

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 7th day of August, 2023, 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, Thad Murren, Justin Snorton, and Kory Hildebrand. Nays: None. Absent: Andrew McCarthy and Shane Clausen.

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, Parks and Recreation Director Nathan Powell, Parks and Recreation Assistant Director PJ Evans, Communications Manager Nick Stevenson, Water and Sewer Director Chad Roberts, Fire Chief Tim Wragge, Economic Development Director Candice Alder, Director of Administrative Services Lyle Lutt, 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 Arens moved, seconded by Councilmember Murren to approve the consent agenda with the removal of the following items: Item No. 10, *consideration of approval of the Parks and Recreation Board recommendations to include landscape designs and combining boards*; Item No. 13, *consideration of Resolution No. 2023-37 authorizing submittal of the Blight and Substandard Determination Study for the Norfolk Downtown Area to the Planning Commission for review and recommendation*; and Item No. 14, *consideration of Resolution No. 2023-38 authorizing submittal of the Blight and Substandard Determination Study for the Wyndham Hills Area to the Planning Commission for review and recommendation*.

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

Councilmember Murren moved, seconded by Councilmember Snorton to approve the regular agenda as amended.

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

Consent Agenda Items Approved

Minutes of the July 17, 2023 City Council meeting

Minutes of the July 24, 2023 Budget Review Work Session meeting

July sales tax report (May sales)

Advertise for request for proposals for ambulance billing services

Advertise for bids for the Norfolk Levee Trail Connection of Norfolk Avenue project

Nediel Santos Exposito and Caren Santos permanent and temporary easements for the Michigan Avenue and 8th Street Reconstruction project for property located along 900 South 9th Street

LingFam, LLC permanent and temporary easements for Michigan Avenue and 8th Street Reconstruction project for property located along 1001 South 13th Street

Friends of the Well easement agreement for the Michigan Avenue and 8th Street Reconstruction project for property located along 1203 South 8th Street

Mayor's reappointments of Mark Albin, Chris Gray, David Hamm, Jay Putters, and Scott Williams to the Property Tax Compliance Review Board (LID Committee) for three-year terms ending August 2026

Certified Testing Services, Inc. testing services contract for the Asphalt Overlays 2023-1 project for an amount not to exceed \$3,000.00

Resolution No. 2023-39 approving the final plat and subdivision agreement of Norfolk 140 Subdivision

Resolution No. 2023-40 approving the final plat of Madison Villas 2nd Addition

Resolution No. 2023-41 approving the final plat of Boyle's Addition

Special Designated Liquor License for Jim's Fine Wine and More, to serve beer and wine at Sacred Heart Parish, 2300 W Madison Avenue on September 10, 2023 from 12:00 p.m. to 9:00 p.m. for a wine and beer garden.

Special Designated Liquor License requested by Ankle Deep Inc., DBA The Mint Bar, to serve beer, wine and distilled spirits in front of 304-308 W Northwestern Ave, for a street dance from 12:00 p.m. to 2:00 a.m. on September 9, 2023

Ankle Deep, Inc., a Nebraska Corporation, d/b/a Mint Bar, agreement to close a portion of Northwestern Avenue to host a street dance event which may include but is not limited to live music performances, the sale of alcohol, and food vendors on Saturday, September 9, 2023 from 10:00 a.m. to 2:00 a.m. on Sunday, September 10, 2023

Christ Lutheran Church of Norfolk, Nebraska, a Nebraska Nonprofit Corporation (also known as Christ Lutheran School), agreement to hold a cross country meet in Skyview Park on Saturday, September 9, 2023

Ultraverse Supplements, LLC, a Kansas Limited Liability Company, agreement allowing them to use the picnic shelter near the Cowboy Trail trailhead and surrounding area in the southwest corner of Ta-Ha-Zouka Park as a starting point for their "Cowboy 200" 200-mile race event that will begin at Ta-Ha-Zouka Park and continue onto the Cowboy Trail on Friday, September 15, 2023

River Valley Pride, Inc., a Nebraska Nonprofit Corporation, d/b/a Norfolk Area Pride, to close the portion of North 5th Street between Braasch Avenue and Prospect Avenue, to host an event which may include but is not limited to having music, vendors, concessions, presentations, and inflatables on Saturday, September 9, 2023

Alzheimer's Disease and Related Disorders Association, Inc., a Delaware Nonprofit Corporation, agreement allowing the use of Skyview Park to hold a Walk to End Alzheimer's on Saturday, September 16, 2023

