

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 February, 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, 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. Absent: None.

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, Communications Manager Nick Stevenson, Economic Development Director Candice Alder, Library Director Jessica Chamberlain, Assistant Fire Chief Trevor O'Brien, Region 11 Emergency Manager Bobbi Risor, Water and Sewer Director Chad Roberts, 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 Murren moved, seconded by Councilmember McCarthy to approve the consent agenda with Item #8, review of *January sales tax report (November sales)*; Item #11, *consideration of approval to advertise for bids for the 2 Million Gallon (MG) Treated Water Storage Tank project*; and Item #13, *consideration of approval to advertise a Call for Artists to submit proposals for the design and creation of an art installation in the roundabout located at 1st Street and Braasch Avenue in Norfolk, Nebraska* removed from the Consent Agenda and added to the Regular Agenda. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

Mayor Moenning referred to an email, received by City staff February 5, 2024, wherein Jeff Ray, on behalf of Pete Becker, requested that the proposed 25th Street and Benjamin Avenue Blight

and Substandard Study (Item #27) be removed from the City Council agenda.

Councilmember Arens moved, seconded by Councilmember Webb to adopt the full agenda as amended, with Item #8, 11 and 13 removed from the Consent Agenda and added to the Regular Agenda; and Item #27 removed from the agenda. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

Consent Agenda Items Approved

Minutes of the January 16, 2024, City Council meeting

Issue letters to the property owners at 807 West Pasewalk Avenue, 809 West Pasewalk Avenue, and 304 North 3rd Street to repair or have a signed contract for the sidewalk repairs within 90 days according to Section 22-23 of the City Code

Advertise for bids for the Outdoor Warning Siren Project

Advertise for a Request for Proposals to repaint and refurbish the waterslides at AquaVenture.

Accept the Parks and Recreation Board report January 18, 2024

Mayor's reappointment of Jan Einspahr to the Public Arts Council for a 3-year term, ending February 2027

Mayor's reappointment of Ann Dover, Terry Rasmussen, and Angela Bailey to the Parks and Recreation Board for a 3-year term, ending January 2027

Special Designated Liquor License for Elkhorn Valley Museum, to serve beer, wine and distilled spirits at Elkhorn Valley Museum, 515 Queen City Blvd., on March 21, 2024, from 6:30 p.m. to 9:30 p.m. for a fundraiser

Special Designated Liquor License for Taylormade Catering, to serve beer, wine and distilled spirits at Our Savior Lutheran Church, 2024 W Omaha Ave., on March 1, 2024, from 4:00 p.m. to 11:00 p.m. for a fundraiser

Ratify a Special Designated Liquor License requested by Jim's Fine Wine and More, to serve wine and distilled spirits at Deets Furniture, 2010 S 13th Street, on February 8, 2024, from 4:00 p.m. to 8:00 p.m. for a wine and cordial tasting event

Norfolk Youth Baseball, Inc., a Nebraska Nonprofit Corporation, agreement allowing the use of City's ball fields to be used for baseball practice, camps, games, and tournaments for the 2024 baseball season from March 1, 2024 through December 1, 2024

Approval of Library's Annual Report

Bills in the amount of \$2,604,187.95

Special Presentation

Mayor Moenning recognized Heather, Lincoln, and Brooklyn Wingate with the “People Power” award for distinguished citizenship and good neighborliness for orchestrating a fundraiser to pay off negative student lunch accounts raising over \$2,000.

Regular Agenda Items

January sales tax report (November sales)

Finance Officer Randy Gates reviewed the January sales tax report for November sales. City sales tax receipts were up \$449,930.85 or 45.38% from last January. Gates said he is unsure of the reason for the significant increase as the Department of Revenue does not provide further information. Gates said he does not expect to see another increase like this in the future, this was likely a one-time increase.

Economic Development Director Candice Alder said the Visitor’s Bureau had informed her that lodging tax for November also increased 30%. Alder said a potential reason for the increase could be the significant amount of construction occurring in the city.

Jim McKenzie, 1412 Longhorn Drive, said the increase seen last month could pay almost the entire annual cost of amortizing the police station expansion without a tax increase.

Advertise for bids (2MG Treated Water Storage Tank project)

Councilmember Granquist moved, seconded by Councilmember McCarthy, approval to advertise for bids for the 2 Million Gallon (MG) Treated Water Storage Tank project.

Water and Sewer Director Chad Roberts provided information to elected officials. A 2 million gallon (2MG) treated water reservoir was presented in the Water Master Plan Update 2022 to serve Norfolk's growing population and enhance the filter back wash washing at the West Water Treatment Plant. Norfolk originally erected a 2-million-gallon reservoir in 1974. The current 2-million-gallon reservoir is operating near 100% capacity during peak demands. Operating at eighty percent (80%) of capacity during peak demand is the generally recognized threshold for expanding reservoir capacity. A prestressed tank is the main bid with a steel tank as an alternative bid. The West Water Plant Improvements includes the design of the two-million-gallon reservoir. This project is budgeted for construction starting in fiscal year 2023-2024 and completion in fiscal year 2024-2025. The two-million-gallon reservoir is budgeted for in the current CIP document for \$4,592,000. Roberts stressed this tank is critical for operation and growth of the plant.

