

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 20th day of June, 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, and Kory Hildebrand. Absent: Shane Clausen.

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, Water and Sewer Director Chad Roberts, Wastewater Plant Supervisor Rob Huntley, Director of Administrative Services Lyle Lutt, Information Systems Manager Brad Andersen, Fire Chief Tim Wragge, Emergency Manager Bobbi Risor, Streets Manager Will Elwell, Street Shop Supervisor Matt Ernesti, Housing Director Gary Bretschneider, City Planner Val Grimes, and Police Officer Justin Lindsay.

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

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

Consent Agenda Items Approved

Minutes of the June 5, 2023 City Council meeting

Keno comparison for May 2023

Memorandum of Understanding between the City of Norfolk, Nebraska, a Municipal Corporation, and Madison County, Nebraska, a Political Subdivision of the State of Nebraska, for the maintenance and activation of the outdoor warning siren currently located at 1112 Bonita Drive

Ratify an Interlocal Agreement between Antelope County, Nebraska; Madison County, Nebraska; Pierce County, Nebraska; and City of Norfolk, Nebraska to update the Region 11 Emergency Manager as a direct report to the Norfolk Fire Chief

Norfolk Post 16 of The American Legion at Norfolk, Nebraska, a Chartered Unit of the Nebraska American Legion and its National Organization, agreement allowing the installation of approximately 52 US flags on City's light poles along the US Highway 81 corridor from the date of signing the agreement to within ten days following Veterans Day (November 11, 2023)

Disc Gauntlet, LLC, a Nebraska Limited Liability Company, agreement to utilize the disc golf course in Ta-Ha-Zouka Park to hold an "Elkhorn Open" disc golf tournament on Saturday, August 12, 2023

The Zone Afterschool Program, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of a portion of Central Park to hold a Rock the Block event, including but not limited to carnival games, music provided by a DJ, raffles, and selling food on Saturday, August 5, 2023

Norfolk Lodge #46 IOOF agreement to hold a parade on July 4, 2023

Third Renewal Agreement with EHPV Lottery Services LLC and Endgame Lottery Services LLC, both doing business as Big Red Keno, for an additional five year period expiring on August 3, 2028

Special Designated Liquor License requested by Norfolk Panther Booster Club, a non-profit organization, to serve beer, wine and distilled spirits at the Norfolk Armory, 817 South 1st Street, from 4:00 p.m. to 11:59 p.m. for a fundraiser on August 18, 2023

Special Designated Liquor License requested by District Table and Tap, to serve beer and distilled spirits in the 200 block of West Norfolk Avenue, for a Mimosa Festival from 6:00 a.m. to 12:00 a.m. on Saturday, August 12, 2023

Special Designated Liquor License requested by Elkhorn Valley Historical Society, to serve beer at 515 Queen City Blvd, for an outdoor festival from 11:00 a.m. to 4:00 p.m. on August 26, 2023

Special Designated Liquor License requested by Off Road Ranch, LLC, to serve beer and distilled spirits at the Warhorse Event Center, 4300 West Norfolk Avenue, for a fundraiser from 5:00 p.m. to 12:00 a.m. on July 22, 2023

Special Designated Liquor License requested by Elkhorn Valley Historical Society, to serve beer, wine and distilled spirits at 515 Queen City Blvd, for an evening of comedy, from 6:00 p.m. to 9:30 p.m. on September 7, 2023

Mayor's appointment of Roberto Dorado Jr. to the Norfolk Housing Agency Board, effective July 1, 2023, for a 5-year term expiring June 2028

Mayor's reappointment of Tom Dover Jr. to the Library Advisory Board, for a 5-year term ending June 2028

Resolution No. 2023-28 declaring the City's official intent under Internal Revenue Code regulations to incur indebtedness which includes reimbursement of expenditures for paving of Walters East Knolls 14th Addition

Paving terrace along the west side of Sixth Street between Madison Avenue and Phillip Avenue for the Orphan Grain Train building

