

CITY OF NORFOLK, NEBRASKA

The City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 1st day of April, 2024, 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, Council President Shane Clausen 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. Absent: Mayor Josh Moenning.

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, Assistant City Engineer Anna Allen, Operations Manager Lyle Lutt, City Planner Val Grimes, Wastewater Superintendent Robert Huntley, Water and Sewer Director Chad Roberts, Streets Manager Will Elwell, Street Shop Supervisor Matt Ernesti, Communications Manager Nick Stevenson, Human Resources Director Jessica Dvorak, Economic Development Director Candice Alder, Parks and Recreation Director Nathan Powell, Assistant Parks and Recreation Director PJ Evans, Fire Chief Tim Wragge, Housing Coordinator Brandon Gascoigne, and Police Chief Don Miller.

The Council President presided and the City Clerk recorded the proceedings.

The Council President 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 Snorton to approve the consent agenda as printed.

Councilmember McCarthy declared a conflict of interest and abstained from voting.

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

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

Consent Agenda Items Approved

Minutes of the March 18, 2024, City Council meeting

March sales tax report (January sales)

Hadar Rural Fire Protection District Interlocal Agreement for fire service automatic aid

Norfolk Golden Girls, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of City's ball fields for softball practice, games, clinics, and tournaments for their 2024 softball season

Tina Kassmeier, doing business as Kellys Fast Pitch Softball, agreement allowing the use of City's ball fields be used for softball practice, games, clinics, and tournaments for their 2024 softball season

RAR Enterprises, LLC, a Nebraska Limited Liability Company, agreement to close a portion of 4th Street between Norfolk Avenue and Madison Avenue, to host an outdoor concert event which may include live music performances, the sale of alcohol and food vendors, on Saturday, June 1, 2024 (or alternate date of June 22, 2024)

Special Designated Liquor License for RAR Enterprises, LLC, dba Office Bar, to serve beer, wine and distilled spirits outside of Office Bar, 120 S 4th St, on June 1, 2024, from 3:00 p.m. to 12:00 a.m. for an outdoor live music event

Downtown Norfolk Association, Inc., a Nebraska Nonprofit Corporation, agreement to utilize Riverpoint Square to host a Downtown Concert Series which includes four separate music performance concerts with a beer garden at each concert, food vendors, and may include axe throwing activities on the following days: June 7, 2024, with an alternate date of June 14, 2024; June 21, 2024, with an alternate date of June 28, 2024; July 19, 2024, with an alternate date of July 26, 2024; and August 9, 2024, with an alternate date of August 16, 2024

Special Designated Liquor Licenses requested by Downtown Norfolk Association, to serve beer at Riverpoint Square, 301 W Norfolk Avenue, for a Family Music Concert Series from 5:30 p.m. to 11:00 p.m. on the following dates: June 7, 2024, with an alternate date of June 14, 2024; June 21, 2024, with an alternate date of June 28, 2024; July 19, 2024, with an alternate date of July 26, 2024; and August 9, 2024, with an alternate date of August 16, 2024

Special Designated Liquor License requested by Downtown Norfolk Association, to serve beer and wine at River Point Square, 301 W Norfolk Avenue, on May 3, 2024, from 4:00 p.m. to 11:00 p.m. for a Cinco de Mayo event

Special Designated Liquor License requested by Jim's Fine Wine and More, to serve wine and distilled spirits at Fashion 360, 401 West Omaha Avenue, on April 27, 2024, from 12:00 p.m. to 4:00 p.m. for a wine tasting event

Special Designated Liquor License for Uncle Jarrol's Pub-B-Que, 2610 West Norfolk Avenue, to serve beer and distilled spirits at Elworth Motor Company, 2311 Riverside Boulevard, on May 4, 2024, from 10 a.m. to 8 p.m. for a motorcycle show

Award contract to Evoqua Water Technologies, for the west water treatment plant chlorine scrubber acid wash and testing for an amount of \$41,717.00

Safe Slide Restoration bid to repaint and refurbish the waterslides at AquaVenture in the amount of \$63,350

Accept a grant from the Nebraska Forest Service using funds from the USDA Forest Service Inflation Reduction Act (IRA) and for the Mayor to sign all contracts and documents related to the grant

Tim Sunderman agreement to serve as a campground host, in a voluntary capacity, at Ta-Ha-Zouka Campground

Mayor's appointment of Janie Engelby to the Public Arts Council to complete previous member, Camy Reeves, term that expires on November 30, 2024

Mayor's appointment of Colleen Hupke to Planning Commission, to fill the remaining term of Dan Spray, ending February 2025

Bills in the amount of \$1,936,219.83

Special Presentations

The Council President proclaimed April 2024 as Fair Housing Month.

