

**ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING
ON FEBRUARY 2, 2023**

(Minutes to be approved at the February 16, 2023 meeting)

This meeting of the City of Norwalk City Council, on February 2, 2023 was held electronically and in person. Attendees could access the meeting via Zoom or attend in person.

Mayor Pro Tem, Jaki Livingston called the City Council meeting to order at 6:00 P.M. Present at roll call: David Lester, Brian Baker (via Zoom), Stephanie Riva (via Zoom), Ed Kuhl, and Jaki Livingston.. Absent: Mayor Tom Phillips. (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 Kuhl, seconded by Lester to approve the agenda as presented; carried unanimously, voice vote.

Welcome of Guests and Public Comment

Judy Corocoran on behalf of the Library Foundation, thanked the City for support of their \$5,000 match campaign.

Presentations

Hotel Presentation by Ryan Jensen - Jensen Oswald LLC

Consent Agenda

Motion by Lester, seconded by Kuhl to approve the consent agenda which included: January 17, 2023 minutes of the special City Council meeting; January 19, 2023 minutes of the regular City Council meeting; Renewal Class C Retail

Alcohol License with Outdoor Service for 1908 Draught House; Renewal Class B Retail Alcohol License for Dollar General #284; **Resolution 23025** terminating 28E Agreement with the Norwalk Community School District for building management and maintenance services; **Resolution 23026** to adopt Cellular Phone Use and Allowance Policy; **Resolution 23027** approving two alternate commission members for the Greater Des Moines Sister City Commission (GDSCC); **Resolution 23028** approving an agreement with Iowa Communications Network (ICN) to increase Internet Bandwidth for the City; **Resolution 23029** approving partial Economic Development Grant Payment to Diligent HCC, LLC; **Resolution 23030** approving Parks and Recreation to hire Fischer Bros. LLC to restore the Norwalk Aquatic Center water slide; **Resolution 23031** setting February 16, 2023 for a Public Hearing to dispose of real property (Parcel A, a part of Outlot Z in Sunset Estates Plat 3); **Resolution 23032** setting February 16, 2023 for a Public Hearing to dispose of real property (Parcel B, a part of Outlot Z in Sunset Estates Plat 3); and expenditures, carried unanimously, RC.

PAYEE	DESCRIPTION	AMOUNT	PAYEE	DESCRIPTION	AMOUNT
ABDO SPOTLIGHT	BOOKS	302.94	METRO WASTE AUTHORITY	COLLECTION COSTS	71,604.51
ABT MAILCOM	UTILITY BILL PROCESSING & MAILING	2,829.35	MICROMARKETING ASSOCIATES	BOOKS/FILMS	682.15
AHLERS & COONEY, P.C.	PW UNION NEGOTIATIONS	2,022.00	MICROSOFT CORPORATION	LAPTOP REPAIR - DAKOTA	363.80
BAKER & TAYLOR INC	BOOKS	2,418.45	MIDAMERICAN ENERGY	801 NORTH AVE	281.09
BLUESTONE ENGINEERING	PS HVAC	7,950.00	MIKE MYER	GLASSES REIMB (SAFETY)	199.80
BOLTON & MENK, INC	GWT - PHASE 3	5,818.00	MOTOROLA SOLUTIONS INC	BANK CHARGER	1,036.75
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	1,057.92	MUNICIPAL SUPPLY	MXU'S	5,430.38
BOWEN DESIGN LLC	3 LOGO DECALS FOR COMPLEX GATOR	24.00	MURPHY TRACTOR & EQUIPMENT	BACKHOE SPRING COUPLER	2,840.00
CTI READY MIX, LLC	CONCRETE - WATER - ROLLING HILLS CT	1,675.75	NORTH WARREN TOWN & COUNT	PUBLICATIONS	756.08
DILIGENT DEVELOPMENT, LLC	DEVELOPMENT AGREEMENT GRANT	1,570,484.94	NORWALK CHAMBER OF COMMERCE	BANQUET TICKETS - 3 CITY STAFF	135.00
DOWNEY TIRE	TIRES FOR E610	1,458.90	ONENECK IT SOLUTIONS LLC	CITY WIDE PHONE SYSTEM	649.05
ELLIOT KLIMOWSKI	CNV CERTIFICATION	225.00	RAFE ALBERS	BODY CAM HOLDER	25.00

