

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

(Minutes to be approved at the May 5, 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 6:02 P.M. Present at roll call: David Lester, Stephanie Riva, Ed Kuhl, Jaki Livingston and Mayor Tom Phillips. Absent: Brian Baker. (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 Riva, seconded by Kuhl to approve the agenda as amended, by removing item "h" from the agenda, Resolution setting May 19, 2022 for a Public Hearing regarding an Amendment to Chapter 175 Zoning Regulations regarding Swimming Pool Enclosures; and moving item "m" from the consent agenda to the regular agenda, Resolution approving Design Engineering Services for Merle Huff Avenue Drainage Improvements; carried unanimously, voice vote.

Welcome of Guests and Public Comment

Mark Snell, 196 80th Avenue, introduced himself to the Mayor and Council. He is running for Warren County Supervisor.

Jordyn Hill, 8988 42nd Ln, introduced herself to the Mayor and Council. She is running for Warren County Recorder.

Mark Reasnor, President of Windsor Windows, 901 S. Sunset Dr., spoke in regards to their appreciation to the City and several employees regarding the assistance they received regarding the tornado in March.

Proclamations

Mayor Phillips presented the following Proclamations:

Economic Development Week - May 9-13, 2022

Emergency Medical Services Week - May 15-21, 2022

National Public Works Week - May 15-21, 2022

National Police Week - May 15-21, 2022

Building Safety Month - May, 2022

Consent Agenda

Motion by Livingston, seconded by Riva to approve the consent agenda which included: April 21, 2022 minutes of the regular City Council meeting; tax abatements; Renewal Class C Liquor License & Class B Native Wine Permit for Winn's Pizza & Steakhouse; Renewal Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales for Kum & Go #240; Renewal Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales for Kum & Go #28; Set May 19, 2022 for a Public Hearing regarding the FY22 Budget Amendment; **Resolution 22118** approving payment to Denovo Construction Services; **Resolution 22119** approving payment to Windsor Windows for High Quality Jobs Program; **Resolution 22120** approving the May 5, 2022 Commercial Improvement Grant Application for 1400 Sunset Drive (Young & Co. Beauty); **Resolution 22121** to approve Pay Estimate No. 1 to Sternquist Construction for Sunset Drive/IA Hwy 28 and North Avenue Intersection Improvements Project; **Resolution 22123** approving the Library digital sign CIP project to occur in FY23; Correspondence; and expenditures, carried unanimously, RC.

Payee	Description	Amount	Payee	Description	Amount
ADVANCED PROBLEM SOLUTIONS	HVAC TESTING/REPAIR	931.50	LOGAN CONTRACTORS SUPPLY	SAW BLADES	1,700.00
AIRPORT SIGNS AND GRAPHIC	BANNER FOR T BALL REGISTRATION	225.00	MARY JANE SHARP	PAYMENT FOR SERVICES	418.60
BAKER & TAYLOR INC	BOOK	2,326.29	MICROMARKETING ASSOCIATES	BOOKS/FILMS	1,035.99
BOLTON &	GWT PHASE 3	21,887.00	MIDAMERICAN	801 NORTH AVE	193.13

