

## 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 18th 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: Frank Arens, Justin Webb, Andrew McCarthy, Thad Murren, Justin Snorton, Shane Clausen and Kory Hildebrand. Absent: Corey Granquist.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Senior Accountant Sheila Rios, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Director of Administrative Services Lyle Lutt, Parks and Recreation Director Nathan Powell, Parks and Recreation Assistant Director PJ Evans, Water and Sewer Director Chad Roberts, Streets Manager Will Elwell, Street Shop Supervisor Matt Ernesti, Library Director Jessica Chamberlain, City Planner Val Grimes, Housing Director Gary Bretschneider, Information Systems Manager Brad Andersen, Fire Chief Tim Wragge, Economic Development Director Candice Alder, Communications Manager Nick Stevenson 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 Arens moved, seconded by Councilmember Webb to approve the consent agenda with the following changes: Remove Item #10, *Consideration of approval to advertise for a Request for Qualifications (RFQ) from engineering firms for professional services for Municipal Energy Distribution System* from the Consent Agenda and move to the Regular Agenda. Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist.

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

### **Consent Agenda Items Approved**

Minutes of the September 14, 2023, Special City Council meeting

Keno comparison for August 2023

Advertise for a Request for Proposals (RFP) from engineering firms for consultants to help the City complete an Action Plan for the Safe Streets and Roads for All (SS4A) program

Resolution 2023-54 approving the final plat for Leon's Addition

Resolution No. 2023-56 authorizing the Mayor to sign the Nebraska Department of Transportation (NDOT) annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards

JNS Properties, LLC permanent and temporary easements for the Michigan Avenue and 8th Street Reconstruction project for property located along 907 West Michigan Avenue

Bills in the amount of \$5,548,958.04

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

#### Public Hearing

(CDBG #20-EDCV-002 completion)

A public hearing was held to concerning the progress and completion of a Nebraska Department of Economic Development Community Development Block Grant (CDBG) project, #20-EDCV-002. Jeff Christiansen with Northeast Nebraska Economic Development District (NENEDD) provided information to the Mayor and City Council. On June 7, 2021, the Norfolk City Council applied for \$505,000 for a local project that was approved and funded with the Community Development Block Grant (CDBG) program #20-EDCV-002, through the Nebraska Department of Economic Development. CDBG funding was made available through the Coronavirus Aid, Relief and Economic Security Act (CARES Act), to prepare, prevent and respond to COVID-19.

The economic development project involved Midwest Ob-gyn Clinic, P.C. located at 1410 North 13th Street. \$500,000 was used to purchase a recreation vehicle, necessary medical equipment, and working capital to develop a mobile health clinic to serve the residents of northeast Nebraska, within a 150 mile radius of Norfolk, to prepare, prevent and respond to COVID-19, including rapid testing, contact tracing, vaccine deployment, and other therapeutic treatment for patients affected by COVID-19. This was matched by \$600,000 from the business. \$5,000 was used for general administration of the grant. NENEDD staff documented that the business

created six new jobs, and maintained these jobs for 12 months, above the baseline of 42 existing jobs meeting the contract requirement. Thus, the initial \$500,000 CDBG funds were forgiven as outlined in the contract.

On December 5, 2022, Norfolk City Council applied and was approved for an amendment to CDBG contract 20-EDCV-002 for a contract extension for an additional 12 months and to increase the budget. The original contract end date was July 6, 2023 and was changed to July 6, 2024. The original total budget was \$1,105,000 (\$500,000 CDBG, \$600,000 business, and \$5,000 general administration) and was changed to \$1,610,000. (\$505,000 CDBG increase). Midwest Ob-gyn Clinic used the additional \$500,000 to further incorporate and coordinate health care initiatives designed to address Covid-related illnesses that would also be applicable in other pandemic situations and \$5,000 was used for continued general administration of the grant. The business created an additional six new jobs meeting the amended contract requirement for a total of 12 new jobs which primarily benefited low-to-moderate income persons. These six new jobs are to be maintained for 12 months at which point the additional \$500,000 will also be forgiven as outlined in the contract.

No one else appeared either in favor of or in opposition to the CDBG project #20-EDCV-002 progress and completion and the Mayor declared the hearing closed.