The Council President proclaimed April 2024 as National Child Abuse awareness Month

Public Hearings and Related Items

Public Hearing

(Extremely blighted determination, 105 East Norfolk, NE corner of north 1st & East Norfolk)

A public hearing was held to consider the extremely blighted determination for the area located at approximately 105 East Norfolk (Northeast corner of North 1st Street & East Norfolk Avenue).

Prior to opening the public hearing, City Administrator Andy Colvin provided a statement regarding potential conflicts of interest for elected officials and staff, and stated that neither he

nor the Mayor will be participating in discussions regarding 105 E Norfolk Avenue due to their roles with the Greater Norfolk Economic Development Foundation.

Council President Shane Clausen opened the public hearing to consider the extremely blighted determination for the area located at approximately 105 East Norfolk (Northeast corner of North 1st Street & East Norfolk Avenue).

Mark Otto, 1652 Woodwind St, Lincoln, developer, provided information to elected officials. An Extremely Blighted Determination Study was performed by Information Art, Kurt Elder, and it was determined the property met all of the legal requirements to be declared extremely blighted. Otto discussed the need for the extreme blight designation and how the project would affect the city, reviewing projected income to the city with and without TIF and the net gain. Otto said the estimated payoff of the TIF bond is 16 years, perhaps sooner. Otto said the current structure will be torn down, which will reset the base value on the lot. In Otto's model, he used just the land for property tax. Otto also reviewed the sales tax revenue he anticipates the project will generate. Otto said they expect the commercial spaces to be 50% full by the time of closing in June 2024 and they would like to be at 100% by November 2025 for both residential and commercial. Otto stressed that, with TIF, the risk is on the developer, not the city.

Michael Sands, city's TIF counsel, noted the TIF application will be considered at a separate public hearing and emphasized that the decision at hand must be based on the actual criteria of the extremely blighted study. Sands said he has reviewed the study and, from a legal perspective, everything being done is in compliance with State Statute.

Kim Davis, 310 Oak Street, asked for clarification on whether the taxes paid will be the same as what is being paid now with the building on it or without the building. Davis also asked what the consequences are if a developer doesn't finish a project. Sands said the reduction in the tax base Otto presented is without the building, which is not being approved tonight, that there is no prohibition for that tax base reduction, and some communities allow for it, others on a case-by-case basis if the project isn't viable without doing so. As far as consequences for not finishing a project are concerned, penalties can be built into the redevelopment contract. Those penalties could include shutting down the incentive if the developer does not build what they said they were going to build or requiring pay back of what they have already received. Often, that doesn't need to happen, especially with a one-phase project such as this.

Scott Williams, 1111 Nebraska Avenue, said based on the study presented by Kurt Elder, the property clearly qualifies as extremely blighted. Williams said approval of the resolution will allow for redevelopment to move forward and that it would not move forward without TIF. Williams asked elected officials to vote unanimously to approve the resolution.

Jim McKenzie, 1412 Drive, said in a TIF development, the city will have to provide city services to the businesses and residents of the development for 20 years with no additional property tax revenue, which means someone else is paying for it and could result in a property tax increase for the rest of the citizens of Norfolk. McKenzie questioned how the property could be an extremely blighted piece of property as it sits on a high traffic corner next to a park that the city has invested \$16 million into. McKenzie also expressed concern with parking in the development if the property changes from C-3 to C-2, which has no parking requirements.

Rod Wilke, 2401 Hardison Drive, said the property is being utilized and is not extremely blighted. Wilke said a developer should build without the TIF, as it puts a burden on the citizens.

Jamie Meaux, 1202 Terrace Road, current building tenant, expressed concern with the quickness of the proposed development and not being informed about the project and potential move out dates. Meaux said the building is being utilized with businesses that are providing services to the community.

Steve Sunderman, 435 1/2 W Norfolk Avenue, representing Greater Norfolk Economic Development Foundation (GNEFE), said they are working with current tenants to look at possible locations but realize the property might not close and they may continue to operate as is. Sunderman noted GNEFD is a non-profit organization made up of volunteers, who have put a lot of time into seeing the development through, finding a development that fits the community and there is no financial gain by anyone on the board.

