

**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 March, 2023, beginning at 5:30 p.m.

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

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Assistant City Engineer Anna Allen, Director of Administrative Services Lyle Lutt, Parks and Recreation Director Nathan Powell, Water and Sewer Director Chad Roberts, Fire Chief Tim Wragge, Housing Director Gary Bretschneider, Economic Development Director Candice Alder, Communications Manager Nick Stevenson, Administrative Assistants Kylee Soderberg, Jen Olson and Stacey Hansen, 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 Hildebrand moved, seconded by Councilmember Clausen to approve the consent agenda with Item #18 and Item #30 moved to the regular agenda and a correction to the date on the March 9, 2023 City Council work session minutes. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

Councilmember McCarthy moved, seconded by Councilmember Snorton to adopt the full agenda with Item #37 moved to the last item on the agenda. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

**Consent Agenda Items Approved**

Minutes of the March 6, 2023 City Council meeting

Minutes of the March 9, 2023 Work Session meeting

Keno comparison report for February 2023

Norfolk Football Club, a Nebraska Nonprofit Corporation, agreement allowing the use of the multi-purpose fields and green space in City's parks, excluding Veterans Memorial Park, for youth soccer practice and training from March 23, 2023 through December 31, 2023

Norfolk Soccer Club, Inc., a Nebraska Nonprofit Corporation, agreement allowing practice on the multi-purpose fields and green space in City's parks, excluding Veterans Memorial Park, for their 2023 soccer season from April 1, 2023 through November 1, 2023

Premier Companies, L.L.C., a Nebraska Limited Liability Company, agreement allowing the use of Norfolk Pedal Park and Embrace Field (green space immediately north of and adjacent to Norfolk Pedal Park) to host a spring event to include but not limited to Mario Kart racing with little trikes on the bicycle track and relay races in the grass, on Friday, April 28, 2023

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 baseball field in Veterans Memorial Park to be used for baseball practice, clinics, camps and games (not including tournaments) for the summer baseball season and post season from May 1, 2023 through August 31, 2023

Northeast Community College, a Political Subdivision of the State of Nebraska, agreement allowing the use of the baseball field at Veterans Memorial Park for baseball practice, clinics, camps and games (not including tournaments) from the date of this agreement through June 30, 2023

Northeast Community College, a Political Subdivision of the State of Nebraska, agreement allowing the use of City's facilities for softball games, practice, clinics, and camps from the date of this agreement through June 30, 2023

Northeast Community College, a Political Subdivision of the State of Nebraska, agreement allowing soccer games to be held at Memorial Field and to hold soccer practices, clinics, and camps at both Memorial Field and other multipurpose fields and green space from the date of this agreement through June 30, 2023

Special Designated Liquor Licenses requested by Downtown Norfolk Association, to serve beer at 303 W Norfolk Avenue (Riverpoint Square), for a Family Music Concert Series from 5:30 p.m. to 11:00 p.m. on the following dates: June 2, 2023, with an alternate date of June 9, 2023; June 23, 2023, with an alternate date of June 30, 2023; July 21, 2023, with an alternate date of July 28, 2023; and August 18, 2023, with an alternate date of August 25, 2023

Advertise for bids for the Sanitary Sewer Replacement Monroe Avenue to Logan Street project

Low bid for the outdoor warning siren project submitted by Federal Signal Corp for a lump sum amount of \$91,836.69

Purchase a sewer crawler camera for \$37,824.74 from Deep Trekker Inc. for the Sewer Division

Certified Testing Services, Inc. testing services contract for the Concrete Improvements FY 2022-2023 project for an amount not to exceed \$15,500.00

Certified Testing Services, Inc. testing services contract for the Library Story Walk Trail project for an amount not to exceed \$2,500.00

Certified Testing Services, Inc. testing services contract for the W. Michigan Avenue and 8th St. Street and Utility project for an amount not to exceed \$54,500.00