Permanent and temporary easements between Gerard A. Weiland and the City of Norfolk for the Michigan Avenue and 8th Street Reconstruction project for property located along 901 South 9th Street

Permanent and temporary easements between Sid and Terri Sudbeck and the City of Norfolk for the Michigan Avenue and 8th Street Reconstruction project for property located along 900 South 8th Street

JK Naranjo Rentals, LLC Easement agreement for the Michigan Avenue and 9th Street Reconstruction project for property located along 832 S. 9th Street

Commercial Building Leasing, L.L.C. easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 700 West Omaha Avenue

Daniel and Diahn Pekny easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 833 South 8th Street

Mark Karmann easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 902 West Michigan Avenue

Amended and restated Electric Vehicle Site Host Agreement between Nebraska Public Power District (NPPD) and the City of Norfolk to install and maintain electric vehicle supply equipment (EVSE) on City property

GIS Data Sharing Agreement between Nebraska Public Power District (NPPD) and the City of Norfolk to share GIS-related data on an as-requested basis

Mayor to execute a Certificate of Substantial Completion to J.H. Hesper Co., Inc. for the Johnson Park North Fork River Restoration Project Restroom & Parking Lot project

City of Battle Creek, Nebraska, a Municipal Corporation, agreement to have the Norfolk Street Division provide street sweeping services on a contract basis for a maximum of 10 hours a month for a 5-year term at a rate of \$150.00 per hour, with an increase of 3% annually
Addendum to Real Estate Purchase Agreement with Option & Right of First Refusal related to the sale of the City's parking lot located at 122, 124 and 126 North 4th Street (Kensington parking lot)

Addendum to Real Estate Purchase Agreement with Option & Right of First Refusal related to the sale of the City's parking lot located at 122, 124 and 126 North 4th Street (Kensington parking lot)

Bills in the amount of \$1,830,162.76

Special Presentations

Overview of the State of Nebraska requirements for the Affordable Housing Action Plan

City Planner Val Grimes reviewed the basic requirements and regulations per state statute pertaining to the affordable housing action plan that must be adopted by the city no later than January 1, 2024. If not adopted by January 1, 2024, there are items in state statute that require the city to revise code to permit affordable, duplexes, and middle housing. The action plan must include the following:

- 1) Goals for the construction of new affordable housing units, including multifamily housing and middle housing, with specific types and numbers of units, geographic locations, and specific actions to encourage the development of affordable housing, middle housing, and workforce housing;
- 2) Goals for a percentage of areas in the city zoned for residential use which permit the construction of multifamily housing and middle housing;
- 3) Plans for the use of federal, state and local incentives to encourage affordable housing, middle housing, and workforce housing;
- 4) Updates to the city's zoning codes, ordinances, and regulations to incentivize affordable housing.

Public input session to discuss the potential upgrades and expansion of the sanitary sewer system east of the flood control

Water and Sewer Director Chad Roberts gave an overview of the history of the 275 Lift Station. In 2015, Kirkham Michael produced an engineering report titled "275 BUSINESS WASTEWATER LIFT STATION STUDY". The purpose of the study was to review the

capacity of the City of Norfolk's East Subbasin, including the 275 Lift Station, and define improvements that will alleviate current deficiencies and provide capacity to handle greater peak wastewater flows created by projected community growth. The study provided three phases of improvements:

Phase 1 – Upgrade pumps at the 275 Lift station to 1200 GPM – completed in 2016.

Phase 2 – Increase pumps at the 275 Liftstation to 1650 GPM, install dedicated force main, increase wastewater storage.

Phase 3 – Build new Liftstation, East Omaha Ave – currently scheduled for 2027 construction, looking to advance the project to begin construction in the 2024 budget.

