

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 2nd day of October, 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, Thad Murren, Justin Snorton, and Kory Hildebrand. Absent: Andrew McCarthy and Shane Clausen.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Finance Officer Randy Gates, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, Water and Sewer Director Chad Roberts, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director PJ Evans, Parks and Recreation Administrative Assistant Jen Olson, Economic Development Director Candice Alder, Assistant Fire Chief Trevor O'Brien and City Planner Val Grimes.

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.

Special Items

Public Input, Fireworks sales and discharge

City Administrator Andy Colvin said this discussion comes at the request of city council members. We have bounced around ideas to change ordinance on fireworks to limit hours and days allowed for discharge and sales. Today, looking to get council direction and receive public input. The latest changes discussed in recent years were related to restricting the number of days sales and discharge are allowed from ten days to seven days, as well as reducing hours.

City Attorney Danielle Myers-Noelle said the last iteration of an amended ordinance that was brought before the City Council would have shortened the number of days and hours fireworks could be sold and discharged. An additional change discussed was, regardless of change in days

or hours, the addition of an emergency provision where a ban on discharge could be put into place due to drought conditions or other concerns. Current practice for sales and discharge is ten days – 8:00 a.m. to 11:00 p.m. from June 25 to July 3 and 8:00 am to 12:00 a.m. on July 4.

Councilman Snorton asked if days and hours of sales and discharge need to go hand-in-hand. Noelle explained, they do not, but there is a potential for confusion with different times for sale and discharge. The council has previously decided to match the sales and discharge to avoid this confusion.

Councilmember Arens said he has received comments that citizens wanted elected officials to address the issue due to concerns for veterans, pets, and other interests. There has been some discussion that 10 days may be too long, so the issue deserves discussion. If change is necessary, the Council can take action to implement those changes. If people feel it's good where it's at, will take their lead.

Moening, noted elected officials have had annual discussions regarding this topic, with no changes. The same discussion leads to the same result, which is doing the things the same way we've been doing. If changes are wanted, need to do well in advance of the 4th of July. There's difficulty in determining what's the perfect time to discuss; can't wait until June. Need time to plan accordingly.

City Planner Val Grimes noted that soon after the first of the year, staff start getting fireworks stand permit applications, and the permits are issued throughout the spring. These permits list the hours and days that are permitted. If something needs to change, needs to be well beforehand.

Curt Lammers, 1207 W Madison Ave, questioned the need for 10 days for fireworks. Tough for animals, people with autism, veterans, etc. Questioned if 10 days are really necessary.

Julie Curry, 2604 W Maple Ave, discussed concerns with the number of hours and days fireworks are allowed, considering the people who live in our city who are negatively affected. Curry noted that North Platte, Hastings, Fremont, Grand Island, York, Kearney, Omaha, and Lincoln all have fewer days and shorter hours than we do for discharge.

Ty Woznek, 1008 W Nebraska Ave, said one of the big problems that cannot be solved by ordinance, is being courteous of neighbors. Sometimes it's just as easy as communicating.

Larry Hockemeier, 304 S 16th St, discussed concerns with the number of days and hours as well as concerns with cleaning up yards and streets for the entire 10-day period. Hockemeier also noted there are now more powerful fireworks discharged more often in neighborhoods.

Moening suggested discussing these comments at a future subcommittee meeting.

Agenda Motions

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

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

Consent Agenda Items Approved

Minutes of the September 18, 2023 City Council meeting

September sales tax report (July sales)

Ray and Mary Haase Sanitary Sewer Easements for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along South 4th Street and Jackson Avenue for \$1,096.40

Thomas A. and Carolyn R. Kielty Sanitary Sewer Easement for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 215 Jackson Avenue for \$100.00

Kenneth and Darlene Porter Sanitary Sewer Easements for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 2005 Logan Street for \$939.22