Disc Gauntlet LLC, a Nebraska Limited Liability Company, agreement to hold an "Elkhorn Open" disc golf tournament at Skyview Park on Saturday, August 12, 2023

Flood Communications, L.L.C., a Nebraska Limited Liability Company, and Seven County Spirits, LLC, a Nebraska Limited Liability Company, agreement to close a portion of West Norfolk Avenue from 2nd Street to 3rd Street, to host a Mimosa Fest event which includes but is not limited to the sale of alcohol, live performances, axe throwing, food truck vendors, and providing Wi-Fi services, on Saturday, August 12, 2023

Resolution No. 2023-42 correcting technical errors in the legal description of the Big Red Keno Area contained in Resolution No. 2022-30 and the Big Red Keno Area Blight and Substandard Determination Study

Bills in the amount of \$3,503,389.52

Parks and Recreation Board
(landscape designs and combine boards)

Councilmember Granquist moved, seconded by Councilmember Arens, consideration of approval of the Parks and Recreation Board recommendations to include landscape design and combining boards.

Parks and Recreation Director Nathan Powell provided information to elected officials. Powell said two items were discussed at the latest Parks and Recreation Board meeting – landscape design approval at 1st Street and Braasch Avenue and discussion on having the board serve as the Trail Advisory Board. The board change is just a recommendation at this time as the change would require an ordinance amendment, which would require Mayor and Council approval at a later date.

Jim McKenzie, 1412 Longhorn Drive, said, regarding the landscaping, the roundabout is public right of way, not a park. Regarding the board change, with no ordinance, he does not understand what elected officials are approving.

Public Works Director Steven Rames noted there are areas of the City's right of way that the Parks Department maintains.

Powell noted that the landscaping design would have previously just been approved by staff. Powell thought it best to bring the design to the board and have public input.

City Administrator Andy Colvin clarified that the current Trail Advisory Board is vacant and said that the intent of the agenda item is to keep elected officials informed on the Parks and Recreation Board decisions and discussions.

Councilmember Granquist moved, seconded by Councilmember Murren to amend the motion to approve the Parks and Recreation Board meeting minutes.

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

Resolution No. 2023-37
(Norfolk Downtown Area Blight and Substandard Determination Study)

Councilmember Snorton moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2023-37 authorizing submittal of the Blight and Substandard Determination Study for the Norfolk Downtown Area to the Planning Commission for review and recommendation.

Economic Development Director Candice Alder provided information to elected officials. Alder noted that this area was already declared blighted and substandard in 2010. The city is proposing to apply for more downtown revitalization funds but, to do so, the blight and substandard study

for the area cannot be more than ten years old. A new study was completed by JEO to ensure the area still meets the blighted and substandard criteria.

Roll Call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None.
Absent: McCarthy and Clausen. Resolution 2023-37 was adopted.

Resolution No. 2023-38

(Wyndham Hills Area Blight and Substandard Determination Study)

Councilmember Snorton moved, seconded by Councilmember Granquist, for adoption of Resolution No. 2023-38 authorizing submittal of the Blight and Substandard Determination Study for the Wyndham Hills Area to the Planning Commission for review and recommendation.

City Administrator Andy Colvin provided information to elected officials. Colvin said there is one primary property owner and noted the study did not originate from the city, but from the owner of the property. Colvin said the goal is to allow for more affordable and workforce housing and there are challenges with the infrastructure in the area. Colvin noted there will be public hearings at both Planning Commission and City Council prior to the area being declared blighted and substandard.

Jim McKenzie, 1412 Longhorn Drive, noted the study includes properties that are not part of the developer's ownership and said it appears the study was developed in order to make the determination pass. McKenzie said he has great concern using TIF here.

Roll Call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None.
Absent: McCarthy and Clausen. Resolution 2023-38 was adopted.

Public Hearings and Related Items

Public Hearing

(CDBG grant application, Downtown Revitalization, \$435,000)

A public hearing was held to consider an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG), Downtown Revitalization, in the amount of \$435,000 for commercial rehabilitation in the form of downtown façade improvements. Economic Development Director Candice Alder provided information to the elected officials. The City is requesting \$435,000 of Community Development Block Grant (CDBG) funds of which \$310,000 will be used for commercial rehabilitation in the form of downtown façade improvements. Alder noted we currently have a waiting list of thirteen property owners for these types of funds. \$90,000 will be used for the sidewalk improvements of three mid-block crossings on Norfolk Avenue to provide street-to-sidewalk accessibility between Second and Third Street, Third and Fourth Street, and Fourth and Fifth Street. The project will include the removal and replacement of 186 square yards of pavement, the incorporation of 364 linear feet of polyuria pavement marking and the installation of detectable warning panels.