#### Public Hearings

(JFT, Inc., zone change, 922 South 4th Street)

A public hearing was held to consider a zone change from R-2 (One and Two Residential District) to R-3 (Multiple-Family Residential District) on property addressed as 922 South 4th Street at the request of JFT, Inc. City Planner Valerie Grimes provided information to the Mayor and City Council. The applicant is requesting the zone change to convert the building into a triplex.

Councilmember Hildebrand asked if there was enough off-street parking for the use. Grimes explained six off-street parking stalls would be required.

Stacy Sullivan, 401 W Norfolk Ave, representing the applicant, confirmed they would have all the required off-street parking.

On September 6, 2023, the Norfolk Planning Commission held a public hearing regarding the zone change at 922 South 4th Street. The City Clerk read the Planning Commission's recommendations 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 hearings closed.

#### Ordinance No. 5848

(JFT, Inc., zone change, 922 South 4th Street)

Councilmember Arens introduced, seconded by Councilmember Snorton, Ordinance No. 5848 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY,

NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5848 passed on first reading.

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

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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 McCarthy 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. 5848 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5848 as required by law.

Public Hearing  
(2024-2033 Capital Improvement Program)

A public hearing was held to discuss the 2024-2033 Capital Improvement Program which includes the 2023-2028 One and Six-Year Plan for Street Improvements. Director of Administrative Services Lyle Lutt provided information to the Mayor and City Council. The Capital Improvement Program is a ten-year outlook for purchases in excess of \$50,000 and is factored into the long-term financial plan. Each item has a funding source.

Director of Administrative Services Lyle Lutt provided an overview of the Capital Improvements Program and 1 & 6 Year Street Improvements Plan and discussed priority measures. Lutt noted that nothing listed is set in stone. The Capital Improvements Program and Street Plan have been reviewed by the Planning Commission.

Jim McKenzie, 1412 Longhorn Dr, said the CIP contemplates \$22 million of new debt, bringing total city debt to approximately \$64 million. Since FY2021-2022, the city's debt has almost tripled. This city's debt is rising quickly and shouldn't be taken lightly. The CIP includes a new sewer lift station, which is not necessary and will cost Norfolk citizens \$15 million. McKenzie suggested using Park and Landscaping dollars for public safety instead of issuing more debt.

Rod Wilke, 2401 Hardison Dr, spoke of concerns with the amount of money the city is spending at the taxpayer's expense and said priorities are in the wrong place and expenses are out of line.

David Jansma, 2307 Clearfield Dr, expressed concern with city spending and urged elected officials to put money where it needs to go.

Sosha Bohn, 1628 Mulberry Dr, had questions about how rankings of projects listed in the CIP are determined. Lutt explained that priorities are based on need. Bohn said streets need to be a priority, we need growth in the city, and increased transparency.

Jan Haberman, 204 E Phillip, expressed concern with the amount of money the city is borrowing, the effect those payments will have now and, in the future, and questioned why the choice was made to issue debt instead of increasing the tax request, which would increase transparency.

On September 6, 2023, the Norfolk Planning Commission held a public hearing regarding the 2024-2033 Capital Improvement Program, which included the 1 & 6 Year Street Improvements Plan. 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 2024-2033 Capital Improvement Program and the Mayor declared the hearing closed.

Resolution No 2023-57  
(2024-2033 Capital Improvement Program)

Councilmember Arens moved, seconded by Councilmember McCarthy, for adoption of Resolution No. 2022-57 approving the 2024-2033 Capital Improvement Program which includes the 2023-2028 One and Six-Year Plan for Street Improvements .

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-57 was adopted.

**Regular Agenda Items**

Municipal Energy Distribution System Request for Qualifications

Councilmember McCarthy moved, seconded by Councilmember Murren, for approval to advertise for a Request for Qualifications (RFQ) from engineering firms for professional services for Municipal Energy Distribution System.

