of \$61,104.06

Bills in the amount of \$3,972,360.05

Special Presentations

The Mayor proclaimed April 2023 as “Fair Housing Month”.

Regular Agenda Items

Participation in Opioid Settlements

Councilmember Arens moved, seconded by Councilmember Granquist to approve participation in the five new national opioid settlements reached with Teva, Allergan, CVS, Walgreens, and Walmart related to prescription opiates and authorize the Mayor to sign the Settlement Participation Forms for each of the five settlements.

Finance Officer Randy Gates provided information to elected officials. In 2021, the city entered into settlement participation agreements for the manufacturer (Janssen Pharmaceuticals, Inc.) and the three largest pharmaceutical opioid distributors (McKesson, Cardinal Health and AmerisourceBergen). Under the manufacturer’s settlement agreement Norfolk expects to receive maximum payments of \$20,527.97 through 2031. The city has received \$4,266.26 so far under this agreement. Under the distributor’s agreement Norfolk expects to receive maximum payments of \$83,999.94 through 2038. The city has received \$8,499.28 so far under this agreement.

Under the new national opioid settlement agreements, the City can expect to receive the following maximum total amounts in annual payments: \$15,541.51 under the Teva agreement through 2035; \$9251.93 under the Allergan agreement through 2029; \$20,471.90 under the CVS agreement through 2032; \$22,265.91 under the Walgreens agreement through 2037; and \$11,593.89 under the Walmart agreement in 2023.

Gates said it is up to the city to decide how the funds are used, but there is a schedule of approved uses that must be followed.

Soshia Bohn, no address provided, asked where the funds that have been received thus far have been allocated. Gates said the money received has not been allocated and is just in the general fund. Bohn suggested the city utilize the funds and work with local non-profit organizations that treat people with opioid addictions.

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

Ordinance No. 5825

(City Code amendment, keeping of hens, bantam hens or ducks)

Councilmember McCarthy introduced, seconded by Councilmember Snorton, Ordinance No. 5825 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-4 OF THE OFFICIAL CITY CODE TO INCLUDE AN EXCEPTION FOR THE KEEPING OF HENS, BANTAM HENS, OR DUCKS WITH A VALID PERMIT AND TO MORE CLEARLY DEFINE LIVESTOCK AS IT RELATES TO THE KEEPING OF LIVESTOCK WITHIN THE CITY; TO AMEND SECTION 4-6 OF THE CODE TO ADDRESS AT-LARGE CHICKENS OR DUCKS; TO ENACT SECTION 27-295 OF THE CITY CODE TO ALLOW THE KEEPING OF HENS, BANTAM HENS, OR DUCKS IN RESIDENTIAL DISTRICTS WITH A VALID PERMIT and moved that the ordinance be passed on third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Webb, McCarthy, Murren, Snorton, and Clausen. Nays: Granquist, Arens and Hildebrand. Absent: None. Ordinance No. 5825 passed on third reading. 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. 5825 as required by law.

Ordinance No. 5826

(amend fee schedule, permit fee for keeping of hens, bantam hens or ducks)

Councilmember McCarthy introduced, seconded by Councilmember Snorton, Ordinance No. 5826 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO INCLUDE A PERMIT FEE FOR KEEPING HENS, BANTAM HENS AND/OR DUCKS IN THE CITY and moved that the ordinance be passed on third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton and Clausen. Nays: Granquist and Hildebrand. Absent: None. Ordinance No. 5826 passed on third reading. 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. 5826 as required by law.

Spohn Ranch agreement

(Norfolk Skate Park pump track)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of an agreement with Spohn Ranch, through a Sourcewell Contract, to design, develop, and integrate a pump track at the Norfolk Skate Park for a total amount not to exceed \$101,592.

Parks and Recreation Director Nathan Powell provided information to elected officials. This project is a donation from the Lee W. DeKarske Estate in the amount of \$114,201.82. The current agreement amount is \$101,592 with contingency funds available. All remaining funds will be used for site improvements including irrigation and shade structures. Powell noted Spohn Ranch was the original builder of the skate park.

