

**CITY OF NORFOLK, NEBRASKA**

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 6th day of November 2023, beginning at 6:15 p.m. The meeting was delayed due to the 5:15 p.m. Community Development Agency meeting ending at 6:14 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, Justin Snorton, Shane Clausen and Kory Hildebrand. Absent: Thad Murren.

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, Operations Manager Lyle Lutt, City Planner Val Grimes, Water and Sewer Director Chad Roberts, Economic Development Director Candice Alder, Streets Manager Will Elwell, Street Shop Supervisor Matt Ernesti, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director PJ Evans, Communications Manager Nick Stevenson, Fire Chief Tim Wragge, Fire Marshal Sean Lindgren, Information Systems Manager Brad Andersen, Administrative Secretary Kylee Soderberg 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 Arens to approve the consent agenda as printed. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren.

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

**Consent Agenda Items Approved**

Minutes of the October 16, 2023, City Council meeting

Minutes of the October 19, 2023, City Council meeting Work Session

October sales tax report (August sales)

Elric Breault and Heidi Breault Sanitary Sewer Easement for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 2110 and 2112 South 1st Street for \$1,265.23

Engineer's Final Certificate for Paving District No. 520 (Walters' East Knolls 14th Addition

Motion to establish November 20, 2023 for the Board of Equalization to conduct a public hearing for equalization of special assessments for Paving District No. 520 (Walters' East Knolls 14th Addition)

Advertise for bids for network battery backup replacements

Mayor's appointment of Michael Joy, as an alternate, and reappointment of Brad Love to the Board of Zoning Adjustment for a three-year term, ending November 2026

Resolution No. 2023-61 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent for the State of Nebraska Department of Transportation and reappoint Steven D. Rames, License Number S-1587, Class A as the City of Norfolk Street Superintendent

Dale L. Bittner and Jayne A. Bittner Sanitary Sewer Easements for the Sanitary Sewer Replacement on Monroe Avenue to Logan Street project along property located along 2006 and 2010 Logan Street for \$476.55

Acceptance of the Parks and Recreation Board reports (October 19th and September 28th meetings).

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement to hold a Hometown Holiday Festival in downtown Norfolk on Tuesday, November 21, 2023 (with a rain/snow date of November 28, 2023) from 4:30 p.m. to 9:00 p.m., including but not limited to giving horse-drawn carriage rides, tractor-pulled hayrack rides, trolley rides, live reindeer display, live nativity scene, caroling, tree lighting ceremony, and having small campfires in self-contained steel fire pits

Staff to negotiate a contract with Tool Design for completion of an Action Plan for the Safe Streets and Roads for All (SS4A) program

Advertise for a Request for Qualifications (RFQ) from consulting firms for professional services for Nature Playground and Landscaping at Johnson Park

Andrew Olsen, dba Olsen Mowing & Snow Removal, agreement for snow piling/de-icing for the Vehicle Parking District (VPD) and Downtown Snow Operations, for the 2023-2024 snow season

ASPM Landscapes agreement for snow hauling for the Vehicle Parking District (VPD) and Downtown Snow Operations, for the 2023-2024 snow season

Special Designated Liquor License for Elkhorn Valley Historical Society, to serve beer and wine at Elkhorn Valley Museum, 515 Queen City Blvd on December 10, 2023 from 7:00 p.m. to 10:00 p.m. for a beer and wine tasting event

Bills in the amount of \$3,330,678.22

### **Special Presentations**

The Mayor proclaimed for the month of November, 2023, as "Read Aloud To A Child Month".

The Mayor recognized Lucy Yost with the "People Power" award for distinguished citizenship and good neighborliness for her efforts replacing and repairing missing or damaged markers at the gravesites of veterans in Prospect Hill.

Recognition of the 2023 Norfolk 101: Citizens Academy

### **Regular Agenda**

#### Advertise for sale of City owned property, 1001 Northdale Drive

Councilmember Arens moved, seconded by Councilmember McCarthy, for approval for staff to advertise for the sale of City owned property located at 1001 Northdale Drive.

Operations Manager Lyle Lutt provided information to elected officials and gave a brief history of the property. The dwelling on the property was a total loss following a fire on June 30, 2011. The property was condemned on July 1, 2011 and the city took ownership in June 2012. After taking ownership, City razed the structure and returned the property to vacant land. The proceeds of the sale will go towards the operation funding for the Land Bank to help get the program going.

Lutt and elected officials discussed the potential of adding certain stipulations to the purchase agreement that, within one year, a building permit must be submitted and within two years, a certificate of occupancy be issued for the new dwelling. There was discussion amongst council members and Clausen, Hildebrand and Granquist stated they would not like to see any stipulations regarding building permits or occupancy added.