ERNEST J SEGBART III	DADDY/DAUGHTER DANCE 2023	300.00	RELIANT FIRE APPARATUS INC	E610 REPAIR	1,897.11
FELLER EXPRESS TRACKLESS TRAIN, LLC	PRESENTER FEES - 1/2 DEPOSIT	282.50	ROTARY CLUB OF NORWALK	QUARTERLY DUES - STAPLES	200.00
FIRST NET	POLICE CELL PHONE	419.92	SANDRY FIRE SUPPLY	SCBA ID TAGS	783.00
GALLS LLC	ALLOWANCES-UNIFORMS	721.39	SHIVE HATTERY INC	FINAL DESIGN WORK FOR ENTRANCE MONUMENT SIGN	2,805.00
GAME TIME	REPLACEMENT PLAYGROUND EQUIP/RUBBER SURFACE - BILLY O. PHILLIPS	15,679.58	SMART SIGN	STREET SIGNS & TRAFFIC SIGNS	1,951.63
GARY LEHMER	DINNER REIMB - OMAHA TRAINING	216.76	SNYDER & ASSOCIATES INC	HWY 28 SIGNAL IMPROVEMENTS	10,258.25
HAWKEYE TRUCK EQUIPMENT	RETURN CUTTING EDGES	1,249.36	STARNET TECHNOLOGIES	NCC DATA CHARGES - BEARDSLEY LIFT STN	60.00
HV PROPERTY SERVICES INC	VARIOUS PATCHING PROJECTS	32,750.00	STRATEGIC INSIGHTS INC.	PLAN-IT CIP SOFTWARE	800.00
IOWA D.A.R.E. ASSOCIATION	MEMBERSHIP DUES - DUNLOP	100.00	STRATUS BUILDING SOLUTIONS	CLEANING SERVICES	1,096.00
IOWA DEPARTMENT OF PUBLIC	IOWA SYSTEM ACCESS	1,437.00	THE EMBLEM AUTHORITY	UNIFORM PATCHES	438.00
IOWA FREEDOM OF INFORMATION COUNCIL	OPEN RECORDS HANDBOOKS	112.50	THE KNOX COMPANY	KNOX LICENSE AGREEMENT	576.00
IOWA LAW ENFORCEMENT ACADEMY	BACK THE BLUE TRAINING - DOWNING	10.00	TIM HILDRETH CO	BOILER REPAIR	182.50
JAMES OIL COMPANY LLC	FUEL	10,491.59	TITAN MACHINERY	TRACK LOADER - SKID STEER	71,750.00
JEAN KELLY	EYEGLOSS EXPENSE REIMBURSEMENT	239.85	TRUENORTH COMPANIES, LC	HR SOFTWARE	311.25
JENN PORTER	TRAVEL REIMB.	522.88	JANE DOOLEY	UTILITY DEPOSIT REFUND	54.13
KELTEK INCORPORATED	BWC PURCHASE	1,378.94	JEROD HOGAN	UTILITY DEPOSIT REFUND	61.85
KIESLER'S POLICE SUPPLY	RIFLE AMMO	4,518.00	VEENSTRA & KIMM INC.	ENGINEERING FEES	59,959.48
KIMBALL MIDWEST	SHOP SUPPLY - FASTENERS	728.49	WARREN CO LEADERSHIP INSTITUTE	TUITION - REED	350.00
LARRY WINDOWS	CH- INTERIOR	215.00	WHKS	BLUESTEM & PRAIRIE SAGE IMP	6,522.85
LIFEMED SAFETY, INC	POWER LOAD BATTERY	495.00			
MATHESON TRI-GAS, INC.	OXYGEN	1,086.06		TOTAL	\$1,913,282.73

Old and New Business for Consideration, Discussion and Possible Action

Public Hearing regarding an Amendment to the Hughes Century Crossing Planned Unit Development - Parcel F Land Uses

Mayor Pro Tem Livingston opened the public hearing at 6:19 p.m. Luke Parris presented the amendment. Lindsey Offenburger reported receiving no oral or written comments. Mayor Pro Tem Livingston closed the public hearing at 6:22 p.m.

