

ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING ON JANUARY 5, 2023

(Minutes to be approved at the January 19, 2023 meeting)

This meeting of the City of Norwalk City Council, on January 5, 2023 was held electronically and in person. Attendees could access the meeting via Zoom or attend in person.

Mayor Phillips called the City Council meeting to order at 6:00 P.M. Present at roll call: David Lester, Brian Baker, Stephanie Riva, Ed Kuhl, Jaki Livingston and Mayor Tom Phillips. Absent: None. (RC = roll call vote)

Staff present included: Luke Nelson, City Manager; Lindsey Offenburger, City Clerk; Kerri Keyte, Human Resources Director; Jenn Porter, Fire Chief; Greg Staples, Police Chief; Wayne Schwartz, Public Works Director; Robin Leaper, Parks & Recreation Director; Luke Parris, Community Development Director; Hollie Zajicek, Economic Development Director; Jean Strable, Library Director; and Jim Dougherty, City Attorney.

Pledge of Allegiance

Motion by Livingston, seconded by Riva to approve the agenda as presented; carried unanimously, voice vote.

Welcome of Guests and Public Comment

Presentations

2028 Strategic Plan & Goals Quarterly Update

Consent Agenda

Motion by Kuhl, seconded by Livingston to approve the consent agenda which included: tax abatements; December 15, 2022 minutes of the regular City Council meeting; **Resolution 23001** approving amended City of Norwalk Financial Policies; **Resolution 23002** approving Parks & Recreation to purchase a field drag and laser level vehicle from the FY23 CIP Budget; **Resolution 23003** ordering construction of certain public improvements (PCC Pavement Widening

on the Intersection of Beardsley Street and IA 28 (Sunset Drive)), approving Plans, and fixing a Date for Hearing thereon; **Resolution 23004** Setting a Date of Meeting at which it is Proposed to Approve an Amended Development Agreement with Diligent HCC, L.L.C. Including Annual Appropriation Tax Increment Payments; **Resolution 23005** authorizing execution of an Agreement with GGLEagues for 2023; **Resolution 23006** approving the Big Green Umbrella (Norwalk Living Magazine) renewal Agreements; **Resolution 23007** approving the January 5, 2023 Commercial Improvement Grant Application for 1409 Sunset Drive; and expenditures, carried unanimously, RC.

PAYEE	DESCRIPTION	AMOUNT	PAYEE	DESCRIPTION	AMOUNT
ACHESON AUTO BODY WEST INC	TORNADO DAMAGE REPAIR TO 1022	12,118.58	MCCLURE ENGINEERING CO	REGIONAL DETENTION POND	1,908.75
ADAM SEIBERT	REIMBURSEMENT - 4 ROLLS OF PAINTERS TAPE FOR PICKLEBALL	31.52	METRO WASTE AUTHORITY	COLLECTION COSTS	50,113.11
ANDREW REED	KEYS FOR CHERRY ST GARAGE	18.72	MICROMARKETING ASSOCIATES	BOOKS/FILMS	40.00
AUREON	ED INTERNET	295.00	MIDAMERICAN ENERGY	605 BEARDSLEY	20,512.86
BAKER & TAYLOR INC	BOOKS	536.36	MIDWEST BREATHING AIR LLC	QUARTERLY AIR TEST	191.40
BEDWELL GARDENS	PLANTERS	734.00	MOTOROLA SOLUTIONS INC	REMOTE SPEAKER/MIC	1,666.68
BLUESTONE ENGINEERING	NORWALK PUBLIC SAFETY HVAC STUDY	2,385.00	ONENECK IT SOLUTIONS LLC	CITY WIDE PHONE SYSTEM	118.64
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	1,855.69	SHANIA PLACE	REFUND ON OVERPAYMENT OF LATE FEE	15.00
BOWEN DESIGN LLC	EXTRA SOCCER SHIRTS	12.40	PRECISION TEST & BALANCE, INC.	HVAC P.S. BUILDING	3,600.00
BRICK GENTRY PC	BEARDSLEY & HWY 28 EASEMENTS	191.14	RADAR ROAD TEC	P144 RADAR CERTIFICATION	40.00
BSN SPORTS, LLC	2 SETS OF SOCCER GOALS (12 & 13)	9,074.98	RELIANT FIRE APPARATUS INC	E611 HOSE BED DIVIDER	1,617.00
CAVENDISH SQUARE	BOOKS	204.44	RETAIL STRATEGIES, LLC	FIRST 1/2 PMT FOR RETAIL RECRUITMENT SERVICES	25,000.00
CENTRAL IOWA PEST CONTROL SERVICES INC	PEST CONTROL LIBRARY	340.00	RJTHOMAS MFG CO.	CITY PARK REPLACEMENT BENCHES	7,235.00

