

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 16th day of January, 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, Wastewater Supervisor Robert Huntley, 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 McCarthy moved, seconded by Councilmember Snorton to approve the consent agenda with Item #11, *consideration of approval of Resolution 2024-4 requesting authorization from the Mayor and City Council for City of Norfolk staff to apply for a Civic and Community Financing Fund construction grant and authorization for Mayor and City staff to execute the grant application and all related documents* 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.

Councilmember Granquist moved, seconded by Councilmember Hildebrand to adopt the full agenda as amended, with Item #11 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.

Consent Agenda Items Approved

Minutes of the January 2, 2024, City Council meeting

Keno comparison report for December 2023

Resolution No. 2024-3 approving final plat of Weiland's Addition

Special Designated Liquor License for Nebraska Craft Brewers Association, 10411 Portal Rd. #102, La Vista, NE 68128, to serve beer, wine and distilled spirits at Divots Conference Center, 4200 W. Norfolk Ave., on February 3, 2024, from 12:00 p.m. to 10:00 p.m. for a beer festival

Northeast Nebraska Economic Development District agreement to provide general administration services for the Downtown Revitalization grant, Contract No. 23-DTR-008

Northeast Nebraska Economic Development District agreement to provide construction management services for the Downtown Revitalization grant, Contract No. 23-DTR-008

Bills in the amount of \$2,720,739.26

Special Presentation

Police Chief Don Miller discussed Police Department interpreter needs.

Public Hearings and Related Items

Public Hearing

(T T K Investments, Inc. zone change, 301 North 1st Street)

A public hearing was held to consider a zone change from R-3 (Multiple Family Residential) to C-2 (Central Business District) on property addressed as 301 North 1st Street at the request of T T K Investments.

City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the owner intends on utilizing the existing building for a bike shop and the existing dwelling will be demolished prior to commercial operation.

Jason Tollefson, 1408 Verges Ave, owner, was available for questions from elected officials.

On January 3, 2024, the Norfolk Planning Commission held a public hearing regarding the zone change request. 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 zone change and the Mayor declared the hearing closed.

Ordinance No. 5866

(T T K Investments, Inc. zone change, 301 North 1st Street)

Councilmember Arens introduced, seconded by Councilmember Granquist, Ordinance No. 5866 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA; MENDING 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: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5866 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. 5866 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. 5866 as required by law.

Regular Agenda Items

Resolution 2024-4

Civic and Community Center Financing Fund (CCCCFF) construction grant

Councilmember Hildebrand moved, seconded by Councilmember Arens, for adoption of Resolution 2024-4 requesting authorization from the Mayor and City Council for City of Norfolk staff to apply for a Civic and Community Center Financing Fund construction grant and authorization for Mayor and City staff to execute the grant application and all related documents.

Economic Development Director Candice Alder provided information to elected officials. Alder said this is a partnership with the Riverpoint Creative District and grant dollars would go toward

the purpose of updating and enhancing the safety and ambiance of the Riverpoint Creative District through the planning and implementation of wayfinding and permanent lighting for areas of focus, in particular alley way lighting, intersection lighting, amphitheater lighting, and corridor lighting. Staff are proposing to apply for the maximum \$1,125,000. The required one-to-one-match would be a combination of Vehicle Parking District Funds that were set aside in the current FY budget, private donations that were part of the overall Riverfront development project, and Keno dollars that were already incorporated into the Riverfront development project. Alder noted that for this funding year, funding for the CCCFF grants was restricted to communities that have established creative districts and within the creative district boundaries. The grant dollars would come to the City of Norfolk, and we would execute all the activities.

Jim McKenzie, 1412 Longhorn Drive, asked how the city's match requirement will be funded. Alder said \$85,000 of Vehicle Parking District funds have been set aside for lighting and \$500,000 of Keno funds have already been committed to Riverfront development. There are also multiple private donations. McKenzie expressed concern with the large amount of tax dollars being used for the match.

North Fork Area Transit, Inc., Public Transportation Funding agreement

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of a Public Transportation Funding Agreement between the City of Norfolk and North Fork Area Transit, Inc.

City Attorney Danielle Myers-Noelle provided information to the Mayor and City Council. The City has assisted in funding public transit since the early 1970s. In early 2023 the City Council terminated the ongoing funding agreement with the understanding North Fork Area Transit (NFAT) would make an annual funding request going forward and an annual funding agreement would be considered by council. Attached is a funding agreement for NFAT's FY 2024 operation (July 1, 2023 through June 30, 2024). NFAT met with the Policies and Procedures Subcommittee on January 3, 2024 to present an update on NFAT operations, review the City agreement, and answer questions related to NFAT services and budget. Key pieces of the agreement - The agreement is not renewable and contemplates \$100,000.00 total, divided quarterly; The agreement expands on previous audit requirements and places more responsibility on NFAT to provide documentation to the City when requested; the agreement adds a section that requires NFAT to notify the City if the State Department of Transportation declines to fulfill a reimbursement request and gives the City the option to immediately terminate the agreement; the agreement formalizes what was put into place on February 21, 2023, which requires NFAT to have at least one Norfolk City Council member on its Board of Directors.

Lacy Kimes, 2608 W Prospect Ave, NFAT Board of Directors President, reviewed trip purposes, who is using the service, state transit system funding, historic and current ridership, highest volume pick up and drop off locations, and FY2024 budget including expenses, revenues, and the local match support. Kimes also spoke to reforms the organization has made in the last year, including hiring a local accounting firm to take charge of all of the accounting, the addition of more board members, increased finance committee meetings to review all bills, and making sure the needs of the community are met efficiently.

Councilmember Snorton asked if a ridership goal had been established.

