

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 6th 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, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, Assistant City Engineer Anna Allen, Economic Development Director Candice Alder, Communications Manager Nick Stevenson, 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 Granquist moved, seconded by Councilmember Hildebrand to approve the consent agenda as printed. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

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

Special Items

Public input and discussion regarding potential special election

City Administrator Andy Colvin said there has been a lot of discussion regarding plans after an increased sales tax was not approved by voters in 2022 that would have been used to fund city projects including the Police Station expansion, street repairs, an indoor aquatic center and improvements to Ta Ha Zouka Park. Two projects that were viewed as more palatable include the Police Station expansion and street repairs. The goal here is to provide an open forum to allow for the public to provide input. Council is not asked to make a decision at this time, want to allow for an open discussion to have the opportunity to ask questions in terms of what kind of tax could be used if we were to seek new revenue. An increase in sales tax can only be presented at a primary or general election, and cannot come before voters again for 23 months, so we cannot revisit another sales tax increase until November 2024. An option to consider is holding a special election to consider an occupation tax to fund priority improvements.

One option to consider for the Police Station expansion is an occupation tax on alcohol sales, anywhere from 1-4% tax. The City has utilized a 2% food and beverage and 4% lodging occupation tax in the past to fund Aquaventure and improvements at Memorial Field. State law is flexible on the uses so long as voter approved, so would be dependent on what the community can support. A separate lodging tax could be considered for street repairs.

Mayor Moenning said top priorities for community improvement projects are the Police Station expansion and street repairs, and we are looking for creative ideas to fund these priorities. If we count these things as priorities, the longer we wait to do them, the more expensive they become. There is nothing set in stone, this is meant to be the first step in discussion to formulate a plan to move forward with these priority projects.

Donna Herrick, Divots, said she would like any potential tax placed more evenly across the community and is concerned that an additional 4% occupation tax on lodging could start to bite into bringing people into the community.

Jim McKenzie, 1412 Longhorn Drive, said the agenda did not mention anything about a new tax being contemplated. McKenzie said the City has seen record revenues, and is now saying we don't have enough money to pay for basic maintenance. McKenzie said there is a spending problem, not a revenue problem and the City needs to do deep dive into the budget and find areas to cut to fund necessary improvements. We need to look at existing revenues before new revenues.

Brad Brooks, 2204 Highland Drive, said if we do not do something about the Police Station and the roads, we are creating a public safety concern. If a special election is going to be held, there are certain deadlines that must be met. Brooks feels we need to conduct a special election to get things going in regard to the Police Station and street repairs.

Kay Francavilla, 1106 Verges Avenue, said as a citizen, she feels taxed enough, and sees a spending problem on unnecessary expenses. Francavilla would lean more favorable on a tax on alcohol, as we do need something done with the Police Station.

Zach Steiner, 605 Adare Road, said if sales tax receipts are up, these expenses should be able to be budgeted for and feels the projects cannot be completed effectively if we don't budget for it.

Councilmembers and staff discussed sales tax revenues, budgeting process, the City's emergency fund balance, amount spent on annual street maintenance, and City Highway Allocation Funds (CHAF).

Consent Agenda Items Approved

Minutes of the February 21, 2023 City Council meeting

February sales tax report (December sales)

Mayor's appointment of Councilmember Justin Snorton to the Public Health and Safety, Culture and Recreation, and Policies and Procedures subcommittees replacing Gary Jackson who resigned from the City Council

Authorization for Justin Webb to serve as the City of Norfolk's delegate to the North Fork Area Transit Board of Directors

Victory Road Assembly of God, Inc., a Nebraska Nonprofit Corporation, agreement to hold an event on private property located at 200 Victory Road, which includes an archery competition on Saturday, April 15, 2023

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of Riverpoint Square to hold four separate music performance concerts on the following days: June 2, 2023 (with rain date of June 9, 2023); June 23, 2023 (with rain date of June 30, 2023); July 21, 2023 (with rain date of July 28, 2023); and August 18, 2023 (with rain date of August 25, 2023)