CENTURYLINK	LONG DISTANCE	1,320.20	SHIVE-HATTERY	FINAL ENTRANCE SIGN DESIGN	825.00
CHRISTOPHER ALLEN	EYEGLASSES REIMBURSEMENT	195.00	SNYDER & ASSOCIATES INC	HWY 28 & NORTH AVE	21,759.64
CTI READY MIX, LLC	CONCRETE-STREETS-CENTER ST	436.25	SPORTSMAN LC	PERCENTAGE SPLIT PER NORWALK CENTRAL SPONSORSHIP CONTRACT	25,000.00
DAVE KROEGER - DJ PRODUCTIONS	DJ FOR MOMMY & ME DANCE	300.00	STATE STEEL OF DES MOINES	STEEL FOR SAW TRAILER	217.20
DINGES PARTNERS GROUP LLC	ICE RESCUE SUITS	1,678.23	STORY CONSTRUCTION	HYDRANT METER DEPOSIT REFUND	1,916.68
EMERGENCY APPARATUS MAINTENANCE, INC	E610 PUMP TESTING	3,984.82	TIM HILDRETH CO	SERVICE CALL - SYSTEM DOWN	235.00
FAREWAY	FOOD FOR PROGRAM - ALL AGES	28.66	TITAN MACHINERY	PALLET FORK	1,059.00
FEH ASSOCIATES INC	BUILDING PROGRAM 1/2 FEE	1,000.00	UNITED STATES TREASURY	PENALTY & INTEREST	205.13
FIRST NET	POLICE CELL PHONE	264.78	UPHDM OCCUPATIONAL MEDICINE	CHRIS ALLEN PRE-EMP PHYSICAL	266.50
FOTH INFRASTRUCTURE & ENVIRONM, LLC	GOLDEN VALLEY DR IMPROVEMENTS	41,730.90	NORTON, SCOTT	UTILITY DEPOSIT REFUND	62.74
GALLS	ALLOWANCES-UNIFORMS	422.39	OGLE, COLTON & KAYLER	UTILITY DEPOSIT REFUND	62.74
IMWCA	IMWCA FY23 PREMIUMS	25,612.00	VEENSTRA & KIMM INC.	HACKNEY HILLS PRELIM PLAT/SITE PLAN	78,425.78
IOWA DEPARTMENT OF PUBLIC	IOWA SYSTEM ACCESS	1,437.00	W&E PROPERTY, LLC	1409 SUNSET - COMM. FACILITY	5,000.00
IOWA LAW ENFORCEMENT ACADEMY	TASER INSTRUCTOR RECERT.	725.00	W&E PROPERTY, LLC	1409 SUNSET - COMM. FACILITY 2	24,528.00
JAMES OIL COMPANY LLC	FUEL	8,727.66	WHKS	BLUE STEM & PRAIRIE SAGE IMP	9,925.46
JEAN STRABLE	REIMBURSEMENT - CARDS FOR STAFF	19.37	WITMER PUBLIC SAFETY GROUP	LADDER BELTS	1,035.68
LAKEVIEW BOOKS	BOOKS	57.98	WOODMAN CONTROLS COMPANY	PS HVAC SERVICE	237.06
LINDE GAS & EQUIPMENT INC.	OXYGEN & ACETYLENE	182.95	YOUTH ENRICHMENT LEAGUE	YEL PROGRAMMING	4,740.00
MARY JANE SHARP	RECREATION CLASSES	746.20		TOTAL	\$404,227.27

Old and New Business for Consideration, Discussion and Possible Action

Public Hearing on Proposed Amendment to the Norwalk Urban Renewal Area (Norwalk Central - Diligent Land)

Mayor Phillips opened the public hearing at 6:28 p.m. Hollie Zajicek presented the amendment. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:29 p.m.