No one else appeared either in favor of or in opposition to the CDBG grant application and the Mayor declared the hearing closed.

Resolution No. 2023-43

(CDBG grant application, Downtown Revitalization, \$435,000)

Councilmember Arens moved, seconded by Councilmember Webb, for adoption of Resolution No. 2023-43 approving a grant application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) in the amount of \$435,000 and authorizing the Mayor and/or City Staff to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Norfolk and the Nebraska Department of Economic Development so as to effect acceptance of the grant.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. Resolution No. 2023-43 was adopted.

Regular Agenda Items

Ordinance No. 5838

(Paving District No. 521 creation)

(South 43rd St, Madison Ave, Highway 275 eastbound right turn lane, 40th St
(all located in Norfolk 140 Subdivision))

Councilmember Granquist introduced, seconded by Councilmember Murren, Ordinance No. 5838 entitled: AN ORDINANCE CREATING PAVING DISTRICT NO. 521 IN THE CITY OF NORFOLK, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Assistant City Engineer Anna Allen provided information to elected officials. The property owner/developer requests creation of a paving district in Norfolk 140 Subdivision, which includes paving of South 43rd Street, from existing paving on West Norfolk Avenue (Highway 275) south approximately 750 feet; Madison Avenue from South 43rd Street east to South 40th Street; 40th Street from Madison Avenue in Norfolk 140 Subdivision north to the easterly extension of Madison Avenue in Fountain Point Addition; Right turn lane to 43rd Street on the east bound lanes of Highway 275; and Realignment of 320 feet of a private drive to meet Nebraska Department of Transportation access restriction requirements. Costs of \$2.6 million will be assessed to the developer.

Rob DuVall, Schemmer Associates, explained the area consists of 3 platted lots, one of which is commercial, with the other two being industrial. Plans are underway with Nebraska Machinery for development of the largest industrial lot.

Ordinance No. 5838 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. Ordinance No. 5838 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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 Hildebrand, 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. 5838 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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. 5838 as required by law.

Ordinance No. 5839

(Sewer Extension District No. 255 creation)

(South 43rd St, Madison Ave, Highway 275 eastbound right turn lane, 40th St
(all located in Norfolk 140 Subdivision))

Councilmember Murren introduced, seconded by Councilmember Snorton, Ordinance No. 5839 entitled: AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 255 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.

Assistant City Engineer Anna Allen provided information to elected officials. The property owner/developer requests creation of this sanitary sewer district. This ordinance provides for construction of a 10-inch PVC sanitary sewer main along with necessary appurtenances along 40th Street, at the intersection of 40th Street and Madison Avenue, and 43rd Street. Total cost of the improvements is \$366,000, of which \$278,000 will be assessed to the developer.

Ordinance No. 5839 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. Ordinance No. 5839 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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 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. 5839 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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. 5839 as required by law.

Ordinance No. 5840

(Water Extension District No. 128 creation)

(South 43rd St, Madison Ave, Highway 275 eastbound right turn lane, 40th St
(all located in Norfolk 140 Subdivision)

Councilmember Granquist introduced, seconded by Councilmember Snorton, Ordinance No. 5840 entitled: AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 128 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.

Assistant City Engineer Anna Allen provided information to elected officials. The property owner/developer requests creation of this water district. This ordinance provides for construction of a 10-inch DIP water main together with necessary appurtenances along Madison Avenue from 40th Street to 43rd Street and along 43rd Street. Total cost of the improvements is \$450,000, of which \$379,000 will be assessed to the developer.

Ordinance No. 5840 was then read into the record by title by the City Clerk.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. Ordinance No. 5840 passed on first reading.

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

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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 Webb, 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. 5840 be passed and adopted?"

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. 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. 5840 as required by law.

Schemmer Associates contract
(Norfolk 140 Development Districts project engineering services)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of an engineering services contract with Schemmer Associates Inc. for the Norfolk 140 Development Districts project for an amount not to exceed \$225,340.00.

