

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 4th day of December, 2023, beginning at 5:47 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, Thad Murren, Justin Snorton, Shane Clausen and Kory Hildebrand. Absent: Corey Granquist and Andrew McCarthy.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Secretary Bethene Hoff, Public Works Director Steve Rames, Water and Sewer Director Chad Roberts, Economic Development Director Candice Alder, Parks and Recreation Director Nathan Powell, Parks and Recreation Assistant Director PJ Evans, Parks Supervisor Ryan Beed, Operations Manager Lyle Lutt, City Planner Val Grimes, and Police Chief Don Miller.

The Mayor presided and the City Clerk recorded the proceedings.

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

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

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

Agenda Motions

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

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

Consent Agenda Items Approved

Minutes of the November 20, 2023, City Council meeting

Ratify a Special Designated Liquor License requested by Bar A, to serve beer, wine and distilled spirits at Lot 279, LLC, 400 W Monroe Avenue on December 14 & 15, 2023 from 11:00 a.m. to 12:00 a.m. for a holiday event

Acceptance of the Parks and Recreation Board report from November 16, 2023

Justin Webb to sit on the Dispatch Advisory Board

Bills in the amount of \$1,891,960.36

Regular Agenda

Ordinance No. 5855

(fireworks sales and discharge)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, 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 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 third reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, Murren, and Clausen. Nays: Snorton and Hildebrand. Absent: Granquist and McCarthy. Neither the ayes or nays having the majority, Mayor Moenning voted Aye and provided the fifth affirmative vote; therefore, Ordinance No. 5855 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. 5855 as required by law.

Award bid to Johnson's Plumbing

(AquaVenture Water Park pool heaters)

Councilmember Murren moved, seconded by Councilmember Arens, for approval to award a bid to Johnson's Plumbing of Norfolk, Nebraska for the installation of two (2) - two million BTU commercial pool heaters needed for the 160,000-gallon wave pool at AquaVenture Water Park in the amount of \$132,018.00.

Parks and Recreation Director Nathan Powell provided information to elected officials. This is a request to award a bid with Johnson's Plumbing in the amount of \$132,018.00 to install 2-two million BTU commercial pool heaters for the 160,000-gallon wave pool at AquaVenture Water Park. Earlier this year, the recreation pool heater firewall crumbled causing it to burn through control wiring. It was determined the heater was beyond repair and beyond its expected lifespan.

The expected life of the heater was 10 years and we were using the heater for its 12th season. The 4 million BTU recreation pool heater was replaced in May 2023 with 2-two million BTU commercial pool heaters. This leaves us with a second 12-year-old 4 million BTU heater in the wave pool. With the heater beyond its expected lifespan, staff determined the best course of action is to replace the second heater during the off-season, rather than waiting for the heater to fail while the pool is open. The is a budgeted item in the amount of \$180,000 from ARPA funds, leaving us \$47,982 under budget.

Matt Johnson, Johnson Plumbing and Heating, noted replacing the 4 million BTU heater with 2-two million BTU heaters will prolong the life of the boiler.

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

Ordinance No. 5860

Councilmember Snorton introduced, seconded by Councilmember Murren, Ordinance No. 5860 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO UPDATE AND RESTRUCTURE PARKS AND RECREATION FEES; 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. This is a request to approve the updated parks and recreation fees for the 2024 season. Staff is recommending increases for AquaVenture, Sports, Cabins, and the Campground. The recommended fee increases are meant to offset the rising cost of operations and increase our cost recovery to previous levels. Previous cost recovery levels were at 30% in 2012 and have decreased to 17% in 2023. These fees will bring our fees up to comparable levels with other cities. In most cases, we have not increased fees for 10 years. The Parks and Recreation Board unanimously approved the proposed fee changes.

Ordinance No. 5860 was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist and McCarthy. Ordinance No. 5860 passed on first reading.

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

Roll call: Ayes: Arens, Webb, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist and McCarthy. 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 Hildebrand 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. 5860 be passed and adopted?"

Roll call: Ayes: Arens, Webb, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist and McCarthy. 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. 5860 as required by law.

