

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 21st day of August 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: Frank Arens, Justin Webb, Andrew McCarthy, Thad Murren, Justin Snorton, Shane Clausen and Kory Hildebrand. Absent: Corey Granquist.

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, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director PJ Evans, Communications Manager Nick Stevenson, Economic Development Director Candice Alder. and Police Chief Don Miller.

The Mayor presided and the City Clerk recorded the proceedings.

The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the City Council Chambers and accessible to members of the public.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Motions

Councilmember Hildebrand moved, seconded by Councilmember Murren to approve the consent agenda with Item #10, *Consideration of Resolution No. 2023-46 approving the final allocation of levy authority for the Norfolk Airport Authority for fiscal year 2023-2024 allowing the Norfolk Airport Authority to levy a property tax of \$857,269*, to the regular agenda. Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist.

Councilmember Hildebrand moved, seconded by Councilmember Snorton to adopt the full agenda with Item #37, *Consideration of approval of an agreement with the State of Nebraska Department of Natural Resources for a grant in the amount of \$2,000,000 to help fund projects in Johnson Park*, moved to be the first item considered after the consent agenda. Roll call:

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

Consent Agenda Items Approved

Minutes of the August 7, 2023 City Council meeting

Keno comparison for July 2023

Resolution No. 2023-45 approving the final allocation of levy authority for the Offstreet Parking District for fiscal year 2023-2024 allowing the District to levy a property tax of \$110,785 not to exceed \$.35 per hundred dollars of assessed valuation

Scott D. Stevens, Trustee of the Douglas and Becky Stevens Revocable Family Trust agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 702 West Michigan Avenue

Norfolk Lions Club, Inc., a Nebraska Nonprofit Corporation, agreement to close designated portions of City streets to conduct their annual parade on Saturday, September 23, 2023 from 8:00 a.m. to 1:00 p.m.

Liberty Centre Services, Inc., a Nebraska Nonprofit Corporation, agreement allowing them to use portions of City streets, sidewalks, and trails for a Color Your Recovery 5K/10K Color Run/Walk event on Saturday, September 16, 2023

Disc Gauntlet LLC, a Nebraska Limited Liability Company, agreement to use the disc golf course in Ta-Ha-Zouka Park to hold a "Battle at the North Fork" disc golf tournament on Saturday, September 9, 2023

Chase Gartner and Russ Fadling, individually and collectively doing business as Elkhorn Valley Hunting Retriever Club, agreement allowing the use of City property located in the 3000 block of West Omaha Avenue on the north side of the road, for a simulated and judged waterfowl hunt event with a land and water series with trained dogs and handlers, on Saturday and Sunday, August 26-27, 2023

Norfolk Area Chamber of Commerce Foundation, a Nebraska Nonprofit Corporation, agreement allowing the temporary closure of designated streets and alleys to hold an Oktoberfest event which includes but is not limited to the closure of a portion of South 7th Street and adjoining alley between Norfolk Avenue and Madison Avenue, closure of a portion of Norfolk Avenue, alcohol on a public street, and vendors from Wednesday, September 20, 2023 through Sunday, September 24, 2023

Special Designated Liquor License Norfolk Area Chamber of Commerce Foundation, to serve beer and wine at 609 West Norfolk Avenue on September 22, 2023 from 4:00 p.m. to 1:00 a.m. and September 23, 2023 from 12:00 p.m. to 1:00 a.m. for an Oktoberfest event

Special Designated Liquor License for Sacred Heart Church, to serve beer, wine and distilled spirits at 2301 Madison Avenue on October 7, 2023 from 5:00 p.m. to 1:00 a.m. for a Spirit gala fundraiser

Issue letters to the property owners at 2107 Taylor Avenue and 815 Wood Street to repair or have a signed contract for the sidewalk repairs within 90 days according to Section 22-23 of the City Code

Resolution No. 2023-47 approving the final plat of Tunink's Addition

Advertise for VPD snow removal

Bills in the amount of \$8,216,674.97

Regular Agenda Item

Nebraska Department of Natural Resources agreement ((\$2,000,000 grant, Johnson Park projects)

Councilmember Hildebrand moved, seconded by Councilmember Snorton, for approval of an agreement with the State of Nebraska Department of Natural Resources for a grant in the amount of \$2,000,000 to help fund projects in Johnson Park.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell said there was no application necessary for this grant, nor is there a matching fund requirement. The agreement includes \$265,000 towards the outdoor ice rink, \$425,000 towards the splash pad fountain, \$475,000 towards the pedestrian bridge, \$60,000 for wayfinding signage, \$50,000 for landscaping, \$325,000 for a nature playground, \$100,000 towards gatehouse improvements, \$300,000 towards a concessions area with a restroom near the sports court and upper park area. The total grant awarded is \$2,000,000.