Roberts spoke of the advantages of the project which include a dedicated force main, increased capacity on the west side of the flood control for future development, dedicated on-site generator. Current cost for the interceptor is estimated at \$2.8 million and for the station itself, cost is estimated at \$2.3 million. If the project moves forward in 2024, would be looking at a 3-year, 8% rate increase, in each year, in sewer rates. This would cover the costs of the lift station and any other improvements at the water treatment plant. Roberts discussed the history of Norfolk's sewer rates. Since 1994, sewer rates have increased on average about 4.1% annually. Roberts also discussed how Norfolk's rates compare to sister cities Kearney, Fremont, Columbus, Hastings and South Sioux City.

The plans for the project were completed in 2017, so is ready to go. If moving forward with the project is approved during the budget process, would look to get the project out for bids in November 2023 and begin construction as soon as possible. Roberts expects the project to take about two years to complete.

Jim McKenzie, 1412 Longhorn Dr, asked what is driving the project to be completed now. The city was anticipating industrial growth when originally designing the project, which did not occur. McKenzie noted the project is a significant cost to the rate payers in the community and he does not see what demand is driving it and questioned if this project is an appropriate solution to concerns in the area.

Public Works Director Steven Rames said the lift station project is a solid need for community growth. The project has been continually pushed out. Rames explained that everything east of the levee runs into an existing lift station and then goes through a force main under the levee. When the Omaha Avenue Lift Station is constructed and we terminate the 275 Lift Station, it frees up the capacity that is being pushed over to the west side, which will benefit continued growth in the northwest portion of the community. Rames noted that the project is a needed improvement for our system that was originally estimated at \$5.3 million in 2017. Today, the project is estimated at \$9.1 million, and that cost will continue to grow. Rames also explained that the system was designed for a certain amount of flow. We would need to do some modifications to the facility to make it serve current needs for the next few years, and as we continue to see industrial growth on the east side, it's much easier to make to make the community build ready with this in place. It also frees up capacity on the west side of the community as well. As the community continues to grow, the Omaha Lift Station will be a critical piece of infrastructure.

Public Hearings and Related Items

Public Hearing

(Citizen Advisory Review Committee)

A public hearing was held to receive a report on findings and suggestions from the economic development Citizen Advisory Review Committee as required by State Statutes Section 18-2715. Finance Officer Randy Gates provided information to the Mayor and City Council. State Statutes require a Citizen Advisory Review Committee (CARC). The citizens serving on CARC are: Cindy Morrow, Brandon Day, Aaron Otten, Jan Einspahr and Kathie Means. The City's Finance Officer serves as an ex officio non-voting member of CARC. State Statutes require the CARC to meet at least once in every six-month period and to report to the City Council on its findings and suggestions at a public hearing called for that purpose. The committee reviewed and discussed the following: 1) Current funding. 2) NeighborWorks project. 3) Women's Empowering Life Line project. 4) Economic development update. 5) CARC findings and suggestions for public hearing.

This item was for informational purposes only.

Public Hearing

(Debra Brauer waiver of required connection to community sewage system)
(1201 North 25th Street)

A public hearing was held to consider a waiver of required connection to the community sewage system for property located at 1201 N 25th Street, requested by Debra Brauer.

Debra Brauer, 1201 N 25th Street, spoke to the request and said she is requesting the waiver because the community sewer is over 600 feet from the dwelling.

Public Works Director Steven Rames said due to the distance to connect to the city sewer, a replacement septic system is an acceptable solution.

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

Debra Brauer waiver of required connection to community sewage system
(1201 North 25th Street)

Councilmember Granquist moved, seconded by Councilmember Arens, for approval of a request from Debra Brauer for a waiver of required connection to the community sewage system for property located at 1201 N 25th Street.

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

Public Hearing
(extraterritorial zoning jurisdiction map amendment)

A public hearing was held to consider an amendment to the extraterritorial zoning jurisdiction map of the City of Norfolk, Nebraska, as authorized by Section 16-902 R.R.S 2012. City Planner Valerie Grimes provided information to the Mayor and City Council. The expansion of the city's extraterritorial zoning jurisdiction (ETJ) is due to the large annexation completed in 2021. Accurate mapping of some portions of the area included did not exist at that time, which is why the ETJ expansion was delayed. The ETJ will expand from 58 square miles to 74 square miles and expands into both Madison and Stanton counties.

