

## 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 17th day of December, 2018, 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, Jim Lange, Rob Merrill, Fred Wiebelhaus, Thad Murren, Gary L. Jackson and Dick Pfeil. Absent: Shane Clausen.

Staff members present were: City Administrator Andy Colvin, City Attorney Danielle Myers-Noelle, City Clerk Beth Deck, Finance Officer Randy Gates, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, and Police Chief Bill Mizner.

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 Merrill moved, seconded by Councilmember Granquist, to amend the consent agenda by removing Item No. 15, Volvo Truck bid, and Item No. 16, Knife River change order, and to approve the consent agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried.

Councilmember Lange moved, seconded by Councilmember Murren to amend the full agenda by adding Item No. 15, Volvo Truck bid, and Item No. 16, Knife River change order, and adopt the regular agenda as amended. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried.

### Consent Agenda Items Approved

Minutes of the December 3, 2018, City Council meeting  
Keno report for November 2018

Resolution No. 2018-70 approving the final plat, subdivision agreement, and storm water management plan maintenance agreement and easement for Madison County Bank Plaza

Mayor to sign and forward a letter to the Nebraska Department of Economic Development requesting the CDBG contract for Contitech (17-ED-004) be extended from May 3, 2020 to May 3, 2021 and the

Memorandum of Understanding be amended from 24 months to 36 months from the date on the Notice of Approval

Request qualifications from engineering firms for the development of the miracle skate park project

Subcommittee appointments by Council President Jim Lange, as follows:

Public Safety: Gary L. Jackson and Dick Pfeil

Public Works: Corey Granquist and Fred Wiebelhaus

Planning & Community Development: Jim Lange and Rob Merrill

Culture & Recreation: Shane Clausen and Thad Murren

Economic Development: Shane Clausen, Corey Granquist, Jim Lange and Rob Merrill

"No local recommendation" to the Nebraska Liquor Control Commission on the corporate manager application of Randy E. Dee in conjunction with the Knights of Columbus #1793, 401 Elm Avenue, Norfolk, NE, liquor license

Resolution No. 2018-71 approving the final plat and subdivision agreement of Orphan Grain Train Future Warehouse Addition

Special Designated Liquor License for Hy-Vee, 2107 Taylor Avenue, to serve beer and wine on Wednesday, January 16, 2019, at Viaero Wireless, 201 N 31st Street, for Business After Hours

Norfolk Football Club, a Nebraska Nonprofit Corporation, agreement to use soccer fields and green space located in North Pine Park, Winter Park, Liberty Bell Park, Johnson Park, Ta-Ha-Zouka Park, and Embrace Park for soccer practice and training from January 1, 2019 through December 31, 2019

Bills in the amount of \$3,634,318.23

### **Regular Agenda Items**

#### Volvo Truck Bid (ambulance)

Councilmember Merrill moved, seconded by Councilmember Jackson to accept the bid from Volvo Truck of Omaha for \$112,750.00 to purchase a 2019 Over-the-Road truck for the Transfer Station.

Solid Waste Supervisor Rob Mercer provided information to elected officials.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil.  
Nays: None. Absent: Clausen. Motion carried.

#### Knife River Midwest, LLC (Change Order No. 1)

Councilmember Lange moved, seconded by Councilmember Murren to approve Change Order No. 1 with Knife River Midwest LLC. for the Street Overlay 2018-1 project resulting in a net decrease of \$30,265.73.

Public Works Director Steve Rames provided information to elected officials.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil.

Nays: None. Absent: Clausen. Motion carried.

### **Public Hearings and Related Items**

#### **Public Hearing** (Citizen Advisory Review Committee)

A public hearing was held to receive a report on findings and suggestions from the economic development Citizen Advisory Review Committee as required by State Statutes Section 18-2715. Finance Officer Randy Gates provided information to the Mayor and City Council. State Statutes require a Citizen Advisory Review Committee (CARC). The citizens serving on CARC are: Cindy Morrow, Jim Mangels, Aaron Otten, Jan Einspahr and Kathie Means. The City's Finance Officer serves as an ex officio non-voting member of CARC. State Statutes require the CARC to meet at least once in every six-month period and to report to the City Council on its findings and suggestions at a public hearing called for that purpose. The committee reviewed and discussed the following: 1. Current funding. 2. ContiTech project. 3. Economic development update. 4. CARC findings and suggestions for public hearing.

