

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 March, 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, Operations Manager Lyle Lutt, City Planner Val Grimes, Programmer/Analysist Leon Gentrup, Water and Sewer Director Chad Roberts, Streets Manager Will Elwell, Street Maintenance Supervisor Matt Ernesti, Assistant Parks and Recreation Director PJ Evans, Parks Supervisor Ryan Beed, Communications Manager Nick Stevenson, Economic Development Director Candice Alder, 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 Granquist, to approve the consent agenda as printed. Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None.

Councilmember Hildebrand 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 4, 2024 City Council meeting

Keno comparison report for February 2024

Minutes of the February 26, 2024, Northeast Nebraska Regional Land Bank meeting

Norfolk Softball Association (NSA), a Nebraska Nonprofit Corporation, agreement, allowing the use of City's softball fields for softball practice, games, and tournaments for their 2024 summer and fall seasons

Norfolk Post 16 of The American Legion at Norfolk, Nebraska, a Chartered Unit of the Nebraska American Legion and its National Organization, agreement, allowing the use of City's baseball field at Veterans Memorial Park for baseball practice, clinic, camps, games, and tournaments from May 1, 2024, through December 31, 2024

Purchase replacement pickup in the amount of \$42,099 from Husker Auto Group off of State Contract #15890, for use by the Sewer Division

Purchase replacement pickup in the amount of \$34,198 from Husker Auto Group off of State Contract #15890, for use by the Water Division

Change of Location application submitted by VMR, LLC, dba Aroma Circuit to change the location of their Class "IK" liquor license from 1201 S 13th St to 415 W Norfolk Avenue

Bills in the amount of \$6,890,280.06

Special Presentations

Mayor Moenning recognized Raelynn Terveer with the “People Power” award for distinguished citizenship and generosity for her efforts through initiatives like “I CAN” where Raelynn collected and recycled cans and donated the proceeds to worthy causes, and “Raelynn’s Warm Wishes” where she provided handmade blankets to the residents of the Norfolk Veterans Home.

Troy Weyrich, 1004 Westbrook Drive, presented a Citizens Advisory Committee recommendation to the council regarding needed improvements to the current Police Station and an accelerated street improvements Program, with the priority being the Police Station expansion. Weyrich noted a property tax increase was quickly ruled out. The committee recommends a 1/2 cent sales tax increase with a 4-year sunset to fund the Police Station addition and renovation on a pay-as-you-go basis, without incurring debt or issuing bonds. Once the Police Station project is paid for, allocate the remaining sales tax collections for accelerated street improvements. The committee also recommends not issuing bonds for accelerated street improvements approved in the FY23-24 budget but instead utilize the \$450,000 budgeted for a bond payment for annual street maintenance work by contract. Weyrich also noted we need to better educate citizens on the Police Station needs.

There will be ongoing discussions. If a 1/2 cent sales tax increase is to be placed on the November ballot, the city will need to get everything to the election commissioner by August.

Public Hearings and Related Items

Public Hearing

(Donald Gerdes, zone change, 83773 557th Ave)

A public hearing was held to consider a zone change from R-R (Rural Residential District) to I-1 (Light Industrial District) on property addressed as 83773 557th Avenue at the request of Donald Gerdes. City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes said the applicant has a current business at the location but is looking to expand. To do so will require a change to the current residential zoning.

Don Gerdes, applicant, spoke to the request and said he plans to expand the existing building for his powder coating business to the south and said storage will mostly be contained indoors, with the exception of some large items that may need to be stored outdoors. Gerdes said some concerns have been expressed by neighbors regarding a potential salvage yard on the property but noted that would not be permitted under the I-1 zoning district. Gerdes is requesting the change in zoning on the entire 10-acre parcel as it was the simplest option to move forward with his plans and, if he ever considered selling a portion of the property, the light industrial zoning is already in place.

Councilmembers questioned if Gerdes could obtain a conditional use permit (CUP) to allow his business expansion. Grimes explained this type of business is not permitted in Rural Residential with a CUP.

Councilmembers discussed changing the zoning on a smaller piece of property instead of the entire 10-acre parcel. This would require additional time and platting but may alleviate some neighbor concerns. Grimes discussed available options. 1) vote on Ordinance No. 5871; if it passes, the zoning district changes. If it fails, there is a 6-month waiting period before a zoning change can be brought back before the Council. 2) Table Ordinance No. 5871; if the ordinance is tabled, and not brought back at the next council meeting, the ordinance dies on the table, but there is no 6-month waiting period before a zoning change can be brought back.

Loren Bosler, 83688 557th Ave, said he is not opposed to what Gerdes is trying to do, but feels this is too many acres to zone industrial.

On March 4, 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. 5871

(Donald Gerdes, zone change, 83773 557th Ave)

Councilmember Hildebrand introduced, seconded by Councilmember Arens, Ordinance No. 5871 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.