Reject the bid for EMS billing services

Award the bid to Andrew Olsen, dba Olsen Mowing & Snow Removal, for the Vehicle Parking District (VPD) and ASPM for hauling of snow for Downtown Snow Operations for Street Division for the 2023-2024 snow season

Purchase a replacement fleet vehicle for \$64,104 off of State Contract #15760 from Anderson Auto Group of Lincoln, NE, for use by Street Division

Enter into negotiations with Huff Construction Inc. for designing and building the Ta-Ha-Zouka Team Lockers

Addition To Premise of an indoor area, approximately 200 x 124, for the Class I liquor license of CEC Lanes, LLC, dba King's Lanes, 1000 Riverside Boulevard, making the new description as, "Entire One Story Irregular Shaped Building approximately 200 x 410."

Bills in the amount of \$2,503,931.24

Special Presentations

The Mayor proclaimed the week of October 5-8, 2023, as Support Citizens With Intellectual Disabilities Week.

Dr. T Busch, City of Norfolk Tree Advisory Board, presented the 2023 Green Leaf Business Award to Coldwell Banker Dover Realtor, and the 2023 Green Leaf Residential Award to Brandon Daily, 200 West Walnut.

The Mayor recognized Ruby Thone with the “People Power” award for distinguished citizenship and generosity for creating “Ruby’s Rainbow of Hope,” for those who are battling cancer.

Public Hearings and Related Items

Public Hearing

(declare Wyndham Hills Area blighted and substandard)

A public hearing was held to consider a blighted and substandard declaration for the area referred to as the Wyndham Hills Area Study.

Jeff Ray, JEO, representing the developer, provided a summary of the blight and substandard study for the Wyndham Hills Area that was prepared by JEO to the Mayor and City Council. The study area consists of approximately 51.72 acres. Ten of the twelve blight criteria were met, including defective or inadequate street layout, lot layout, potential unsafe conditions, deterioration of site or other improvements, and two of the four substandard criteria were met, including age of structures. Ray discussed the drainage way that runs diagonally through the middle of the area. There is a fairly large watershed that is considered a blue-line stream, which is under the jurisdiction of the Army Corp of Engineers.

Andrew Willis, Kline Williams, said the potential for flooding in this study area is a blight and substandard issue that is detrimental to potential development. Declaring the area blighted and substandard allows for potential redevelopment. This is the necessary first step to get to that process. Any redevelopment project would require more public hearings at both the Planning Commission and City Council. Willis said it is not uncommon to see large swaths of vacant property within a blighted and substandard declaration. Conditions exist here that make development more difficult compared to others. Due to the flooding and drainage concerns here, there is a significant amount of grading and dirt work that would have to occur to develop this area, which is cost prohibitive.

Mayor Moenning asked if there was any indication of develop interest for the area. Ray said there is interest in developing the area, but he was not privy to the details of that. Willis said if this is approved, the next step would be working on the TIF application which would include the details of the redevelopment.

Jim McKenzie, 1412 Longhorn Drive, said the blighted and substandard process is flawed, as it is based upon interpretation of the rules. The study contains parcels that are not part of the development. The area is pasture ground in a prime location and drainage issues are a common issue across the city. If the area is declared blighted and substandard and TIF is not used for development, a portion of the total percentage of city property that is allowed to be declared blighted and substandard was used for no reason. McKenzie said the use of TIF is made up for by the working-class citizens of the city. McKenzie urged elected officials to come up with a TIF policy that is most appropriate and beneficial to the community and recommended the item be tabled or rejected and quit giving away property taxes.

Erica Daake, Whitecliff Development, said there are significant drainage issues to overcome. Part of what the developer is trying to do here is build more affordable housing and the focus

will be on smaller single-family homes and duplexes. Whitecliff has developed other properties but this is the first time a request for TIF has been made as the other areas they have developed have not had the same drainage issues, and TIF was not needed for development.

