

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 04-07-16
(Unabridged)

Mayor Phillips called the City Council meeting to order at 6:02 p.m.

Present at roll call: David Lester, Erika Isley, Stephanie Riva, Ed Kuhl and Jaki Livingston. (RC = roll call vote)

Staff present included: Jodi Eddleman, City Clerk; Jean Furler, Finance Director; Holly Sealine, Library Director; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Luke Parris, City Planner; Planning Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Ryan Coburn, Fire Department; and Jim Dougherty, City Attorney.

Mayor Phillips requested that item 13 be moved after the consent agenda for discussion.

16-059 Motion by Livingston, seconded by Isley to approve the **agenda** as amended. Voice vote carried unanimously.

Presentations

Mayor Phillips presented a plaque to Robin Wagner for her years of service on the Planning and Zoning Commission.

Art Davis Senior Vice President of Waters & Company addressed the council regarding the new recruitment timeline and position profile for the city manager position.

Art presented a tentative schedule based on the availability of the council and candidates with applications in by May 16 and recommendations made for semifinalists by May 31st. Onsite interviews would be conducted the week of June 20th and then an offer of employment the week of June 27th.

Isley asked if the council would approve the position profile and recruitment brochure, Davis responded that formal approval is not necessary. Council can review but might add time to get responses back.

The mayor removed item 14 discussion regarding the city manager position from the agenda.

Welcome of Guests and Public Comment

Mayor Phillips welcomed guests and invited the public to speak to an item that is not on the agenda.

16-060 Motion by Isley, seconded by Lester to approve the March 3rd **minutes** of the regular council meeting and the March 31st minutes of the special business meeting. Voice vote carried unanimously.

Consent included **liquor license renewals for** Cal's Fine Food & Spirits II, Dollar General Store #284, Gateway Market at the Wright Place, **Resolution 0407-16-037** approving requested changes to the Federal Functional Classification System, **Resolution 0407-16-038** adopting position descriptions and compensation range for the Assistant Building Department Coordinator **expenditures:**

ACME TOOLS	TOOLS	218.99	JERRILYN DAVEY-BECK	MAILBOX	54.00
ADVENTURE LIGHT	LIGHTING	247.29	LASER RESOURCES	RETURN CHARGE	495.16
BRIAN PETTIT	TRAINING	10.17	MENARDS	SUPPLIES	390.20
BSN PASSONS	EQUIPMENT	1,446.88	MERCY COLLEGE	CPR AED ECARDS	104.00
CALHOUN BURN	50TH AVE BRIDGE	2,116.00	METRO WASTE	TURF GOLD	38,947.63
CAPITAL SANI	SUPPLIES	229.22	MICHAEL SCHULTZ	TRAINING	9.21
CHRIS MURILLO	TRAINING	8.47	MID IOWA SOLID	SWEEPER PARTS	119.09
CIS ATHLETIC	MOUND REPAIR	600.00	MIKE MYER	TRAINING	9.00
CNM OUTDOOR	TOOLS	99.36	MUNICIPAL SUPPLY	SUPPLIES	5,255.60
CODY RIES	TRAINING	6.67	NANCY KUEHL	CANDY / PRIZES	84.90
DAVIS EQUIPMENT	TOOLS	556.52	NORWALK READYMIX	MAIN ST & LEWIS	960.50
DSM WW	DMWW	290.00	OVERHEAD DOOR	TOP DOOR SEAL	31.20
EXTERIOR SHEET	MATERIALS	121.68	PAUL SWIFT	VISION	200.00
FREEDOM TIRE	PW PICK UP	384.88	PEEK SALES	GRASSHOPPER PARTS	146.48

GE CAPITAL	RETURN CHARGE	75.00	PURCHASE POWER	POSTAGE	1,000.00
GENERAL FIRE	INSPECTION	2,062.90	SARA MYERS	BASKETBALL REFUND	57.00
GRIMES ASPHALT	COLD MIX	226.30	SARAH HOMMER	EGG HUNT REFUND	10.60
HALLETT MATERIALS	ROADSTONE	3,382.28	SCCIC	2016 DUES	100.00
HARLAND TECH	TONER	257.00	TYLER TECH	SET UP	312.50
HILLTOP TIRE	JAC MOWER TIRES	57.84	VEENSTRA & KIMM	LEGACY PLAT 19	12,947.39
JACKSON CREEK	FOUNDERS' DISTRICT	117,525.81	WADES AUTO GLASS	UNIT 127	173.00
JEBRO, INC.	OIL FILTERS	30.00			

16-061 Motion by Livingston, seconded by Riva to approve the **consent** agenda passed unanimously, RC.

Pool discussion

Michael Fisher, PE Waters Edge Aquatic Design addressed the council regarding the city pool. He looked at the items that are safety issues and items that are operational issues. The pool was built in the early 90s and is showing signs of its life. There are a few things that need adjusted to be safer and operate better also. The structure of the main pool and the plunge pool appear to be in decent order, there are a few cosmetic issues and there are no solid signs that it is leaking.