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

Advertise Call for Artists

(design & creation of art installation in 1st St & Braasch Ave roundabout)

Councilmember Arens moved, seconded by Councilmember Hildebrand, for approval to advertise a Call for Artists to submit proposals for the design and creation of an art installation in the roundabout located at 1st Street and Braasch Avenue in Norfolk, Nebraska.

Parks and Recreation Director Nathan Powell provided information to elected officials. The art installation would not exceed \$35,000. The Arts Council has an annual budget of \$25,000 and has \$59,000 of remaining CARES Act funding to fund the project.

Jim McKenzie, 1412 Longhorn Drive, questioned how there are remaining CARES Act dollars available when previous purchases for art have been made.

Powell explained that \$25,000 is budgeted annually for artwork in the community, which is all the Arts Council has been using. To date, there has not been a project that necessitated the use of the \$59,000 of CARES Act funding available.

Kara Weander-Gaster, 408 N 11th Street, encouraged elected officials to support the proposal for artists.

Ty Woznek, 1008 W Nebraska Ave, spoke in favor and spoke of the importance of pride in the community and focusing not only on infrastructure needs in the community, but also the things that make Norfolk a great place to live.

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

Land Bank Funding Request

Councilmember Hildebrand moved, seconded by Councilmember Snorton to approve request of funding for the Northeast Nebraska Regional Land Bank.

Councilmember Arens declared a conflict of interest and abstained from discussion and voting.

Housing Director Gary Bretschneider provided information to elected officials. At noon on January 22, 2024, The Northeast Nebraska Region Land Bank (NNRLB) held its first meeting at the Norfolk Public Library. Agenda item #11 of that meeting was the formal request from the NNRLB to the Norfolk City Council for \$50,000 from ARPA Funds (American Rescue Plan Act) which was approved in the 2023-2024 budget. The requested funds will be used for startup and operational expenses in the next phase of development of the NNRLB.

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

Sourcewell Contract #081021-CXT
(Johnson Park restroom and concession stand)

Councilmember Granquist moved, seconded by Councilmember McCarthy, for approval of Sourcewell Contract #081021-CXT for the construction of a restroom and concession stand at Johnson Park in the amount of \$265,773.

Parks and Recreation Director Nathan Powell provided information to elected officials. This project is funded through the ARPA grant with the State of Nebraska Department of Natural Resources. The cost of the restroom is \$265,773 and the budgeted amount is \$300,000. The difference will be used to bring utilities to the site and provide a pad for the project. This includes one single family restroom, one concessions room for skate rental, and a small warming room for the public. Expected completion is 5-6 months from execution of contract. The structure will be located adjacent to the sports court, close to where the old restroom was.

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

Bienenstock Natural Playgrounds
(Johnson Park nature playground)

Councilmember Snorton moved, seconded by Councilmember Murren, for approval to enter into agreement with Bienenstock Nature Playgrounds for the design and build of a nature playground in Johnson Park.

Parks and Recreation Director Nathan Powell provided information to elected officials. The cost of the nature playground is \$325,000, all funded through the ARPA grant from the Department of Natural Resources.

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

Quick Med Claims, LLC
(EMS billing services)

Councilmember Snorton moved, seconded by Councilmember Murren, for approval of an agreement with Quick Med Claims, LLC to provide Emergency Medical Services (EMS) billing at a rate of 5.15% of net collected revenue.

City Clerk Brianna Duerst provided information to elected officials. The City Clerk's office currently handles all EMS billing. Consistent increases in the number of ambulance service calls over the last several years have made this task difficult to sustain with current staff. In contacting several similar sized cities, the City of Norfolk is in the minority in handling ambulance billing in-house and this is a service that is largely contracted out in similar sized cities. Cities contacted included Grand Island, Hastings, South Sioux City, Columbus, Fremont, Scottsbluff, and Beatrice. Each of these cities, apart from Beatrice, who has a dedicated ambulance billing clerk,

contracts this service out. The FY2023-2024 budget includes \$85,000 for EMS billing, which is roughly 10% of calendar year 2023 collected revenue. The actual rate of 5.15% of collected revenue is under budget, allowing that line item to be reduced next year.

Ordinance No. 5868

(delete portions of Chapter 14, Division 2, due to passage of LB77)

Councilmember Granquist introduced, seconded by Councilmember Arens, Ordinance No. 5868 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND CHAPTER 14, ARTICLE X, DIVISION 2 OF THE OFFICIAL CITY CODE TO REPEAL CERTAIN SECTIONS RELATED TO THE CARRYING OF CONCEALED WEAPONS, EXPLOSIVES, AND DANGEROUS WEAPONS IN ACCORDNANCE WITH LEGISLATIVE BILL 77 (2023), and moved that the ordinance be passed on first reading.

Police Chief Don Miller provided information to elected officials. Governor Pillen signed LB77 which went into effect on September 1, 2023. Part of the bill under Nebraska State Statute 13-330 prohibits any county, city, or village from enacting or enforcing a local ordinance restricting the ownership, possession, storage, transportation, sale and transfer of firearms or other weapons, except as outlined in state statute. Any current laws are declared null and void. The discharge of a firearm can still be restricted. This ordinance deletes the portions of the city code relating to the areas not allowed by state statute but keeps the prohibition on discharging of a firearm.

Ordinance No. 5868 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. 5868 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 Mayor then stated the question "Shall Ordinance No. 5868 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. 5868 as required by law.

There being no further business, the Mayor declared the meeting adjourned at 6:24 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, February 5, 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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