Councilmembers expressed their gratitude for the donation to the DeKarske family.

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

Madison County Interlocal agreement
(Asphaltic Concrete Paving Project M-451(222B), Omaha Avenue Overlay)

Councilmember Granquist moved, seconded by Councilmember Snorton, for approval of an Interlocal Agreement between Madison County and the City of Norfolk for completion of Asphaltic Concrete Paving Project M-451(222B) described as Omaha Avenue Overlay.

Public Works Director Steven Rames provided information to elected officials. This agreement provides for roadway improvements on Omaha Avenue from 25th Street to 37th Street, and Omaha Avenue from 800 feet east of 45th Street to 45th Street and south on 45th Street one quarter mile to the City Limits with asphalt concrete overlay. This agreement outlines the shared construction costs of the roadway improvements, which are estimated at \$575,000.00. This project was not identified in the street maintenance program this year, but there is significant deterioration to the asphalt due to high oil and fine contents that have resulted in wash boarding. The agreement has been structured with the County's annual mill and overlay project to allow the city to "piggyback" onto the County's contract. Rames said the agreement does not bind the City to any construction, but allows us to move forward if bids are favorable. This project is not in the 1 & 6 Year Street Improvements Plan so no funding has been identified. The plan would be to divert funding from other maintenance projects to this project.

City Attorney Danielle Myers-Noelle said the way the contract is written, it appears to be binding, and by signing, the City would be agreeing to the completion of the project.

Councilmembers asked about traffic counts in the area and noted there are a lot of streets in town with heavy traffic that are in desperate need of repair, and questioned if funds should be taken away from those projects to fund this one.

Rames emphasized the importance of keeping the good, good, and said delaying the project will not salvage anything, the dollars will still need to be spent as the repairs are necessary. Rames also noted that the County typically sees bids anywhere from 10-15% lower than the city, so there is a cost benefit to tag onto a county project.

Jim McKenzie, 1412 Longhorn Drive, noted the \$575,000 expense of this project is all due to the City's annexation and discussed other costs associated with the annexation as well.

Soshia Bohn, no address provided, asked about the cost difference between a mill and overlay project verses a full repair. Rames said the cost of a full repair would be at least 50% more, if not double, than the cost of a mill and overlay. Bohn emphasized keeping the good, good. If we do not, the costs of repairs will continue to rise.

Councilmember Murren moved, seconded by Councilmember McCarthy to table consideration of the Interlocal Agreement between Madison County and the City of Norfolk for completion of Asphaltic Concrete Paving Project M-451(222B) described as Omaha Avenue Overlay.

Roll call: Ayes: McCarthy, Murren, Snorton, and Clausen. Nays: Granquist, Arens, Webb, and Hildebrand. Absent: None. There being a tie vote, Mayor Moenning voted Aye and broke the tie; therefor, the motion to table carried on a 5-4 vote.

Ordinance No. 5830
(create Parks and Recreation Board)

Councilmember Granquist introduced, seconded by Councilmember Murren, Ordinance No. 5830 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT CHAPTER 18, ARTICLE IV, OF THE OFFICIAL CITY CODE TO CREATE A PARKS AND RECREATION BOARD; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Parks and Recreation Director Nathan Powell provided information to elected officials. A draft ordinance was discussed at the March 20, 2023 City Council meeting. From that discussion, changes were made to the ordinance presented to be more in line with the Council's desire for the board. The board will consist of nine members, with not more than three representatives from private sports organizations, at least one board member from each ward, and will serve strictly in an advisory capacity to the City Council. The goal of the board is to provide direction to the Parks and Recreation Department.

Jim McKenzie, 1412 Longhorn Drive, asked about appointments of the board members and the power of the board to establish rules for the management, care and use of the parks. Myers-Noelle said the overarching goal of the board is to serve in an advisory capacity to the City Council. Powell noted any decision to be made will come to the City Council for consideration.

Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5830 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Granquist moved, seconded by Councilmember Murren, 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. 5830 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5830 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 10:06 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, April 3, 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

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