MENK, INC	ENGINEER		ENERGY		
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	10.20	MUNICIPAL SUPPLY	12 MXU	1,872.00
CENTURYLINK	PHONE SERVICE	1,634.68	NORTH WARREN TOWN & COUNT	PUBLICATIONS	77.60
CTI READY MIX, LLC	CONCRETE- STREETS PONDEROSA	1,019.00	NORWALK COMMUNITY SCHOOLS	SHARED IT POSITION	25,000.00
CUMMINS SALES AND SERVICE	DIAGNOSIS & REPAIR 1099	1,398.32	NORWALK LIONS CLUB	FIREWORKS JULY 4 CELEBRATION	15,000.00
DENOVO	DESIGN-NORWALK CENTRAL	100,254.20	NORWALK READY-MIXED CONCRETE	CONCRETE- STREETS-BRAEBURN	797.00
DOUGHERTY LAW FIRM	CONTRACTUAL LEGAL FEES	5,600.00	PENWORTHY COMPANY	BOOKS	416.50
EAST WEST BOOKS	BOOKS	60.97	POLK COUNTY TREASURER	BLOOD DRAW	150.00
ERNEST J SEGEBART III	DJ FOR MOMMY AND ME	200.00	POOL TECH INC.	POOL CHEMICALS	712.25
GALLS	ALLOWANCES-UNIFORMS	1,109.25	PROCIRCULAR	CYBER SECURITY ANALYSIS	841.34
HIRTA PUBLIC TRANSIT	FY22 FUNDING	5,000.00	SHELDON PUBLIC LIBRARY	LOST BOOK REPLACEMENT	19.50
I-80 CONCRETE	STREET PATCHING PONDEROSA	1,030.46	SNYDER & ASSOCIATES INC	HWY 28 & BEARDSLEY PROJ	29,044.92
ICMA	MEMBERSHIP DUES	1,187.20	ST JOHN THE APOSTLE CATHO	RENTAL OF CHURCH FOR MOMMY AND ME	175.00
INTERSTATE ALL BATTERY CE	BATTERIES- OPERATING SUPPLIES	23.40	STERNQUIST CONSTRUCTION, INC	SUNSET DR / HWY 28 & NORTH AVE INTERSECTION IMPROVEMENTS	28,086.75
IOWA COMMUNICATIONS NETWORK	INTERNET SERVICE	352.50	STRATUS BUILDING SOLUTIONS	MEETING ROOM DEEP CLEAN	1,776.00
IOWA PRISON INDUSTRIES	PRIVATE STREET SIGNS	408.98	UNITYPOINT CLINIC-OCCUPATIONAL MEDICINE	DOT RANDOM DRUG VRBAN	84.00
JAMES OIL COMPANY LLC	FUEL	13,351.09	LYNDA MCNULTY	UTILITY DEPOSIT REFUND	63.43
JEBRO, INC.	OIL FILTERS (USED) DRUM	30.00	SHELLY SESKIS	UTILITY DEPOSIT REFUND	31.84
JIM GEORGE	TOPSOIL FOR TOP DRESSING	1,125.00	VEENSTRA & KIMM INC.	NE SEWER TRUNK DESIGN	6,938.77
JOHNSON CONTROLS	FIRE ALARM SERVICE	443.09	WARREN CO SHERIFF	PRISONER TRANSPORT	630.00
KAYLA BECKER	MILEAGE REIMBURSEMENT	27.85	WINDSOR WINDOW CO.	WINDSOR WINDOW HQJ GRANT	89,500.00
KB CUSTOM GLASS & METAL	CONFERENCE ROOM PS GLASS	1,750.00	WOODMAN CONTROLS COMPANY	MAINTENANCE AGREEMENT	1,302.90
LARRY	PS- CLEAN ALL	130.00			

WINDOWS	GARAGE DOOR WINDOWS INSIDE AND OUT				
LASER RESOURCES	COPIER CONTRACT	116.81		Total	\$367,500.31

Old and New Business for Consideration, Discussion and Possible Action

Motion by Livingston, seconded by Riva to table the consideration of a Resolution approving Design Engineering Services for Merle Huff Avenue Drainage Improvements. Riva requested staff to gain legal advice regarding what the city liability will be for the project. Carried unanimously, RC.

Motion by Livingston, seconded by Riva to approve **Resolution 22124** approving the Site Plan of Hughes Heartland Sportsplex, carried unanimously, RC.

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

Public Hearing regarding a Comprehensive Plan Amendment to change 10 acres south of Beardsley Street and west of the Shadow Creek Estates Planned Unit Development from Future Medium Density Residential to High Density Residential

Mayor Phillips opened the public hearing at 8:14 p.m. Luke Parris presented the amendment.

Lindsey Offenburger reported receiving written comments from Les Bruner, 559 Beardsley Street.