Public Works Director Steven Rames provided information to elected officials. The city currently has agreements with Nebraska Public Power District (NPPD) to manage our distribution system, as well as an agreement with NPPD to purchase power. Our agreement for management terminates January 1, 2031. Ahead of that deadline, if there is a desire to pursue something outside of renewing that agreement, we need to let NPPD know 5 years in advance. This request is soliciting qualifications from energy consultants to provide professional energy consulting services to assist the city in structuring and negotiating a new Professional Retail

Operations Agreement with NPPD, and other consulting services related to energy conservation, micro grid development, and alternative energy development.

Jim McKenzie, 1412 Longhorn Drive, asked about the anticipated cost and increased lease payments from 12% to 14%. Rames said we have \$50,000 in the budget for the study. Rames said when we renegotiate with NPPD on the agreement, that option will be available. That is something that would need to be approved by Council.

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

Resolution No. 2023-58

(additional 1% increase in restricted fund authority)

Councilmember Arens moved, seconded by Councilmember McCarthy, for adoption of Resolution No. 2023-58 approving the additional 1% increase in restricted fund authority allowed upon the affirmative vote of at least 75% of the Council.

Senior Accountant Sheila Rios provided information to elected officials. This Resolution authorizes the additional 1% increase in restricted fund authority allowed under Section 13-519(2) of Nebraska Revised Statutes for fiscal year 2023-2024 and provides unused budget authority carried forward to the fiscal year ending September 30, 2025 which contains this additional 1% increase in restricted fund authority. This does not change the City's budget, but simply maintains maximum flexibility for future budgets.

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. Resolution No. 2023-58 was adopted.

Ordinance No. 5849

(FY 2023-2024 appropriations, FY 2023-2024 proprietary budget and strategic plan)

Councilmember Arens introduced, seconded by Councilmember Snorton, Ordinance No. 5849 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; APPROPRIATING SUMS FOR NECESSARY EXPENSES AND LIABILITIES; ADOPTING THE PROPRIETARY BUDGET STATEMENT; ADOPTING THE STRATEGIC PLAN; PROVIDING FOR SEVERABILITY; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

This is the City's annual appropriations ordinance. By passage of this ordinance, the Council will be adopting both the municipal budget and proprietary functions (water, sewer, solid waste, and stormwater) budget and the strategic plan.

City Administrator Andy Colvin provided information to the Mayor and City Council. The total FY2023-2024 budget increases 12.67% or \$14.9 million, primarily due to debt issuance for street improvements, water treatment plant upgrades and collector well, and Water Pollution Control grit removal and plant upgrade projects. The proposed budget includes a 1.12 cent property tax levy reduction. The budget includes a \$5 million bond issue for street projects utilizing existing revenue. The budget also makes progress toward restoring the 16% general fund balance, which has been an ongoing goal for the Council.

Colvin presented a total expenditures comparison from FY 2022-2023 and FY 2023-2024 and a history of the total budget over the last ten years.

Colvin discussed General Fund Revenue Sources including sales tax, NPPD lease, property tax, rent and other revenues, charges for services, other taxes, licenses and permits, intergovernmental revenues, other interest income, and non-revenue receipts.

Assessed valuation for the City of Norfolk is up 8.32%, which was more than anticipated and allowed for a larger levy reduction. Colvin discussed the Airport levy and noted the Norfolk airport has its own elected board. So, while the City Council does exercise control over the airport's levy request, the City Council does not have control over their budget, which is why the airport levy is not included in the city's tax levy in comparison to other cities.

Colvin discussed the city's bonded indebtedness and how Norfolk compares to similar sized cities in Nebraska as well as the city's historical bonded indebtedness. A majority of the increase in bonded indebtedness is for streets and infrastructure.

Colvin also discussed infrastructure, quality of life and quality service components of the budget and highlighted projects related to Street Maintenance and Construction; Water/Sewer Infrastructure; Administration, Public Safety and Flood Control; Parks, Recreation and Trail Development. Colvin discussed projects that are included in the budget, but currently have no funding source. With no funding source, the projects do not happen. A review of the water and sewer master plans will be had at a future meeting. Funding for the projects will be considered separately.