Motion by Baker, seconded by Riva to pass the first reading of an ordinance amending the Hughes Century Crossing Planned Unit Development, carried unanimously, RC.

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

Mayor Pro Tem Livingston opened the public hearing at 6:23 p.m. Jean Kelly and Luke Nelson presented the proposed maximum property tax levy for general fund, liability, property and self-insurance costs and special revenue levies for employee benefits. Lindsey Offenburger reported receiving no oral or written comments.

Mayor Pro Tem Livingston read aloud a letter on behalf of Mayor Phillips that stated the following: *Council has asked staff to create a budget that both meets the needs to operate city government and to address those items needed to meet the requests of our citizens as indicated in city wide opinion surveys. Staff has spent months working on that budget and openly and transparently presented that budget at our January 17th budget workshop, which was open to be attended by anyone, was available to attend via Zoom and was live streamed on YouTube. We also had a recap of our budget discussion at our Council meeting on January 19th, again open to be attended by anyone, available to be attended via Zoom and was live streamed on YouTube. All information that Council had for those meetings was publicly available on our website long before those meetings occurred. Those who say we have not been transparent and open with our budget process have not*

been paying attention and are greatly misinformed. At this point, if Council wants to reduce our budget, that is certainly up to them. I would ask that today, you pass the max levy, as we can always go lower. Then, if reductions are desired, schedule a special session, which would be open for the public to attend, where Council can discuss and remove the items they don't want funded. This should not be a staff exercise, as staff has given Council exactly what Council asked them to produce. It is now up to the City Council to make the hard decisions on reductions. We have been behind with a lot of work that needs to be done. We have an opportunity to get some long overdue projects completed that our citizens want done, get some projects done to position us for future growth, and do so with a decrease in our levy. We either take this opportunity to do these projects now, or hold off, fall behind again, and pay more to get the work done in a few years, which will require an increase in our levy, something I don't think any of our elected officials desire. A majority of the max levy funding is related to general city operations. This means staff. We have delayed hiring much needed staff in past years. Within the past couple years we have added staff and utilized reserve funds. A purpose of this was knowing the TIF retirement is happening. The staffing includes police officers, fire fighters, library staff, city attorney, and our first IT professional just to name several. On top of this the City has made an effort to be competitive in the Metro. We conducted a comprehensive wage study and we balanced adjustments across two fiscal years. During a time of record inflation and a small labor pool we believe it is necessary to compensate staff fairly. Council has been elected to represent all of Norwalk's citizens. They have lowered our levy for the past 5 years and kept the City's portion of our property tax bills steady and predictable. Let's stay the course and keep our City moving forward.

Ethan Carpenter, 1218 Meadow Drive, provided public comment. He stated in part the following: he appreciates council members being as transparent as they can; it seems to him that the City wants to spend and spend in a way that doesn't seem sustainable; he stated that Norwalkians are taxed at a very high rate; he thinks the City's planning is very disjointed and the City's spending isn't responsible.

Council Member Lester reiterated what the Mayor said in his letter. Council Member Kuhl stated contrary to the comments, this council is pretty conservative. They've pushed the levy rate down the last 5 years. He wants the

current rate reported as the highest levy, and look at it again in March during the Public Hearing for the full FY24 Budget. Mayor Pro Tem Livingston stated the council does take the time to evaluate the situations we are in. She stated they are thoughtful and an evaluative council. They ask questions and challenge staff to be mindful of what the City needs and doesn't need.