Councilmember Snorton asked for further details on the blue-line stream. Ray said blue-line is an official designation, and is a stream that is under the jurisdiction of the Army Corp of Engineers. There is a process that needs to be worked through, and if more than 1 acre is disturbed, it is a large, lengthy and expensive process. Most developers typically walk away when they discover they have a blue-line stream.

Councilmember Webb asked about the cost to address the drainage issue and the target cost of the homes in the development. Daake said it is difficult to estimate the cost of the grading and dirt work, but the price of the box culvert alone is \$450,000. Daake said the goal would be under \$300,000 for the single-family homes.

Councilmember asked Daake if Whitecliff is expecting to build a variety of homes in the area.

Moenning said, on properties like this, TIF is used as an incentive for development that otherwise would happen but for the impediments presented.

Tim Ernst, 2906 Dover Drive, questioned how the area could be blighted and substandard, noted all the homes in the Wyndham Hills area are all expensive homes and said he doesn't feel the common person needs to help finance that. Ernst also said he doesn't feel the drainage is a huge issue.

Steve Sehi, 911 Heather Ln, said the public should not be helping the developer finance the development of this area.

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

On September 6, 2023, the Norfolk Planning Commission held a public hearing regarding the Wyndham Hills Area blighted and substandard declaration. The City Clerk read the Planning Commission's recommendation for approval into the record.

Resolution No. 2023-60

(declare Wyndham Hills Area blighted and substandard)

Councilmember Arens moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2023-60 approving a blighted and substandard declaration for the area referred to as the Wyndham Hills Area Study.

Councilmember Granquist asked about the percentage of blighted and substandard designated area in the city. Finance Officer Randy Gates said we are a little over 27%, with this area included. Without this area, we are currently at about 25%. The maximum allowed amount is 35%.

City Administrator Andy Colvin provided an explanation of what TIF is and how it works. Colvin said Nebraska has a broad set of criteria you have to meet to receive the blighted and

substandard designation and has a conservative approach to TIF. When a developer is looking to utilize TIF, the property they are looking to redevelop has a valuation and taxes have been paid on those parcels. Those base taxes will continue to be paid. The TIF comes into play on the increment of the value. Those taxes that are based on that new, increased valuation, are redirected to pay off a bond that has been issued and used to pay for the infrastructure for up to 15 years.

Councilmembers discussed the fact that the full Council was not present at the meeting and questioned if action should be tabled. Daake said they are ready to move forward now. Willis said the issue was timing, as this is just the first step of the lengthy redevelopment process. In order to start developing in the spring, probably need this to happen now. Timing wise, makes more sense to keep things going.

Councilmember Granquist asked about other blighted and substandard areas in town that could potentially have that designation removed. Finance Officer Randy Gates explained that once all the bonds are paid off, an area can be removed from the blighted and substandard designation.

Roll call: Ayes: Granquist and Arens. Nays: Webb, Murren, Snorton and Hildebrand. Absent: McCarthy and Clausen. Resolution No. 2023-60 failed.

Ordinance No. 5851
(Madison Avenue parking restriction)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, Ordinance No. 5851 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 24-164 OF THE OFFICIAL CITY CODE TO RESTRICT PARKING ON THE NORTH SIDE OF MADISON AVENUE FROM 3RD STREET TO 100 FEET WEST OF WEST PROPERTY LINE OF 3RD STREET; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on second reading.

Construction was recently completed for a food service business on the northwest corner of 3rd and Madison Avenue. The food service includes a drive-thru window that enters from Madison Avenue. To provide an area for drive-thru traffic to stage without backing up westbound traffic, Norfolk Police proposes a no parking area on the north side of Madison Avenue from the intersection of 3rd Street and Madison Avenue west 100 feet.

Roll call: Ayes: Granquist, Arens, Webb, Murren and Snorton. Nays: Hildebrand. Absent: McCarthy and Clausen. Ordinance No. 5851 passed on second reading.

There being no further business, the Mayor declared the meeting adjourned at 7:12 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, October 2, 2023, had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Brianna Duerst
City Clerk

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