Mayor Moenning said that while he has heard comments that the city's spending is out of control, noted that Norfolk currently has one of the lowest tax levies of all first class cities in Nebraska; our current debt levels, while higher in recent years to help pay for needed infrastructure improvements, are lower than many of our peer communities; we are currently not exercising any local option sales tax, unlike many of our peer communities; and we are not exercising any occupation tax or local lodging tax. Moenning feels the city is budgeting responsibly with tax dollars, and this budget is a responsible and prudent one, which manages to lower the property tax levy more than one cent, and is growth minded with focus on targeted investments.

Councilmember Clausen said that in the future, he would like to start the budget process earlier to allow for more discussion and transparency.

Jim McKenzie, 1412 Longhorn Dr, had comments on the debt comparison and tax levy comparison to other cities, which excludes the airport levy, and discussed the concern with increased debt issuance. McKenzie said several items in the budget totaling nearly \$4 million are being paid for by issuing debt. If these items were not paid for with debt and were included in the regular budget, the city's property tax levy would need to increase by 57%, so we are effectively keeping the levy low by issuing debt. McKenzie said there has to be some controls on what the city is spending and urged elected officials to really look at every item and consider what the priorities are and to make sustainable choices.

David Jansma, 2307 Clearfield Dr, urged elected officials to do what is right for the citizens to make the community work.

Sosha Bohn, 1628 Mulberry Dr, said if the community wants to cut taxes, we need to look at the effects of that. If you cut taxes, programs are going to leave, people are going to leave and we're not going to grow.

Antoinette Hoeffler, 105 Morningside Dr, stressed the importance of transparency and the need to prioritize spending. Citizens pay taxes to not only the city, but to the county, public schools, and the college, which all adds up. Hoeffler urged elected officials to prioritize spending and refrain from getting into further debt.

Kim Davis, 310 Oak St, discussed concerns with increased taxes for the city, school and county, and said citizens are being taxed out of their livelihood. Davis said if the Council approves the budget as presented, they are not supporting citizens of Norfolk.

Ordinance No. 5849 was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. Ordinance No. 5849 passed on first reading.

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

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. 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 McCarthy 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. 5849 be passed and adopted?"

Roll call: Ayes: Arens, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: Webb. Absent: Granquist. 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. 5849 as required by law.

Resolution No. 2023-59  
(2023-2024 property tax requests)

Councilmember Arens moved, seconded by Councilmember McCarthy, for adoption of Resolution No. 2023-59 approving the property tax requests for fiscal year 2023-2024 in amounts different than fiscal year 2022-2023.

Senior Accountant Sheila Rios provided information to elected officials. This resolution is required by Section 77-1632 of Nebraska Revised Statutes to approve property tax requests in amounts different than the prior year. This is the action item that sets the property tax amounts. The public hearing relating to this resolution was on September 14, 2023. Rios noted the resolution lists the public hearing date as September 7 instead of September 14. Debt service property tax does not change. The Vehicle Parking District levies the maximum 35 cents allowed by law. The assessed valuation of the District increased \$978,820 or 3.37% from the prior year resulting in a \$3,426 increase in property tax levied. The General Fund property tax increases \$288,777. This results in a property tax decrease of 1.12%.

Kim Davis, 310 Oak Street, asked if the City of Norfolk is considered “Norfolk 2” on the joint public hearing notices received by citizens regarding tax increases. Moenning clarified that “Norfolk 2” is Norfolk Public School System. Cindy Booth, Norfolk School Board Member, noted that the school board had previously voted to not increase the levy amount and Norfolk Public Schools is no longer required to attend the joint hearing.

Councilmember Arens moved, seconded by Councilmember Murren to amend Resolution 2023-59 to correct the incorrect public hearing date notated from September 7 to September 14.

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

On the underlying motion to adopt Resolution 2023-59: Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Resolution No. 2023-59 was adopted as amended.

Ordinance No. 5850  
(FY 2023-2024 Classification and Pay Plan)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, Ordinance No. 5850 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, CLASSIFYING THE EMPLOYEES OF THE CITY: FIXING THE RANGES OF COMPENSATION OF SUCH EMPLOYEES: PROVIDING A PAY RANGE REPEALING ORDINANCE NO. 5746; PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND WHEN THIS ORDINANCE SHALL TAKE EFFECT and moved that the ordinance be passed on first reading.