Clayton Ellsworth, 1202 Bel Ridge Road, said the city needs a good plan on deciding on who gets TIF and whether it benefits the community enough to justify the cost it puts on the rest of the citizens. Ellsworth's main concern is with the extended 20-year TIF, instead of a regular 15-year TIF plan.

No one else appeared either in favor of or in opposition to the Extremely blighted determination study and the Council President declared the hearing closed.

Resolution No. 2024-16

(Extremely blighted determination, 105 East Norfolk, NE corner of north 1st & East Norfolk)

Councilmember Snorton moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2024-16 approving the extremely blighted determination for the area located at approximately 105 East Norfolk (Northeast corner of North 1st Street & East Norfolk Avenue).

Councilmember Arens asked if the tenants received proper notice of the move. Sunderman said the foundation has been in contact with all the tenants. Sunderman said the in the purchase agreement, the developer will take on all current leases. The foundation has chosen to assist with that to make sure that people find a good home, but the leases will be honored either way. No one is going to get kicked out because the property gets closed on and there is no move-out date.

Roll call: Ayes: Granquist, Arens, McCarthy, Murren, Clausen and Hildebrand. Nays: Webb and Snorton. Absent: None. Resolution No. 2024-16 was adopted.

Regular Agenda Items

HDR Engineering, Inc. Amendment

(Levee Certification- Phase IIIa project)

Councilmember Arens moved, seconded by Councilmember Murren, for approval of Amendment to the engineering services agreement dated November 21, 2022, with HDR

Engineering, Inc. for the Levee Certification- Phase IIIa project for an additional amount of \$53,284.00.

Paul Woodward with HDR provided information to elected officials. This project is a multi-phase project and the amendment is for Phase IIIa, 60% design and pre-permitting of proposed improvements.

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

Advertise bids, Water Pollution Control Plant Improvements Project

Councilmember Hildebrand moved, seconded by Councilmember Snorton, for approval to advertise for bids for the Water Pollution Control Plant Improvements Project.

Public Works Director Steven Rames said this project was initially put out for bids in the fall of 2022, which resulted in three bids, all over budget. In February 2023 the City applied for a Qualified Census Tract (QCT) Recovery Grant through the Nebraska Department of Economic Development utilizing funds from the American Rescue Plan Act (ARPA). In March, 2023 the City was notified that it was awarded a QCT Recovery Grant for an amount up to \$1,500,000, with a City cash match of \$2,500,000, for infrastructure improvements to the Water Pollution Control Plant Grit Removal Building project. This project is currently budgeted at \$8,871,000, which includes \$7,600,000 for construction and \$1,271,000 in engineering costs.

Seth Lange, Olsson Associates, provided information to elected officials. Lange said the current system was constructed in the 1950s, with improvements done in the 1970s and is showing its age. What is being proposed would provide additional hydraulic flow and redundancy to the system. The new design would allow less grit into the facility and increase efficiency.

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

Resolution No. 2024-17

(Luedeke sidewalk waiver, 3530 East Highway 34)

Councilmember Granquist moved, seconded by Councilmember Snorton, for adoption of Resolution No. 2024-17 approving sidewalk waiver requested by Todd and Cheryl Luedeke for property located at 3530 E. Highway 24.

City Planner Val Grimes provided information to elected officials. This is a larger lot close to the city's extraterritorial zoning jurisdiction that was recently platted, and the typical sidewalk note is on the plat. There are no sidewalks close to this property and the proposed resolution includes the standard conditions which state the waiver is temporary until sidewalks are installed in the abutting area; the site plan shall include provisions and grading for future sidewalk installation; and that the City Council reserves the right to request installation of sidewalks at any time.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand.
Nays: None. Absent: None. Resolution No. 2024-17 was adopted.

Ordinance No. 5873

(issue special assessment bond anticipation notes, Water District 129)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5873 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF NORFOLK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$485,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING TO PAY THE COST OF WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 129, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Finance Officer Randy Gates provided information to elected officials. Over 99% will be funded with special assessments, with less than 1% expected to be funded by the Water Fund for oversized costs.

Ordinance No. 5873 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. 5873 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: 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 McCarthy, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Council President then stated the question "Shall Ordinance No. 5873 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 Council President then instructed the City Clerk to publish said Ordinance No. 5873 as required by law.

Administrative Reports

Fire Chief Tim Wragge presented the Norfolk Fire and Rescue Annual Report.

There being no further business, the Council President declared the meeting adjourned at 7:51 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, April 1, 2024, 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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