

**ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING  
ON DECEMBER 1, 2022**

(Minutes to be approved at the December 15, 2022 meeting)

**This meeting of the City of Norwalk City Council, on December 1, 2022 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; Jean Kelly, Finance Director; Lindsey Offenburger, City Clerk; Kerri Keyte, Human Resources Director; Jeremy Cross, Fire Inspector; Greg Staples, Police Chief; Wayne Schwartz, Public Works Director; Luke Parris (via Zoom), Community Development Director; Hollie Zajicek, Economic Development Director; Jim Dougherty (via Zoom), City Attorney.

**Pledge of Allegiance**

Motion by Livingston, seconded by Lester to approve the agenda as amended by pulling item 7m, Resolution deleting property from the Norwalk Urban Renewal Area; pulling item 7n, First and possibly more readings of an Ordinance deleting property from the Tax Increment Financing District for the Norwalk Urban Renewal Area of the City of Norwalk, Iowa, pursuant to Section 403.19 of the Code of Iowa; and moving item 6f, Resolution approving General Services Agreement with IMPACT Community Action Partnership, to the regular agenda; carried unanimously, voice vote.

**Welcome of Guests and Public Comment**

**Consent Agenda**

Motion by Livingston, seconded by Riva to approve the consent agenda which included: tax abatements; November 17, 2022 minutes of the regular City Council meeting; Renewal Class E Retail Alcohol License for Casey's General

Store - 500 North Avenue; New 5-Day Class C Retail Alcohol License for Top It Off Liquid Catering - 340 Wright Road - effective December 10 through 14, 2022; **Resolution 22310** setting December 15, 2022 for a Public Hearing regarding a Rezoning Request for 1305 Sunset Drive to establish an Infill PUD; **Resolution 22311** to approve Pay Estimate No. 2 to JB Holland Construction, Inc. for Colonial Parkway Regional Stormwater Detention Facility Project; **Resolution 22312** setting date for Public Hearing on Designation of the Expanded Norwalk Urban Renewal Area and on Urban Renewal Plan Amendment; **Resolution 22313** to approve Pay Estimate No. 4 to Howrey Construction for construction of the Great Western Trail Connection Project- Phase 3; and expenditures, carried unanimously, RC.

PAYEE	DESCRIPTION	AMOUNT	PAYEE	DESCRIPTION	AMOUNT
ADVANCED PROBLEM SOLUTIONS	HEAT EXCHANGER AT CEMETERY BLDG	195.47	METRO WASTE AUTHORITY	COLLECTION COSTS	70,915.70
BOLTON & MENK, INC	GWT PHASE 3	2,370.00	MIDAMERICAN ENERGY	801 North Ave - traffic signal	245.65
CENTURYLINK	PHONE SERVICE	1,638.35	NORTH WARREN TOWN & COUNT	PUBLICATIONS	576.31
CHRISTOPHER ALLEN	JEANS	158.99	ONENECK IT SOLUTIONS LLC	CITY WIDE PHONE SYSTEM	62.45
DOUGHERTY LAW FIRM	CONTRACTUAL LEGAL FEES	9,400.00	PROCIRCULAR	CYBER SECURITY ANALYSIS	841.34
GALLS LLC	ALLOWANCES-UNIFORM	56.96	ROB LEE	EMPLOYEE APPRECIATION MEALS	1,062.00
I-80 CONCRETE	CONCRETE-STREET-TURNBERRY	911.25	SMITH FERTILIZER & GRAIN	BEET 55 FT (ROAD -ICE)	2,917.59
IOWA LANDSCAPE GROUP	IRRIGATION REPAIR FROM STREET PROJECT	325.00	LEONARD WILBER	UTILITY DEPOSIT REFUND	62.87
JB HOLLAND CONSTRUCTION INC.	COLONIAL PKWY REG STORMWATER DETENTION FAC	194,169.13	UTILITY DEPOSIT REFUNDS - 2022	UTILITY DEPOSIT REFUND-1106 WARRIOR RUN DR	55.36
MARY JANE SHARP	RECREATION CLASSES	691.60	WHKS	BLUE STEM & PRAIRIE SAGE IMP	4,390.43
				<b>GRAND TOTAL</b>	<b>\$291,046.45</b>

**Consideration of a Resolution approving General Services Agreement with IMPACT Community Action Partnership**

Council Member Lester expressed concerns regarding the financial assistance given to Norwalk residents and would like an update on the accounting numbers.

Motion by Kuhl, seconded by Livingston to approve **Resolution 22309** approving General Services Agreement with IMPACT Community Action Partnership contingent upon receiving an update on the accounting numbers specific to Norwalk, carried unanimously, RC.

