

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 1st day of May, 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, Director of Administrative Services Lyle Lutt, Parks and Recreation Director Nathan Powell, Water and Sewer Director Chad Roberts, Housing Director Gary Bretschneider, Assistant City Engineer Anna Allen, Economic Development Director Candice Alder, Communications Manager Nick Stevenson, 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 McCarthy 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 Murren moved, seconded by Councilmember Hildebrand to adopt the full agenda as printed. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

Consent Agenda Items Approved

Minutes of the May 1, 2023 City Council meeting

April sales tax report (February sales)

Keno comparison report for March 2023

Christian Cross, Inc., a Nebraska Nonprofit Corporation, and Fly By Night Fireworks, L.L.C., agreement a Nebraska Limited Liability Company, allowing the use of Skyview Park for various activities for the Christian Cross Festival, including but not limited to live music performances, speakers, inflatables, vending of food and other items, tent camping and a fireworks display utilizing 1.4G consumer fireworks only, to be held on Saturday, June 10, 2023 (with a rain date of Sunday, June 11, 2023)

Norfolk Youth Baseball, Inc., a Nebraska Nonprofit Corporation, agreement allowing Norfolk Steel the use of the ball fields in Ta-Ha-Zouka Park to hold a baseball tournament Friday, June 2, 2023, through Sunday, June 4, 2023

Norfolk Youth Baseball, Inc., a Nebraska Nonprofit Corporation, agreement allowing Norfolk Steel the use of the ball fields in Ta-Ha-Zouka Park to hold a baseball tournament Friday, June 9, 2023, through Sunday, June 11, 2023

Rotary Club of Norfolk, a Nebraska Nonprofit Corporation, agreement allowing the use of Skyview Park to hold four separate musical performances, which will include allowing alcohol in a portion of the park, on the following dates: June 22, 2023 (with a rain date of June 29, 2023); July 6, 2023 (with a rain date of July 13, 2023); July 20, 2023 (with a rain date of July 27, 2023); and August 3, 2023 (with a rain date of August 10, 2023)

Daniel R. and Nancy E. Moore agreement allowing access over City property generally located at 403 N Victory Road, for purposes relating to their home construction project

Special Designated Liquor License for Midtown Event Center, to serve beer, wine and distilled spirits at the Midtown Event Center Cove, 1102, 1102 B, 1104 1/2 Riverside Blvd., on June 23, 2023, from 12:00 p.m. to 12:00 a.m. and June 24, 2023, from 12:00 p.m. to 12:00 a.m. for a YMCA Bike Rider event

Fenders, LLC, located at 426 W Norfolk Avenue, agreement allowing a temporary sidewalk café, directly adjacent to the site within the City's right of way

Bills in the amount of \$5,423,006.45

Special Presentations

Mayor Moenning awarded Max Blunck the “People Power Award” for his extraordinary act of citizenship.

The Connection Project Presentation by Rob Barrows

Regular Agenda Items

Advertise Request for Qualifications, Design Build and Construction Manager at Risk Firms (Fishing Dock at Skyview Lake and Liberty Bell Restroom)

Councilmember Arens moved, seconded by Councilmember Murren, for approval to advertise for Request for Qualifications from Design Build and Construction Manager at Risk firms to submit letter of interest for one or more of the following city park projects: Fishing Dock at Skyview Lake and Liberty Bell Restroom.

Parks and Recreation Director Nathan Powell provided information to the Mayor and City Council. Staff are seeking qualified firms to install restrooms at Liberty Bell Park in the amount of \$200,000. This is a budgeted item for the park with an existing softball field. Staff are also seeking qualified firms to install a fishing dock at Skyview Lake as part of the Mahlon B. Kohler Donation in the amount of \$250,000. The expected cost of the dock project is \$240,000. The remaining balance of the donation will be used to install a table and bench in recognition of Mr. Kohler.

Tim Ernst, 2906 Dover Drive, expressed concern with the current lack of maintenance of city parks. Powell said staff are actively working on a number of improvements to city parks.

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

Elkhorn Paving Construction Change Order No. 1 (Concrete Improvements FY 2022-2023 project)

Councilmember Snorton moved, seconded by Councilmember Murren, for approval of Change Order No. 1 with Elkhorn Paving Construction Co., Inc. for the Concrete Improvements FY 2022-2023 project resulting in a net increase of \$598,619.00.

Assistant City Engineer Anna Allen provided information to the Mayor and City Council. Change Order No. 1 provides for concrete panel repairs on 1st Street between Nebraska Avenue and Benjamin Avenue resulting in a new contract amount of \$1,229,478.90. Allen noted that the southbound lane on this section of 1st Street has been closed for several months. Work is expected to begin once school is out. Initial repairs will be completed to Georgia Avenue in order to get the area around the middle school complete. The contractor will then move to a different location and come back to complete the rest.

Councilmember Clausen asked where the money for the change order is coming from. Allen explained that we will be using the remainder of the CHAF budget for street repair by contract and will also be diverting some funds from the proposed surface seal maintenance budget.