Senator Rob Dover, said he would like to see growth, life and prosperity in Norfolk's future, which are realized when the city attracts young people. This is why Senator Dover fought to get funding for this project, but noted this was a group effort, and commended those that worked toward it, and thanked elected officials for planning for the future growth of the community.

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

Public Hearings and Related Items

Public Hearing (Ferris zone change, 221 Jackson Avenue)

A public hearing was held to consider a zone change from R-2 (One and Two Family Residential District) to R-1 (Single Family Residential District) on property addressed as 221 Jackson Ave at the

request of Garth and Krista Ferris. City Planner Valerie Grimes provided information to the Mayor and City Council. This property's zoning was changed from R-1 to R-2 in the last few years. The owner's intent at the time was to build a duplex on the then vacant lot. The owner ended up building a single-family dwelling so the R-2 zoning is no longer needed. If the zoning change is approved on all three readings, the next item on the agenda is a plat to change lot lines of two neighboring properties. The reason for the zoning change request is to avoid having two different zoning districts on one parcel once replatted.

On August 8, 2023, the Norfolk Planning Commission held a public hearing regarding the Ferris zone change request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5841

(Ferris zone change, 221 Jackson Avenue)

Councilmember Arens introduced, seconded by Councilmember McCarthy, Ordinance No. 5841 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5841 passed on first reading.

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

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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 McCarthy 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. 5841 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5841 as required by law.

Resolution No. 2023-48.
(Ferris-Kielty Addition final plat)

Councilmember Snorton moved, seconded by Councilmember Hildebrand, for adoption of Resolution No. 2023-48 approving the final plat of Ferris-Kielty Addition.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-48 was adopted.

Public Hearing

Bader, Mayer and Elkhorn Valley Bank zone change
(404 S 25th Street & part of 2507 Westside Avenue)

A public hearing was held to consider a zone change from R-1 (Single Family Residential District) and C-3 (Service Commercial District) to C-3 (Service Commercial District) on property addressed as 404 S 25th St. & part of 2507 Westside Avenue at the request of Roger L. Bader, Kirk M. Bader, & Jackie A. Mayer and Elkhorn Valley Bank & Trust. City Planner Valerie Grimes provided information to the Mayor and City Council. This is a cleanup of differing zoning districts on parcels. If the zoning change is approved on all three readings, the next item on the agenda is a plat for the area.

On August 8, 2023, the Norfolk Planning Commission held a public hearing regarding the zone change request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5842

(Bader, Mayer and Elkhorn Valley Bank zone change
(404 S 25th Street & part of 2507 Westside Avenue)

Councilmember Arens introduced, seconded by Councilmember Snorton, Ordinance No. 5842 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5842 passed on first reading.

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

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

Thereafter Councilmember Arens moved, seconded by Councilmember Webb, 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. 5842 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5842 as required by law.

Resolution No. 2023-49

(Elkhorn Valley Bank & Trust – Bader Addition final plat)

Councilmember Snorton moved, seconded by Councilmember Clausen, for adoption of Resolution No. 2023-49 approving the final plat of Elkhorn Valley Bank & Trust - Bader Addition.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-49 was adopted.

Public Hearing

(Double TV Properties, LLC zone change)

(701 S. 13th St., 707 S. 13th St. and 1229 W Pasewalk Ave)

A public hearing was held to consider a zone change from R-3 (Multiple Family Residential District), C-1 (Local Business District) and C-3 (Service Commercial District) to C-3 (Service Commercial District) on property addressed as 701 South 13th Street, 707 South 13th Street and 1229 West Pasewalk Avenue at the request of Double TV Properties, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. This is on the southeast corner of S 13th Street and Pasewalk Ave and all parcels are owned by Burger King. Next item on the agenda is a plat combining all three lots into one.