This item was for informational purposes only.

#### **Public Hearing** (North Fork of the Elkhorn River Overlay District) (modify boundaries)

Public hearings were held simultaneously on an amendment to Section 27-280.02 of the City Code to consider modifying the boundaries of the North Fork of the Elkhorn River Overlay District; to consider approval of a North Fork of the Elkhorn River Overlay District Map delineating the resulting boundary; to consider an amendment to Section 27-280.01 of the City Code to clarify the intent of the North Fork of the Elkhorn River Overlay District; and to consider amending Section 27-280.05 to increase the number of review board members from five to nine and to include residency requirements. City Planner Val Grimes provided information to elected officials. This ordinance would provide for expansion of the Elkhorn River Overlay District to the north. The intent of the district is to preserve current residential use and provide for future new developments and expansions and would expand the number of review board members from five to nine and include residency requirements.

Mayor Moenning said this overlay district originated in the comprehensive plan planning process and feels the ordinance will help to address zoning inconsistencies and will only apply to new developments or rebuilding after a natural disaster. Moenning said there have been a number of public input opportunities including a neighborhood meeting, town hall meeting and Planning Commission meeting regarding the proposed expansion.

Dee Nedrow, 1311 Regency Circle South, spoke in opposition to including the properties north of Benjamin Avenue. Nedrow said neighbors were told that no plans are in place for this area but the City's web site shows a proposed trail for this area. Nedrow questioned why Henningsen Foods was excluded from the overlay district and requested any new or expanded district include Henningsen Foods. Nedrow has concerns with the Mayor appointing citizens to the Review Board and the increased costs because of the overlay district requirements.

Mayor Moenning would have liked to include Henningsen Foods in the Overlay District and said the Overlay District doesn't have anything to do with the trails plan throughout the community.

Public Works Director Steve Rames said there aren't any current plans for a trail and the Trails Master Plan is for long-term planning throughout the community.

John Fox, 1403 Andrews Drive, spoke in opposition to expanding the overlay district. Fox said 89% of the residents living in that area north of Benjamin Avenue are retired or semi-retired and don't want the overlay district. Fox also has concerns with the Mayor making appointments to the Review Board. Fox requested the item be tabled.

Mayor Moenning said "this is a zoning tool for new development from the private sector."

Gil Russell, Norfolk Country Club, on behalf of Warren Reimer, distributed a letter dated August 7, 2018 to The Norfolk Planning Commission outlining concerns with the Overlay District because of possible future expansion of the Country Club.

Mayor Moenning said the overlay district doesn't apply to existing structures and will help to preserve and protect the area.

City Planner Val Grimes said a waiver process is in place for remodeling or expansion projects of existing structures

Councilmember Lange has concerns with expanding the overlay district to the north of Benjamin Avenue and north of Maple Avenue and feels it would be "more appropriate to change the zoning instead of placing an overlay district over the current zoning."

Grimes said many industries are located along Riverside Boulevard and an overlay district could provide for more aesthetic cohesiveness. Grimes said many homeowner associations are more restrictive than an overlay district. Any Review Board appeals would go before the Planning Commission and not the City Council.

Councilmember Wiebelhaus questioned how the overlay district map was determined.

Grimes said the map was determined by going 500 feet from the river but some adjustments were made so properties weren't divided.

On November 20, 2018 and December 4, 2018, the Norfolk Planning Commission held public hearings regarding modification of the boundaries of the North Fork of the Elkhorn River Overlay District; map delineation of the resulting boundary; and increasing the number of review board members and 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 boundary modification, map or increasing the board members and the Mayor declared the hearings closed.

Ordinance No. 5582  
(River Overlay District)

Councilmember Merrill introduced, seconded by Councilmember Jackson, Ordinance No. 5582 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-280.02 OF THE OFFICIAL CITY CODE TO MODIFY THE BOUNDARIES OF THE NORTH FORK OF THE ELKHORN RIVER OVERLAY DISTRICT; TO APPROVE A NORTH FORK OF THE ELKHORN RIVER OVERLAY DISTRICT MAP DELINEATING THE RESULTING BOUNDARY; 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. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Merrill, Jackson, Wiebelhaus and Pfeil. Nays: Granquist, Lange, and Murren. Absent: Clausen. Ordinance No. 5582 failed on first reading (ordinances require a majority vote of city council members, or five (5) votes, for passage).

