

ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING ON 2-17-2022

(Minutes to be approved at the March 3, 2022 meeting)

This meeting of the City of Norwalk City Council, on February 17, 2022 was held electronically and in person. Attendees could access the meeting via Zoom or attend in person.

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

Staff present included: Luke Nelson (via Zoom), City Manager; Jean Kelly, Finance Director; Lindsey Offenburger, City Clerk; Kaylen Petullo, Utility Billing Clerk; James Mease, Fire Lieutenant; Greg Staples, Police Chief; Wayne Schwartz, Public Works Director; Robin Leaper (via Zoom), Parks & Recreation Director; Luke Parris, Community Development Director; Hollie Zajicek, Economic Development Director; Jean Strable, Library Director; Jim Dougherty, City Attorney.

Pledge of Allegiance

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

Dedicated Work Session

Hollie Zajicek gave a summary of the Norwalk Central Project. Mike Mahoney with SportsPlex USA, Kirk Moe with Denovo Construction Solutions and Tim Portzman with Diligent HCC were present to answer questions about their projects in Norwalk Central.

Welcome of Guests and Public Comment

Consent Agenda

Motion by Riva, seconded by Livingston to approve the consent agenda which included: February 3, 2022 minutes of the regular City Council meeting; tax abatements; Renewal Class C Beer Permit, Class B Wine Permit, and Sunday Sales for Dollar General Store #284; Renewal Class C Liquor License with Outdoor Service and Sunday Sales for Legacy Golf Club; Renewal Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales for Kum & Go #28; setting Public Hearing for March 3, 2022 to approve the FY23 Budget; **Resolution 22038** setting a Public Hearing for March 3, 2022 to approve a Pre-Levy

Resolution to enter into a General Obligation Loan Agreement allowing for Debt Service Taxes to pay for FY23 Capital Improvement Projects; **Resolution 22039** setting a date of meeting at which it is proposed to approve a Development Agreement with SportsPlex, USA, L.C. and Heartland Sports Properties, LLC, including Annual Appropriation Tax Increment Payments; **Resolution 22040** setting a date of meeting at which it is proposed to approve a Development Agreement with Diligent HCC, L.L.C., including Annual Appropriation Tax Increment Payments; **Resolution 22041** setting March 3, 2022 for a Public Hearing regarding a Zoning Amendment to change 106.81 acres south of Beardsley Street and east of 50th Avenue from A-R Agricultural Reserve to R-1 (60) Single-Family Residential; **Resolution 22042** approving Pay Estimate No. 3 to S.M. Hentges & Sons, Inc. for Northwest Service Trunk Sewer Extension Project; **Resolution 22043** approving the renewal of a Preventative Maintenance Agreement with Life Med Safety; **Resolution 22044** approving Memorandum of Understanding to fulfill the obligations of a potential FEMA Assistance to Firefighters Prevention and Safety Grant Award; **Resolution 22045** authorizing the City of Norwalk, Iowa to apply for U-Step Funding for partial funding of the IA-28 and Beardsley St. Intersection Improvements Project; **Resolution 22046** approving an Agreement with The Shredder for participation in the 2022 residential paper shredding program; **Resolution 22047** approving an Agreement with Metro Waste Authority for participating in the 2022 residential scrap tire program; **Resolution 22048** approving an Agreement with A-Tec Recycling for the 2022 residential e-waste disposal program; **Resolution 22049** approving an Agreement with SPI Des Moines for participation in the 2022 residential white goods program; monthly reports; and expenditures.

Payee	Description	Amount	Payee	Description	Amount
ACTIVE911, INC	ACTIVE 911 LICENSES	416.00	MCCLURE ENGINEERING CO	REGIONAL DETENTION FACILITY	5,395.00
ADAM SEIBERT	WINTER CLOTHING ALLOTMENT	59.99	METRO WASTE AUTHORITY	MONTHLY CURB IT FEE	17,333.84
ADVANCED PROBLEM SOLUTIONS	ROTATION OF AIR HANDLER	3,466.15	MIDAMERICAN ENERGY	GAS/ELECTRIC	26,375.88
BAKER GROUP	PARTS FOR AIR COMPRESSOR LINE DRYER	48.24	NEW ERA HOMES	UTILITY REFUND	13.33
BOLTON & MENK, INC	GWT ENGINEERING	10,174.40	NFLF HOLDINGS	UTILITY REFUND	39.00
BOUND TREE MEDICAL, LLC	EMS SUPPLIES	1,051.12	NIKOLAUS & OLIVIA PERKOVICH	UTILITY DEPOSIT REFUND	16.27
BOWEN DESIGN LLC	RAD SHIRT	198.00	NORTH WARREN TOWN & COUNT	PUBLICATIONS	59.85
BRADLEY HAUPTMANN	UTILITY DEPOSIT REFUND	49.76	NORWALK SEASONAL SERVICES	NUISANCE ABATEMENT	125.00