Resolution No. 2023-64
(Affordable Housing Action Plan)

Councilmember Arens moved, seconded by Councilmember Snorton, for adoption of Resolution No. 2023-64 approving adoption of the City of Norfolk Affordable Housing Action Plan.

Planning and Development Director Val Grimes provided information to elected officials. This is the proposed affordable housing action plan required by the state. The state legislature passed LB866 in 2020 which became statute 19-5505 requiring each city in Nebraska with a population of less than 50,000 to adopt an affordable housing action plan on or before January 1, 2024. The plan must include the following: goals for the construction of new affordable housing units; goals for a percentage of areas in the city zone for residential use which permit multi-family and middle housing; plans for the use of federal, state, and local incentives to encourage affordable, middle and workforce housing; and updates to the city's zoning codes, ordinances and regulations to incentivize affordable housing. If the city does not adopt an affordable housing action plan by the end of the year, state statute will require amendments to city code to allow development of middle housing in all areas in the city zoned for residential use that allows for the development of detached single family dwellings and a duplex on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.

Roll call: Ayes: Arens, Webb, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist and McCarthy. Resolution No. 2023-64 was adopted.

Olsson, Inc. Letter Agreement Amendment #2
(Sanitary Sewer Replacement, Monroe Ave to Logan St)

Councilmember Arens moved, seconded by Councilmember Murren, for approval of Letter Agreement Amendment #2 to the original engineering contract with Olsson, Inc. for construction services and value engineering for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street for a time-and-expense basis contract not to exceed \$81,500.00.

Water and Sewer Director Chad Roberts provided information to elected officials. On May 2, 2022, a \$47,968.00 contract with Olsson, Inc. for the 36" Sanitary Sewer Rehabilitation - 2022 - Monroe Avenue to Logan Street project was approved. On May 1, 2023, City Council approved a \$1,985,515.00 contract with Rutjens Construction to install the sanitary sewer. Construction is

anticipated to start December 15, 2023, with an anticipated completion date of August 1, 2024. Amendment #2 provides for construction administration, construction observation, SWPPP inspection, construction meetings, construction staking, project closeout, and value engineering for a time-and-expense basis not to exceed \$81,500.00.

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

Novotx, LLC contract
(Elements asset management system software)

Councilmember Hildebrand moved, seconded by Councilmember Clausen, for approval of a software implementation contract with Novotx, LLC for the Elements asset management system for a grand total of \$188,000.00.

Public Works Director Steven Rames provided information to elected officials. In mid-2018 the Public Works Department began investigating a more comprehensive asset management system that could be used by all Public Works departments, Parks, and Building and Codes.

A committee was formed consisting of Division and Department leadership, and Information Technology. The committee reviewed several different asset management systems, those included; IworQ, PubWorks, Lucity, eMaint, Cityworks, GIS Workshops, Beehive, Elements and Dude Solutions. The committee invited each of these companies to provide up to a one hour review of their system. The committee then narrowed the pool to the top three systems for a more in depth review and invited, IworQ, Dude Solutions, and Elements to provide up to a four hour in depth review of their system.

Elements has an annual licensing cost of \$35,500 per year. It is not module based, we have access to the full system, and we are able to customize the system to meet our needs. Elements directly integrates with our city GIS system. When managing assets and interacting with the GIS system it is a live connection to our GIS which is desirable. Elements was the only asset management system reviewed that had a direct GIS integration.

The implementation contract with Novotx includes the licensing for the first year, system training for city staff, and system implementation for all Public Works divisions, Parks and Recreation, and Building and Codes. Implementation includes data migration from existing asset data bases, which for Building and Codes is significant. Costs for implementations, data migration, and training are \$152,500.

Implementation would begin in January 2024 and is expected to be wrapped up by the end of 2024.

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

November sales tax report
(September sales)

Finance Officer Randy Gates provided information to the Mayor and City Council on the November sales tax report (September sales).

This was for informational purposes only.

There being no further business, the Mayor declared the meeting adjourned at 6:36 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, December 4, 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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