Isley asked about the basin lasting ten years with regular maintenance. Fisher replied that yes it should last there is nothing major as far as structure goes.

Kuhl stated that there were concerns that there might be an underlying issue and asked Fisher if he had found any evidence of that. Fisher said no that he hadn't found evidence of that.

Isley asked about doing the core samples. Fisher responded that if there was a concern with the structure of the pool then that would need to be done.

Riva asked why the water level continues to go down. Fisher stated that it is a probably a caulk joint that would have to have regular maintenance done. A hydrostatic relief valve could be installed to allow that water to go back into the pool. If the council desires to do a core drilling it will probably cost roughly \$1,000. But Fisher does not see a need to do that in the ten year plan. The mayor asked if the caulk joint fails and water shoots out of that joint is that an issue. Fisher replied the pool was designed to allow water to pool around the basin that it wasn't designed as a under drain system. The mayor asked how often the caulk joints should be replaced. Fisher responded that generally, two years.

Livingston asked Fisher to clarify the cost that does not include the heaters. Fisher responded that the 120k to 130k to open the pool does not include the cost of the heaters. Livingston asked Furler about the bid threshold, Furler responded \$135,000.

Kuehl said that this would be a two phase project; first phase would open the pool this season phase 2 would begin in the fall. The mayor asked how long it would take to make repairs to open. Fisher stated that he would need to create a design and get bids from the subs. Construction could begin 2 to 3 weeks after the bids are received. Livingston asked if Fisher would recommend contractors that could do the work and he responded that yes he could. The State of Iowa health department also has a process to ensure that the work is being done correctly and that it is not a fast process. Livingston asked Fisher if it was his recommendation that these things have to be done to make the pool safe to open, Fisher replied yes. Kuhl asked what Fishers role would be. Fisher responded that Waters Edge would create a design plan and the specifications for the contractors to follow and manage the project as consultants.

Isley asked what the city should expect regarding ongoing maintenance and what costs would be involved in that over the next 10 years. Fisher responded that caulking of the deck and pool would need to be done every couple of years. Hoskins asked Fisher to provide an operating and maintenance manual and to assist the city modifying it to fit the city's facility. Fisher concurred. Mayor Phillips asked about the life expectancy on the pump and heater. Fisher responded that you should be able to get 10 years out of those components.

Lester asked about the diving board being replaced. Fisher stated that they had evaluated it for safety issues and discovered that the pool is too shallow for the diving board. Livingston stated that could be a liability for the city that it should be taken care of. Riva asked what the cost would be to replace the electric panel. Kuehl stated that an electrician had given her a bid of

\$27,950 that included the underground lights. Fisher stated that his number doesn't reflect changes to the panels. Riva asked if he had an idea on cost to do that. Fisher estimated \$5,000.

It was the consensus of the council to move forward on getting repairs done immediately to allow for the pool to open and to approve a contract at the April 21st meeting.

Brett Cermak, Chair of Park and Recreation Commission, said that the park board agreed that it should be repaired and opened.

Public hearing

Mayor Phillips opened the Public hearing on the proposed rezoning of Cort Landing, LLC to rezone 2.31 acres of land at the SW intersection of IA Hwy 28 and Elm Avenue from C-2 Commercial to R-1 residential at 6:42 p.m.

Paul Clausen, Civil Engineering Consultants addressed the council. The developer is concerned about the development of the parcel zoned C-2 because of the 30' buffer requirement. Staff reviewed the parcel determining that the building envelope could likely fit a commercial building but that the buffer requirement hampers the ability to provide appropriate parking on the site. To approve a commercial site plan, the city would need to reduce the 30' buffer requirement in the PUD.

Isley asked if the drainage upstream would be improved and if the new lots were viable lots. Clausen responded that Mr. Cortum has gone in and improved those lots and that they are battling the area intake that should take care of that. The grade is much steeper so that the water will not be sitting there. There will be a small dry pond located behind the homes and is designed to drain within an hour. Riva stated that she understands the concern of not having direct access from Highway 28 but there are two entrances from the Highway are those not sufficient for access and is there a concern with the parking. Clausen stated that yes fitting the commercial site on the lot with the building restrictions was a concern.

Kelly Cortum, Kelly Cortum Incorporated, looked at the possibility of commercial development but because of the buffers and the drainage easement had decided that the best use would be residential.

Eddleman reported receiving no comments; Phillips closed the public hearing at 6:55 p.m.

16-062 Motion by Livingston, seconded by Isley to approve consideration of the first reading of an ordinance amending the master plan and rules, regulation and guidelines for the Dobson Planned Unit Development as contained in Ordinance No. 15-05 passed 4-1 with Riva voting nay, RC.

Public hearing

Mayor Phillips opened the Public Hearing on the request from United Properties LC to rezone approximately 28 acres of land at the northeast corner of IA Hwy 28 and Beardsley Street from a mix of C-O, C-1, PC, R-4 and R-3 to a mix of C-3, R-4, R-3 and R-2 in the Echo Valley PUD at 6:56 p.m. Eddleman reported receiving no comments.