Ordinance No. 5583  
(Overlay District Review Board Members)

Because Ordinance No. 5583 is tied to Ordinance No. 5582 it was not discussed.

**REGULAR AGENDA**

Interlocal Agreement  
(School Resource Officers)

Councilmember Merrill moved, seconded by Councilmember Jackson to approve an Interlocal Agreement with School District No. 2 of Madison County, Nebraska (also known as Norfolk Public School) for two certified police officers to work as School Resource Officers.

Police Captain Don Miller provided information to elected officials. The City of Norfolk has had one police officer in the Norfolk Public School system since 2007, utilizing a 50/50 cost sharing process. Due to the success of the program and expanded needs, the Mayor and City Council approved one additional officer in the 2018-2019 budget to work in the schools as a School Resource Officer. This second officer will utilize the same cost sharing with Norfolk Public School. To establish the roles and responsibilities, the proposed interlocal agreement was developed to replace the prior agreement. The Norfolk Public School Board approved the proposed agreement on December 10, 2018, with the understanding the agreement still needed approval by the Norfolk City Council. Miller said the Police Division didn't know when this could happen because of current staff shortages; however, staff wanted to identify an officer and start training for the position. A competitive selection process was used with six certified police officers expressing an interest in the position. All applicants were separately interviewed by the school district and the city. Both groups doing the interviews selected the same person as their number one choice. One of the benefits not anticipated was that the person selected was a former officer who had left the Police Division and gone to work in the private sector but also continued working as a part-time officer for the City and has since come back as a full-time officer and is working patrol until all of the steps are finalized in this process. This officer will work in the Junior High School and also in the Middle School, as well as grade school if necessary, and work together with the High School Resource Officer when needed. The goal is to get the second officer in the Junior High School after the holiday break. Several members of the Norfolk Public Schools were present at the meeting in support of the agreement for a second school resource officer.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried.

Ordinance No. 5581  
(Geary zone change)

Councilmember Lange introduced, seconded by Councilmember Granquist, Ordinance No. 5581 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 second reading. Said ordinance passed on first reading at the December 3, 2018 City Council meeting. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Jackson and Pfeil. Nay: Wiebelhaus. Absent: Clausen. Motion carried. Ordinance No. 5581 passed on second reading.

Thereafter Councilmember Lange moved, seconded by Councilmember Merrill, 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. 5581 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Murren, Jackson and Pfeil. Nays: Wiebelhaus. Absent: Clausen. Motion carried. 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. 5581 as required by law.

Ordinance No. 5584  
(Water District No. 121)

Councilmember Pfeil introduced, seconded by Councilmember Murren, Ordinance No. 5584 entitled: AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 121 IN THE CITY OF NORFOLK, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS; REFERRING TO THE PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE IN CONNECTION THEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Steve Rames explained this district provides for construction of a ductile iron water main together with necessary appurtenances located Northeast of Norfolk along Victory Road, High Point Road and Northeast Industrial Road.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. Ordinance No. 5584 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Granquist, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. 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 Lange moved, seconded by Councilmember Granquist, 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. 5584 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. 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. 5584 as required by law.

Ordinance No. 5585  
(Water District No. 122)

Councilmember Merrill introduced, seconded by Councilmember Granquist, Ordinance No. 5585 entitled: AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 122 IN THE CITY OF NORFOLK, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS; REFERRING TO THE PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE IN CONNECTION THEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Public Works Director Steve Rames explained this district provides for construction of a ductile iron water main together with necessary appurtenances located along Highway 35.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. Ordinance No. 5585 passed on first reading.

Councilmember Granquist moved, seconded by Councilmember Murren, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. 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 Granquist moved, seconded by Councilmember Murren, 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. 5585 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil. Nays: None. Absent: Clausen. Motion carried. 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. 5585 as required by law.