Assistant City Engineer Anna Allen provided information to elected officials. This contract provides for topographic surveying and engineering design services to provide final construction plans for the Paving District, Sewer Extension District and Water Extension District in connection with the Norfolk 140 Development Norfolk, Nebraska. The project includes grading, pavement subgrade preparation, construction of pavement, storm sewer, sanitary sewer, and water main. The contract services include project administration, wetlands delineation, civil engineering, construction staking, and construction administration. Staff recommend approval for an engineering services contract with Schemmer Associates Inc. for an amount not to exceed \$225,340.00. Engineering costs will be assessed to the districts.

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

A & R Construction Co. contract
(East Benjamin Avenue Trail Continuation project)

Councilmember Murren moved, seconded by Councilmember Granquist, for approval of a contract with A & R Construction Co. for East Benjamin Avenue Trail Continuation project for

an amount of \$29,999.26 to furnish all labor, materials, equipment and all else necessary to properly construct all the project.

Public Works Director Steven Rames provided information to elected officials. This project is for the eastern most section of the trail at Hwy 35. This was originally part of a larger trail project, the East Benjamin Avenue Trail Project that which was awarded to Steve Harris Construction on June 6th, 2022 for \$687,113.16. Steve Harris Construction completed the trail work up to the Hwy 35 ROW line in September, 2022 but they were unable to continue because the NDOT ROW permit was still pending. The permit was approved after the contractor had moved their equipment off the jobsite. On November 7th, 2022, the City of Norfolk approved a change order to remove \$20,764 in remaining quantity of trail work out of Steve Harris' contract. Quotes from three companies were requested for completion of the East Benjamin Avenue Trail project. Two quotes were received with A & R Construction submitting a quote for \$29,999.26, Elkhorn Paving's quote was \$37,324.40, and BX Civil did not wish to provide a quote. Higher costs are due to increase in concrete prices and mobilization.

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

IES Commercial, Inc. contract
(Johnson's Park Improvement Project Bid Package 4)
(park and trail lighting and electrical project)

Councilmember Hildebrand moved, seconded by Councilmember Snorton, for approval of awarding a contract to IES Commercial, Inc. of Holdrege, Nebraska for the Johnson's Park Improvement Project Bid Package 4 (park and trail lighting and electrical) project for an amount of \$656,710.82 to furnish all labor, materials, equipment and all else necessary to properly construct all the project.

Assistant City Engineer Anna Allen provided information to elected officials. This bid package is one of five bid packages included in the current budget approved for the Johnson Park Improvement project. This bid package is for the electrical systems within the park including the park and trail lighting. On July 27, 2023 one bid was received. Staff was in contact with multiple potential prime bidders during the time the project was advertised for bids. Ultimately only one bid was received from IES. IES is also the current subcontractor to United Contractors on the 1st Street project, so integrating this bid package will be a seamless process. The engineer's estimate for this work was \$690,489.00.

Paula Pennington, 306 Oak Street, expressed concern with the cost of the project, increased lighting and potential noise from the chilling machine. Pennington noted this is a residential area and said she feels ignored and that the park is being destroyed.

Parks and Recreation Director Nathan Powell said the ice chillers are quiet units, but also noted they are not running all the time. They are run to get things frozen initially, but the natural cold winter temperatures will keep the rink frozen throughout the season.

Tim Ernst, 2906 Dover Dr, questioned the continuous maintenance on the ice-skating rink. Ernst also stressed that we need to focus on the whole city, not just Johnson Park and pointed out neglected areas of town.

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

BX Civil and Construction Change Order No. 2
(Benjamin Avenue, 13th Street to 1st Street project)

Councilmember Granquist moved, seconded by Councilmember Arens, for approval of Change Order No. 2 with BX Civil and Construction for the Benjamin Avenue, 13th Street to 1st Street project resulting in a net decrease of \$16,938.00.

On March 7, 2022, the Mayor and City Council awarded a \$13,175,170.00 contract with BX Civil and Construction for the Benjamin Avenue, 13th Street to 1st Street project. On November 7, 2022 Mayor and City Council approved Change Order No. 1 providing for reductions to bid items 35, 42, and 78 which were modified by bid alternate #1; increases in bid items 122 and 123 based on the final signal footing design (bid item 121); increases bid item 142 for a street light pole missing from quantities; and add pay item 155 to relocate a curb stop, resulting in a new contract amount of \$13,162,612.49. Change Order No. 2 provides for the addition of items 156 thru 161; the elimination of items 34, 77, 152, Alternate 26, and Alternate 27; and a decrease in item #151, resulting in a new contract amount of \$13,145,674.49. This change order was discussed at the July 20th Infrastructure subcommittee meeting.

