

**ABRIDGED MINUTES OF THE NORWALK REGULAR CITY COUNCIL MEETING
ON SEPTEMBER 15, 2022**

(Minutes to be approved at the October 6, 2022 meeting)

This meeting of the City of Norwalk City Council, on September 1, 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, 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 (via Zoom), Human Resources Director; James Mease, Fire Lieutenant; 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 Livingston, seconded by Riva to approve the agenda as presented; carried unanimously, voice vote.

Dedicated Work Session

Teva Dawson with Group Creatives presented the development of the North River Arts and Culture Master Plan

Luke Parris presented the Traffic Study for Beardsley Street west of Lakewood

Welcome of Guests and Public Comment

Consent Agenda

Motion by Livingston, seconded by Riva to approve the consent agenda which included: Tax Abatements; September 1, 2022 minutes of the regular City Council meeting; Renewal Class C Beer Permit and Sunday Sales for Git N Go

Store #20; **Resolution 22236** approving a Grant Contract with the Governor's Traffic Safety Bureau; **Resolution 22237** to approve Pay Estimate No. 5 to Sternquist Construction for Sunset Drive/IA Hwy 28 and North Avenue Intersection Improvements Project; **Resolution 22238** to approve Pay Estimate No. 2 to Howrey Construction for construction of the Great Western Trail Phase 3 Connection Project; **Resolution 22239** approving the renewal of an Agreement with Midwest Breathing Air LLC; Monthly Reports; and expenditures, carried unanimously, RC.

PAYEE	DESCRIPTION	AMOUNT		PAYEE	DESCRIPTION	AMOUNT
ADVANCED PROBLEM SOLUTIONS	PS HVAC REPAIR	843.75		KAYLA BECKER	MILEAGE REIMBURSEMENT	23.50
AHLERS & COONEY, P.C.	LABOR & EMPLOYMENT	100.00		LASER RESOURCES	3UA297291	326.76
ALL TRAFFIC SOLUTIONS INC	BATTER SPEED SIGNS	330.00		LOGAN CONTRACTOR S SUPPLY	MASTIC ONE PLEXI MELT	1,890.00
AMERICAN TEST CENTER	TEST BUCKET TRUCK OVERHEAD LIFT	775.00		METRO WASTE AUTHORITY	COLLECTION COSTS	69,095.95
ANDREW JACKSON	BODY WORN CAMERA CASE, RADIO CASE, MAGAZINE CASE, AND HANDCUFF CASE FOR MY OUTER CARRIER	159.80		MICROMARKETING ASSOCIATES	BOOKS/FILMS	441.84
ANKENY SANITATION	20 YD EMPTY/ RETURN	300.00		MIDAMERICAN ENERGY	GAS/ELECTRIC	20,461.51
ANNETTE CLARK	MILEAGE REIMBURSEMENT	16.25		MIDWEST BREATHING AIR LLC	COMPRESSOR ANNUAL SERVICE	810.19
AXON ENTERPRISE INC	TASER 60 PROGRAM	560.00		MUNICIPAL SUPPLY	MXU'S	5,643.00
BAKER & TAYLOR INC	BOOK	1,806.09		NORTH WARREN TOWN & COUNT	PUBLICATIONS	408.13
BLUE WATER BACKFLOW DEVICE TESTING	BACKFLOW TESTING	832.50		NORTHLAND	BULK OIL - ALL VEHICLES	4,014.74
BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE	LEGAL FEES - HR	35,675.50		NORWALK READY-MIXED CONCRETE	CONCRETE-STROM- AVERY CT	785.00
BRICK GENTRY PC	BEARDSLEY & HWY 28	1,420.00		ONENECK IT SOLUTIONS LLC	CITY WIDE PHONE SYSTEM	10,033.50
CAPITAL CITY EQUIPMENT CO	BRUSHES FOR SKID STEER	1,049.60		PENWORTHY COMPANY	BOOKS/FILMS	616.53