On August 8, 2023, the Norfolk Planning Commission held a public hearing regarding the zone change request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5843

(Double TV Properties, LLC zone change)
(701 S. 13th St., 707 S. 13th St. and 1229 W Pasewalk Ave)

Councilmember Arens introduced, seconded by Councilmember Snorton, Ordinance No. 5843 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5843 passed on first reading.

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

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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 McCarthy moved, seconded by Councilmember Arens, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5843 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5843 as required by law.

Resolution No. 2023-50

(Burger King's Addition final plat)

Councilmember Arens moved, seconded by Councilmember Hildebrand, for adoption of Resolution No. 2023-50 approving the final plat of Burger King's Addition.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-50 was adopted.

Public Hearing

(Braasch Avenue, LLC, zone change, 300 West Braasch Avenue)

A public hearing was held to consider a zone change from C-3 (Service Commercial District) to C-2 (Central Commercial District) on property addressed as 300 W Braasch at the request of Braasch Avenue, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said that the building covers the property almost entirely and that the C-2 zoning district is the only zoning district that does not have parking requirements.

Dan Geary, 1707 N 13th St, owns property directly east of the building, is currently constructing an apartment building and expressed concern with potential hardship to residents if patrons fill the residential parking lot.

The VFW owns the entire parking lot to the west of the property requesting the zone change and representatives from the VFW expressed concern with people using their lot during the Planning Commission public hearing.

Councilmember Clausen said, in order to develop this property, the zoning has to be changed to C-2, because there is not on-site parking, but noted that neighbors do not have to allow parking on their property, patrons of this establishment will need to walk a bit.

On August 8, 2023, the Norfolk Planning Commission held a public hearing regarding the zone change request. The City Clerk read the Planning Commission's recommendation for approval into the record.

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

Ordinance No. 5844

(Braasch Avenue, LLC, zone change, 300 West Braasch Avenue)

Councilmember Arens introduced, seconded by Councilmember Webb, Ordinance No. 5844 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5844 passed on first reading.

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

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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 Webb 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. 5844 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5844 as required by law.

Regular Agenda Items

Resolution No. 2023-46 (Airport Authority tax levy)

Councilmember Arens moved, seconded by Councilmember McCarthy, for adoption of Resolution No. 2023-46 approving the final allocation of levy authority for the Norfolk Airport Authority for fiscal year 2023-2024 allowing the Norfolk Airport Authority to levy a property tax of \$857,269.

Finance Officer Randy Gates said approval of the Airport Authority's tax request is a requirement of State Statute. The Airport Authority must submit their request to the city by August 1 and the city must respond by September 1. The current request of \$857,269 is a \$102,000 increase from the prior year.

Airport Manager Eli Mackey said the increase would be used to begin the planning stages of airport improvements. Mackey said the last major update to the runway was in 2005 and the last major update to the terminal building was around that same time. The cost of the runway rehabilitation project will be 90% federally reimbursed.

Amy Sisson, Airport accountant, said of the \$102,000 increase, \$60,000 is for preliminary planning on the runway rehabilitation project and \$40,000 is for repairs to hanger roofs. Beginning fund balance is \$1.4 million, of which \$371,756 will be used for the design phase of the terminal building. The estimated cost of the runway rehabilitation project is \$13.6 million, which is 90% reimbursable. The current FY budget includes \$600,00 for the planning phase of the project, of which \$60,000 is the local cost.

Councilmember Clausen discussed the option of keeping the levy rate the same as the prior year and what effect that would have. Finance Officer Randy Gates said if the levy rate was the left the same as the prior year, this year's request would be \$818,107.

Councilmember Hildebrand said he does not see where the future FBO brings enough return on investment for the community and would like to see the levy remain the same rate as the prior year. Hildebrand also expressed concern with rent inefficiencies.

Elected officials discussed keeping the levy rate the same as the prior year and encouraged Airport officials to utilize reserves to fund the difference.

While the Airport's budget has a line item for the new FBO in the next fiscal year, that project will require debt issuance, which would first come back before the City Council for approval. Sisson said they would like some assurance that the city is on board with the project and necessary bonds as they will be spending nearly \$400,000 for design services. Councilmember Clausen noted that is a discussion for another time.

Jim McKenzie, 1412 Longhorn Drive, discussed his concerns with the Airport's budget including the new FBO design and bond issuance. McKenzie questioned the impact of a \$6.2 million bond issue on the taxpayers. McKenzie also questioned how this building project became a higher priority than the Police Station expansion, which is similar in price and will be paid for by the same taxpayers and stressed the need for the community to determine how much we can afford.