Luis Cortez, doing business as Norfolk Adult Soccer League, agreement allowing the use of multi-purpose fields located in North Pine Park for the League's games during their 2023 summer/fall soccer season from April 16, 2023 through September 30, 2023

Tina Kassmeier, doing business as Kelly's Fast Pitch Softball, agreement allowing the use of City's ball fields for softball practice and games for their 2023 softball season from the date of execution of the agreement through October 31, 2023

Approval of the corporate manager application of Christopher C. Sieck in conjunction with three Class D liquor licenses of Casey's Retail Company for the following trade names (dba): Casey's General Store 2710, 2640 West Norfolk Avenue; Casey's General Store 2370, 1020 West Benjamin Avenue; and Casey's General Store 2885, 1020 South 13th Street

Special Designated Liquor License for Jim's Fine Wine & More, 2001 Market Lane, to serve wine at Dr. Kim Chiropractic, 324 W Norfolk Avenue, on March 29, 2023, from 5:00 p.m. to 9:00 p.m. for a wine and cordial tasting event

VFW Winter-Munson Post No. 1644 agreement for the annual Loyalty Day Parade on Monday May 1, 2023

Bills in the amount of \$1,644,920.63

Special Presentations

The Mayor proclaimed March 2023 as Problem Gambling Awareness Month.

Public Hearings and Related Items

Public Hearings

(Flatrock Group, LLC zone change, 40th St and W Norfolk Ave)

Public hearings were held simultaneously to consider a zone change from A (Agricultural District) to C-3 and from A (Agricultural District) to I-1 (Light Industrial District) on property generally located west of S 40th Street and south of West Norfolk Avenue at the request of Flatrock Group, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the property is in the Highway Corridor Overlay, and the proposed business of a CAT Dealership will require a conditional use permit that will be considered by the Planning Commission on March 7, pending approval of the zoning change on all three readings. The area will also be platted and expects the plat to be on the next Council agenda.

Rob DuVall, representing the applicant, said future lots 2 and 3 will not be directly related to the CAT dealership west of S 40th St when S 40th St was built.

Jim McKenzie, 1412 Longhorn Drive, asked questions about the paving of 40th Street and how that was paid for. Public Works Director Steven Rames discussed the potential Ag deferral on the property.

On February 22, 2023, the Norfolk Planning Commission held public hearings regarding the zone change. The City Clerk read the Planning Commission's recommendation into the record.

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

Ordinance No.5822

(Flatrock Group, LLC zone change, 40th St and W Norfolk Ave)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5822 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK,

NEBRASKA 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. 5822 passed on first reading.

Councilmember Murren 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 Murren 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. 5822 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. 5822 as required by law.

Ordinance No.5823

(Flatrock Group, LLC zone change, 40th St and W Norfolk Ave)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5823 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA 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. 5823 passed on first reading.

Councilmember Arens 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 Arens 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. 5823 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. 5823 as required by law.

Public Hearing

(Park Mobile Home Court MHC, LLC zone change, 915 Bonita Dr.)

A public hearing was held to consider a zone change from C-3 (Service Commercial District) and R-M (Mobile Home District) to I-1 (Light Industrial District) on property addressed as 915 Bonita Drive at the request of Park Mobile Home Court MHC, LLC.

Councilmember Clausen declared a conflict of interest and abstained from discussion and voting on items related to the property.

City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the area in consideration is the former lagoon area next to the mobile home park. The mobile home park currently has an intermingling of mobile homes and RV trailers. New owners of the property are looking to separate the RV trailers from the mobile home neighborhood, which staff has advised. Only two zoning districts allow for a campground – A (Agricultural) and I-1 (Light Industrial). The campground area will also require a conditional use permit that will be considered by Planning Commission on March 7, 2023.

Brandon Schilling, Saratoga Group, representing the applicant, spoke to the request and discussed the proposal of the 47 site RV community. Schilling discussed the development standards and said all roads will be fully paved and approximately 100 trees will be planted on the property to allow for screening and provide a campground atmosphere.

