

**ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING  
ON 5-19-2022**

(Minutes to be approved at the June 2, 2022 meeting)

**This meeting of the City of Norwalk City Council, on May 19, 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; 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; Jim Dougherty, City Attorney.

**Pledge of Allegiance**

Motion by Kuhl, seconded by Riva to approve the agenda as amended by moving item 6m, Resolution approving first and final Commercial Grant Program Payment to Young & Co. (1400 Sunset Dr.) in the amount of \$25,836, to the regular agenda; carried unanimously, voice vote.

**Dedicated Work Session**

Robin Leaper presented the Park & Recreation Rates/Fees Analysis

ATV/UTV/Golf Cart Discussion

**Welcome of Guests and Public Comment**

**Consent Agenda**

Motion by Livingston, seconded by Riva to approve the consent agenda which included: May 5, 2022 minutes of the regular City Council meeting; tax

abatements; **Resolution 22129** approving Pay Estimate No. 6 to S.M. Hentges & Sons, Inc. for the Northwest Service Trunk Sewer Extension Project; **Resolution 22130** setting June 2, 2022 for a Public Hearing regarding an Amendment to Chapter 175, Zoning Regulations, regarding Swimming Pool Enclosures; **Resolution 22131** setting June 2, 2022 for a Public Hearing regarding an Amendment to the Legacy Planned Unit Development to permit patios and decks within side setbacks at Legacy Circle Villas Plat 3 Lots 1-16; **Resolution 22132** reappointing Brent Hinders to the Norwalk Board of Adjustment; **Resolution 22133** reappointing Nicole McGlothlin to the Norwalk Board of Adjustment; **Resolution 22134** reappointing Tim Cox to the Norwalk Construction Board of Appeals; **Resolution 22135** reappointing Kevin McGlothlin to the Norwalk Construction Board of Appeals; **Resolution 22136** approving Deputy City Clerk Job Description and promotion of Kaylen Petullo as Deputy City Clerk; **Resolution 22137** approving Accounting Specialist Job Description and promotion of Miranda Hannan as Accounting Specialist; **Resolution 22139** to approve Pay Estimate No. 7 to Herberger Construction for construction of the Great Western Trail Connection Phase 2 Project; Correspondence; and expenditures, carried unanimously, RC.

Payee	Description	Amount	Payee	Description	Amount
ABT MAILCOM	UTILITY BILL PROCESSING & MAILING	2,616.64	ROC COMMUNICATIONS	HYDRANT METER REFUND DEP REFUND	2,205.70
ALLENDER BUTZKE ENGINEERS INC	NORWALK CENTRAL GEOTECHNICAL SERVICES	4,852.50	S.M. HENTGES & SONS, INC.	NW SERVICE AREA TRUNK SEWER EXT	6,949.96
ANKENY SANITATION	40 YD DUMP & DONE	455.88	SHUCK-BRITSON, INC	TORNADO DAMAGE EVAL	1,053.57
BDI	NORWALK CENTRAL SITE SIGN	385.20	SNYDER & ASSOCIATES INC	SOUTHERN LOOP CONNECTOR	1,431.25
BEDWELL GARDENS	TREES FOR COMPLEX	1,341.00	STEPCO PROPERTIES LLC	GRANT	25,836.00
BENTLEY RIDGE TREE FARM	TREES FOR PARKS AND COMPLEX	10,278.00	THE WEITZ COMPANY	HYDRANT METER DEP REFUND	1,936.00
BEST PORTABLE TOILETS	2 PORTABLE TOILETS AT MCANINCH	200.00	TITAN MACHINERY	FILTERS FOR MINI EXCAVATOR	357.50
BISHOP ENGINEERING	NORWALK CENTRAL PLAT OF SURVEY	1,690.00	TRUENORTH COMPANIES	HR SOFTWARE	262.50
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	933.40	UNITED PROPERTIES INVESTMENT	ECHO VALLEY REBATE	509,150.00