Motion by Kuhl, seconded by Baker to approve **Resolution 23008** to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the Norwalk Urban Renewal Area (Norwalk Central - Diligent Land), carried unanimously, RC.

Motion by Livingston, seconded by Riva to pass the first reading of an ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2023 Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa (Norwalk Central - Diligent Land), carried unanimously, RC.

Public Hearing on Proposed Development Agreement with Norwalk JV22, LLC

Mayor Phillips opened the public hearing at 6:32 p.m. Hollie Zajicek presented the agreement. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:34 p.m.

Motion by Lester, seconded by Kuhl to approve **Resolution 23009** approving Development Agreement with Norwalk JV22, LLC, Authorizing Annual Appropriation Tax Increment Payments, and Pledging Certain Tax Increment Revenues to the Payment of the Agreement, carried unanimously, RC.

Motion by Livingston, seconded by Kuhl to approve **Resolution 23010** accepting infrastructure and approving the Final Plat of Norwalk Business Center Plat 7, carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 23011** approving a second amendment and restatement of PCS Site Agreement with

Sprint Spectrum Realty Company, LLC regarding leased property at 898 W. North Avenue (water tower), carried unanimously, RC.

Request from Coby Klocko for approval of a Plat of Survey for a property on the east side of 50th Avenue north of Dakota Street (Parcel ID 15000230442)

Luke Parris presented the request and that Community Development has review authority in regards to this request because the property is within the 2-mile boundary of Norwalk City limits. He also explained that the City's Comprehensive Plan indicates this area as Medium Density Residential. The request from Coby Klocko would not be in conformance with the newly adopted Comprehensive Plan. Council Members Baker, Kuhl and Riva had concerns about the request and its effect on the future southwest corridor.

Coby Klocko, 3163 Harrison St., Norwalk stated he just sold his home at 605 E. 18th St., Norwalk with the intention to purchase 3 acres on the above referenced parcel. He was not aware he would need City approval due to the property being located in the county. He has not yet purchased the land but wishes to purchase it to build a home.

Mayor Phillips indicated to the Council they had three options: 1) deny the request; 2) approve the request with direction to staff to modify the comprehensive plan; or 3) modify the comprehensive plan which would allow Community Development to approve the request. Mayor Phillips entertained a motion. Council Member Livingston motioned to pass a resolution approving a Plat of Survey for a property on the east side of 50th Avenue and north of Dakota Street (Parcel ID 15000230442), Council Member Lester seconded the motion. On a roll call vote, the resolution approving a Plat of Survey for a property on the east side of 50th Avenue and north of Dakota Street (Parcel ID 15000230442) failed. Ayes: Livingston and Lester. Nays: Baker, Riva and Kuhl.

The Mayor asked Luke Parris and Jim Dougherty to follow-up with Coby Klocko in regards to his request to see if there are any other options for him.

Motion by Riva, seconded by Livingston to pass the second reading of an ordinance amending the Official Zoning Map of the City of Norwalk, Iowa by rezoning 1305 Sunset Drive to the 1305 Sunset Drive Infill Planned Unit Development, carried unanimously, RC.

Motion by Lester, seconded by Livingston to pass the second reading of an ordinance Providing for the Division of Taxes Levied on Taxable Property in the December, 2022 Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa (South of Delaware on Certified Site 2.0 Property - Norwalk JV22, LLC), carried unanimously, RC.

Council Inquiries & Staff Updates

Closed Session pursuant to Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

Mayor Phillips asked City Attorney Jim Dougherty if this was a valid reason to enter into Closed Session. Jim Dougherty indicated it was a valid reason.

Motion by Riva, seconded by Livingston to enter Closed Session at 7:29 p.m., carried unanimously, RC.

Motion by Riva, seconded by Baker to adjourn Closed Session at 8:39 p.m., carried unanimously, RC.

Motion by Lester, seconded by Livingston to adjourn at 8:40 p.m., carried unanimously, voice vote.

Tom Phillips, Mayor

Lindsey Offenburger, City Clerk