Jim McKenzie, 1412 Longhorn Drive, asked why the concrete has broken up as badly as it has and what the city plans to do to prevent this type of deterioration in the future. Public Works

Director Steven Rames explained there is heavy ASR activity in this area which is exacerbated by the freeze/thaw cycle. Long term will be looking at doing a mill and overlay in this area as well.

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

Rutjens Construction, Inc. award contract
(Sanitary Sewer Replacement Monroe Avenue to Logan Street Project)

Councilmember Granquist moved, seconded by Councilmember Snorton, for approval of awarding a contract to Rutjens Construction, Inc. of Tilden, NE for the Sanitary Sewer Replacement Monroe Avenue to Logan Street project for an amount of \$1,985,515.00.

Water and Sewer Director Chad Roberts provided information to the Mayor and City Council. One bid was received on the project that includes construction of approximately 480 LF of 24", 2700 LF of 36", and 40 LF of 42" sanitary sewer main, manholes, and all other associated work. The engineer's estimate on the project was \$1,705,082. Roberts said we anticipate cost savings on another project and staff are also looking at potential cost savings on this project including installing a smaller 24" pipe as well as installing fiber glass pipes.

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

Economic Development Program (EDP) funds application
(Women's Empowering Life Line, acquire property to establish child care center)

Councilmember McCarthy moved, seconded by Councilmember Granquist, for approval of an application for Economic Development Program (EDP) funds for Women's Empowering Life Line for \$103,219.10 to assist with the acquisition of property to establish a child care center in Norfolk, and authorizing appropriate City officials to formulate and sign the documents necessary to effectuate this loan.

Economic Development Director Candice Alder provided information to the Mayor and City Council.

On February 21, 2023, members of the ED subcommittee were informed that Women's Empowering Life Line (WELL) had submitted an application for Economic Development Program Funds also commonly referred to as LB 840. Prior to the WELL application, the subcommittee had reviewed an application submitted by Elkhorn Valley Community Development Corporation 'dba' as NeighborWorks on January 12, 2023. The situation was unique in that both applications requested the remaining funds in the Economic Development Fund which is due to sunset on September 30, 2023. Subsequent ED subcommittee meetings were held in February and April. It was ultimately decided to divide the remaining \$300,746 between the two projects to assist with both workforce housing efforts and the childcare shortage

the community is currently facing, with approximately \$100,000 allocated towards the WELL and \$200,000 towards NeighborWorks.

The proposed loan is to provide \$103,219.10 towards the \$450,000 purchase of property located at 600 N. 12th Street in Norfolk to establish a child care center that will be open and accessible to the general public to be operated by the Women's Empowering Life Line that will serve 127 children and have up to 26 staff members representing both full and part time employees. The loan will bear an interest rate of 4% and 99% of the loan is forgivable if job creation requirements of 11 new full time equivalent jobs, paying at least an average wage of \$15 per hour, during the two-year retention period are met.

Councilmember Arens asked about any other applications staff has received. Alder explained that staff has had several inquiries, there are no other applications on file and noted the program is open until allocation of all remaining funds are voted on by the Council.

Donny Larson, Executive Director of the WELL, said that investing in early childhood development has a huge impact on how our community will continue to shape and grow and read letters of support from Linda Lowes, Ingrid Gansebom and Jessica Mulberry.

Councilmember Hildebrand asked about WELL's plan to open a childcare facility prior to Northern Hills Daycare closing and about filing a property tax waiver. Larson said that opening a childcare center was part of the WELL's 2020 strategic plan and that they do intend to file a property tax waiver. Hildebrand expressed concern with taking the value of the property away from the tax base.

Councilmember McCarthy asked about expected staffing. Larson said the plan is to open in July 2023 with 5-part time employees and one full time employee. Staffing will gradually increase over the course of a year. McCarthy asked about starting at a smaller facility that would not require these funds for the purchase.

Councilmember Webb expressed concern with the process of how the building was purchased and the funding application. Webb does not feel these funds should be used to take property off the tax base, which is why he will not support it.

Kyle Fuchtman, WELL Board member, discussed the childcare shortage in the community and the fact that the WELL is presenting a potential solution.

Jim McKenzie, 1412 Longhorn Drive, questioned justifying a denial of a minimal \$100,000 request of designated LB840 funds and said this is good use of designated tax dollars. The project creates jobs and meets the requirements of the LB840 plan and also meets the critical community need of childcare.

Soshia Bohn, WELL, read letters of support from Tammy Day, Leonor Fuhr and Angie Stenger and discussed the community childcare taskforce initiative and noted that the people the WELL serves are our community members.

Kara Kratochvil, WELL Childcare Director, discussed her passion for childcare and serving those in need. Kratochvil said the center will open in July to Mommy and Me clients and to the general public in August on a first come, first serve basis. Kratochvil provided copies of the State of Nebraska childcare provider regulations.

Dana Wockenfuss, WELL, provided copies of letters of support from Cheryl Timm, Michele Lawson, Tracey Olson and Melissa Jantz. Wockenfuss said dependable, affordable childcare and lack thereof has an impact on every parent in our community. Wockenfuss also discussed the economic impact childcare can have on our economy.