Mayor Pro Tem Livingston closed the public hearing at 6:37 p.m.

Motion by Riva, seconded by Lester to approve **Resolution 23033** to approve the proposed Maximum Property Tax Levy for General Fund, Liability, Property & Self-Insurance Costs & Special Revenue Levies for Employee Benefits, carried unanimously, RC.

Motion by Kuhl, seconded by Lester to approve **Resolution 23034** authorizing Memorandum of Understanding with Jensen Oswald, LLC, carried unanimously, RC.

Motion by Kuhl, seconded by Riva to approve **Resolution 23035** approving Supplemental Agreement No. 2 for additional engineering services for IA 28/Sunset Drive and Beardsley Street Intersection Improvements Project, carried unanimously, RC.

Motion by Kuhl, seconded by Lester to approve **Resolution 23036** authorizing the Mayor to accept a bid for services with Air-Con Mechanical Corporation involving replacement of the controls for the Public Safety Building HVAC System, carried unanimously, RC.

Motion by Baker, seconded by Kuhl to approve **Resolution 23037** approving an Agreement of Surety for public improvements at Hughes Century Crossing Plat 5 and 6, carried unanimously, RC.

Motion by Riva, seconded by Lester to approve **Resolution 23038** accepting a completion surety for infrastructure and approving the Final Plat of Hughes Century Crossing Plat 5, carried unanimously, RC.

Motion by Lester, seconded by Kuhl to approve **Resolution 23039** approving the Site Plan of Jones Family Dental, carried unanimously, RC.

Motion by Baker, seconded by Lester to approve **Resolution 23040** approving the Site Plan of Starbucks, carried unanimously, RC.

Motion by Riva, seconded by Kuhl to approve **Resolution 23041** approving the Site Plan Amendment of the Hughes Heartland Sports Complex, carried unanimously, RC.

Motion by Lester, seconded by Kuhl to approve **Resolution 23042** authorizing the outdoor display of merchandise for sale at Ace Hardware, 1120 Sunset Drive, as amended provided the drive lanes are open to traffic, carried unanimously, RC.

Motion by Kuhl, seconded by Livingston to approve **Resolution 23043** approving the Official Name of the Park and Recreation building within Norwalk Central as the Norwalk Fieldhouse, carried unanimously, RC.

Von Kenneth Briese, 235 Burr Oak Court provided public comment and thanked the Council for naming the facility something with Norwalk in it. He stated it brings pride to the town.

Motion by Lester, seconded by Kuhl to approve **Resolution 23044** authorizing the execution of an Agreement with Bolton & Menk, Inc. for professional services for the school and trail connections and water main on Elm Avenue, pending legal approval, carried unanimously, RC.

Council Inquiries & Staff Updates

Closed Session pursuant to Iowa Code Section 20.17(3) to discuss labor negotiations for Public Works Bargaining Unit Agreement

Mayor Pro Tem Livingston 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 Riva to enter Closed Session at 7:50 p.m., carried unanimously, RC.

Motion by Lester, seconded by Kuhl to adjourn Closed Session at 8:05 p.m., carried unanimously, RC.

Consideration of a Resolution authorizing the Mayor and City Manager to execute a Labor Agreement with Public Works Department for Public Works Union Contract

Motion by Lester, seconded by Kuhl to approve **Resolution 23045** authorizing the Mayor and City Manager to execute a Labor Agreement with Public Works Department for Public Works Union Contract, carried unanimously, RC.

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 Pro Tem Livingston 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 Riva to enter Closed Session at 8:07 p.m., carried unanimously, RC.

Motion by Baker, seconded by Riva to adjourn Closed Session at 9:18 p.m., carried unanimously, RC.

Motion by Riva, seconded by Livingston to adjourn at 9:18 p.m., carried unanimously, voice vote.

Jaki Livingston, Mayor Pro Tem

Lindsey Offenburger, City Clerk