

ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING ON 3-3-2022

(Minutes to be approved at the March 24, 2022 meeting)

This meeting of the City of Norwalk City Council, on March 3, 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, City Manager; Jean Kelly, Finance Director; 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; 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

Consent Agenda

Motion by Livingston, seconded by Riva to approve the consent agenda which included: February 17, 2022 minutes of the regular City Council meeting; tax abatements; **Resolution 22058** approving HR Director Job Description and promotion of Kerri Keyte to HR Director; **Resolution 22059** approving updated City of Norwalk Organizational Chart; **Resolution 22060** approving Seasonal Part-Time Office Assistant Job Description; **Resolution 22061** to approve Pay Estimate No. 6 to Herberger Construction for construction of the Great Western Trail Connection Phase 2 Project; **Resolution 22062** ordering construction of certain public improvements (Great Western Trail Phase 3 Project), approving

preliminary plans, and fixing a date for hearing thereon and taking of bids therefor; **Resolution 22063** approving payment to Denovo Construction Services; **Resolution 22064** adopting revisions to the City of Norwalk Credit Card Policy; Correspondence; and expenditures.

Payee	Description	Amount	Payee	Description	Amount
ABT MAILCOM	UTILITY BILL PROCESSING & MAILING	2,592.16	JAMES OIL COMPANY LLC	DIESEL	9,353.04
AUREON	ED INTERNET	295.00	JAMEY JOHNSTON	UTILITY DEPOSIT REFUND	100.00
BAKER & TAYLOR INC	DVD	2,978.11	JOSH BECKER	UTILITY DEPOSIT REFUND	43.02
BOLTON & MENK, INC	GWT ENGINEERING	3,859.00	KATIE COOPER	CANCELLATION JUST 4 KICKS SOCCER DUE TO MOVE	38.80
BOWEN DESIGN LLC	BASKETBALL SHIRTS	1,374.40	KEITH JOHANNES	UTILITY DEPOSIT REFUND	48.00
CAPITAL CITY EQUIPMENT CO	1/2 BOBCAT AUGER & BITS (3)	4,411.88	KRISTI & RYAN HOLZER	UTILITY DEPOSIT REFUND	31.22
CATHERINE SHOOK	INDIANOLA PUBLIC LIBRARY	17.55	LARRY WINDOWS	PS- CLEAN EX WINDOWS- OUTSIDE	90.00
CAYLER CONSULTING LLC	SERGEANT EXAM REVIEW	510.00	LASER RESOURCES	LX5820447	106.30
CENTURYLINK	LONG DISTANCE	29.08	METRO WASTE AUTHORITY	MONTHLY GARBAGE COLLECTION	37,812.42
CHARLES JANSSEN	UTILITY DEPOSIT REFUND	31.84	MICK LATHRUM	UTILITY DEPOSIT REFUND	18.44
CITY OF WEST DES MOINES	HELP WITH PATROL COVERAGE	306.92	MIDAMERICAN ENERGY	801 NORTH AVE	242.06
CLOUSER PLUMBING TECHNOLOGIES	PARTS AND LABOR FOR NORTH AVE INSERTA VALVE	16,600.00	MIDWEST ALARM SERVICES	ALARM MONITORING	228.00
DENOVO	DESIGN-NORWALK CENTRAL	100,254.20	MUNICIPAL SUPPLY	1/1 BARRIER SANITARY SEWER	2,023.00
DES MOINES REGISTER MEDIA	NOTICE OF PUBLIC HEARING	17.51	NICOLE BERGER	WINTER YOUTH TENNIS K-2ND GRADE	1,648.55
DOUGHERTY LAW FIRM	CONTRACTUAL LEGAL FEES	5,600.00	NORTH WARREN TOWN & COUNT	PUBLICATIONS	602.73
EJS SUPPLY, LLC	SNOW PLOW BLADES	555.36	RECORD HERALD & THE	SUBSCRIPTION	16.00
GALLS LLC	INNER BELT- WILLIAMS	55.12	RESULTANT	WORKSPACE BUSINESS PLUS- GOOGLE	19,035.00
GOPHER SPORT	5 SETS OF MEDIUM BELTS FOR RUGBY PROGRAM	593.50	SNYDER & ASSOCIATES INC	HWY 28 SIGNAL IMP (ICAAP)	11,103.29
GROUND BREAKER HOMES	UTILITY DEPOSIT REFUND	31.84	STEW HANSEN	PARKS & REC DODGE 2500	38,323.00
HEIDI YOUNG	CANCELLATION OF	45.00	TRI- CITY ELECTRIC	CAMERAS FOR CITY PARKS	2,780.00

	DADDY DAUGHTER DUE TO COVID		COMPANY OF IOWA		
HERBERGER CONSTRUCTION CO	GWT PHASE 2 PAY EST #6	5,551.31	TRUENORTH COMPANIES, LC	HR SOFTWARE	262.50
ICU	ICU TRAINING	1,575.00	VEENSTRA & KIMM INC.	NW SEWER TRUNK DESIGN	25,298.62
IOWA COMMUNICATIONS NETWORK	INTERNET SERVICE	352.50	VERIZON WIRELESS	PHONE SERVICE	1,605.29
IOWA CONTRACTING	CONCRETE REPAIRS- CHERRY PKWY & PARKHILL	5,100.00	WAYNE SCHWARTZ	PARKING @CONFERENCE	10.00
IOWA LAW ENFORCEMENT ACADEMY	POLICE ACADEMY WILLIAMS	7,100.00			
IOWA STORM WATER EDUCATION PARTNERSHIP	MEMBERSHIP FEE	1,211.00		TOTAL	311,867.56

Old and New Business for Consideration, Discussion and Possible Action

Public Hearing vacating Old State Highway 28 Right of Way

Mayor Phillips opened the public hearing at 6:03 p.m. Jim Dougherty presented the vacating of Old State Highway 28 Right of Way. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:10 p.m.