On February 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. 5824

(Park Mobile Home Court, MHC, LLC zone change, 915 Bonita Dr.)

Councilmember Hildebrand introduced, seconded by Councilmember Murren, Ordinance No. 5824 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA 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: None. Abstaining: Clausen. Ordinance No. 5824 passed on first reading.

Councilmember Arens 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 and Hildebrand. Nays: None. Absent: None. Abstaining: 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 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. 5824 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton and Hildebrand. Nays: None. Absent: None. Abstaining: 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. 5824 as required by law.

Resolution No. 2023-14

(La Bonita RV Park Addition)

Councilmember Granquist moved, seconded by Councilmember Arens, for adoption of Resolution No. approving the final plat of La Bonita RV Park Addition.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton and Hildebrand. Nays: None. Absent: None. Abstaining: Clausen. Resolution No. 2023-14 was adopted.

Public Hearing

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

A public hearing was held to consider an amendment to 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 City 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.

City Planner Val Grimes provided information to elected officials. The proposed ordinance is an amendment to City Code Section 4-4, to allow the keeping of hens, bantam hens or ducks inside city limits with a valid permit. Along with that amendment, there is also an amendment to Sec. 4-6 regarding chickens or ducks running at large. The proposed ordinance also contemplates the addition of Section 27-295 to the zoning code to allow hens, bantam hens or ducks in residential zoning districts. This is limited to properties consisting of a detached single-family dwelling, and only when a permit is obtained. All permits will expire on December 31st of each year and it will be the responsibility of the permit holder to obtain a new permit if they wish to continue having chickens or ducks.

As part of the permit application, the applicant will be required to obtain approval from 75% of the neighboring properties, per the description in code, and all the immediate adjacent neighbors. If this requirement is not met, no permit will be issued. The proposed ordinance also establishes requirements for minimum square footage for the coop and run per chicken, a minimum distance from the main structure and neighboring residential structures, as well as other language for items such as sanitation, crowing and slaughtering.

Mariah Perrigan, 621 N 18th Street, spoke in favor of the amendment.

Trentee Bush, 1504 W Benjamin Ave, spoke in favor of the amendment.

Isabel Finch, spoke in favor of the amendment.

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 first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Webb, McCarthy, Murren, Snorton, and Clausen. Nays: Granquist, Arens and Hildebrand. Absent: None. Ordinance No. 5825 passed on first 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 first reading. Said ordinance was then read into the record by title by the City Clerk.

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

Regular Agenda ItemsOrdinance 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 second reading.

City Administrator Andy Colvin and Police Chief Don Miller discussed the proposed ordinance. Miller said the proposed ordinance is a combination of what is required by state law and additional guidelines that have proven successful with the allowance of UTV vehicles on city streets.

Luke Kruse, spoke in favor of the allowance of the ordinance.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Clausen and Hildebrand. Nays: Snorton. Absent: None. Ordinance No. 5821 passed on second reading.

CentralSquare Technologies, LLC agreement

(upgrade Computer Aided Dispatch/Records Management System)

Councilmember Murren moved, seconded by Councilmember Hildebrand, for approval of an agreement with CentralSquare Technologies, LLC to upgrade the Computer Aided Dispatch/Records Management System (CAD/ RMS) at the Norfolk Police Division.

Police Chief Don Miller provided information to elected officials. The Norfolk Police Division is currently using a (CAD/RMS) system that was installed in 1991. While the old system served the PD well, it is long overdue for an upgrade to a modern Windows based system. The upgrade has been considered for several years with some of the funding currently available. This ask was

brought to a Public Health and Safety, Emergency Services Subcommittee on January 30, 2023. The subcommittee made a motion to move forward with the purchase of the CAD upgrades using Wireless 911 funds. The current vendor for our system is CentralSquare. After reviewing various products, we found CentralSquare has the product to best serve the needs of the Police Division at a cost that is significantly less than originally planned. The contract amount is \$277,771.34 plus reimbursable travel expenses for the implementation. \$145,973.75 is for the Computer Aided Dispatch (CAD) and \$133,675.04 for Records Management Software (RMS). Due to the overlay of the two items, they need to be upgraded together. The last time the CAD/RMS had a major upgrade was in 1991. Norfolk currently has \$417,385 in W911 set-a-side funds that can only be used for 911 related costs. An estimated \$146,000 of that fund can be used for CAD portion of the contract. The contract requires 25% due now (\$52,162.50), 50% on 10/1/23 (\$104,325.00) and the remaining 25% (\$52,162.50) as well as the 1st year of annual maintenance (\$66,821.34) due at completion. Completion is estimated to be May of 2024.