Scott McMurray, United Properties showed the council a concept drawing of what they are hoping the development will look when it is finished. He talked about commercial located along the highway, a bi-attached home project as well as senior housing. There will be connectivity back to the golf course and to the residents that live in Echo Valley Estates.

Kuhl asked how the developer plans to buffer between the commercial lot and the houses to the east. McMurray stated that there is about a 2 acre area (out lot Z) that is part of the golf course and is a tree lined creek area and a golf hole. There is also a natural buffer to the north. Kuhl asked about the PUD. McMurray stated that there is already a development agreement in place. Everything on the west side of the site will be commercial with limited residential for reasons outlined in the development agreement and to make it a unique development.

John Putbrese, 3817 Bluestem Road spoke against the rezoning, he is concerned about a privacy issue with a hotel being built on the site. He believes that the Echo Valley development is a jewel for Norwalk but is adamantly opposed to a hotel being built in his back yard. He would

like to see the council rezone with restrictions on what is built on the east side of the site and believes it should remain zoned for residential. John read a statement from Jason Chance, 3806 Bluestem Road, who is also opposed to the rezoning. Livingston asked Putbresi if he was opposed to a senior living community. He is not. McMurray stated that this is a conceptual development plan and that no deals have been signed. In addition, every development that comes through will have site plan approval with details worked out through city staff.

Livingston stated that the rezoning is for the entire development, McMurray said that the existing PUD zoning allows for the development of parcel J. The lots that were bought along Hwy 28 were not included in the PUD. Kuhl asked if once the site is rezoned could any of those uses in that zoning classification be allowed and asked if there could be restrictions in the rezoning to make it more refined. Luke Parris, city planner spoke and said the current PUD allows for 35% zoned R4, 35% zoned R3 with the remaining zoned commercial.

Livingston asked McMurray how many people from the development came to the meeting regarding the hotel. McMurray said none of the residents attended. Livingston asked if there had been any other efforts, besides the meeting that was held to reach out to that neighborhood. McMurray said no. Lester asked what part of the C3 uses McMurray wanted added. McMurray stated that the three that were added were gas stations, car washes and lumberyards and explained why they had those added. McMurray believes the corner of Hwy 28 and Beardsley is possibly the best commercial corner in the City of Norwalk and does not want to be limited on what can go there. Livingston clarified that the concern was with the hotel being put on the east side of the site not with what was going on the highway. Isley stated that she has an objection with a gas station being put on the site. McMurray stated that through the development process with the city the desire was to have limited residential development on that site. Isley stated that it could be rezoned to C2 which does not allow gas stations. Kuhl stated that there would need to be commercial access directly off of Mastellar. Lester stated that if it is not commercial that could affect the TIF agreement. Dougherty stated that the city was expecting to fund the expenses that are incurred with the construction of the street through commercial tax increment financing. If residential is built along that street then the city is restricting its ability to use commercial TIF funds to pay for that. Isley has an issue of adding C3 to the area. The mayor suggested reviewing the tax abatement to not allow incentive to gas stations. Wagoner spoke as to why staff recommended approval of the C3 rezoning. The zoning ordinance was recently updated to reflect that the most strict buffer yard that is required is 75 feet in width; McMurray has voluntarily proposed one twice that size, the width of the trees between the developments is 150 feet of a wooded buffer.

16-063 Motion by Livingston, seconded by Lester to approve the first reading of an ordinance amending the master plan and rules, regulation and guidelines for the Echo Valley Community Planned Unit Development as contained in Ordinance No 03-08. Motion failed, 2-3 with Kuhl, Isley and Riva voting nay, RC.

Dave Hixenbaugh, 4903 Lakewood Drive, addressed the council.

The mayor removed item 11 from the agenda.

Update on subarea 1 master plan process

Wade Wagoner gave a report to the council regarding the subarea 1 plan which is a three phase process; the first phase was a joint workshop February 11, the second phase is a draft plan that will be brought back and phase three will be a public hearing. A visual preference survey was taken and there were over three hundred responses to that. Isley asked how the survey was monitored and what feedback was given. Wade stated that consultants would compile all of those responses and provide that to the council.

Trent Stanley, 105 Main Street, addressed the council of his concerns of affordable housing for residents in the City of Norwalk.

Staff reports

Holly informed the council that the library is getting a new software upgrade.

Chief Staples informed council that the GTSB grant was approved and Officer Dunlap completed field training.

Chief Coburn stated pancake breakfast was a success, has also had successful training on burning of a structure.

Wade informed council that an amendment to the Holland agreement will be on the April 21, council meeting.

Mayor reminded everyone of community chat on April 9.

16-064 Motion by Isley, seconded by Riva to **adjourn** at 8:35 p.m. passed unanimously on a voice vote.

Tom Phillips, Mayor

Attest: _____

Jodi Eddleman, City Clerk