

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 5th day of September, 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 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, Assistant City Engineer Anna Allen, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director Paula Evans, Information Systems Manager Brad Anderson, 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 Granquist to approve the consent agenda with the following changes: Remove Item #21, *Consideration of Resolution 2023-54 approving the final plat of Leon's Addition* from the agenda; Remove Item #14, *Consideration of approval of the Mayor's call to hold a special meeting on Thursday, September 14, 2023 at 12:00 p.m. to conduct public hearings on the proposed 2023-2024 Budget and tax request* and Item #19, *Consideration of approval of a recommendation by the Public Arts Council to purchase two sculptures and place one in the 18th Street roundabout and one to place permanently at Riverpoint Square* from the Consent Agenda and move to the Regular Agenda. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

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

Consent Agenda Items Approved

Minutes of the August 21, 2023, City Council meeting

August sales tax report (June Sales)

Audrey Anderson, d/b/a Guardians of the Children - Heartland Chapter, agreement to allow the use of Ta-Ha-Zouka Park for a Bikers & Bobbers community awareness and fishing event on Saturday, September 23, 2023

WJAG Incorporated, a Nebraska Corporation, agreement allowing the use of Skyview Park for a 1-mile Red Ribbon Run on Saturday, September 30, 2023

Norfolk Arts Center, a Nebraska Nonprofit Corporation, agreement to close 5th Street between Braasch Avenue and Prospect Avenue from 10:00 a.m. to 10:00 p.m. to hold a Fork Fest event which may include but is not limited to live music performances, food truck vendors, artist vendors, inflatables, and activities for children on Saturday, October 7, 2023

Forever in Our Hearts, Inc., a Nebraska Nonprofit Corporation, agreement to hold a "Steps of Love - Infant Loss Memorial Walk" on Saturday, October 7, 2023 at Ta-Ha-Zouka Park which may include but is not limited to a kids fun run, 5K run, memorial walk, live music, food trucks, vendors, auction, raffle, bake sale, and activities for kids and families

Mayor's appointment of Jill Sock to Planning Commission, to fill the remaining term of Kayla Ramsay, ending February 2024

Special Designated Liquor License for St. Paul's Lutheran School, to serve beer and wine at 1010 Georgia Avenue on September 30, 2023, from 5:00 p.m. to 11:00 p.m. for a Pioneer Nights - "Block Party"

Special Designated Liquor License for Jim's Fine Wine & More to serve wine on September 27, 2023 from 5:30 p.m. to 8:30 p.m. at Dr. Kim Chiropractor, 324 W Norfolk Avenue, for a wine and cordial tasting event

Resolution No. 2023-53 extending the current E911 surcharge rate through 2024

Establish September 18, 2023 as the public hearing to discuss the 2023-2028 One and Six Year Street Improvement Plan

Award a contract to Bader's Highway, Inc. of Norfolk, NE for the Streets crack sealing project to be completed in 2023-2024

Bills in the amount of \$1,688,363.05

Special Presentations

The Mayor proclaimed September 12, 2023 as "Goodwill of the Great Plains Day."

Paul Bruening with Nebraska Public Power District provided an update on a proposed 7 – 9 mile 115kV transmission line starting at the existing substation on the east side of Norfolk proceeding east to a substation in Stanton County. Bruening discussed the need and benefit of the project, routing and citing criteria and preferred and alternative routes.

Public Hearings and Related Items

Public Hearing

(declare Norfolk Downtown Area blighted and substandard)

A public hearing was held to consider a blighted and substandard declaration for the area referred to as the Norfolk Downtown Area.

Jeff Ray with JEO provided information to the Mayor and City Council. The Norfolk Downtown Area Blight Study Area was put forward to restudy the blight and substandard criteria and re-establish eligibility for grants. Ray explained that nine of the twelve blighted criteria were met, and three of the four substandard criteria were met.

Jim McKenzie, 1412 Longhorn Drive, noted several parcels within the study area, and considered blighted and substandard, will forever be blighted and substandard no matter how many dollars are put into the properties.

On August 22, 2023, the Norfolk Planning Commission held a public hearing regarding declaring the Norfolk Downtown Area as blighted and substandard. 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 declaring the area as blighted and substandard and the Mayor declared the hearing closed.

Resolution No. 2023-55

(declare Norfolk Downtown Area blighted and substandard)

Councilmember Granquist moved, seconded by Councilmember Arens, for adoption of Resolution No. 2023-55 approving the blighted and substandard declaration for the area referred to as the Norfolk Downtown Area.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution No. 2023-55 was adopted.

Public Hearing
(CDBG Tourism Development Grant, 19-TD-002)

A public hearing was held concerning the activities of the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) regarding the Tourism Development (TD) grant, 19-TD-002.

Northeast Nebraska Economic Development District representative Andrea Larson provided information to the Mayor and City Council. The City of Norfolk was awarded CDBG Tourism Development funds of \$435,000 of which \$400,000 were used for removal of Architectural Barriers at Johnson Park, located at 101 E. Nebraska Ave., Norfolk, NE, Madison County Nebraska. \$25,000 was awarded for grant administration, and \$10,000 was awarded for construction management. The City of Norfolk has provided the required match of \$100,000 for the TD project activities. Project activities included: the construction of ADA restrooms, concrete sidewalks, and a concrete parking lot. All project activities funding has been expended to date. \$2,385 has been used for Construction Management, and \$8,506.51 has been used for General Administration of the grant. No persons, businesses, or farms were displaced as a result of CDBG activities.