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

Neighborworks Northeast Nebraska LB840 funds application
(Norfolk Rural Workforce Housing Fund)

Councilmember Granquist moved, seconded by Councilmember Clausen, for approval of an application for Economic Development Program (EDP) funds for Elkhorn Valley Community Development Corporation 'dba' NeighborWorks Northeast Nebraska for \$200,000 to establish the Norfolk Rural Workforce Housing Fund and authorizing appropriate City officials to formulate and sign the documents necessary to effectuate this loan.

Economic Development Director Candice Alder provided information to elected officials. The proposed loan is to provide \$200,000 of the \$500,000 cash match requirement to obtain a \$1,000,000 grant to establish a Norfolk Rural Workforce Housing Fund (NRWHF). The loan will have an interest rate of 3.875% and 99% of the loan is forgivable if the following criteria is met: 1) applicant will establish a NRWHF which will be a perpetual revolving loan fund as outlined in the enclosed Fund Investment Plan; 2) the NRWHF will be restricted to Norfolk and the 2-mile zoning jurisdiction; 3) funds leveraged by State of Nebraska Rural Workforce Housing Funds and Norfolk EDP funds will remain in the NRWHF indefinitely; and 4) applicant will utilize the NRWHF for the creation of at least 30 workforce housing units within three years of the fund award. The original application was for the remaining \$300,000 Economic Development Program funds but another application was received for these funds. That application is being reviewed at this time.

Roger Nadrachl, Neighborworks, discussed the application and said these funds, in addition to another \$300,000 from a different funding source will be used to meet the 50% match to submit to establish a \$1.5 million rural workforce revolving loan fund.

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

HCI Real Estate Company (Ho-Chunk) Purchase Agreement
(City's parking lot north of the Kensington)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of Real Estate Purchase Agreement with Option & Right of First Refusal for the sale of City's parking lot located north of The Kensington to HCI Real Estate Company (Ho-Chunk) for \$1.00 with buy-back provisions.

City Attorney Danielle Myers-Noelle provided information to elected officials. HCI Real Estate's purchase of The Kensington from the Housing Agency is contingent upon HCI's ability to secure adequate parking rights in the City's parking lot to the north of the hotel. This Agreement provides for the sale of the parking lot to HCI simultaneously with and contingent upon HCI's closing of the purchase of The Kensington. This Agreement includes an option for the City to buy back the parking lot for \$1.00 if, at some point in the future, the City decides to build a parking structure on the property. It also contains a right of first refusal allowing the City to purchase the property for \$1.00 in the event HCI seeks to sell the parking lot to a third party for use other than a parking lot for a hotel.

Jim McKenzie, 1412 Longhorn Drive, expressed concern with the city selling the parking lot for \$1.00 and does not believe citizens should subsidize the private development. McKenzie asked that the agreement be tabled to negotiate to fair market value. McKenzie also asked about the parking garage language listed in the agreement. Myers-Noelle said there are no immediate plans for a parking structure but with continued growth in the downtown area, there may be a need in the future. That language in the agreement opens the door to that possible option in the future, if needed.

City Administrator Andy Colvin said the potential for a parking garage is a long-term vision and having the door remain open to have as an available option down the road is important and noted that the lot was originally paid for by Vehicle Parking District owners. Colvin said, from an economic development standpoint, he sees this as an investment into the community.