BREESE, JEREMY & JONI	UTILITY REFUND	98.00	PLEXA	ANNUAL DUES	20.00
BRIAN VINCENT RAYHONS	EMS TRAINING	200.00	POLICE LEGAL SCIENCES	POLICE MONTHLY ON-LINE TRAINING	540.00
CDW GOVERNMENT INC	ADOBE ACROBAT RENEWAL	4,687.51	RAFE ALBERS	FLEECE LINED CLASS B PANTS	124.99
CITY OF DES MOINES	MARCH 2022 WRA PAYMENT	97,497.40	ROYAL PLUMBING	CANCELLED PLUMBING PERMIT	80.00
CITY OF WEST DES MOINES	FEB 2022 WESTCOM PAYMENT	26,829.75	S.M. HENTGES & SONS, INC.	NW SERVICE AREA TRUNK SEWER EXT	103,704.29
DES MOINES REGISTER MEDIA	PUBLIC HEARING NOTICE	157.80	SHELLEY STRAVERS	MEMORIAL GIFT FOR PAUL SWIFT	75.00
DOWNEY TIRE	PATCH TIE ON LOADER 926M	242.92	SIGNATURE CO & LUANA BANK	SEWER MAIN BEARDSLEY	249,781.84
DUANE WITTSTOCK	555 BEARDSLEY SEWER CONNECTION REIMBURSEMENT	5,000.00	SIMMERING-CORY INC	2021 CODIFICATION	2,020.00
ELECTRONIC ENGINEERING CO	REPLACEMENT OF HEADSET	561.22	SNYDER & ASSOCIATES INC	HWY 28 & BEARDSLEY PROJ	4,768.00
ESTABROOKS, TANNER	UTILITY REFUND	69.91	STARNET TECHNOLOGIES	NCC DATA MONITORING FOR Q1 BEARDSLEY & LEGACY LIFT STATION	120.00
ETC INSTITUTE	2021 COMMUNITY SURVEY 2ND PMT	4,050.00	SUMMER DUNN	UTILITY DEPOSIT REFUND	52.07
GALLS LLC	UNIFORM 3 SHIRTS-PEMBERTON	963.17	TANZANITE HOMES	REVISED PERMIT REFUND OVERPAYMENT	88.14
GENESIS HOMES INC	UTILITY REFUND	26.66	TIM HILDRETH CO	FD BOILER SERVICE	1,376.85
HEIMAN FIRE EQUIPMENT	TIC BATTERY	150.03	UPHDM OCCUPATIONAL MEDICINE	MEDICAL- WILLIAMS	133.25
HUBBELL HOMES LC	UTILITY REFUND	35.99	VEENSTRA & KIMM INC.	CAPITAL CITY FRUIT EXPANSION SITE PLAN	7,032.12
IOWA ASSOCIATION OF MUNICIPAL UTILITIES	WATER MEMBER DUES	1,078.00	VENDNET HOLDINGS LLC	DRUG MACHINE LOCK	42.97
IOWA CONTRACTING	MANHOLE PROJECT - 10	48,103.95	VISION CUSTOM SIGNS & GRAPHIC	GRAPHIC FOR PD VEHICLE	1,292.70
IOWA D.A.R.E. ASSOCIATION	ANNUAL DUES-DUNLOP	100.00	WARREN CO SHERIFF	PRISONER TRANSPORT	720.00
IOWA ONE CALL	LOCATION NOTIFICATIONS	285.50	WARREN COUNTY RECORDER	RECORDINGS	149.00
IOWA PRISON INDUSTRIES	18 STOP SIGNS"	86.50	WILSON REED LLC	UTILITY REFUND	74.33
JERRY'S HOMES INC	UTILITY REFUND	47.04	YOUNG, MARTHA	UTILITY REFUND	6.66
LARRY WINDOWS	EXTERIOR-CH	95.00	WELLS FARGO BANK	CREDIT CARD PURCHASES	28,818.02
LINDE GAS & EQUIPMENT INC.	OXYGEN FOR TORCH	187.58		TOTAL	656,395.99

City of Norwalk			
January 2022 Revenues			
Fund	Revenues	Fund	Revenues
General	\$ 196,605.34	NCIS Infrastructure	\$ -
Trust & Agency	\$ -	Water Utility	\$ 231,039.91
Road Use Tax	\$ 151,174.50	Water bond/sinking fund	\$ -
Special Revenue	\$ 7,419.65	Water Improvement	\$ 1,541.81
T&A Self Funding	\$ -	Water T&A	\$ 3,545.52
LOSST	\$ 122,738.99	Water Reserve	\$ -
TIF	\$ 21,188.36	Sewer Utility	\$ 262,279.58
HIDTA forfeiture	\$ -	Sewer Improvement	\$ -
Economic Development	\$ -	Sewer equipment replacement	\$ -
T&A Plumbers Bonds	\$ -	Storm Water	\$ 47,897.13
T&A Library Trust	\$ 565.54	Storm water equipment replacement	\$ -
T&A Park Trust	\$ 776.33	Warren Water Buyout	\$ 123.42
Debt Service	\$ 7,173.68		
Capital Improvements	\$ -	Total Monthly Revenues	\$ 1,054,069.76