No one else appeared either in favor of or in opposition to the CDBG Tourism grant and the Mayor declared the hearings closed. This was for informational purposes only.

Regular Agenda Items

Mayor's call for Special Meeting
(FY23-24 Budget Public Hearings)

Councilmember Granquist moved, seconded by Councilmember Snorton, for approval of the Mayor's call to hold a special meeting on Thursday, September 14, 2023 at 12:00 p.m. to conduct public hearings on the proposed 2023-2024 Budget and tax request.

Finance Officer Randy Gates explained the required public hearings for the budgets and tax request were previously held during the same meeting when the budgets and tax request were approved. There was a change in state law that now requires those hearings to be held separately from any regularly scheduled meeting. This will be the third year we have held these hearings separately. The special meeting was held at 12:00 p.m. in 2021 and 5:30 p.m. in 2022 with generally the same amount of public participation.

Jim McKenzie, 1412 Longhorn Drive, requested that the meeting be held in the evening when more of the public could attend.

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

Purchase Public Art
(two sculptures recommended by Public Arts Council)

Councilmember Hildebrand moved, seconded by Councilmember Snorton, to approve the recommendation by the Public Arts Council to purchase two sculptures and place one in the 18th Street roundabout and one to place permanently at Riverpoint Square.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell explained that there was not a quorum at the last Public Arts Council meeting and that an informal recommendation was made by Council Chair and staff recommends approval of the \$15,700 purchase for the two sculptures.

Jim McKenzie, 1412 Longhorn Drive, discussed his concern with using limited tax dollars for public art and urged elected officials to prioritize spending.

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

A & R Construction Change Order No. 1F
(East Benjamin Avenue Trail Continuation project)

Councilmember Granquist moved, seconded by Councilmember McCarthy, for approval of Change Order No. 1F with A & R Construction, Inc. for the East Benjamin Avenue Trail Continuation project resulting in a net increase of \$2,015.05.

Assistant City Engineer Anna Allen provided information to elected officials. On August 7, 2023 the Mayor and City Council approved a \$29,999.26 contract with A & R Construction, Inc. for the East Benjamin Avenue Trail Continuation project. Change Order No. 1F provides for adjusting to final quantities placed for a final contract amount of \$32,014.31.

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

Bizco purchase for Council Chamber microphone system

Councilmember Granquist moved, seconded by Councilmember Arens, for approval to purchase equipment from Bizco for \$52,438.00 to replace the microphone system and voting display board in the Council Chambers, located in the City's Administration building.

Information Systems Manager Brad Andersen provided information to elected officials. The current microphone system is at least 20 years old and has started to have multiple issues such as cable failures, microphone failures, static feedback, and microphone base failures causing them to neither turn off or on. The current microphones also do not indicate whether they are on or off causing issues with sound during meetings and livestreams.

The new system being proposed will include full replacement of the microphone system and voting display board which will integrate with the existing audio/visual system. The new

microphones will have a digital display and light that will indicate whether the audio is on or off. The touch display will also incorporate voting to allow results to display on a TV in place of the current voting board. The expected lifespan of these microphones is 10 years or more.

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

Olsson Wetland Mitigation Bank project Amendment No. 2

Councilmember Granquist moved, seconded by Councilmember Hildebrand, for approval of Amendment No. 2 to the engineering services contract with Olsson for the Wetland Mitigation Bank project for an amount not to exceed \$123,384.00.

Public Works Director Steven Rames provided information to elected officials. On September 16, 2019 the Mayor and Council approved a \$25,000.00 engineering contract with Olsson for the Wetland Mitigation Bank project. Amendment No. 2 includes: project management and meetings, section 404 permitting, development of a mitigation bank plan, conceptual, preliminary, and final design engineering tasks, site geotechnical investigations and piezometers installation, water budget, and floodplain permitting for \$123,384.00. After construction is complete, mitigation bank site monitoring (up to five years) for \$35,438.00. Rames said funding for the project will come from stormwater funds and will increase our ability to assist in economic development projects.

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

Ordinance No. 5847

(amend fee schedule, permit fees)

Councilmember Hildebrand introduced, seconded by Councilmember Murren, Ordinance No. 5847 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO UPDATE BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING PERMIT FEES; 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 first reading.

City Planner Val Grimes provided information to elected officials. The building permits section of the schedule was revised with fees being raised approximately 3% or less, or if it is currently a few cents and calculated per the SF, raised by a penny or fraction of a penny. The comparison to other communities put our fees similar or lower for the total average fees for a standard house or commercial building.

Ordinance No. 5847 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. 5847 passed on first reading.

Councilmember Arens 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 Arens 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. 5847 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. 5847 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 6:30 p.m.

Josh Moenning
Mayor

ATTEST:

Brianna Duerst
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Tuesday, September 5, 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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