Councilmember Hildebrand asked if a duplex or townhouse could be placed on the lot. City Planner Val Grimes explained that the property is currently zoned R-1 (single family residential)

so, currently, a duplex would not be permitted; however, a code amendment will be coming before the Council at the next meeting that would expand the R-1 zoning district to include one- and two-family residential units. If this code amendment is approved, a duplex would be permitted.

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

Ordinance No. 5853

(public safety tax anticipation bond issue, \$1,270,000)

Councilmember McCarthy introduced, seconded by Councilmember Snorton, Ordinance No. 5853 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$1,270,000) FOR THE PURPOSES OF PURCHASING PUBLIC SAFETY EQUIPMENT AND PUBLIC SAFETY BUILDING IMPROVEMENTS AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Finance Officer Randy Gates provided information to the Mayor and City Council. This ordinance authorizes issuance of public safety tax anticipation bonds to fund an ambulance, CAD/RMS Police software, in-car video replacement/body cameras, Fire station and Police station roof replacements, and outdoor warning sirens. The bond issue is expected to be \$1,265,000. The ordinance authorizes a maximum issue size of \$1,270,000 and a maximum true interest cost of 6.5%. The ordinance provides for the final interest rate, true interest cost, and aggregate principal amount to be determined in a written designation to be signed by the Mayor or Finance Officer. This is a 14-year bond issue with a 5-year call provision. This has been the city's standard method of acquiring public safety capital items. The city cannot have more than a 5-cent levy for public safety taxes and the debt service that is paid from that levy cannot exceed 90% of the amount of public safety tax authorized. The timing of this particular bond issue is being driven to take advantage of the \$5 million arbitrage rebate exemption. If you issue no more than \$5 million of bonds in a particular year, you can earn arbitrage on those bonds without rebating it to the IRS. We haven't been able to earn arbitrage for quite some time. We're going to be able to invest any unspent bond proceeds, until we get them spent, and earn more on it than what we're paying on the bond issue. In order to take advantage of the arbitrage rebate exemption, this bond issue needs to close prior to the end of the calendar year.

Councilmember Hildebrand asked if this was projected in the budget. Gates said these items

were anticipated being paid for by public safety tax anticipation bonds in the current budget and said if we don't issue bonds to pay for these items, they will need to be paid for out of some other revenue source, by drawing down fund balance, or cutting other expenditures.

City Administrator Andy Colvin said issuing bonds to fund public safety projects is a practice the city has had for a long time, likely decades. If there is a shift in how we want to do this going forward, that is a larger discussion that needs to happen at budget time.

Councilmember Clausen questioned the Police Station roof being paid for with these bonds when there is discussion on remodeling the Police Station in the future and said he would like the ordinance tabled to get more information.

Police Chief Don Miller explained that the current Police Station roof was installed in 2008 with a 15-year warranty, which expires in 2023. The roof replacement was in the 2021 CIP but it was determined to delay it due to the potential Police Station expansion project. Miller described the issues with the current roof, including a leak in the newly renovated dispatch center requiring plastic tarps to cover equipment and buckets to catch the water during rain events. While Miller anticipates the Police Station expansion happening in the future, they are at a point where the roof replacement cannot wait any longer. The cost of the roof is estimated at \$210,000 and not part of the expansion plans, so wouldn't be disturbed if that project proceeds.

Brad Brooks, 2204 Highland Drive, asked if the 5-cent levy for public safety bonds can be exceeded and used for the police station expansion and said a task force is needed to figure out how to make needed improvements to the Police station. Gates explained we cannot have debt service on public safety tax anticipation bonds that exceeds 90% of the 5-cent levy and the cost to the police station expansion will not fit into that 5-cent levy limit.

Councilmember Hildebrand moved, seconded by Councilmember Clausen, to table Ordinance No. 5853.

Roll call: Ayes: Arens, Webb, Snorton, Clausen and Hildebrand. Nays: Granquist and McCarthy. Absent: Murren. Motion to table Ordinance No. 5853 was approved.

Ordinance No. 5854

(update speed limits to include community developments and annexations)

Councilmember McCarthy introduced, seconded by Councilmember Hildebrand, Ordinance No. 5854 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO AMEND SECTION 24-110 OF THE OFFICIAL CITY CODE TO INCLUDE SPEED LIMITS FOR RECENTLY-ANNEXED AREAS; 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 the Mayor and City Council. After the City of Norfolk annexed parts of the surrounding community, it became necessary to add speed limits to those areas that were not previously covered by city ordinance. This also included a full review

of all speed limits in the code. This was completed by the Norfolk Police Division and the Norfolk Engineering Division reviewing the code, reviewing the community streets, suggesting changes, and again reviewing before introducing the proposed changes.