Alexia Boggs, representing Ho-Chunk, said that both the Kensington lot and adjacent parking lot are currently non-taxable parcels. As soon as Ho-Chunk takes ownership, these properties will be put on the tax roll. Boggs estimates the project for the 62-room hotel with restaurant to take 18 months, including 4-6 months of design work.

Connie Geary, 1707 N 13th Street, said that the Vehicle Parking District (VPD) board voted to approve the sale of the lot for \$1.00 with the condition that if the parking lot property comes back and is sold to a third party, that the business owners in the VPD would get the benefit. Geary would like that condition to be part of a written agreement.

Myers-Noelle explained that the way the agreement is currently structured, If HCI looks to sell the parking lot, they have to give the City first right of refusal. However, sold to a third party, 50% of fair market value is to come back to the City of Norfolk. There was a conversation during a VPD meeting where the ask was, if that 50% comes back to the City, that it then be transferred to the VPD due to the fact that, at the beginning, this property was sold for \$1.00.

Staff will work on something for Council to consider at the next regular meeting.

Jim McKenzie, expressed concern with tax payers compensating the VPD for selling the lot for \$1.00.

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

Ordinance No. 5827

(sale of City's parking lot north of The Kensington)

Councilmember Granquist introduced, seconded by Councilmember Murren, Ordinance No. 5827 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUITCLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; 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. 5827 passed on first reading.

Councilmember Granquist moved, seconded by Councilmember Murren, 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 Murren, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5827 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. 5827 as required by law.

Advertise for bids
(Asphalt Overlays 2023-1)

Councilmember McCarthy moved, seconded by Councilmember Murren for approval to advertise for bids for the Asphalt Overlays 2023-1 project (Monroe Avenue, North Victory Road, Madison Avenue, and Vehicle Parking District parking lots).

Assistant City Engineer Anna Allen provided information to elected officials. The plans, specifications and engineer's estimate for this project are filed in the City offices. This project includes mill and overlay on Monroe Avenue, North Victory Road, Madison Avenue, and the Vehicle Parking District parking lots. A bid letting is tentatively scheduled for this spring with Council approval of the lowest responsive and responsible bidder following.

Jim McKenzie, 1412 Longhorn Drive asked how much is budgeted for the VPD lots and if those improvements will be paid for with general or VPD funds. Allen said the cost to mill and overlay the VPD lots is \$150,000. An exact funding source has not been determined.

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

Advertise for bids
(Johnson Park Improvement Project)

Councilmember Snorton moved, seconded by Councilmember McCarthy, for approval to advertise for bids for 2023 Johnson Park Improvement project.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell reviewed items included in the project and projected timeline.

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

Riverwise Engineering, LLC Amendment #3
(Johnson Park Instream Improvement project)

Councilmember Granquist moved, seconded by Councilmember Hildebrand for approval of Letter Agreement Amendment #3 with Riverwise Engineering, LLC for the Johnson Park Instream Improvement project for an amount not to exceed \$40,800.00.

Public Works Director Steven Rames provided information to elected officials. On May 6, 2019 the Mayor and City Council approved a \$135,322.00 design services contract for the Johnson Park Instream Improvements project. On March 1, 2021 Amendment #1 providing for final design, construction documents and stakeholder support was approved for \$149,220.00. On February 6, 2023 Amendment #2 providing for design engineering services combining drop structures #1 and #2 into one structure was approved for \$45,000.00. Amendment #3 provides

for complete construction observation for Structures 3 and 4, product testing, the beach area, bank terracing, and Structure 3 area under the First Street Bridge for \$40,800.00.

Working with Riverwise on structures #5, #6, #7, and #8 has generated over \$288,000.00 in cost savings. To accomplish this cost savings, the observation services budget of \$44,500.00 for Riverwise was exhausted. Remaining river structures include the beach area, deflectors #1 and #2, structures #3 and #4, the 1st Street underpass, railroad put in, and Winter Park put in. Staff is confident there is another \$200,000.00 or more in costs savings with continued construction oversight by Riverwise.

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

There being no further business, the Mayor declared the meeting adjourned at 8:53 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 March 6, 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)