Angie Bailey discussed the limited options of safe and quality childcare in the community and spoke in support of the application. Bailey also read a letter of support from Michele Lawson.

Sabrina Garner shared her testimony and spoke in support of the WELL.

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

Resolution No. 2023-19

(Osten sidewalk waiver request, 3414 W Nucor Rd)

Councilmember Snorton moved, seconded by Councilmember Arens, for adoption of Resolution No. 2023-19 approving a sidewalk waiver requested by Trevor and Elizabeth Osten for property located at 3414 W. Nucor Road.

City Planner Valerie Grimes provided information to elected officials. Grimes said there are no other sidewalks close to the property and the resolution includes standard language that states the waiver is temporary until sidewalks are abutting.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution No. 2023-19 was adopted.

PROS agreement

(Parks and Recreation Master Plan)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of an agreement with PROS consulting for a Parks and Recreation Master Plan for the amount not to exceed \$90,620.

Parks and Recreation Director Nathan Powell and William Younger with PROS Consulting, via telephone, provided information to elected officials. Parks and Recreation is seeking to start the Master Plan process to help develop a road map for the next 10 years. The information we gather from the public will be statistically valid and give city staff and elected officials direction and help us make decisions based on community needs. This plan will include a community profile and needs assessment, parks and facilities inventory assessment and a strategic action plan. The plan is expected to take 9 months to complete. This master plan will be funded by a QCT grant in

the amount of \$81,558.00. The remaining cost to the city will be \$9,062.00. ARPA Funds in the amount of \$100,000 was budgeted for a Parks and Recreation Master plan. We will be \$90,938 under budget on with this plan.

Jim McKenzie, 1412 Longhorn Drive, expressed concern with determining what can and cannot be done with existing tax revenue and asked about alternative funding methods. Younger said there will be a funding and revenue strategy as part of the plan that will look at alternative revenue sources that may not have been looked at. When looking at larger capital projects, break down into three categories: sustainable alternative, maintaining park system as is today; expanded services alternative, adding services when funding is available; visionary alternative, identifies services the community desires, but unless there is a designated funding source, are not attainable.

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

Norfolk Parks and Recreation Board appointments

Councilmember Granquist moved, seconded by Councilmember Clausen, for approval of the Mayor's appointments to the Norfolk Parks and Recreation Board of the City of Norfolk, Nebraska of Patrick Gerhart, Austin Truex, and Melissa Temple, each for a three-year term ending January 2026; Jerrett Mills, Bill Robinson, and Becki Wulf, each for a two-year term ending January 2025; Ann Dover, Terry Rasmussen, and Angie Bailey, each for a one-year term ending January 2024.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell said the city received nearly 25 applications and noted there are representatives from each ward as required by the ordinance.

Tim Ernst, 2906 Dover Drive, questioned the need to pay for a consultant when there is also a board to come up with plans and make decisions.

Randy Dee, 1614 Westwick Drive, said he was one of the nearly 25 applicants and hopes to be selected in the future and emphasized the need for public input.

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

Administrative Reports

Finance Officer Randy Gates presented the Community Development Agency's 2022 Annual Tax Increment Financing Report to Governing Bodies.

Section 18-2117.02 of the Community Development Law requires an annual report to governing bodies on tax increment financing (TIF) projects. This report is due by May 1 for the preceding calendar year. This report must be provided to the governing bodies of each city, county, school

district, community college, educational service unit and natural resources district whose property taxes are affected by a community development agency's TIF projects. This report must include: 1) the total number of TIF projects, 2) total estimated project costs, 3) initial projected assessed valuation compared to the assessed value as of January 1 of the year of the report, 4) number of TIF projects paid in full during the year, 5) percentage of the city designated blighted and 6) number of TIF projects approved during the year with specific information for each such project approved during the year including: the project area, project type, amount of TIF approved, and total estimated project costs.

Included in the agenda packet is the Community Development Agency of the City of Norfolk's 2022 TIF Report to Governing Bodies. This report shows that the Agency approved redevelopment contracts for 5 TIF projects in 2022. There were 19 existing TIF projects approved prior to 2022, none of which were paid in full during the year, resulting in 24 TIF projects at the end of 2022. Total estimated project costs for all 24 TIF projects existing during 2022 was \$276,872,727. 27.28% of the City has been declared blighted.

Jim McKenzie, 1412 Longhorn Drive, expressed concern over lost tax revenue and urged elected officials to be cognizant of the impact of the many TIF projects the city has approved. McKenzie also encouraged elected officials to consider a more selective TIF process.

Executive Session
(Pending Litigation)

Councilmember Snorton moved, seconded by Councilmember Arens to adjourn from regular session and convene into executive session at 8:24 p.m. to discuss pending litigation.

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

Councilmember Hildebrand moved, seconded by Councilmember Murren to adjourn from executive session at 8:49 p.m. and reconvene into regular session.

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

Mayor Moenning restated for the record that the only item discussed during the executive session was pending litigation.

There being no further business, the Mayor declared the meeting adjourned at 8:49 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, May 1, 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)