BRICK GENTRY PC	BEARDSLEY & HWY 28	225.00	UNITYPOINT CLINIC OCCUPATIONAL MEDICINE	FIREFIGHTER PHYSICAL	235.75
CAPITAL CITY FRUIT	CAPITAL CITY FRUIT REBATE	65,600.00	UPHDM OCCUPATIONAL MEDICINE	HEP B VACCINE- VRBAN	508.25
CENTER POINT PUBLISHING	BOOKS	31.07	AMANDA JOHNSON	UTILITY DEPOSIT REFUND	24.59
CITY OF DES MOINES	JUNE 2022 WRA PAYMENT	90,909.73	BAILEY DISENBERY	UTILITY DEPOSIT REFUND	30.09
CONTRACT SPECIALTY LC	7 BOXES OF WHITE AEROSOL PAINT FOR MCANINCH	4,204.00	DAPHNE CHRISTENSEN	UTILITY DEPOSIT REFUND	65.15
ELDER CORPORATION	AQUATIC CENTER PARKING LOT PATCHES	43,828.00	JARRIN DAVEY	UTILITY DEPOSIT REFUND	64.00
FARM & CITY SUPPLY	FUEL/ WATER SEPARATOR	41.72	JOHN BORDERS	UTILITY DEPOSIT REFUND	65.92
FEH ASSOCIATES INC	SPACE NEEDS CONSULTING	1,500.00	MARCUS & MEGAN JOHNSON	UTILITY DEPOSIT REFUND	64.32
FIRE RECOVERY EMS LLC	MARCH BILLING FEES	102.85	MEGAN ANDERSON	UTILITY DEPOSIT REFUND	79.17
GALLS	UNIFORMS	1,604.53	MORGAN & JEREMY HEMER	UTILITY DEPOSIT REFUND	29.35
HAWKEYE TRUCK EQUIPMENT	SMART LIGHT FOR PLOW	215.00	SARAH WINJUM	UTILITY DEPOSIT REFUND	41.18
IMPACT COMMUNITY ACTION P	NORWALK NICE	2,200.00	THEODORE WHITSON	UTILITY DEPOSIT REFUND	17.69
IOWA COMMUNICATIONS NETWORK	INTERNET SERVICE	352.50	TOMAS GONZALEZ	UTILITY DEPOSIT REFUND	11.17
IOWA DEPARTMENT OF NATURAL RESOURCES	FIREFIELD DAY TRAINING	20.00	CAPITAL CITY DEVELOPMENT	UTILITY REFUND	34.27
IOWA ONE CALL	LOCATION NOTIFICATIONS	528.10	GREENLAND HOMES	UTILITY REFUND	48.77
IOWA SIGNAL INC	HWY 28 & NORTH AVE - REBOOT	120.00	GROUND BREAKER HOMES	UTILITY REFUND	13.33
JAMES OIL COMPANY	FUEL	11,626.19	GUBBELS, TYLER	UTILITY REFUND	53.00
KAYLA BECKER	MILEAGE REIMBURSEMENT	13.28	HUBBELL HOMES LC	UTILITY REFUND	59.69
LIFEMED SAFETY, INC	ANNUAL PREVENTATIVE MANIT	1,892.00	HUTTON, TRISHA	UTILITY REFUND	131.91
LOGAN CONTRACTORS SUPPLY	FILTERS SOCKS & STAKES	5,003.76	PMI CENTRAL IOWA	UTILITY REFUND	94.69
LUND FIRE PROTECTION	NORWALK CENTRAL SITE PLAN	225.00	RM MADDEN CONSTRUCTION	UTILITY REFUND	26.66

MCCLURE ENGINEERING CO	REGIONAL DETENTION FACILITY	3,655.00	SUMMIT REAL ESTATE SE	UTILITY REFUND	100.11
METRO WASTE AUTHORITY	COLLECTION COSTS	18,112.56	TANZANITE HOMES	UTILITY REFUND	500.13
MICHAEL FOODS INC	REBATE	179,100.00	VAN DIEST SUPPLY COMPANY	CHEMICAL FOR PARKS, PUBLIC WORKS AND CITY BUILDING	2,224.30
MICROMARKETING ASSOCIATES	BOOKS	24.64	VAN WALL GROUP	JD MOWER OIL FILTERS	18.74
MIDAMERICAN ENERGY	GAS/ELECTRIC	18,005.70	VEENSTRA & KIMM INC.	BLOOMING HEIGHTS PLAT 3	7,043.85
MSA PROFESSIONAL SERVICES INC	2040 COMPREHENSIVE PLAN	6,250.00	VERIZON	PHONE SERVICE	1,684.30
MUNICIPAL SUPPLY	METER SUPPLIES	1,053.72	WELLS FARGO BANK	CREDIT CARD PURCHASES	35,288.92
NORTH WARREN TOWN & COUNT	PUBLICATIONS	470.79	YOUTH ENRICHMENT LEAGUE	LAKWOOD JR ROBOTICS	484.00
NORWALK READY-MIXED CONCRETE	CONCRETE-STREET-CANDLEWICK	1,563.00			
OVERDRIVE INC	E BOOKS/ E AUDIOBOOKS	2,084.54		<b>TOTAL</b>	<b>1,081,541.80</b>