Adam Grubb and Jennifer Ellison with Jerry's Homes spoke in agreement with the Comprehensive Plan Amendment.

Oral comments were received from the following residents in opposition of the Comprehensive Plan Amendment:

Les Bruner, 559 Beardsley Street; Duanne Wittstock, 555 Beardsley Street; Jeff Halvorson, 597 Beardsley Street; Greg Theis, 563 Beardsley Street; Mick Fouts, 575 Beardsley Street.

Consideration of a Resolution approving a Comprehensive Plan Amendment to change 10 acres south of Beardsley Street and west of the Shadow Creek Estates Planned Unit Development from Future Medium Density Residential to High Density Residential

Mayor Livingston asked the Mayor to call the question at 8:18 p.m. Resolution failed for lack of a motion.

Mayor announced a break in the meeting at 8:19 p.m. Council came back into session at 8:29 p.m.

Public Hearing regarding a Zoning Amendment to change land west of Shadow Creek Estates south of Beardsley from A-R Agricultural Reserve to the Hackney Hills Planned Unit Development

Mayor Phillips opened the public hearing at 8:29 p.m. Luke Parris presented the amendment. Lindsey Offenburger reported receiving no additional oral or written comments than what was previously presented at the first Public Hearing.

Adam Grubb and Jennifer Ellison with Jerry's Homes spoke in agreement with the Zoning Amendment.

Oral comments were received from the following residents in opposition of the Zoning Amendment:

Les Bruner, 559 Beardsley Street; Duanne Wittstock, 555 Beardsley Street; Jeff Halvorson, 597 Beardsley Street; Greg Theis, 563 Beardsley Street; Mick Fouts, 575 Beardsley Street.

Consideration of the first reading of an Ordinance amending the Official Zoning Map of the City of Norwalk, Iowa by rezoning land south of West Beardsley Street from A-R Agricultural Reserve to the Hackney Hills Planned Unit Development

Motion by Kuhl, seconded by Livingston to table the consideration of the first reading of an Ordinance amending the Official Zoning Map of the City of Norwalk, Iowa by rezoning land south of West Beardsley Street from A-R

Agricultural Reserve to the Hackney Hills Planned Unit Development, 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: Riva, Kuhl and Livingston. Nays: None. Abstain: Lester. Absent: Baker.

Motion by Livingston, seconded by Riva to approve **Resolution 22127** approving and authorizing the acquisition of property and interests for the Beardsley Street and Highway 28 Improvement Project, carried unanimously, RC.

Motion by Riva, seconded by Livingston to approve **Resolution 22128** to approve updated FY23 Salary Matrix, carried unanimously, RC.

Motion by Lester, seconded by Livingston to pass the first reading of an Ordinance repealing Ordinance No. 22-09 Providing for the Division of Taxes Levied on Taxable Property in the February, 2022 Addition to the Norwalk Urban Renewal Area, carried unanimously, RC.

Motion by Riva, seconded by Lester to waive the second and third readings of **Ordinance 22-13** repealing Ordinance No. 22-09 Providing for the Division of Taxes Levied on Taxable Property in the February, 2022 Addition to the Norwalk Urban Renewal Area, carried unanimously, RC.

Council Inquiries & Staff Updates

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 9:34 p.m. Carried unanimously, RC.

Motion by Lester, seconded by Kuhl to adjourn the Closed Session at 9:36 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 Kuhl, seconded by Livingston to enter into Closed Session at 9:38 p.m.
Carried unanimously, RC.

Motion by Livingston, seconded by Riva to adjourn the Closed Session at 9:44 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 9:45 p.m.
Carried unanimously, RC.

Motion by Riva, seconded by Livingston to adjourn the Closed Session at 9:51 p.m. Carried unanimously, RC.

Motion by Kuhl, seconded by Lester to adjourn at 9:52 p.m., carried unanimously, voice vote.

Tom Phillips, Mayor

Lindsey Offenburger, City Clerk