Certified Testing Services, Inc. testing services contract for the Paving District No. 520 (Walters' East Knolls 14th Addition) project for an amount not to exceed \$5,000.00

BankFirst Permanent easement agreement allowing for the placement of communication lines

Robert E. Dover, Ann B. Dover, Thomas E. Dover II, and Marilyn K. Dover permanent easement agreement allowing for the placement of communication lines

Westgate of Norfolk LLC permanent easement agreement allowing for the placement of communication lines

Norfolk Iron & Metal Co. water project easement agreement for the Northeast Industrial Utility Extension project for \$2,871.00

Norfolk Iron & Metal Co. water project easement agreement for the Northeast Industrial Utility Extension project for \$2,871.00

Bills in the amount of \$1,829,894.56

### **Special Presentations**

The Mayor proclaimed March 12-18, 2023 as Girl Scout Week.

The Mayor proclaimed March 23, 2023 as Noon Kiwanis Day.

Alcohol beverages occupation tax and Police Station Expansion

Public input and discussion to receive potential Council recommendation, if necessary, regarding an occupation tax on alcoholic beverages and possible special election for the police station expansion.

City Administrator Andy Colvin said we are attempting to hone down community priorities after the failed sales tax issue in November and noted the Police Station expansion rose the top of the priority list, and we are looking at creative ways to fund the project. At the last Council meeting, there was discussion on a potential 3% occupation tax on alcoholic beverages. This discussion is an opportunity to follow up, get additional input and provide direction.

Moening said at the last Council meeting, there was also discussion on potential funding for street repairs, more specifically a lodging tax. From that conversation, it appeared there was no desire to continue discussion on that option. Further, at the Council work session, there was discussion on working within the current budget on needed street repairs. We are further narrowing this discussion to take more public input on a potential special election and occupation tax on alcoholic beverages as a way to help finance Police Station expansion.

Kim Davis, 310 Oak Street, asked how much taxing alcohol at 3% would produce and how long the tax would need to be collected. Davis noted collections on citations could cover the cost.

Finance Officer Randy Gates said the estimated revenue is approximately \$733,000 per year, which would be enough to the pay debt service on a bond with an average interest rate of 4% over 20 years to pay for what we're anticipating the Police Station expansion to cost.

City Attorney Danielle Myers-Noelle noted that, when referring to citations, the money collected goes to public school and does not come back to the city.

Jim McKenzie, 1412 Longhorn Drive, asked, regarding the potential occupation tax, if the intent is to let citizens vote on it or if it will be decided by Council vote. Myers-Noelle noted that, because we are anticipating we will exceed \$700,000 as provided in state statute, the occupation tax question would be included in the ballot.

McKenzie said, while he is supportive of completing the police station expansion project as soon as possible, there are more than sufficient funds to pay for the expansion without a new tax, including undesignated ARPA funds, unallocated Council Priority Dollars, landscaping funds, and increased sales tax receipts. These dollars together total \$2.8 million. McKenzie said the project could be paid for within the existing budget with existing funds, and he is confused as to why there is a need for an additional tax when we have existing funds to pay for the project. McKenzie questioned what would happen if the bond and occupation tax is not passed by voters and would suggest having two questions on the ballot, one for the bond and a separate question for the occupation tax. That way if the citizens approve the bond issuance, but not the new tax, the project could proceed within the existing budget.

Moening discussed the difficulty of accomplishing both street repairs and the Police Station expansion within the existing budget as there is a limited amount of discretionary funds.

McKenzie said there needs to be a deep dive into the city's budget. The city has been collecting more revenue, where is it going? Need to claw some money back out and use for streets.