On June 6, 2023, the Norfolk Planning Commission held a public hearing regarding the extraterritorial zoning jurisdiction map amendment. 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 amendment and the Mayor declared the hearing closed.

Ordinance No. 5837
(extraterritorial zoning jurisdiction map amendment)

Councilmember Arens introduced, seconded by Councilmember Snorton, Ordinance No. 5837 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND THE EXTRATERRITORIAL ZONING JURISDICTION MAP OF THE CITY OF NORFOLK, NEBRASKA, AS AUTHORIZED BY N.R.S. SECTION 16-902 (R.R.S. 2012) AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR 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: Granquist, Arens, Webb, McCarthy, Murren, Snorton, and Hildebrand. Nays: None. Absent: Clausen. Ordinance No. 5837 passed on first reading.

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

Roll call: Ayes Granquist, Arens, Webb, McCarthy, Murren, Snorton, and Hildebrand. Nays: None. Absent: Clausen. 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 Hildebrand, 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. 5837 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, and Hildebrand. Nays: None. Absent: Clausen. 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. 5837 as required by law.

Public Hearing
(Cornhusker Auto Center Redevelopment Plan)

A public hearing was held to the Redevelopment Plan for the Cornhusker Auto Center Redevelopment Project. Finance Officer Randy Gates provided information to the Mayor and City Council.

On February 17, Cornhusker Auto Center, Inc. submitted a TIF application for the former Office Max building. On March 20, the Economic Development Subcommittee reviewed the application and voted unanimously to move forward with acceptance of a Redevelopment Plan for this project. On May 1, the Community Development Agency accepted the Redevelopment Plan and forwarded it to the Planning Commission for review and recommendation. The Planning Commission held a public hearing on this redevelopment plan at their May 16 meeting, and recommended approval of the plan on a 6-0 vote. On June 5, the Agency voted unanimously to recommend approval of the Redevelopment Plan to City Council.

Al Rajae, 1706 Eldorado Rd, developer, said he is looking to expand the building, specifically the service area to allow for additional service bays, which will allow for an increase of 20-30 employees. Rajae said this will be a long term, legacy development for the city.

Jim McKenzie, 1412 Longhorn Drive, expressed concern over giving tax dollars away, and continually asking taxpayers to make up for TIF, and encouraged elected officials to put some controls/policies in place for TIF projects.

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

Resolution No. 2023-29
(Cornhusker Auto Redevelopment Plan)

Councilmember Arens moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2023-29 approving the Redevelopment Plan for the Cornhusker Auto Redevelopment project.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, and Hildebrand. Nays: None. Absent: Clausen. Resolution No. 2023-29 was adopted.

Regular Agenda Items

OneNeck IT Solutions negotiated price
(Network Switches Refresh Project)

Councilmember Granquist moved, seconded by Councilmember McCarthy, for approval of the negotiated price with OneNeck IT Solutions for \$163,109.35 for the Network Switches Refresh Project.

On March 23, 2023, two bids were received for the Network Switches Project. The first bid from OneNeck IT Solutions was for \$183,286.37 and the second bid from Applied Connective Tech X was for \$212,582.86. The current budgeted amount for this project is \$175,000 so staff negotiated prices with the low bidder, OneNeck IT Solutions, and came to a final price of \$163,109.35.

Information Systems Manager Brad Andersen provided information to elected officials. This project will replace all IT networking hardware with new equipment throughout City buildings. The current devices in use were purchased used and are end of life, no longer supported. The end of sale on the current model the City is using currently was in 2014 and there have been multiple failures. As part of this project, there will be additional redundancy and enhancements built into the City network.