Motion by Livingston, seconded by Riva to pass the first reading of an ordinance providing for the vacation of a portion of the road known as Old State Highway 28 within the City of Norwalk. Motion carried unanimously, RC.

Public Hearing regarding the FY23 Budget

Mayor Phillips opened the public hearing at 6:11 p.m. Jean Kelly presented the FY23 Budget. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:22 p.m.

Motion by Kuhl, seconded by Riva to approve **Resolution 22065** approving the FY23 Budget. Motion carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22066** adopting the City of Norwalk Budget Transfers for fiscal years 2022 and 2023. Motion carried unanimously, RC.

Public Hearing to enter into a General Obligation Loan Agreement allowing for Debt Service Taxes to pay for FY23 Capital Improvement Projects

Mayor Phillips opened the public hearing at 6:24 p.m. Jean Kelly presented the Loan Agreement. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:25 p.m.

Motion by Livingston, seconded by Riva to approve **Resolution 22067** taking additional action on proposal to enter into a Loan Agreement and providing for the levy of taxes to pay General Obligation Corporate Purpose Bonds, Series 2022A. Motion carried unanimously, RC.

Public Hearing on Proposed Development Agreement with SportsPlex USA, L.C. and Heartland Sports Properties, LLC

Mayor Phillips opened the public hearing at 6:26 p.m. Hollie Zajicek and Mike Mahoney, SportsPlex USA, L.C. presented the development agreement. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:33 p.m.

Motion by Baker, seconded by Riva to approve **Resolution 22068** approving Development Agreement with SportsPlex USA, L.C. and Heartland Sports Properties, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. Motion carried unanimously, RC.

Public Hearing on Proposed Development Agreement with Diligent HCC, L.L.C.

Mayor Phillips opened the public hearing at 6:48 p.m. Hollie Zajicek presented the development agreement. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 6:58 p.m.

Motion by Livingston, seconded by Riva to approve **Resolution 22069** approving Development Agreement with Diligent HCC, L.L.C., Authorizing Annual

Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. Motion carried on a roll call vote. Ayes: Riva, Kuhl, Livingston and Baker. Nays: Lester.

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

Mayor Phillips opened the public hearing at 7:02 p.m. Luke Parris and Brad Cooper with Cooper Crawford & Associates presented the zoning amendment. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 7:04 p.m.

Motion by Kuhl, seconded by Riva to pass the first reading of an ordinance amending the Official Zoning Map of the City of Norwalk, Iowa by rezoning 106.81 acres south of Beardsley Street and east of 50th Avenue from A-R Agricultural Reserve to R-1 (60) Single-Family Residential. Motion carried on a roll call vote. Ayes: Kuhl, Lester, Baker and Riva. Nays: Livingston.

Council Member Livingston left the chambers at 7:11 p.m.

Motion by Kuhl, seconded by Riva to approve **Resolution 22070**, a resolution of support to participate as a founding agency of Central Iowa Water Works. Motion carried on a roll call vote. Ayes: Lester, Baker, Riva and Kuhl. Nays: None. Absent: Livingston.

Council Member Livingston re-entered the chambers at 7:14 p.m.

Motion by Kuhl, seconded by Livingston to approve **Resolution 22071** approving the Site Plan of Capital City Fruit. Motion carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 22072** approving Purchase Agreement with Diligent HCC, LLC and the City of Norwalk for approximately 3.66 acres in Hughes Century Crossing. Motion carried unanimously, RC.

Motion by Lester, seconded by Livingston to approve **Resolution 22073** approving Purchase Agreement with Diligent HCC, LLC and the City of Norwalk for approximately 4.34 acres in Hughes Century Crossing. Motion carried unanimously, RC.

Motion by Livingston, seconded by Lester to pass the second 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. Motion carried unanimously, RC.

Consideration of the second reading of an ordinance amending Chapter 175 Zoning Regulations regarding Fireworks Sales

Daniel & Aubrey Foye with Boombdaddy Fireworks and Jim Henter with Bellino Fireworks spoke in opposition of the amendment to Chapter 175.

Motion by Baker, seconded by Riva to pass the second 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: Livingston and Lester.

Council Inquiries & Staff Updates

Luke Parris gave an update on the Norwalk Low/Moderate Income Rehabilitation Assistance Pilot Program

Kerri Keyte presented the City of Norwalk 5-Year Staffing Plan

Wayne Schwartz gave an update on Beardsley/Hwy 28 Intersection Project and Review of Staging

Motion by Livingston, seconded by Kuhl to adjourn at 8:19 p.m., carried unanimously, voice vote.

Tom Phillips, Mayor

Lindsey Offenburger, City Clerk