

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 17th day of July, 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, Shane Clausen and Kory Hildebrand. Absent: Justin Snorton.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noells, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, Water and Sewer Director Chad Roberts, Communications Manager Nick Stevenson, Assistant City Engineer Anna Allen, Economic Development Director Candice Alder, Parks and Recreation Director Nathan Powell, City Planner Val Grimes, and Police Chief Don Miller.

The Mayor presided and the City Clerk recorded the proceedings.

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

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

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

Agenda Motions

Councilmember Murren moved, seconded by Councilmember Hildebrand to approve the consent agenda as printed.

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

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

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

Consent Agenda Items Approved

Minutes of the July 3, 2023, City Council meeting

Keno comparison report for June 2023

Bill Jepsen request to discharge fireworks at Ta-Ha-Zouka Park on Sunday, September 17, 2023, for the Handcuffs and Hoses charity softball game

Conover Properties, LLC, temporary sidewalk café within City's right of way located at 120 S 3rd Street

Resolution No. 2023-31 extending the City's LARM (League Association of Risk Management) participation up to September 30, 2026 and including a requirement of at least 180-days notice of intent of termination

Addition To Premise of an outdoor area, approximately 23 x 110, for the Class C liquor license of Seven County Spirits, LLC, dba District Event Center, 218 West Norfolk Avenue, making the new description as, "One story building approximately 276 x 120 with outdoor area approximately 23 x 100"

Resolution No. 2023-32 releasing the Westerly 5', except the Southerly 10' thereof, utility easements, on Lot One, Reynolds-Folkers' Lot Subdivision in part of Lots 3 & 21, Wards Suburban Lots to the City of Norfolk, Madison County, Nebraska and the vacated alley adjoining between said Lots 3 & 21

Resolution No. 2023-33 releasing the 10' utility easement (5' on each side of the common lot line) between Lots 16 and 17, Block 2, less the east 10' thereof of Nor Park Subdivision, City of Norfolk, Madison County, Nebraska, being part of the East ½ of Section 26, T24N, R1W of the 6th P.M., Madison County, Nebraska

Resolution No. 2023-34 releasing the Southerly 5' of Lot 12 and the Northerly 5' of Lot 13, except the east and west 10' thereof, utility easements, in Virginia's Second Addition to the City of Norfolk, Madison County, Nebraska AND 5' on each side of the following described line: Beginning at the Northwest corner of Lot 13, Virginia's Second Addition to the City of Norfolk, Madison County, Nebraska; thence S 87°48'10"W, on the extension of the North line of said Lot 13, a distance of 107.08 feet to the point of ending, said point being on the West lien of Lot 10, Virginia's Second Addition to the City of Norfolk, Madison County, Nebraska

Steven T. and Amy J. Brockhaus easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 824 Wood Street

Blackman Boys Enterprises, LLC easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 1224 W Michigan Avenue

Najado Rentals, LLC easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 823 Glenn Street

Special Designated Liquor License requested by American Legion Post 267, to serve beer, wine and distilled spirits at the DeVent Center, 4300 W Norfolk Ave, from 4:00 p.m. to 1:00 a.m. for a wedding on August 5, 2023

Lutheran High School Association of Northeast Nebraska, Incorporated, a Nebraska Nonprofit Corporation, agreement allowing the use of Memorial Field in Veterans Memorial Park for football games, scrimmages, and practices from the date of this agreement to June 30, 2024

Flood Communications, L.L.C., a Nebraska Limited Liability Company, and District TT Hospitality LLC, a Nebraska Limited Liability Company, agreement to close a portion of W Norfolk Avenue to host a Mimosa Fest event which includes but is not limited to the sale of alcohol, live performances, axe throwing, food truck vendors, and providing Wi-Fi services, on Saturday, August 12, 2023

Young Life, a Texas Nonprofit Corporation, agreement allowing the use of Central Park for a Water War event on Tuesday, August 22, 2023, including but not limited to various water games for Junior High students

Norfolk Lions Club, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of Norfolk Pedal Park for a Big Wheel race on Saturday, August 19, 2023

Resolution No. 2023-35 approving the Third Amended Interlocal Solid Waste Management Agreement and authorizing the Mayor to sign the agreement on behalf of the City of Norfolk

Bernard Wrede, Trustee of the Bernard and Carol Wrede Living Trust, request to remove property located in Section 36, Township 24, Range 1, Madison County from the county industrial tract designation.