Councilmember Granquist moved, seconded by Councilmember Webb, to table Ordinance No. 5871.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, Clausen and Hildebrand. Nays: McCarthy. Absent: None. Ordinance No. 5871 was placed on the table.

Regular Agenda Items

Advertise for Bids – Concrete Repair Project 2024

Councilmember Hildebrand moved, seconded by Councilmember Murren, for approval to advertise for bids for the Concrete Repair Project 2024.

Public Works Director Steven Rames provided information to elected officials. This project includes concrete improvements to the following areas: Braasch Avenue from 5th Street to 7th Street, East Benjamin Avenue from 1st Street east to the railroad, Riverside Boulevard south of Benjamin Avenue, Taylor Avenue from 24th Street to Pasewalk Avenue, 5th Street from Prospect Avenue to Braasch Avenue, Benjamin Avenue from 13th Street to 12th Street, and sidewalk on Madison Avenue from 1st Street to 3rd Street the south side. It also includes 18th Street from Maple Avenue to Michigan Avenue, which was identified in a community survey and initially intended to be paid for with bonds, per the FY23-24 budget. After recent discussion, rather than bonding that work out, this would use the CHAF funds that would have paid the annual debt service on the bond, for this project. This action does not authorize any spending, just begins the bidding process.

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

Regular item

(DN Tanks, LLC, 2 MG Treated Storage Tank, \$3,696,000)

Councilmember Arens moved, seconded by Councilmember McCarthy, for approval to award a contract to DN Tanks, LLC dba DN Tanks of Nebraska, LLC of Grand Prairie, TX for the 2 MG Treated Water Storage Tank project for an amount of \$3,696,000.00.

Water and Sewer Director Chad Roberts provided information to elected officials. This tank will sit just south of the original storage tank that was completed in 1975. This tank will increase the storage capacity of the west water treatment plant by 2 million gallons, for a total of 4 million gallons on site. This tank will serve water distribution in Zone 1 and Zone 2. This tank will also enhance the filter back wash washing at the treatment plant. The life span of the tank is 75-100 years. On February 29, 2024, two bids were received. The bids received included: Preload, LLC

of Louisville, KY for \$4,165,000.00 and DN Tanks, LLC dba DN Tanks of Nebraska, LLC of Grand Prairie, TX for \$3,696,000.00. No steel bid alternates were received. The 2-million-gallon reservoir project is budgeted in the current CIP document for \$4,592,000.

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

Ordinance No. 5872

(restrict parking on north and northeast side of Sunrise Drive)

Councilmember Arens introduced, seconded by Councilmember Hildebrand, Ordinance No. 5872 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/NORTHEAST SIDE OF SUNSET DRIVE WEST OF VICTORY ROAD; 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. As the Legacy Bend area has developed, local traffic on Sunrise Drive from Victory Road west into the development has increased significantly. The increased traffic on the only current entrance to the area has been creating concerns relating to parking, snow removal, and emergency vehicle response into the Legacy Bend development. The staff's recommendation is to restrict parking on the North side of Sunrise Drive from Victory Road west around the curve and on the northeast side of Legacy Drive as the roadway goes northwest. This side of the roadway was selected to facilitate visibility going around the curve and to help reduce snow accumulation on the roadway in the winter.

Councilmembers discussed concerns with there being only one ingress/egress into the development. Public Works Director Steven Rames said he has been in contact with the developer about connecting McIntosh Road, which is the next intended piece of construction. Due to the slowdown in development, it is estimated that it will be about two years before that connection, but Rames has discussed with the engineer the possibility of completing that sooner. Rames also noted that in conversations with Olsson, representing the developer, the developer asked if this could be tabled so they could be here to address some of the issues.

Seth Lange, Olsson Associates, representing the developer, said the developer has requested this item be tabled so they can meet with elected officials in person to come up with a solution.

Molly Humphries, 1207 Sunrise Drive, discussed concerns with traffic and speeding in the area and said a second road should have been completed.

Jennifer Vaughn, 1206 Sunrise Drive, discussed concerns with speeding in the area and that she was told there would be a second entrance into the development. Vaughn noted there are bigger concerns in the area than just parking.

Deb Dreher, 1203 Sunrise Drive, said she doesn't feel this parking restriction will help and that the developer should be here to answer questions. Dreher noted there would be at least two streets in and out of the development.

Danielle Rosse, 1101 Sunrise Drive, developer's local manager, asked, on the owner's behalf, to table the discussion to give him the opportunity to be present and answer questions. Rosse said the owner would be available at the next city council meeting.

Steve Sehi, 911 Heather Lane, discussed concerns with public safety on the east side of town and said he is supportive of extending McIntosh Road.