Councilmember Clausen said he feels we could do one or the other by using current revenue – Police Station expansion or street repairs. It depends on how aggressive we want to get on street repairs. Additional revenues are what grew the beginning fund balance. Unless we reduce the emergency fund dramatically, we will need to cut tremendous amounts of service. Council Priority Dollars were previously tied up in Parks Department payroll and payment of the Administration building. While those dollars have now been freed up, Clausen feels those funds are better served for street repairs instead of paying off a bond. To do both within the existing budget would change the scope on what we want to do with street repairs.

McKenzie noted he is not personally entirely opposed to occupation tax; his concern is where do we tighten our belt to try to live within our means? McKenzie sees unnecessary spending across the budget and areas where we can be more frugal.

Olivia Matteo, no address provided, said if there is not enough money to do both street repairs and Police Station expansion, the priority should be street repairs and then revisit police expansion. Matteo would suggest looking at phases for police expansion since there is not enough money up front and would like to look at different options on how to stretch out Police Station expansion and focus on roads that impact everyone.

Soshia Bohn, no address provided, asked if there was a comparison of where the 3% occupation tax came from and how other communities use funds collected through an occupation tax. Moening said, currently there is no occupation tax in Norfolk. There had been previously to help pay for the Memorial Field and Aquaventure project. The bond for that project was paid off earlier than anticipated and the occupation tax was removed. As far as what other communities do, it is a wide variety of how those funds are used to pay for different city projects. Norfolk is probably in the minority in not imposing some sort of food and beverage or lodging occupation tax. Bohn said she believes both road repairs and the Police Station are very necessary. Finding ways to do both is vital.

Brad Brooks, 2204 Highland Drive, said when the increased sales tax and bond issue was up for election, if the projects hadn't been lumped together, the two things people he spoke to really wanted were the Police Department and streets. Now there are more roadblocks on the two things the community said they wanted done. There will be some tough decisions that have to be made, but something must be done.

McKenzie would like to see Council commit to putting a certain number of dollars annually into street repairs, so citizens are aware there will be money going into street repairs if the occupation tax is approved. McKenzie feels if the message isn't right to the citizens and they see this as just an extra tax, we pass up an opportunity again.

Moening said he likes the idea of a specialized tax on just alcohol instead of taxing all food and beverages. We are trying to find reasonable ways to more immediately get these projects done. Moening said since January and February, we have been collecting citizen surveys and Police and Streets have risen to top of the priority list. An occupation tax has rated first as the potential funding mechanisms to get these projects done. As part of this discussion, we have seen more requests besides just Police and streets including the Senior Citizens Center and Childcare. We have to be mindful that the city and council has to weigh all of these different priorities and decide within the budgetary process what can be dedicated where and the timelines to accelerate getting the work done.

Councilmember Clausen said that with citizens input from the last meeting, it was decided not to do any sort of new taxes for street repairs and noted how important it is to have citizens share their input.

#### Parks and Recreation Board creation

Discussion regarding the creation of a Norfolk Parks and Recreation Board to assist with the management, care, and use of Norfolk's parks.

Parks and Recreation Director Nathan Powell said the city had a Parks and Recreation Board until 1980. Since then, we have lost citizen engagement and there has been no discussion regarding a board that staff can find. A Parks Board was originally established in 1917. The Parks Board was abolished in July of 1979, and the Parks and Recreation Board was created at that time. The Parks and Recreation Board was then abolished in December of 1980. There was no discussion in the minutes or any rationale given as to why they abolished the board in 1980. The Parks and Recreation Board is needed to provide recommendations for priorities that meet the needs of the community. They will be a voice for the community. We are seeking direction as staff to prioritize our projects and needs throughout the whole community. Parks and Recreation boards can be found in Omaha, Kearney, Fremont and Columbus. The Parks and Recreation board will not have budget approval, but rather provide recommendations for our priorities. The board can advocate for community driven concerns and provide rational solutions that are not political.

A first draft of an ordinance has been put together by staff. It was written following state statute, which allows a semi-independent board where Council makes the ultimate decisions. Powell reviewed the budget process and policies. The board would meet once per month and would consist of six members. Per state statute, there must be a minimum of three members, anything higher than that has to be divisible by three.