### **Old and New Business for Consideration, Discussion and Possible Action**

Motion by Baker, seconded by Kuhl to approve **Resolution 22314** approving Shared Parking and Utility Costs Finance Agreement with SportsPlex USA for Shared Parking Lot and Utilities (Norwalk Central Sports Campus) contingent upon correcting the names in all agreements related to the project, to the exact legal name of the businesses as well as to match the irrevocable letter of credit, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22315** approving Construction Reimbursement Agreement with SportsPlex USA for Private Parking Lot and Related Improvements (Bid Alternates A and C) contingent upon correcting the names in all agreements related to the project, to the exact legal name of the businesses as well as to match the irrevocable letter of credit, carried unanimously, RC.

Motion by Riva, seconded by Livingston to approve **Resolution 22330** terminating Development Agreement with Hy-Vee, Inc., carried unanimously, RC.

### **Consideration of a Resolution approving Retail Strategies Agreement**

Council Members Lester and Riva expressed concerns with the Retail Strategies Agreement and do not believe it is the City's responsibility to recruit retail companies.

Motion by Livingston, seconded by Kuhl to approve **Resolution 22331** approving Retail Strategies Agreement for 1 year with an option to renew thereafter.

Motion carried on a roll call vote. Ayes: Livingston, Baker and Kuhl. Nays: Lester and Riva.

### **Continuation of a Public Hearing regarding Norwalk Civil CORE Project**

Mayor Phillips continued the public hearing from November 17, 2022 at 6:39 p.m. Brian Crawford with Denovo presented the project. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:43 p.m.

Motion by Livingston, seconded by Kuhl to approve **Resolution 22316** approving plans, specifications, form of contract and estimate of cost for the Norwalk Civil CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Lester to approve **Resolution 22317** awarding Earthwork Contract for the Norwalk Civil CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22318** awarding Paving Contract for the Norwalk Civil CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22319** awarding Landscaping Contract for the Norwalk Civil CORE Project, carried unanimously, RC.

Motion by Riva, seconded by Livingston to approve **Resolution 22320** awarding Utilities Contract for the Norwalk Civil CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Lester to approve **Resolution 22321** approving Contracts and Bonds for the Norwalk Civil CORE Project, carried unanimously, RC.

### **Continuation of a Public Hearing regarding Norwalk CORE Project**

Mayor Phillips continued the public hearing from November 17, 2022 at 7:05 p.m. Brian Crawford with Denovo presented the project. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 7:08 p.m.

Motion by Livingston, seconded by Kuhl to approve **Resolution 22322** approving plans, specifications, form of contract and estimate of cost for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22323** awarding Concrete Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Baker to approve **Resolution 22324** awarding Pre-Engineered Metal Building (PEMB) Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22325** awarding General Construction Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Riva, seconded by Livingston to approve **Resolution 22326** awarding Mechanical Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22327** awarding Electrical Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 22328** awarding Fire Suppression Contract for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Lester to approve **Resolution 22329** approving Contracts and Bonds for the Norwalk CORE Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to pass the second reading on an Ordinance amending Chapter 50, 51, 52, 135, 136, 151, 165, 175A, 175E, and 175H of the Norwalk Municipal Code to update infraction violations of various City nuisance and zoning codes, carried unanimously, RC.

Motion by Livingston, seconded by Lester to pass the final reading of **Ordinance 22-27** amending Chapter 160 Residential Code, of the Norwalk Municipal Code

by adopting the 2021 International Residential Code with Amendments, carried unanimously, RC.

Motion by Livingston, seconded by Riva to pass the final reading of **Ordinance 22-28** amending Chapter 177 Rates & Fees of the Norwalk Municipal Code, carried unanimously, RC.

### **Council Inquiries & Staff Updates**

Staffing Plan - Kerri Keyte

Hotel Proposals Review - Hollie Zajicek

### **Closed Session**

Enter into Closed Session pursuant to Iowa Code Section 20.17(3) to discuss labor negotiations for Police Bargaining Unit Agreement.

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 Kuhl, seconded by Livingston to enter Closed Session at 8:02 p.m., carried unanimously, RC.

Break from 8:02 to 8:08 p.m.

Motion by Livingston, seconded by Kuhl to adjourn Closed Session at 8:41 p.m., carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 22333** authorizing the Mayor and City Manager to execute a Labor Agreement with Teamsters, Local 238 for Police Department Union Contract, carried unanimously, RC.

Motion by Livingston, seconded by Riva to adjourn at 8:43 p.m., carried unanimously, voice vote.

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Tom Phillips, Mayor

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Lindsey Offenburger, City Clerk