Senior Accountant Sheila Rios provided information to elected officials. This ordinance implements the classification and pay plan that are included in the 2023-2024 budget.

Director of Administrative Services Lyle Lutt explained this is the pay plan the city has for all full-time positions across all divisions, designated by title, and minimum and maximum salaries per month.

Jim McKenzie, 1412 Longhorn Dr, discussed concerns with the addition of an Assistant Director of Parks and Recreation and questioned how this happened. This position was filled in the summer of 2022, but was not included in the FY2022-2023 classification and pay plan ordinance. McKenzie asked if that position and pay were ever approved by Council. City Administrator Andy Colvin said it was not, but is something that has happened before. Colvin would have the administrative authority to make that change during the course of the budget year, if able to do so within budget. McKenzie noted that per State Statute 16-310, the officers and employees of a city of the first class shall receive compensation as the Mayor and City Council fix by ordinance. This position and pay were not fixed by ordinance. Colvin said this was a retitling of a position which was reclassified to a level based on the needs of the job being done.

Ordinance No. 5850 was then read into the record by title by the City Clerk.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. Ordinance No. 5850 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: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5850 be passed and adopted?"

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: Granquist. 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. 5850 as required by law.

Embris Group, LLC contract  
(Regional Detention Planning Study)

Councilmember Murren moved, seconded by Councilmember Snorton, for approval of a professional services contract with Embris Group, LLC, for a Regional Detention Planning Study for an amount not to exceed \$65,700.00.

Public Works Director Steven Rames provided information to the Mayor & City Council. This project includes planning assessment of potential and existing retention/detention systems throughout the city. The planning study will include preparation of documents that will review past retention/detention reports, analyze existing retention/detention system for potential crediting, and support the decision-making process for moving the project into engineering design. This project will also include a brief investigation of the potential funding opportunities for the project. Funding for this project will come from stormwater fees.

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

Huff Construction, LLC contract  
(Johnson's Park Improvement Project Bid Package 3 for park structures project)

Councilmember Snorton moved, seconded by Councilmember Hildebrand, for approval to award a contract to Huff Construction, LLC of Norfolk, NE for the Johnson's Park Improvement Project Bid Package 3 (park structures) project for an amount of \$288,900.00.

Parks and Recreation Director Nathan Powell provided information to elected officials. On September 7, 2023, one bid was received. The bid submitted was within the engineer's estimate. In this package, Huff Construction will furnish and install three picnic shelters along with their foundations and concrete pads. Huff Construction will also furnish and install the amphitheater structure, along with stage and soundwall. This is one of five bid packages for the Johnson Park Improvement project.

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

Huff Construction, LLC bid award  
(Johnson Park sport court, ice rink and water feature)

Councilmember Snorton moved, seconded by Councilmember Murren, for approval to award a bid and enter into a contract with Huff Construction, LLC of Norfolk, Nebraska, to build a sport court, ice rink and water feature at Johnson Park in the amount of \$755,047.

Parks and Recreation Director Nathan Powell provided information to elected officials. This is a request to accept the bid and enter into an agreement with Huff Construction Inc. to build a sport court, ice rink, and water feature at Johnson Park. This was in the original bid for Johnson Park construction, but the bid was rejected by council on May 15, 2023, due to a single high bidder.

This portion of the project was readvertised, but no bids were submitted. As such, staff worked to find a general contractor to tackle both projects. Savings were found by negotiating the price down and using alternate water feature manufacturers. This will be funded through the ARPA grant with the Nebraska Department of Natural Resources in the amount of \$690,000 along with the riverfront improvement project funds. Anticipated completion is July 2024.

Chris Daniels, 3800 Meadowlark Ln, with Huff Construction, said the ice rink will be supplied by Custom Ice and discussed the water feature bidding process.

Roll call: Ayes: Arens, Webb, McCarthy, Murren, Snorton, Clausen. Nays: Hildebrand.  
Absent: Granquist.

Huff Construction, LLC negotiations for designing and building of Skyview Park fishing dock

Councilmember Webb moved, seconded by Councilmember Snorton, for approval to enter into negotiations with Huff Construction, LLC of Norfolk, Nebraska, for designing and building the fishing dock at Skyview Park.