Councilmember Hildebrand asked about the role of the Culture & Recreation subcommittee. Hildebrand said he is not sure six members will be enough to make sure everyone's interest is accommodated.

Councilmember Webb said he sees this as an advisory board that leads to community involvement and transparency, but wants to ensure there is nothing to circumvent the City

Council. Webb would like to see the board made up of the general citizens and not private sports groups.

City Attorney Myers-Noelle said how the current draft of the ordinance is written is heavily geared to the way state statute reads. If elected officials want this board to serve as advisory board, where all final decisions come to Council, that can clearly be defined within the ordinance.

City Administrator Colvin said this is a good way to create another advisory board to the council and would be good for the community. Colvin would suggest having nine board members, keeping in mind this would be a volunteer board of citizens, and he would anticipate monthly, evening meetings.

Jim McKenzie, 1412 Longhorn Drive, said there is nothing in ordinance as written that says the board would be an advisory board. The ordinance says the board shall have charge of all parks and establishes the responsibilities of the board to have charge of all parks owned by the city and establish rules for the management, care, and use. This ordinance, as written, does not provide for an advisory board and gives the board a tremendous amount of power over the parks.

City Attorney Danielle Myers-Noelle said that when putting together the draft ordinance, the language was directly pulled from statute. This is why we decided to have this conversation tonight on what council wants to see. The intent was not to move the ordinance forward in this exact form, but to just start the conversation. Staff can certainly look at other models and move forward.

Olivia Matteo said that if this board is set up as an advisory board, need to relook at the duties and needs of parks department staff, types of personnel and job descriptions. Matteo feels community engagement and information provided is lacking. Citizens want to interact with directors of departments. Want more information to engage.

Tim Ernst, no address provided, discussed the need to clean up Taha Zouka Park and Skyview Lake. Ernst feels the board would be alright as long as they are not paid.

Next steps – take to subcommittee, take information given and adjust model and discuss at subcommittee level to bring back to Council.

#### NNSWC budget, fiscal year ended 9-30-2023

A townhall meeting was held to receive comments on the Northeast Nebraska Solid Waste Coalition (NNSWC) budget and rates for the fiscal year ending September 30, 2023. Finance Officer Randy Gates provided the Mayor and City Council with information.

According to the NNSWC interlocal agreement, a townhall meeting is held in the three largest communities each year to review the Coalition's proposed budget and rates. Included in the agenda package is a proposed budget for the fiscal year ending September 30, 2023 that leaves rates unchanged at \$24 per ton.

Balance forward increases \$1,199,878 going from \$7,172,468 last year to \$8,372,346 this year primarily due to normal operations of the Coalition.

Use fees decrease \$115,512 or 3.76% due to a 4,813 ton decrease in budgeted tonnage for regular waste. With tipping fees at \$24.00 per ton, budgeted use fees are \$2,955,331. Interest income increases \$50,000 due to an increase in budgeted interest rate from 0.15% last year to 1% this year.

Personnel costs increase \$958 or 0.96%. Personnel costs include a 6% cost of living adjustment and normal merit increase. This increase is partially offset by hiring a part-time scale clerk at a lower pay grade than the previous scale clerk. Disposal fees increase \$71,949 or 6.19% due to an increase in fee to Waste Connections. Other professional fees decrease \$28,319 due to a decrease in the fee for groundwater monitoring. This year's capital outlay is \$4,207,200 and consists of: \$3,831,200 for engineering and construction of cell 6, \$11,000 for installation of deep well pumps, and \$365,000 for vertical and lateral permit modifications.

Also included in the agenda packet is the Closure/Post Closure Care Fund budget. The transfer from the operating fund increases \$94,880 or 24.77% from \$383,120 last year to \$478,000 this year. Total funds available for closure/post closure increase 9.76% from \$10,525,996 last year to \$11,553,716 this year.