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

Resolution No. 2023-27

(Norfolk Rentals, LLC, Preliminary Planned Development)
(northwest corner of E. Norfolk Avenue and N. Victory Road)

Councilmember Granquist moved, seconded by Councilmember Arens, to remove Resolution No. 2023-27 from the table. Resolution No. 2023-27 was tabled at the June 5, 2023 City Council meeting.

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

Councilmember Granquist moved, seconded by Councilmember McCarthy, for adoption of Resolution No. 2023-27 approving the Preliminary Planned Development on property generally located at the northwest corner of E. Norfolk Avenue and N. Victory Road at the request of Norfolk Rentals, LLC.

City Planner Val Grimes reviewed the Preliminary Planned Development (PD) request, which is for 3, 8-plex, 1-bedroom apartment buildings. The PD is requesting the allowance of multiple buildings on 1 lot, a 5' setback relief for the SE corner of one of the structures, and 625 SF dwelling unit instead of the min. 650 SF per code.

Chad Carter, 813 Forest Drive, applicant, said this location was chosen due to the size of the lot, the fact that the property has been for sale for quite some time, residential growth on the east side of town, and the demand for housing in this price range and simple style.

Britney Compton, 929 E Norfolk Avenue, expressed concerns with the overall fit of the development in the area, public safety, buffering, water runoff and increased traffic.

Councilmember Arens said he likes the project but does not support the location and feels the comprehensive plan designation of commercial fits the property better.

Roll call: Ayes: None. Nays: Granquist, Arens, Webb, McCarthy, Murren, Snorton, and Hildebrand. Absent: Clausen. Resolution No. 2023-27 failed.

J.H. Hespe Co., Inc. Change Order No. 3F

(Johnson Park North Fork River Restoration – Restroom and parking Lot project)

Councilmember Arens moved, seconded by Councilmember Snorton, for approval of Change Order No. 3F with J.H. Hespe Co., Inc. for the Johnson Park North Fork River Restoration - Restroom and Parking Lot project resulting in a net decrease of \$19,721.52.

Public Works Director Steven Rames provided information to elected officials. Change Order No. 3F allows for extra excavation and truncated dome pads and deletes changes to the trail, irrigation, and sod for a net decrease of \$19,721.52.

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

Embris Group, LLC agreement

(Stormwater Training)

Councilmember Granquist moved, seconded by Councilmember McCarthy, for approval of a professional services consultant agreement with Embris Group, LLC for Stormwater Training for an amount not to exceed \$18,040.00.

Public Works Director Steven Rames provided information to elected officials. This agreement includes staff training on all things stormwater, including the EPA Clean Water Act, MS4 program, and Post-Construction Stormwater Management Plan (PCSMP). This project includes presentation of stormwater requirements, review of proposed stormwater ordinance, and review of all existing stormwater related manuals to ensure the City of Norfolk meets all Federal and State laws and regulations.

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

Public Comment Period

Steve Sehi, 911 Heather Ln, expressed concern with the signage at the TaHa Zouka softball fields and requirements for seatbelts in golf car vehicles.

Mark Nelson, 1503 Charolais Dr, spoke of concerns on tax increment financing and the tax impact on citizens and said there needs to be some limit on how much is done.

Tim Ernst, 2906 Dover Dr, spoke to the difficulty of licensing golf car vehicles in the city and said the regulations put into place make it impossible to license golf car vehicles.

Lonnie Sandal, 812 S 7th St, spoke of concerns on the condition of 7th Street between Michigan and Pasewalk Avenues.

Jim McKenzie, 1412 Longhorn Dr, questioned the status of the Police Department expansion upgrades, as it seems the topic has gone silent. McKenzie also expressed concern with the budget review process and limited opportunity for citizen participation.

Brad Brooks, 2204 Highland Dr, expressed frustration at the lack of progress on the Police Department expansion.

There being no further business, the Mayor declared the meeting adjourned at 8:04 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 Tuesday, June 20, 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)