Rutjens Construction  
(Northeast Industrial Water Main)

Councilmember Pfeil moved, seconded by Councilmember Wiebelhaus to approve awarding a contract to Rutjens Construction, Inc. of Tilden, Nebraska to furnish all labor, materials, equipment and all else necessary to properly construct all of the improvements for the Northeast Industrial Water Main (Water Extension District Nos. 121 and 122) project Bid Sections "A", "B", "C", and "D" for an amount of

\$2,335,248.20.

Four bids were received at the November 20, 2018 bid letting. The other bidders included Penro Construction, of Pender, Nebraska for \$2,678,437.05; Carstensen Contracting, Inc. of Dell Rapids, South Dakota for \$2,964,637.06; and H&W Contracting, LLC of Sioux Falls, South Dakota for \$3,971,674.40.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil.  
Nays: None. Absent: Clausen. Motion carried.

Fyr-Tek  
(ambulance)

Councilmember Lange moved, seconded by Councilmember Granquist to approve purchasing a new and unused replacement ambulance from Fyr-Tek for the qualifying low bid of \$256,756.

Fire Chief Scott Cordes provided information to elected officials. The City Council approved advertisement of bids at the October 1, 2018 City Council meeting. Seven bids were received by six vendors and opened on November 21, 2018 to furnish all labor, materials, equipment and all else necessary for the ambulance purchase. The Fire Chief recommends removing the lowest bidder due to a failure to substantially comply with bid specifications. The Fire Chief recommends approval of the lowest qualifying bid from Fyr-Tek for the Lifeline ambulance. The funds for this purchase are budgeted in the Capital Project Fund "84" account in the amount of \$259,000.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil.  
Nays: None. Absent: Clausen. Motion carried.

Hanna:Keelan  
(Housing Study Letter of Amendment)

Councilmember Merrill moved, seconded by Councilmember Granquist, to accept a December 12, 2018 Letter of Amendment to the Hanna:Keelan Associates 2016 Norfolk, Nebraska Housing Study confirming a five-year demand for housing in Norfolk including workforce housing by December, 2023.

City Administrator Andy Colvin provided information to elected officials. Hanna:Keelan Associates prepared Norfolk's 2016 Housing Study showing a need for 762 new housing units in Norfolk by 2021. Hanna:Keelan has updated their 2016 Study with their December 12, 2016 Letter of Amendment to show estimated housing demand in Norfolk through 2023 of 694 new housing units. This Letter of Amendment estimates workforce housing demand to comprise 440 of these units consisting of 264 owner units and 176 rental units. This Letter of Amendment keeps Norfolk's Housing Study current to meet requirements for various funding sources. It specifically complies with the requirements of Section 18-2142.05(1) of Nebraska Statutes requiring the governing body to receive a housing study which is current within 24 months before approving a redevelopment project to carry out the construction of workforce housing. Colvin said the workforce housing developer is paying for the cost for this Letter of Amendment.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Wiebelhaus, Murren, Jackson and Pfeil.  
Nays: None. Absent: Clausen. Motion carried.

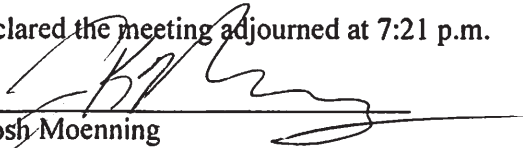
**Public Comment Period**



Paul Kellin spoke during the public comment period with concerns about the City's water billing process. Kellin would like the City to consider a security deposit for water connection service so property owners aren't having to pay for unpaid renter utility bills.

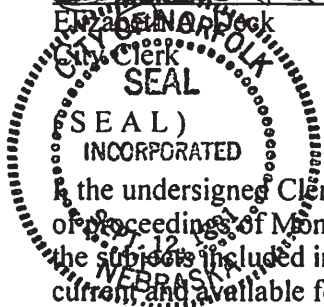
City Attorney Dani Myers-Noelle said City staff met with Mr. Kellin. Myers-Noelle isn't aware of any first class cities collecting a security deposit and City staff concluded that the City's water billing process is working and elected to not move forward with requiring a security deposit for water connection service.

There being no further business, the Mayor declared the meeting adjourned at 7:21 p.m.

  
Josh Moenning  
Mayor

ATTEST:





I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Monday, December 17, 2018, 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.



Elizabeth A. Deck  
City Clerk