CITY OF DES MOINES	WRA OCT 2022	108,150.25		PEPSI-COLA	MERCHANDISE FOR RESALE	387.38
CITY OF WEST DES MOINES	SERT TRAINING HALLER	406.25		PFM FINANCIAL ADVISORS LLC	FY23 RETAINER	8,000.00
CIVIC SYSTEMS, LLC	ACCOUNTS RECEIVABLE	375.00		PROCIRCULAR	CYBER SECURITY ANALYSIS	841.34
DARRIN CROW	PRESENTER FEE	275.00		SCHNEIDER GEOSPATIAL	PARCEL CONNECTOR HASTING	5,760.00
DENMAN & COMPANY, LLP	FISCAL YEAR END JUNE 30 2022	8,000.00		SNYDER & ASSOCIATES INC	SOUTHERN LOOP CONNECTOR	1,946.25
DETRICK EXCAVATING INC	HYDRANT METER DEP REF	2,141.81		STATE LIBRARY OF IOWA	ADDITIONAL CATALOGING FEE	304.37
DORNBOS SIGN, INC	SIGN HARDWARE	2,647.88		STERNQUIST CONSTRUCTION, INC	SUNSET DR/ IA 28 & NORTH AVE INT IMP	169,610.78
DOWNEY TIRE	AMBULANCE #1 TIRES	820.50		TARGETSOLUTIONS LEARNING, LLC	ONLINE TRAINING PLATFORM	4,401.80
FEIRER ENTERPRISES INC	WEBSITE MAINTENANCE	708.00		TIM HILDRETH CO	BOILER SERVICE	577.60
FIRE RECOVERY EMS LLC	AUGUST BILLING FEES	2,147.22		BRAD & SIMMIE BUEHLER	UTILITY DEPOSIT REFUND	12.51
GALLS LLC	ALLOWANCES - UNIFORMS	1,999.28		BRIAN BUTLER	UTILITY DEPOSIT REFUND	45.69
GREGG YOUNG	SILVERADO REPAIRS-COMPLEX VEHICLE	6,473.75		CINDY HOLLIDAY	UTILITY DEPOSIT REFUND	60.14
GRIMES ASPHALT AND PAVING	ASPHALT PATCH MATERIAL	75.75		KEATON DREHER	UTILITY DEPOSIT REFUND	3.60
HOWREY CONSTRUCTION	GWT PHASE 3	108,506.86		SCOTT MACDONALD	UTILITY DEPOSIT REFUND	12.74
IMWCA	FY23 PREMIUMS INSTALLMENT #3	25,612.00		VALLEY PLUMBING CO, INC	CURB STOP REPAIR- 4653 WAKONDA DR	2,795.00
IOWA COMMUNICATIONS NETWORK	INTERNET SERVICE	352.50		WARREN COUNTY ROBOTICS	PRESENTER FEE	100.00
IOWA LAW ENFORCEMENT ACADEMY	ASP INSTRUCTOR RECERT	50.00		WARREN COUNTY TREASURER	FY23 PROPERTY TAXES	1,274.00
IOWA PRISON INDUSTRIES	HARDWARE FOR SIGN INSTALLATION	567.05		WELLS FARGO BANK	CREDIT CARD PURCHASES	45,030.64
IOWA SUN CONTROL, INC.	WINDOW TINTING- 1100 CHATHAM	235.00		WOODMAN CONTROLS COMPANY	PS HVAC CONTROLS	414.86
JAMES OIL	FUEL	8,714.11		ZIEGLER INC.	GRADER REPAIR	644.29
JEAN STRABLE	MILEAGE REIMB	116.24			TOTAL	\$679,016.58

City of Norwalk			
August 2022 Revenues			
Fund	Revenues	Fund	Revenues
General	\$ 280,817.20	NCIS Infrastructure	\$ -
Trust & Agency	\$ 9,300.00	Water Utility	\$ 481,467.38
Road Use Tax	\$ 170,092.21	Water bond/sinking fund	\$ -
Special Revenue	\$ 4,100.32	Water Improvement	\$ 897,492.97
T&A Self Funding	\$ -	Water T&A	\$ 6,876.99
LOSST	\$ 113,118.58	Water Reserve	\$ -
TIF	\$ 6,778.40	Sewer Utility	\$ 350,634.08
HIDTA forfeiture	\$ -	Sewer Improvement	\$ -
Economic Development	\$ -	Sewer equipment replacement	\$ -
T&A Plumbers Bonds	\$ -	Storm Water	\$ 572,510.05
T&A Library Trust	\$ 1,530.36	Stormwater equipment replacement	\$ -
T&A Park Trust	\$ 893.75	Warren Water Buyout	\$ 598.87
Debt Service	\$ 103,916.56		
Capital Improvements	\$ 19,632,150.00	Total Monthly Revenues	\$ 22,632,277.72