Kim Davis, 310 N Oak Street, said she would like to see a government agency stay within the budget that is given to them and stop taxing citizens.

John Linke, a tenant at the Airport, noted the need for reasonable hanger rents. Linke also asked that elected officials keep in mind that the Airport is the gateway to the community.

Councilmember Hildebrand moved, seconded by Councilmember Arens to amend Resolution 2023-46 to reflect approval of a property tax of \$818,107.

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. Motion to amend was approved.

Councilmember Hildebrand moved, seconded by Councilmember Arens to approve Resolution No. 2023-46 as amended.

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. Resolution 2023-46, as amended, was adopted.

Regular item

(Union Pacific Railroad Company, railroad bridge donation, 309 North 1st Street)

Councilmember Arens moved, seconded by Councilmember Snorton, for approval of an agreement with Union Pacific Railroad Company to accept the donation to the City of the railroad bridge located northwest of 309 North 1st Street.

Public Works Director Steven Rames provided information to elected officials. This is an agreement that has been in the works since January 2022 to accept the old railroad bridge. The next item on the agenda is an agreement with DACO to have the bridge relocated to become a trail crossing.

Councilmember Hildebrand commended the Geary's for the investment into Downtown Norfolk.

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

DACO Construction agreement
(relocate retired railroad bridge)

Councilmember Arens moved, seconded by Councilmember Murren, for approval of an agreement with DACO Construction Co., Inc., a Nebraska Corporation, to relocate the retired railroad bridge that crosses the North Fork of the Elkhorn River downstream, to an area approximately 300' west of North 1st Street near the walking trail that connects to Johnson Park where the Bridge will be placed on a new foundation and modified for use as a pedestrian walkway over the North Fork of the Elkhorn River.

Public Works Director Steven Rames provided information to elected officials. Rames noted there is no cost to the city. DACO Construction is relocating the old railroad bridge at their expense as a contribution to the River Restoration and Johnson Park Improvement project.

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

Resolution No. 2023-51
(Nebraska Game and Parks Commissions Land and Water conservation Fund (LWCF))
(grant application, add fourth softball field at Ta-Ha-Zouka Park)

Councilmember Arens moved, seconded by Councilmember Snorton, for adoption of Resolution No. 2023-51 approving a grant application to the Land and Water Conservation Fund (LWCF) of the Nebraska Game and Parks Commission in the amount of \$400,000 to add a fourth softball field at Ta-Ha-Zouka Park.

Parks and Recreation Director Nathan Powell provided information to elected officials. The city is seeking an LWCF grant to make additional improvements to the softball complex at Ta-Ha-Zouka Park. Using existing project funds for a new restroom, locker rooms and indoor batting cages, we would like to add a new softball field. The objective is to have a separate adult league softball complex and a separate fast pitch softball complex. This will allow for more tournaments and equal playing options and facilities for all softball clubs in Norfolk. The funds will go towards improving backstops, restroom facilities, ADA access and adding a new softball field, increasing the number of softball fields within the complex from three to four fields. We are leveraging our current \$1,633,000 investment as a match for an additional \$400,000 grant option to add a fourth field. This also falls within the Ta-Ha-Zouka master plan completed in 2022.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-51 was adopted.

Ordinance No. 5845

(special assessment bond anticipation notes, \$3,800,000)
(Paving 520, 521, Sewer 255, Water 128)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5845 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$3,800,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING TO PAY THE COST OF STREET IMPROVEMENTS IN PAVING DISTRICT NOS. 520 & 521, SEWER IMPROVEMENTS IN SEWER EXTENSION DISTRICT NO. 255 AND WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 128, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Finance Officer Randy gates provided information to elected officials. This note issue provides \$271,642 to pay for improvements in Paving District 520 Walters 14th Addition, \$2,418,838 for improvements in Paving District 521 Norfolk 140 Subdivision, \$268,382 for improvements in Sewer District 255 Norfolk 140 Subdivision, and \$344,915 for improvements in Water District 128 Norfolk 140 Subdivision. The ordinance authorizes a maximum issue size of \$3,800,000 and a maximum true interest cost of 5.75%.

Jim McKenzie, 1412 Longhorn Drive, expressed concern with the Norfolk 140 development potentially costing the city \$3 million, noted there is nothing that holds the developer responsible and asked what happens if the development falls through.