Old and New Business for Consideration, Discussion and Possible Action

Public Hearing on Proposed Amendment to the Norwalk Urban Renewal Area

Mayor Phillips opened the public hearing at 6:52 p.m. Jean Kelly presented the item. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:52 p.m.

Motion by Baker, seconded by Kuhl to approve **Resolution 22050** 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. Motion carried unanimously, RC.

Motion by Kuhl, seconded by Livingston to pass the first reading of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2022

Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa, carried unanimously, RC.

Public Hearing regarding the proposed Maximum Property Tax Levy for General Fund, Liability, Property & Self-Insurance Costs and Special Revenue Levies for Employee Benefits

Mayor Phillips opened the public hearing at 6:55 p.m. Jean Kelly presented the item. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:56 p.m.

Motion by Livingston, seconded by Lester to approve **Resolution 22051** to approve the proposed Maximum Property Tax Levy for General Fund, Liability, Property & Self-Insurance Costs and Special Revenue Levies for Employee Benefits, carried unanimously, RC.

Public Hearing regarding FY23 Capital Improvement Plan (CIP) Budget for Fiscal Year 2023

Mayor Phillips opened the public hearing at 6:57 p.m. Jean Kelly presented the item. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:58 p.m. Motion by Kuhl, seconded by Riva to approve **Resolution 22052** adopting the City of Norwalk Capital Improvement Plan (CIP) Budget for Fiscal Year 2023, carried unanimously, RC.

Public Hearing regarding an amendment to Chapter 175 Zoning Regulations regarding Fireworks Sales

Mayor Phillips opened the public hearing at 6:59 p.m. Luke Parris and Lieutenant James Mease presented the amendment. Lindsey Offenburger reported receiving no oral or written comments.

Jim Henter and Heather Swanson with Bellino Fireworks, Daniel and Aubrey Floyd with Boom Daddy Fireworks, and Doug Cappell with Cappell Ace Hardware spoke in opposition of the amendment to Chapter 175.

Mayor Phillips closed the public hearing at 7:13 p.m.

Motion by Riva, seconded by Kuhl to pass the first reading of an Ordinance amending Chapter 175 Zoning Regulations regarding Fireworks Sales. Motion carried on a roll call vote. Ayes: Baker, Riva, and Kuhl. Nays: Lester and Livingston.

Motion by Livingston, seconded by Riva to approve **Resolution 22053** authorizing grant application for Warren County ARPA Funds for Certified Site No. 2, as amended by removing the term "Certified Site", carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 22054** approving Supplemental Agreement No. 2 for additional engineering services for IA-28/Sunset Drive and North Avenue Intersection Improvements Project, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22055** releasing Real Estate Mortgage to Comito Real Estate, LLC, carried unanimously, RC.

Motion by Kuhl, seconded by Livingston to approve **Resolution 22056** approving Iowa Department of Transportation's Offer to Buy 0.83 Acre Tract of vacant land located along Highway 28, carried unanimously, RC.

Motion by Kuhl, seconded by Riva to approve **Resolution 22057** approving first payment to Signature Companies & Luana Bank for the Beardsley Sewer project, carried unanimously, RC.

Motion by Livingston, seconded by Kuhl to pass the third reading of **Ordinance 22-05** amending the Hughes Century Crossing Planned Unit Development, carried unanimously, RC.

Motion by Livingston, seconded by Kuhl to pass the third reading of **Ordinance 22-06** amending fireworks usage dates by amending Chapter 41 of the Norwalk Municipal Code, carried unanimously, RC.

Motion by Riva, seconded by Livingston to pass the second reading of an Ordinance amending Chapter 164 Community Development Application Fees and Chapter 177 Rates & Fees of the Norwalk Municipal Code. Motion carried on a roll call vote. Ayes: Kuhl, Livingston, Baker, and Riva. Nays: Lester.

Motion by Livingston, seconded by Riva to waive the third reading of **Ordinance 22-07** amending Chapter 164 Community Development Application Fees and Chapter 177 Rates & Fees of the Norwalk Municipal Code. Motion carried on a roll call vote. Ayes: Livingston, Baker, Riva, and Kuhl. Nays: Lester.

Motion by Kuhl, seconded by Riva to adjourn at 7:59 p.m., carried unanimously, voice vote.

Tom Phillips, Mayor

Lindsey Offenburger, City Clerk