Approximately half of the increase is due to interest earnings and half is due to current year funding.

### **Public Hearings and Related Items**

#### Public Hearing

(Planer zone change, 1600 South 5th Street)

A public hearing was held to consider a zone change from I-1 (Light Industrial District) to R-1 (Single Family Residential District) on property addressed as 1600 South 5th Street at the request of Eugene C. and Jennifer Planer. City Planner Valerie Grimes provided information to the Mayor and City Council. The previous owner of the property was granted a conditional use permit (CUP) for a watchman/caretaker for the business located on the property. The previous owner passed away and the CUP was void as it was a personal privilege to the applicant. The current owner applied for a watchman/caretaker CUP that was denied by the Planning Commission. A few days following the denial of the CUP, a fire occurred at the business, and it is no longer operating. The request is to now change the zoning on the remaining residential structure. The property is adjacent to the railroad tracks and I-2 zoning. Therefore, if the residential zoning passes, per code, an affidavit will be filed that the bufferyard will be the responsibility of this property. The bufferyard requirement is 100' and covers the entire lot, so if anything were to happen to the structure, nothing may be built on the lot making it unusable as residential.

On March 7, 2023, the Norfolk Planning Commission held a public hearing regarding the Planer 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. 5828

(Planer zone change, 1600 South 5th Street)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, Ordinance No. 5828 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: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5828 passed on first reading.

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

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

Thereafter Councilmember Granquist moved, seconded by Councilmember 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. 5828 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5828 as required by law.

Public Hearing

(Valley Drive Properties, LLC zone change

(1/8 mile southeast of the E. Norfolk Avenue and South Victory Road roundabout)

A public hearing was held to consider a zone change from I-1 (Light Industrial District) and C-1 (Local Business District) to I-1 (Light Industrial District) on property generally located 1/8 mile southeast of the E. Norfolk Avenue and S. Victory Road roundabout at the request of Valley Drive Properties, LLC (Kelby Herman). City Planner Valerie Grimes provided information to the Mayor and City Council. The property has two zoning districts on one parcel with floodplain running diagonally through the property from northeast to southwest. The floodplain covers

approximately one third of the parcel. If the I-1 zoning is approved, once a building permit is pulled, the required 40-foot bufferyard will kick in on sides adjacent to residentially zoned parcels.

Kelby Herman, 1005 Darrus Drive, Valley Drive Properties, applicant, said the intention is to build a storage facility with both commercial and personal storage. The drainage swale will be relocated to the east side of the property. I-1 was chosen for the request as it is the lowest intensity zoning district that outright permits storage of non-hazardous materials. Proper screening will be completed with trees and/or fencing.

Councilmember Granquist asked about the possibility of going to a less intense zoning district and obtaining a conditional use permit. Grimes explained that we could go down in intensity on the zoning and have the applicant request a conditional use permit to operate the storage facility. Grimes noted that with a CUP, more conditions could be added relating to landscaping, screening, and number of units, but also noted that in a less intense zoning district, the bufferyard requirements are reduced.

On March 7, 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. 5829

(Valley Drive Properties, LLC zone change

(1/8 mile southeast of the East Norfolk Avenue and S. Victory Road roundabout)

Councilmember Arens introduced, seconded by Councilmember Murren, Ordinance No. 5829 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: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5829 passed on first reading.

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

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

Thereafter Councilmember Granquist moved, seconded by Councilmember McCarthy, 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. 5829 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5829 as required by law.

### **Regular Agenda Items**

#### Resolution 2023-15

(declare intent to incur indebtedness, Computer Aided Dispatch and Records Management)

Councilmember Granquist introduced, seconded by Councilmember Arens, Resolution No. 2023-15, declaring the City's official intent under Internal Revenue Code regulations to incur indebtedness which includes reimbursement of expenditures for Computer Aided Dispatch and Records Management Software.