Parks and Recreation Director Nathan Powell provided information to elected officials and discussed the city's Design-Build process. The request for fishing dock proposals were sent out on July 5th to three firms that provided letters of interest. We received one proposal back to build a fishing dock at Skyview Lake from Huff Construction Inc. The design-build selection committee met and agreed to negotiate a contract with Huff Construction Inc. to design and build a fishing dock at Skyview Lake. This is part of the Mahlon B. Kohler Donation in the amount of \$250,000. The fishing dock and installation is expected to cost \$240,000.

Councilmember Arens had questions about the design-build process as city policy states two bids must be received, and we only received one. Public Works Director Steven Rames said while that is in our policy, the intent is not to preclude negotiations if we only receive one proposal. Arens stressed that we need to make sure we honor the donation and follow exactly what the family wants to see.

Councilmember Arens moved, seconded by Councilmember Snorton to table approval to negotiate with Huff Construction, LLC of Norfolk, Nebraska, for designing and building the fishing dock at Skyview Park.

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

A & R Construction Co. contract  
(Norfolk Levee Trail Connection, East Norfolk Avenue by Levee)

Councilmember Hildebrand moved, seconded by Councilmember Snorton, for approval to award a contract to A & R Construction Co. of Plainview, NE for the Norfolk Levee Trail Connection of Norfolk Avenue project (East Norfolk Avenue by Levee) for an amount of \$134,760.27 to complete the project.

Public Works Director Steven Rames provided information to elected officials. On September 14, 2023 one bid was received. The bid submitted was within the engineer's estimate. This will connect into Arrow Stage Lines from Boxelder to the top of the levy. Rames said he anticipates some construction activity yet this year.

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

United Contractors, Inc., Change Order No. 5  
(1st Street Bridge and Instream Improvements project)

Councilmember Arens moved, seconded by Councilmember Murren, for approval of Change Order No. 5 with United Contractors, Inc. for the 1st Street Bridge and Instream Improvements project resulting in a net increase of \$52,141.51.

Public Works Director Steven Rames provided information to elected officials. Deck seals are not always done on municipal projects but are occurring more often and is something that would be beneficial here. The window to get this work done is pretty tight, as we would want this done within the next three weeks, which is why it is being brought as a change order, as there is not time to bid a separate project out. Change Order No. 5 provides for epoxy polymer overlay on the bridge resulting in a net increase of \$52,141.51, resulting in a new contract amount of \$10,943,762.16.

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

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 first reading.

Police Chief Don Miller provided information to elected officials. Construction was recently completed for a food service business on the northwest corner of 3rd St and Madison Avenue. The food service includes a drive through window that enters from Madison Avenue. To provide an area for 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 St and Madison Avenue west 100 feet. This restriction would likely eliminate four diagonal parking spaces on Madison Avenue.

Councilmembers discussed issues with restricting public parking for a private business and concerns with having drive through businesses downtown.

Ordinance No. 5851 was then read into the record by title by the City Clerk.

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

Public Comment Period

Jim McKenzie, 1412 Longhorn Dr, said several months ago, he had asked for a change in policy to allow public comment on a more regular basis and nothing has changed. Councilmember McCarthy said he feels allowing public comment at every other meeting would be a good idea. McKenzie also discussed concerns with pay raises being determined by the City Administrator without Council approval.

Kim Davis, 310 Oak St, had questions regarding the recent Downtown Norfolk Area blight and substandard determination. Economic Development Director Candice Alder explained that this area was previously declared blighted and substandard several years ago and was simply redesignated for purposes of applying for grants in the downtown area.

Paula Pennington, 306 Oak St, discussed upgraded lighting on Benjamin Avenue and concerns with the water feature in Johnson Park.

Brad Brooks, 2204 Highland Dr, said nothing has been done to address the renovation of the Police Station and suggested having a group of citizens and city representatives to discuss a plan to address the Police Station renovation. Brooks stressed the need for an adequate facility for the Police Department, and said he wants to drive action to move this forward.

There being no further business, the Mayor declared the meeting adjourned at 9:01 p.m.

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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, September 18, 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.

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Brianna Duerst  
City Clerk

( S E A L )