Bills in the amount of \$4,899,232.25

Public Hearings and Related Items

Public Hearing

(Eldorado Hills Golf Club, Class C Liquor License Application)
(and manager application of Susan Fuchtman)

A public hearing was held to consider a Class C (beer, wine, distilled spirits, on and off sale only) liquor license application for Eldorado Hills Golf Club, dba Eldorado Hills Golf Club, 1227 Eldorado Road, and the manager application of Susan Fuchtman. City Clerk Brianna Duerst provided information to the Mayor and City Council. Eldorado Hills Golf Club, 1227 Eldorado Road, has applied for a Class C Liquor License. This is a replacement license as the location is currently licensed, but the new license will be issued to a different entity, which requires a new application/process. Following the public hearing, Council will need to make a

recommendation, by resolution, to the Nebraska Liquor Control Commission, who ultimately decides on issuance of the license.

Tim Brogan, representing the applicant, spoke in favor of the request.

Councilmember Arens noted a clerical error on the application and resolution and confirmed Mrs. Fuchtman's middle initial is D, not O.

No one else appeared either in favor of or in opposition to the liquor license application and the Mayor declared the hearing closed.

Resolution No. 2023-36
(Eldorado Hills Golf Club, Class C liquor license application)
(and manager application of Susan Fuchtman)

Councilmember Arens moved, seconded by Councilmember Clausen, for adoption of Resolution No. 2023-36 approving the Class C (beer, wine, distilled spirits, on and off sale only) liquor license application for Eldorado Hills Golf Club, dba Eldorado Hills Golf Club, and the manager application of Susan D. Fuchtman.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Clausen and Hildebrand. Nays: None. Absent: Snorton. Resolution No. 2023-36 was adopted.

Regular Agenda Items

Maintenance Agreement No. 19
(2023 agreement with Nebraska Department of Transportation)

Councilmember Hildebrand moved, seconded by Councilmember Granquist, for consideration of the revised Maintenance Agreement No. 19 with the Nebraska Department of Transportation for calendar year 2023, and authorization for the Mayor to execute Certificate of Compliance at the end of 2023.

Public Works Director Steven Rames provided information to elected officials. 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 2023, after the City has provided the required maintenance. For 2022 maintenance, City staff discussed revising this agreement with the State. However, the revised agreement for 2022 wasn't officially approved. The approved 2023 agreement attached to the December 19, 2022 agenda, was a renewal agreement instead of the revised agreement. The State has since revised the 2023 agreement accordingly.

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

Custom Ice, Inc. Contract
(construction of ice rink at Johnson Park)

Councilmember Hildebrand moved, seconded by Councilmember MCarthy, for approval to award a contract to Custom Ice, Inc. for the construction of an ice rink at Johnson Park for an amount of \$284,303.00.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell noted staff has been struggling to find a general contractor, but are meeting with a potential on July 18, and asked that elected officials table consideration of the contract. Powell said that when the Johnson Park project was originally bid, the lone bid received was considerably over budget and we are now bidding the project in phases to reduce costs. This is not an addition to the overall budget, but is being split out to find a specialty contractor that can do this type of project.

Councilmember Arens moved, seconded by Councilmember Murren, to table consideration of approval to award a contract to Custom Ice, Inc. for the construction of an ice rink at Johnson Park.

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

There being no further business, the Mayor declared the meeting adjourned at 6:05 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, July 17, 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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