Councilmember Hildebrand, seconded by Councilmember Granquist to table Ordinance No. 5872.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Ordinance No. 5872 was placed on the table.

Resolution 2024-14

(request pedestrian signal study on Hwy 81)

Councilmember Snorton moved, seconded by Councilmember Murren, for adoption of Resolution No. 2024-14 authorizing the Public Works Director to request the Nebraska Department of Transportation to perform a pedestrian signal study on Highway 81, north of Elm Street.

Public Works Director Steven Rames provided information to elected officials. Rames said the Department of Transportation is currently working on a project to update signal systems on Highway 81 and asked if the city would be interested in removing the pedestrian signal north of Elm Ave. This pedestrian signal was installed many years ago when there was a public school on Elm Ave, which is now a daycare center. In order to remove the pedestrian signal, they need a resolution from the city requesting they study that intersection and, if it met the conditions, they would remove it.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution 2024-14 was adopted.

Resolution 2024-15

(add stop signs for traffic signal study, 4th & Norfolk and 5th & Norfolk)

Councilmember Hildebrand moved, seconded by Councilmember Snorton, for adoption of Resolution No. 2024-15 adding stop signs to conduct a traffic signal study at the intersections of 4th Street and Norfolk Avenue and 5th Street and Norfolk Avenue and evaluate the efficiency of 4-way stop controlled intersections.

Public Works Director Steven Rames provided information to elected officials. The installation of 4-way stops at the 2nd Street and 3rd Street intersections has had a positive impact on

pedestrian safety downtown by reducing the traffic speeds, and encouraging heavy truck traffic to use alternate routes. Downtown businesses have asked if the City would study 4th and 5th Street intersections in consideration of extending the traffic calming effect through 5th Street. This will consist of "bagging" the current traffic signals and placing stop signs for a period of time of 90-120 days to study the impact to traffic before a final decision is made. The study would start around the first of April, as it is important to catch the impact to school traffic, and end right around the beginning of the next school year.

David Jansma, 2307 Clearfield Drive, discussed concerns with pedestrian safety. Rames said 4-way stops are safer as it gives the pedestrian the right of way, and noted the blind community prefers 4-way stops.

Russ Matteo, 4401 S 13th Street, said there is more congestion at 4th Street and Braasch since the installation of the 4-way stop at that intersection and said stop signs cause more traffic.

Olivia Matteo, 4401 S 13th Street, said, as a pedestrian, she prefers a traffic light. Matteo discussed traffic concerns and feels this will create a bottleneck.

Tim Ernst discussed pedestrian safety concerns with stop signs instead of traffic lights.

Councilmembers discussed the fact that this is just a study and not a permanent change, as well as other traffic issues in the downtown area.

Roll call: Ayes: Granquist, Arens, Webb, McCarthy, Murren, Snorton, Clausen and Hildebrand. Nays: None. Absent: None. Resolution 2024-15 was adopted.

Certified Testing Services, Inc.
(Johnson Park Improvements testing services)

Councilmember Snorton moved, seconded by Councilmember Murren, for approval of a testing services contract with Certified Testing Services, Inc. for the Johnson Park Improvement project for an amount not to exceed \$23,500.00.

Public Works Director Steven Rames provided information to elected officials. This contract includes concrete and soils testing services for the Johnson Park Improvement project. This is a budgeted project expense and does not increase the cost of the project.

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

Public Comment Period

Olivia Matteo, 4401 S 13th Street, discussed a potential half cent sales tax and the process.

Troy Weyrich, 1004 Westbrook Drive, noted the Citizen's Committee only made a recommendation on what could be done to fund the Police Station expansion and street needs, and that everything proposed would be on the ballot for the community to vote on.

Jim McKenzie, 1412 Longhorn Drive, spoke of concerns with openness and transparency related to the downtown ambiance lighting project. McKenzie also discussed potential conflicts of interest on the extreme blight determination on property owned by the Greater Norfolk Economic Development Foundation (GNEDF), as Mayor Moenning and City Administrator Andy Colvin serve as directors on the GNEDF board.

City Administrator Andy Colvin said he serves as an ex-officio, non-voting member of the Foundation. The Mayor is on the board so the city can have some input or partnership as they are going through their projects.

Megan Eckert thanked elected officials for being forward thinking on public projects that have spurred private investment and for voting for growth in the community.

David Jansma, 2307 Clearfield Drive, discussed concerns with the condition of Clearfield Drive between 25th Street and Valli Hi Drive that is in need of repair.

Pat Carney discussed concerns with micromanaging and said the citizens of Norfolk elect the council to make decisions. Carney said the last several councils have done an excellent job of developing Norfolk.

Paul Medelman said a majority of tax increment financing projects are paid off early, and that money comes back to the taxing entities earlier than the full 15 years.

There being no further business, the Mayor declared the meeting adjourned at 8:13 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 March 18, 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)