Ordinance No. 5854 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. Ordinance No. 5854 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. 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 Clausen moved, seconded by Councilmember Snorton, 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. 5854 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Snorton, Clausen and Hildebrand. Nays: None. Absent: Murren. 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. 5854 as required by law.

Ordinance No. 5855  
(fireworks discharge)

Councilmember Hildebrand introduced, seconded by Councilmember Snorton, Ordinance No. 5855 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 14-230 OF THE OFFICIAL CITY CODE TO AMEND THE DATES AND TIMES THAT PERMISSIBLE FIREWORKS MAY BE DISCHARGED; TO LIMIT THE DATES AND TIMES THAT PERMISSIBLE FIREWORKS MAY BE SOLD; 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 Administrator Andy Colvin said this ordinance is brought before the Council for consideration at the request of elected officials. Colvin said a similar ordinance was considered by the council a couple years ago, but no changes were made at the time. This ordinance provides for fireworks sales and discharge for seven days, from noon to 11:00 p.m. on June 28 through July 3. No changes are proposed for July 4, which would remain from 8:00 a.m. to 12:00 a.m.

Elected officials discussed varying conversations they have had with citizens. Some councilmembers have heard support to reduce dates and times and some have heard support to make no changes. Councilmember Arens noted while elected officials brought the ordinance forward for consideration, doing so is the result of communication with citizens, so the topic warrants discussion.

Don Wisniski, 56022 Hwy 275, said he would not be opposed to changing the hours of permissible discharge and sales, but not a reduction in days.

Soshia Bohn, 1628 Mulberry Dr, said she is in favor of keeping the days permitted at 10-days, but would support a cutoff of 10:00 p.m.

Eric Sanders, 84675 560th Ave, Hoskins, representing Fly by Night Fireworks, said his company has already purchased fireworks for next year, and they would be at a loss if sales were limited to seven days instead of ten. Sanders referenced a survey done by Norfolk Daily News in October 2021 that indicated 57% of respondents were in favor of keeping fireworks sales and discharge at 10 days.

Cole Blum, 517 Locust St, Yankton, representing DAM Fireworks, noted he has customers that prefer to shop during the morning hours and asked that the hours and dates of sale remain the same.

Tim Ernst, 2906 Dover Dr, said shortening the number of days that fireworks can be sold punishes business people and said to leave the current regulations the same.

Kim Davis, 310 N Oak St, noted comparisons amongst similar sized cities in Nebraska and said that Grand Island, North Platte and Omaha allow fewer days for sales and discharge.

Curt Lammers, 1207 Madison Ave, said he is in favor of reducing the discharge of fireworks to seven days and sees that as a fair compromise.

Kathy Sanders, 84675 560th Ave, Hoskins, representing Fly by Night Fireworks, would like the current regulations to remain the same and spoke of the importance of supporting local businesses.

Walt Haberman, 204 E Phillip Ave, a Vietnam Veteran, said there is no need for ten days of fireworks and discussed the negative effects fireworks have on him 50 years after his time in the military.

Sara Ablar, representing Fly by Night Fireworks, said ten days are needed for the business as it is already a short window and there are already other factors that can have a negative effect on the business. Ablar also referenced a survey done by Norfolk Daily News this year that indicated 38% of respondents would prefer to keep sales and discharge of fireworks at ten days; 19.5% would prefer sales and discharge be limited to seven days; 25% would prefer sales and discharge be limited to three days; and 3% would prefer sales and discharge on July 4 only.

Janet Miller asked that sales and discharge be kept at ten days.

Stacey Anderson asked that sales and discharge be kept at ten days.

Councilmember Arens moved, seconded by Councilmember Webb to amend Ordinance No 5855 to allow sales and discharge of fireworks for ten days, from 10:00 a.m. to 10:00 p.m., June 25 through July 3, with no changes to July 4.

Roll call: Ayes: Granquist, Arens, Webb and McCarthy. Nays: Snorton, Clausen and Hildebrand. Absent: Murren. Neither having the majority, Mayor Moenning voted Aye and provided the fifth affirmative vote; therefore, the motion to amend was approved on a 5-3 vote.

Ordinance No. 5855 was then read into the record by title by the City Clerk.

Roll call on Ordinance No. 5855: Ayes: Granquist, Arens, Webb, McCarthy, and Clausen. Nays: Snorton and Hildebrand. Absent: Murren. Ordinance No. 5855 passed, as amended, on first reading.

### **Administrative Reports**

Streets Manager Will Elwell gave a presentation on the 2023 Snow & Ice Plan.

There being no further business, the Mayor declared the meeting adjourned at 8:38 p.m.

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Josh Moenning  
Mayor

ATTEST:

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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, November 6, 2023, had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of



said meeting and the subjects to be discussed at said meeting.

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Brianna Duerst  
City Clerk

( S E A L )