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

A & R Construction Change Order No. 1
(West Michigan Avenue and 8th Street Reconstruction project)

Councilmember Granquist moved, seconded by Councilmember Murren, for approval of Change Order No.1 with A & R Construction for the West Michigan Avenue and 8th Street Reconstruction project resulting in a net increase of \$54,838.08.

On January 17, 2023 Mayor and City Council approved a \$2,928,366.53 contract with A & R Construction for the West Michigan Avenue and 8th Street Reconstruction project. Change Order No. 1 provides for the addition of 8" pavement with integrated 6" curb for approaches adjacent to Highway 81 at Michigan Avenue and Highway 275 at 9th Street and geotextile fabric for grade stability resulting in a new contract amount of \$2,983,204.61.

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

Elkhorn Paving Construction Co., Inc. Change Order No. 2
(Concrete Improvements FY 2022-2023 project)

Councilmember Granquist moved, seconded by Councilmember Snorton, for approval of Change Order No. 2 with Elkhorn Paving Construction Co., Inc. for the Concrete Improvements FY 2022-2023 project resulting in a net increase of \$29,795.00.

On February 6, 2023 the Mayor and City Council approved a \$630,859.90 contract with Elkhorn Paving Construction Co., Inc. for Concrete Improvements FY 2022-2023 project. Change Order No 2 provides for replacement of the box culvert lid (which is also the driving surface) at 1st Street and Elm Avenue resulting in a new contract amount of \$1,259,273.90. Staff presented a change order request to the Infrastructure Subcommittee on July 20th prior to commencing with reconstruction of the box top.

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

Resolution No. 2023-44
(Gretchen M. Sandall sidewalk waiver, 1809 Koenigstein Avenue)

Councilmember Arens moved, seconded by Councilmember Snorton, for adoption of Resolution No. 2023-44 approving a sidewalk waiver requested by Gretchen M. Sandall for property located at 1809 Koenigstein Avenue.

City Planner Val Grimes provided information to elected officials. Grimes said there are no adjoining sidewalks or sidewalk on the west side of 18th Street. There is language in the resolution that states the temporary waiver is in effect until sidewalks are installed in the abutting area; the site plan of the development shall include provisions and grading for future sidewalk installation; and the City Council reserves the right to request the installation of sidewalks at any time, regardless of the waiver.

Roll call: Ayes: Granquist, Arens, Webb, Murren, Snorton, and Hildebrand. Nays: None. Absent: McCarthy and Clausen. Resolution No. 2023-44 was adopted.

Recommendation of Airport Budget

Airport Manager Eli Mackey provided information to elected officials. Mackey said the amount of the budget is the same as previously presented, but the bond issue of \$6,176,250 has been added. Also included in the budget is a pavement rehabilitation design of \$600,000, 90% of which is federally reimbursable. The increased property tax request will cover building improvements and the local burden of the runway rehab project. Mackey said the Airport Authority Board has decided on a new FBO design and the project is expected to bid out in Spring of 2024, with construction completion in 2025.

Councilmember Webb asked about the effect of the bond issue on the levy. Mackey said that it would increase the levy slightly.

Jim McKenzie, 1412 Longhorn Drive, noted the Airport's property tax request increased 13.5% in one year. The budget includes a \$6,176,000 bond issuance and McKenzie noted the principal and interest payments on the bond could be more than half of their current levy. As such, McKenzie questioned how the levy could increase only minimally. The current property tax ask of the Airport is \$857,000, which is equal to 15% of the entire city budget property tax ask. McKenzie also questioned if this building is more important than the Police Station, which would have the same or similar tax burden, and if the bonds for the project would be up to a vote of the citizens.

Councilmember Murren moved, seconded by Councilmember Snorton, to approve the Airport tax levy request. Ayes: Granquist, Arens, Murren, Snorton. Nays: Webb and Hildebrand. Absent: McCarthy and Clausen. With only four votes in favor of the motion, Mayor Moenning provided the fifth "yes" vote and the motion was approved with 5 in favor, 2 in opposition, and 2 absent.

There being no further business, the Mayor declared the meeting adjourned at 7:54 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, August 7, 2023 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)