

WORK SESSION

The Mayor, City Council and City staff of the City of Norfolk, Nebraska met on Monday, April 18, 2022, beginning at 4:00 p.m. in the Administration Training Room, 309 N 5th Street, Norfolk, Nebraska.

The following elected officials were present: Mayor Josh Moenning (4:04) and Councilmembers Frank Arens, Shane Clausen, Corey Granquist, Kory Hildebrand, Gary Jackson , McCarthy, Merrill and Thad Murren. Absent: None.

Staff members present were City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Brianna Duerst, Housing Director Gary Bretschneider, City Planner Val Grimes, Finance Officer Randy Gates, Economic Developer Candice Alder, Assistant City Engineer Anna Allen, City Engineer Steven Rames, Fire Chief Tim Wragge, Fire Marshal Terry Zwiebel, Sean Lindgren, Communications Manager Nick Stevenson, Director of Administrative Services Lyle Lutt, Terri Wachter, Bill Jepsen, Dan Geary, Chris Corr with Olsson Associates and Jerry Guenther with Norfolk Daily News.

Notice of the meeting was given in advance by publication in the Norfolk Daily News, and notice of the meeting was given to the Mayor and all members of the Council prior to the meeting.

The Mayor 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 accessible to members of the public.

Airport Fuel Tanks

Colvin explained that city code requires fuel tanks inside city limits to be buried. Current tanks at the airport are above ground. Since the airport was annexed, city code requires that the tanks be buried. Colvin said new information has been received related to Federal Aviation Administration (FAA). The goal of the discussion at the work session is to work out a solution and get direction moving forward.

Zwiebel said the code is very specific about the requirement for underground tanks and there are no exceptions. Zwiebel sent a letter to the airport informing them that the tanks are required to be below grade. Direction of the subcommittee was to not change code by providing an exception to the requirement, but the timeframe to install the tanks below ground was extended to one year instead of 90-days per code in an attempt to compromise.

Chris Corr, Olsson Associates, said the FAA has a high priority for fuel tanks to be above ground and said environmental impacts are the main concern. To remediate that concern, the FAA wants the tanks to be above ground unless there is a very good reason for them to be buried. Corr said, across Nebraska and the central region, almost every tank that has gone in recently has been above ground. If below ground, there are concerns of the potential of unidentified leaks. The above ground tanks would be double walled with bollards and spill prevention plans in place to ensure a safe operation. Corr spoke to the public safety concerns versus environmental aspects. The airport is away from the general public and traffic and in secure location. Best practice for airport would be above ground, double walled tanks, to ensure they are environmentally safe. Corr said, of the airports in Nebraska, all but three have above ground tanks. Emphasis needs to be above grade where one can visually see if the tank is leaking.

Dan Geary said the decision is being made from fire safety standpoint. From an environmental perspective, tanks should not be underground and said there needs to be a calculated design criteria looking at environmental hazard vs fire hazard.

Colvin said staff could prepare an amendment to provide an exception for the airport based on recommendations from the FAA. If council wanted to consider, staff will work on incorporating something into city code.

Corr referenced FAA Order 1050.15b regarding priority for above ground tanks, "*When installing tank systems, LOBs and SOs must give priority to installing aboveground storage tanks (ASTs) rather than underground storage tanks (USTs) to reduce environmental liability. Leaking UST's (LUSTs) pose a significant threat to the environment; therefore, prior to UST installation or replacement, a justification memorandum must be prepared that identifies the significant factors that prevent installation of an AST.*" Corr noted if this guidance is not followed, FAA grant resources could potentially be at risk.

Hildebrand asked about fueling stations for vehicles. Corr said the biggest consideration is private versus public. Funds that the FAA provides are public funds. Community would not want to do something that would put the environment at risk and stressed the importance of protecting their interest by reducing that risk by going above grade. Corr noted that the tanks at the airport are away from the public and traffic.

Bill Jepsen said the current tank is over 300-feet away from the closest person working and said there have been no major spills reported. Airport plans to replace two, 10,000-gallon tanks with a new modern, 15,000-gallon tank in the same fenced location. Discussion on possible new FBO, which would be down by the old terminal building. Dales has their own tank, which is also fenced off.

Clausen said he did not see a problem with making a modification to code.

Arens asked if there was any recommendation difference from the FAA for tanks inside versus outside of city limits. Zwiebel said the tanks cannot be within 50-feet of a building based on fire codes. FAA would apply state and local standards.

Hildebrand asked if there was a downside of leaving the tanks above ground from a safety perspective for the Fire Department. Wragge said their main focus is public safety. Would never say it is better to have storage above ground. Regarding the fire concern, if there were something catastrophic, Fire Department would secure area and let it burn, but can live with either option.

Moenning asked if the existing location meets all existing distance requirements. Zwiebel said the current location meets requirements for most part.

Moenning said, if we were to create exception in code, to draft that exception only as it pertains to FAA guidance.

Staff will work on amended code to bring forward to full council for consideration and action.

Norfolk Housing Agency Update

Housing Director Gary Bretschneider said, in February, the Housing Agency put out a request for proposals for the sale of the Kensington. Two proposals were received. The housing agency board reviewed a proposal received from Ho-Chunk Capital and have signed a memorandum of agreement. Ho-Chunk proposes to convert the building back into a hotel, Hotel Norfolk. Ho Chunk Capital has presented a project impact and variety of approaches. Bretschneider noted parking will need to be addressed, may be looking at potential sidewalk deviations and said developer will come to the City with a TIF ask. The Housing Agency has no control over these issues.

Bretschneider said Ho-Chunk has a very positive approach and want to revitalize downtown while maintaining the historic preservation of the Kensington, integrity. Regarding the timeline, there is 120-days of due diligence to be done so looking at a potential for a purchase agreement late August to early September 2022. Tenants have been notified that this could happen. The Kensington has 53 apartments, five of which are vacant. Nine tenants have given notice they are currently looking at other housing options. Will be down to 42 tenants, 12 of which are under Section 8 Housing, by the end of May and the Housing Agency will be assisting these tenants in finding different housing options. If things progress to getting into the purchase agreement stage, would look at a 90-day notice, which would get to the end of the year. Bretschneider said the offer was \$1.5 million, which was the appraised value as of October 2021.

City Attorney Danielle Myers-Noelle said there are some big things to discuss yet - tenants, elevator, TIF, sidewalk. Expect to have more information in the near future, will be a lot going on at once. Noelle said there will likely be a TIF ask and something related to parking. There is nothing specific in memorandum of agreement but parking and TIF have been brought up in conversation.

Arens asked about the number of units. Bretschneider said they would like to maintain footprint of 53 units.

Granquist asked how the Housing Agency plans to help existing residents. Bretschneider said no tenant will be penalized if they do not provide a 30-day notice and said the Housing Agency has landlord contacts they will be reaching out to. Those with income-based situations will relocate to other Section 8 housing as there is current inventory and the Section 8 vouchers go with them.

There being no further discussion, the Mayor declared the meeting adjourned at 4:51 p.m.

Josh Moenning
Mayor

ATTEST:

Brianna Duerst
City Clerk

(S E A L)