Finance Officer Randy Gates provided information to elected officials. IRS regulations require an intent resolution if the City expends funds more than 60 days in advance of debt issuance. A contract with Central Square was approved at the March 6, 2023 Council meeting to upgrade the current Computer Aided Dispatch and Records Management Software. A portion of the contract will be funded with Wireless 911 funds, and the remaining portion will be funded with Public Safety Tax Anticipation Bonds. The maximum principal amount of debt expected to be issued is \$155,000.

Jim McKenzie, 1412 Longhorn Drive, questioned if the \$155,000 expense is something that could just be paid for instead of paying interest on a bond.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution No. 2023-15 was adopted.

#### Resolution 2023-16

(benefit to Vehicle Parking District if parking lot property sold)

Councilmember McCarthy introduced, seconded by Councilmember Murren, Resolution No. 2023-16, authorizing that in the event that the City exercises a first right of refusal on the property located at "the West 22 feet of Lot 5, and all of Lots 6, 7 & 8, Block 4, Original Town of Norfolk, Madison County, Nebraska" use will be for the benefit of the Vehicle Off-Street Parking District No. 1 (VPD) or its successor.

Economic Development Director Candice Alder provided information to elected officials. This Resolution is at the request of the members of the Vehicle Off-Street Parking District No. 1 (VPD) relating to the sale of the parking lot immediately north of the Kensington to HCI Real Estate Company. The resolution provides that, if any future owner sells the property to a third party for use other than a parking lot for a hotel, or the lot comes back into the possession of the City, any funds received or the lot itself will be designated for the benefit of the VPD or its successor. The purchase agreement for the lot to HCI Real Estate Company for \$1 was approved by the City Council on March 6, 2023 and a request was made by the VPD to move forward with the drafting of a resolution outlining the future benefits (if exercised) to the VPD.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution No. 2023-16 was adopted.

Ordinance No. 5821

(allow operation of golf car vehicles on city streets)

Councilmember McCarthy introduced, seconded by Councilmember Clausen, Ordinance No. 5821 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO ENACT CHAPTER 24, ARTICLE XII, OF THE OFFICIAL CITY CODE TO ALLOW THE OPERATION OF GOLF CAR VEHICLES ON CITY STREETS AND HIGHWAYS AND SETTING FORTH THE PROVISIONS UNDER WHICH GOLF CAR VEHICLES MAY BE OPERATED and moved that the ordinance be passed on third reading. Said ordinance was then read into the record by title by the City Clerk.

Ordinance No. 5821 passed on first reading at the February 21, 2023, City Council meeting and second reading at the March 6, 2023 meeting.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Clausen and Hildebrand. Nays: Snorton. Absent: None. Ordinance No. 5821 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. 5821 as required by law.

Ordinance No. 5825

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

Councilmember Granquist introduced, seconded by Councilmember Clausen, Ordinance No. 5825 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 4-4 OF THE OFFICIAL CITY CODE TO INCLUDE AN EXCEPTION FOR THE KEEPING OF HENS, BANTAM HENS, OR DUCKS WITH A VALID PERMIT AND TO MORE CLEARLY DEFINE LIVESTOCK AS IT RELATES TO THE KEEPING OF LIVESTOCK WITHIN THE CITY; TO AMEND SECTION 4-6 OF THE CODE TO ADDRESS AT-LARGE CHICKENS OR DUCKS; TO ENACT SECTION 27-295 OF THE CITY CODE TO ALLOW THE KEEPING OF HENS, BANTAM HENS, OR DUCKS IN RESIDENTIAL DISTRICTS WITH A VALID PERMIT and moved that the ordinance be

passed on second reading. Said ordinance was then read into the record by title by the City Clerk.

Ordinance No. 5825 passed on first reading at the March 6, 2023, City Council meeting.

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

Ordinance No. 5826

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

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

Ordinance No. 5826 was passed on first reading at the March 6, 2023 City Council meeting.