Public Works Director Steven Rames said that the subdivision agreement states the developer is responsible for the assessment. While there are no up-front costs to the developer, the assessments are to be paid over a certain amount time, or in full if ownership of property is transferred.

Ordinance No. 5845 was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5845 passed on first reading.

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

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

Thereafter Councilmember Arens moved, seconded by Councilmember Webb, 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. 5845 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5845 as required by law.

Resolution No. 2032-52

(Clausen Air Holdings sidewalk waiver, 711 South 37th Street)

Councilmember Hildebrand moved, seconded by Councilmember Murren, for adoption of Resolution No. 2032-52 approving sidewalk waiver requested by Clausen Air Holdings, LLC for property located at 711 South 37th Street.

City Planner Val Grimes provided information to elected officials. Grimes said the applicant is requesting a waiver of sidewalk requirements along 37th Street only. If approved, the resolution includes the standard language for all temporary sidewalk waivers.

Public Works Director Steven Rames said there are plans to extend the Cowboy Trail on the west side of 37th Street, which would cross at Bradford Avenue, and he doesn't see the need for the sidewalk to extend north on 37th Street. As such, he has no objection to the waiver.

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

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton and Hildebrand. Nays: None. Absent: Granquist. Abstaining: Clausen. Resolution No. 2032-52 was adopted.

Economic Development Funding Agreement

Councilmember Arens moved, seconded by Councilmember McCarthy, for approval of an addendum to the interlocal agreement between Madison County and the City of Norfolk to fund economic development operations.

Economic Development Director Candice Alder provided information to elected officials. Alder said the agreement with Madison County for Economic Development funding was originally established in 2013. Representatives from Madison County have requested amendments to the

2013 Interlocal Agreement for Funding for economic development activities to address the following:

- Establish a maximum economic development fund balance of \$100,000.
- Establish mechanisms for the reduction of annual contributions for Madison County and the City of Norfolk if the economic development fund balance exceeds \$100,000.
- Reset annual contributions to 1) reduce the current fund balance during FY 2023-24, and 2) establish parameters for annual funding for 2024-25 and subsequent years.
- Adjust annual increase from "Consumer price index for all urban consumers" to a fixed 3% annual increase based on the previous year's calculated funding amount before reductions.
- Addition of reporting requirements to include quarterly expenditure and activity reports.

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

Ordinance No. 5846

(amend Section 2-5, update building, electrical, mechanical, and plumbing permit fees & water, sewer, and wastewater rates)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5846 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO UPDATE BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING PERMIT FEES; TO UPDATE WATER, SEWER AND WASTEWATER RATES; 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 Planner Val Grimes stated the building permits section of the schedule was revised with fees being raised approximately 3% or less, or if it is currently a few cents and calculated per the square foot, raised by a penny or fraction of a penny. The comparison to other communities put our fees similar or lower for the total average fees for a standard house or commercial building. Our residential permits are approximately \$110 less than the average and commercial permits are approximately \$1,500 less than the average.

Public Works Director Steven Rames said this ordinance proposes a 6% increase in water rates, primarily due to two large projects – an additional storage tank, as the existing tank was built 50 years ago, and the construction of Collector Well 14 to keep up with community growth. Historically, water rates have increased 2.5% to 4.5% over the last twenty years.

Rames said this ordinance proposes an 8% increase in sewer rates. Historically, sewer rate increases have averaged 3.7% per year over the last 30 years.

Rames discussed the Omaha Avenue Lift Station project, which was part of a large study on growth in the northeast basin. The lift station would add capacity on both the east and west sides of the levy and assist with future community growth. The project is in the CIP and next fiscal year budget documents, but we are not done exploring if we want to move forward with the lift station at this time or if there is another option to fix current issues in the area. We do need at

least a 3% increase to fund current operations, so the ordinance could be amended as such. Rames said he would suggest the industrial rate remains at 8%.

Councilmember Clausen said he would like the fee changes to be broken out and not all part of the same ordinance.

City Attorney Danielle Myers-Noelle said there are three options – amend the current ordinance, table the ordinance, or vote it down.

Councilmember Arens moved, seconded by Councilmember Webb to table Ordinance No. 5846.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5846 was tabled.

There being no further business, the Mayor declared the meeting adjourned at 8:08 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, August 21, 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)