Jan Einspahr, NFAT Board of Directors member, said there are limitations on ridership due to budget constraints for staffing, but once the budget allows increased staffing, they can look at increasing ridership.

Councilmember Hildebrand said he is hesitant to approve additional funding because we don't know the outcome of the court case involving the previous manager.

Kimes said it could be months before we know the outcome of that, but stressed that the need for transportation is still there. Without NFAT, there are people in our community that don't have transportation, and we can't forget who we are serving.

Jim McKenzie, 1412 Longhorn Drive, spoke in support of the City's \$100,000 contribution to NFAT and said the TeleLift service is critically important to the community and noted he is impressed with the changes NFAT has made within the organization.

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

Water Extension District No. 129 project
(advertise for bids)

Councilmember Granquist moved, seconded by Councilmember Arens, for approval to advertise for bids for the Water Extension District No. 129 (North Highway 81 approximately from Sheridan Drive north to Eisenhower Avenue) project.

Public Works Director Steven Rames provided information to the Mayor and City Council. The plans, specifications, and engineer's estimate for this project are filed in the City offices. This project includes construction of a water main extended from 13th Street and Eisenhower Avenue south approximately 2900' to 13th Street and Sheridan Drive. A bid letting is tentatively scheduled for February with Council approval of the lowest responsive and responsible bidder in March.

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

Toole Design agreement
(create Safe Streets for All plan)

Councilmember Granquist moved, seconded by Councilmember Hildebrand, for approval of a professional services consultant agreement with Toole Design to create a Safe Streets for All plan for an amount not to exceed \$298,979.30.

Assistant City Engineer Anna Allen provided information to the Mayor and City Council. On August 15, 2022, the City Council approved Resolution No. 2022-36 to establish a 'Vision Zero' initiative through a SS4A grant to work towards zero roadway fatalities and serious injuries. City staff, with the help of Toole Design, submitted an application to the U.S. Department of Transportation in September of 2022 and was awarded \$209,300 to be used by the City of Norfolk to develop a comprehensive safety action plan. The City's cost share in this grant is \$89,700 for a total of \$299,000 in funding to complete the action plan. On September 18, 2023, the Mayor and Council approved advertising for a Request for Proposals for completion of an Action Plan for the Safe Streets and Roads for All (SS4A) program. This is the first step in the process of establishing zero roadway fatalities and serious injuries. When the action plan is completed, there will be another opportunity to apply for grants to help offset the cost of the implementation of this plan. On October 17, 2023, one proposal was received from Tool Design. On November 6, 2023 Mayor and Council authorized staff to negotiate a contract with Tool Design for completion of the Action Plan for this project.

Jim McKenzie, 1412 Longhorn Drive, questioned how realistic the Vision Zero goal is and said an analysis on the effectiveness should be done before implementation or spending a lot of money.

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

Ordinance No. 5867

(update water & sewer rates, correct building fee error)

Councilmember Arens introduced, seconded by Councilmember Murren, Ordinance No. 5867 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 2-5 OF THE OFFICIAL CITY CODE TO UPDATE WATER RATES AND WASTEWATER TREATMENT RATES; TO CORRECT A TYPOGRAPHICAL ERROR IN A BUILDING PERMIT FEE THAT WENT INTO EFFECT OCTOBER 1, 2023; 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.

Public Works Director Steven Rames provided information to elected officials. This ordinance includes a 6.25% increase in water rates, a 3.5% increase in residential and commercial sewer rates, and an 8% increase in industrial sewer rates to go into effect in February 1, 2024. These proposed increases, as well as a rate comparison and history of previous increases, were presented to the Public Services, Traffic and Infrastructure Subcommittee on December 11, 2023. Proposed updates to fees are underlined and highlighted in the ordinance. Rames reviewed rate comparisons among similar sized cities, debt history, history of rate increases, and the current FY proposed bill increase for water and sewer rates.

Ordinance No. 5867 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. 5867 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. 5867 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. 5867 as required by law.

Resolution No. 2024-5

(remove Madison County Industrial Tract designation)
(property north of East Monroe Avenue, between S. 1st St & S. Chestnut St.)

Councilmember Arens moved, seconded by Councilmember Hildebrand, for adoption of Resolution No. 2024-5 approving to remove the Madison County Industrial Tract (CIT) designation from property generally located north of East Monroe Avenue, between South First Street and South Chestnut Street.

City Administrator Andy Colvin provided information to elected officials. In 1957 the Nebraska Legislature passed legislation to allow for the creation of County Industrial Tracts near municipalities for the purpose of encouraging industrial development. This resolution focuses on three parcels. The driver of this discussion was the stockyards, which has not been in operation since approximately 2015 and has been sitting vacant since then. In looking at how to redevelop South Norfolk, the property's CIT designation takes away the City's ability to do much with it. There are a lot of unknowns and the cost to clean up the property could be in the millions. Colvin also noted no City property tax is being collected as it is outside city limits and cannot be annexed due to the current CIT designation. The first step to remove the CIT designation is the formal request by the City to Madison County. If the County finds that the uses are not consistent with the purposes of the County Industrial Tract statutory language, they are required to hold a hearing for removal of the CIT designation. Unless the property owner can prove the property is still being used for industry, State Statute states the County shall remove the CIT designation.

State Statute only allows for this process to take place every even-numbered year during the month of March.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand.
Nays: None. Absent: None. Resolution No. 2024-5 was adopted.

There being no further business, the Mayor declared the meeting adjourned at 7:28 p.m.

Josh Moenning
Mayor

ATTEST:

Brianna Duerst
City Clerk

(S E A L)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Tuesday, January 16, 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

(S E A L)