<b>City of Norwalk</b>			
<b>April 2022 Revenues</b>			
<b>Fund</b>	<b>Revenues</b>	<b>Fund</b>	<b>Revenues</b>
General	\$ 2,708,830.78	NCIS Infrastructure	\$ -
Trust & Agency	\$ 40.00	Water Utility	\$ 226,209.13
Road Use Tax	\$ 515,095.82	Water bond/sinking fund	\$ -
Special Revenue	\$ 713,617.86	Water Improvement	\$ 1,612.00
T&A Self Funding	\$ -	Water T&A	\$ 4,626.43
LOSST	\$ (36,554.65)	Water Reserve	\$ -
TIF	\$ 2,164,308.73	Sewer Utility	\$ 288,588.92
HIDTA forfeiture	\$ -	Sewer Improvement	\$ -
Economic Development	\$ -	Sewer equipment replacement	\$ -
T&A Plumbers Bonds	\$ -	Storm Water	\$ 51,434.09
T&A Library Trust	\$ 525.83	Stormwater equipment replacement	\$ -
T&A Park Trust	\$ 789.89	Warren Water Buyout	\$ 60,155.20
Debt Service	\$ 2,832,304.24		
Capital Improvements	\$ 524,700.00	<b>Total Monthly Revenues</b>	<b>\$ 10,056,284.27</b>

Motion by Livingston, seconded by Baker to approve **Resolution 22138** approving first and final Commercial Grant Program Payment to Young & Co. (1400 Sunset Dr.) in the amount of \$25,836, carried unanimously, RC.

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

Motion by Livingston, seconded by Lester to pass the first reading of an Ordinance amending Chapter 107, Benefited Stormwater Drainage District, of the Norwalk Municipal Code, carried unanimously, RC.

### **Public Hearing regarding establishment of Colonial Parkway Regional Stormwater Drainage District**

Mayor Phillips opened the public hearing at 7:21 p.m. Luke Nelson presented the project. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 7:23 p.m.

Motion by Lester, seconded by Kuhl to pass the first reading of an Ordinance to establish Colonial Parkway Regional Stormwater Drainage District, carried unanimously, RC.

### **Public Hearing regarding the FY22 Budget Amendment**

Mayor Phillips opened the public hearing at 7:24 p.m. Jean Kelly presented the amendment. Lindsey Offenburger reported receiving no oral or written comments. Mayor Phillips closed the public hearing at 7:26 p.m.

Motion by Riva, seconded by Livingston to approve **Resolution 22140** approving the FY22 Budget Amendment, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22141** approving the City of Norwalk Amended Budget Transfers for Fiscal Year 2022, carried unanimously, RC.

Discussion regarding G.O. Financing Options presented by Jean Kelly

Motion by Livingston, seconded by Lester to table a Resolution setting the date for a public hearing on proposal to enter into a General Obligation Sewer Improvement Loan Agreement and to borrow money thereunder, carried unanimously, RC.

Motion by Livingston to approve an Engagement Letter with Dorsey & Whitney for Bond and Disclosure Counsel in connection with the 2022A Series, General Obligation Bonds not to exceed \$15,500,000

Livingston withdrew her motion

Motion by Livingston, seconded by Riva to approve **Resolution 22143** as amended by approving Engagement Letter with Dorsey & Whitney for Bond and Disclosure Counsel in connection with the 2022A Series, General Obligation Bonds not to exceed \$20,000,000, carried unanimously, RC.

Motion by Livingston, seconded by Kuhl to approve **Resolution 22144** entering into an agreement with OneNeck to provide professional services for new phone system, carried unanimously, RC.

Motion by Kuhl, seconded by Baker to approve **Resolution 22145** approving wages and salary rates for City of Norwalk full-time, non-union employees for FY23, carried unanimously, RC.

Motion by Riva, seconded by Livingston to remove from table the consideration of a resolution approving the Site Plan of Legacy Commercial Plat 10, Lot 2, carried unanimously, RC.

Motion by Lester, seconded by Riva to approve **Resolution 22146** approving the Site Plan of Legacy Commercial Plat 10, Lot 2, carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve a Special Event Application for 4th of July Fireworks at McAninch Park. Motion carried on a roll call vote. Ayes: Kuhl, Livingston, Baker, and Riva. Nays: None. Abstain: Lester.

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

**Enter into Closed Session pursuant to Iowa Code Chapter 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation**

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 into Closed Session at 8:29 p.m. Carried unanimously, RC.

Motion by Lester, seconded by Livingston to adjourn the Closed Session at 9:00 p.m. Carried unanimously, RC.

**Enter into Closed Session pursuant to Iowa Code Chapter 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.**

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 into Closed Session at 9:01 p.m. Carried unanimously, RC.

Motion by Livingston, seconded by Lester to adjourn the Closed Session at 9:24 p.m. Carried unanimously, RC.

**Enter into Closed Session pursuant to Iowa Code Chapter 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.**

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 Livingston, seconded by Riva to enter into Closed Session at 9:26 p.m.  
Carried unanimously, RC.

Motion by Baker, seconded by Livingston to adjourn the Closed Session at 9:39  
p.m. Carried unanimously, RC.

Motion by Riva, seconded by Baker to adjourn at 9:40 p.m., carried  
unanimously, voice vote.

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Tom Phillips, Mayor

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Lindsey Offenburger, City Clerk