Old and New Business for Consideration, Discussion and Possible Action

Motion by Riva, seconded by Livingston to approve **Resolution 22240** to approve the execution of Easements and Fee Title Acquisitions for the Beardsley Street and IA Hwy 28 Intersection Improvements Project, carried unanimously, RC.

Motion by Livingston, seconded by Kuhl to approve **Resolution 22241** approving a Public Access Shared Driveway Easement Agreement, carried unanimously, RC.

Motion by Kuhl, seconded by Livingston to approve **Resolution 22242** accepting infrastructure and approving the Final Plat of Sunset Estates Plat 4, carried unanimously, RC.

Consideration of a Resolution accepting a Valley View Parkland Agreement

Motion by Kuhl to approve the Resolution as amended by adding a completion date of September 15, 2025 and the requirement to obtain a surety if at the deadline of September 15, 2025 the parkland is not deeded to the City.

Kuhl withdrew his motion to approve the Resolution as amended by adding a completion date of September 15, 2025 and the requirement to obtain a surety if at the deadline of September 15, 2025 the parkland is not deeded to the City.

Motion by Kuhl, seconded by Livingston to approve **Resolution 22243** accepting a Valley View Parkland Agreement as amended by adding a completion date of September 15, 2025. Motion carried on a roll call vote. Ayes: Riva, Kuhl and Livingston. Nays: Lester. Absent: Baker.

Motion by Livingston, seconded by Riva to approve **Resolution 22244** accepting infrastructure and approving the Final Plat of Valley View Plat 1, carried unanimously, RC.

Motion by Riva, seconded by Livingston to approve **Resolution 22245** authorizing the Mayor to execute a 28E Agreement between Central Iowa Law Enforcement Agencies for traffic enforcement, carried unanimously, RC.

Discussion regarding parkland vacation in Sunset Estates

The property owners of 1104 and 1108 Orchard Hills Drive are requesting to purchase certain parkground in Sunset Estates adjacent to their properties.

Brice Floyd, 1108 Orchard Hills Drive spoke regarding their request. He indicated when they bought their property, the sod and irrigation system were already installed by the builder into the portion of the park they are requesting to purchase. Clear lot lines were not provided at the time of their purchase. Brice

also indicated they are willing to pay for appraisal fees and attorneys fees associated with the land purchase.

Consensus from Council was that staff should proceed with the necessary steps to appraise and sell the certain parkground in Sunset Estates to the owners of 1104 and 1108 Orchard Hills Drive.

Council Inquiries & Staff Updates

Hollie Zajicek and Ryan Husmann (Husmann Construction) provided an update on a potential hotel in Norwalk.

Robin Leaper provided an update regarding Parkland to Resident Ratio

Closed Sessions

Enter into 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 (Water Tower/Lift Station)

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 8:21 p.m., carried unanimously, RC.

Motion by Livingston, seconded by Riva to adjourn Closed Session at 8:48 p.m., carried unanimously, RC.

Enter into 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 (Certified Site 2.0)

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 Lester to enter into Closed Session at 8:49 p.m., carried unanimously, RC.

Motion by Livingston, seconded by Riva to adjourn Closed Session at 9:02 p.m., carried unanimously, RC.

Enter into 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 (Regional Parkland)

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 9:03 p.m., carried unanimously, RC.

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

Enter into Closed Session pursuant to Iowa Code Section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session

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 9:29 p.m., carried unanimously, RC.

Motion by Lester, seconded by Livingston adjourn Closed Session at 10:12 p.m., carried unanimously, RC.

Motion by Lester, seconded by Livingston to adjourn at 10:21 p.m., carried unanimously, voice vote.

Tom Phillips, Mayor

Lindsey Offenburger, City Clerk