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

McLaury Engineering Letter Agreement Amendment #2

(West Michigan Avenue and 8th Street reconstruction project)

Councilmember McCarthy moved, seconded by Councilmember Clausen, for approval of a Letter Agreement Amendment #2 for construction engineering services with McLaury Engineering for the West Michigan Avenue and 8th Street reconstruction project for an amount not to exceed \$127,300.14.

On August 5, 2019 the Mayor and City Council approved a \$43,000.00 contract with McLaury Engineering, Inc. for a reconstruction of W. Michigan Avenue and 8th Street. On May 17, 2021 the Mayor and City Council approved a \$168,200.00 design services contract. The construction engineering services contract includes construction staking and observation. Staff recommend approval of a construction engineering services contract with McLaury Engineering for \$127,300.14.

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

**Public Comment Period**

Kara Kratochvil, Women's Empowering Life Line (WELL), said there is a need in the community for 24/7 childcare. Childcare availability is an important priority for growth, and they need the city's financial support to support the urgent need in our community. The WELL has set

out to open a childcare facility and have applied for LB840 funds. The building they are looking to purchase can accommodate 200 children. With the 24/7 care model, they would intend to serve 300 children.

Economic Development Director Candice Alder said that the WELL's LB840 application has been presented to Economic Development subcommittee, who requested that additional due diligence be done by the WELL. At that point, the application will be brought to the full council for consideration. The application/request has not yet been awarded and is still in the process.

Hildebrand said he has heard different scenarios and a lot of overwhelming concern, particularly on how to keep the facility staffed. Kratochvil said since they will be non-profit, everything will go back to the staff. They will be able to offer better wages and benefits to attract employees.

Soshia Bohn, WELL, said with the current childcare shortage and no facilities operating 24 hours, people cannot find childcare. Without addressing childcare, the community will remain stagnant. The lack of evening and overnight childcare likely contributes to a negative impact on employers. Bohn will be asking this topic come to the next agenda for discussion.

Hildebrand asked if the WELL has reached out to large employers in the community about their willingness to donate to get things going. Kratochvil said they are trying and are still waiting to hear back on a lot.

Danielle Wockenfuss, 712 S 8th Street, discussed her personal struggle with childcare needs and noted the childcare issue impacts everyone in the community. As a citizen, she is asking to be heard and noted there is a desperate need for childcare in the community.

Dony Larson, WELL Executive Director, said the organization has been searching for a childcare property for years. When they heard the Northern Hills Daycare was closed and the building was sold, WELL staff reached out to the seller multiple times. Mission of seller is Ukrainian refugees. Money tied up in the property takes away from helping his mission, so is not interested in leasing the property.

Jim McKenzie, 1412 Longhorn Drive, said he would like the public comment session to happen more often and would encourage elected officials to have the public comment period on at least a monthly basis, if not every meeting. McKenzie noted there are swirls of controversy and people are uncomfortable. Norfolk needs to come together, and he would encourage more open sessions.

### **Closed Session**

Councilmember Hildebrand moved, seconded by Councilmember Snorton to adjourn from regular session and convene into executive session at 8:12 p.m. to discuss the evaluation of the job performance of an individual when he has not requested such an evaluation take place during a public meeting.

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

Councilmember Murren moved, seconded by Councilmember Arens to adjourn from executive session at 10:05 p.m. and reconvene into regular session.

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

Mayor Moenning restated for the record that the only item discussed during the executive session was for the purpose to prevent the needless injury to the reputation of an individual to evaluate the job performance of an individual when he has not requested such an evaluation take place during a public meeting.

There being no further business, the Mayor declared the meeting adjourned at 10:06 p.m.

\_\_\_\_\_  
Josh Moenning  
Mayor

ATTEST:

\_\_\_\_\_  
Brianna Duerst  
City Clerk

( S E A L )

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, March 20, 2023, 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 )