

**MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 05-09-16**  
(Unabridged)

Mayor Phillips called the City Council meeting to order at 7:00 p.m.

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

Staff present included: 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 indicated that Item 16 would be moved to item 5 if there was no objection. A motion was made by Livingston, second by Isley to approve the **agenda** as amended. Voice vote carried unanimously.

Arlen Schrum of Shull & Company presented the city's FY14/15 cash basis audit.

**Welcome of Guests and Public Comment**

Richard Glade, 612 Sawgrass spoke on behalf of the Legacy Village Homeowners association regarding their private street. They are responsible for their own snow removal, street cleaning, street lighting, etc. They did not understand fully when they purchased their townhomes that all maintenance would be the responsibility of the homeowner's association. They admit they should have done more research throughout the process. Mr. Glade asked that the city not allow private streets in Norwalk in the future to avoid these pitfalls. The city did indicate that the homeowner's association would be able to put up a gate to disallow public traffic on their private street.

**Consideration of third reading of an ordinance amending the master plan and rules, regulations and guidelines for the Dobson PUD**

Mayor Phillips indicated this area is currently zoned C-2, however the parcel is too narrow to have buffers and parking on this piece of property. The developer is asking for R-1 zoning to allow single-family development. On a motion made by Livingston and second by Isley the re-zoning request was approved 4-1 with Riva voting nay, RC.

**Ordinance amending Orchard View PUD**

Luke Parris presented the information and related requests. Parris indicated the proposal does not change the uses but requests the following:

- Setbacks from private roadways are identified on the attached Master Plan for Parcel 3.
- Change the required setback for the complex from 30' to 35' and to allow for a 15' buffer to overlap the 35' setback.
- The requirement for "owner occupied units" be deleted

Riva presented some history regarding the project as a P&Z member. She indicated that the developer at the time requested R-3 zoning owner-occupied housing, which was tabled by P&Z. Developer came back to P&Z and agreed to include 8 units per acre owner-occupied. The intention was always that the units would be townhomes and that they would be owner-occupied. P&Z approved the R-3 request with lower density requirements. Riva indicated she wasn't sure the city should be in a position to enforce rental vs owner-occupied.

Lester asked if the builder was intending on building to own or rent. Staff did not ask the developer that question. Livingston had concern regarding the validity of the ordinance if we change the requirements. Isley supported leaving the buffer requirements as stated by the city. Riva concurred.

Daugherty indicated that the council could approve some or all of the requests by the developer depending on their preference.

Chad Ross, P&Z Chair spoke regarding the PUD and his reasons why the P&Z approved the original PUD. Concerned about making changes after agreement reached, however he understands the property has been sold.

John Larson, developer from Grimes, Iowa spoke in favor of the proposed changes to the PUD. He showed pictures of the potential townhomes and landscaping. Larson indicated that the plan is to build the townhomes prior to any other development as long as the preliminary plat is approved. Larson emphasized the units are for sale and that is the intent. They would like the non-rental language removed to help sales.

Livingston indicated she was not interested in modifying the rules to encourage residential building and believes Norwalk is growing at a rate fast enough to not have to make exceptions. She also did not support the concept of private streets. Larson indicated they would be willing to turn the responsibility of the streets over to the city upon acceptance.

Melissa Hills, Civil Engineering Consultants (CEC) spoke in favor of the PUD. She indicated the private streets are a loop and will not be affected similar to the Legacy Village area discussed earlier. In addition, as far as landscaping one of the options is to put up a solid buffer wall without setback requirements. However, for aesthetic reasons the developer would rather put in a 50 foot landscape buffer.

Allyson Seymour, 702 Hickory Drive spoke against amending the PUD.

Richard Glade, 612 Sawgrass asked why the need for a buffer in this development. Melissa Hills, CEC responded that the intent of the buffer is to comply with city code.

Carl Morton, 610 Tangelo Circle spoke against amending the PUD.

Craig King, Commercial Broker spoke regarding the original PUD indicating the owner-occupied language was a compromise between the owner at the time and the city.

Chandler Tice, formerly 118 West Pine, currently building a home at 105 Orchard Place Trail spoke against amending the PUD.

Livingston, Isley and Riva all agreed they are not interested in removing the owner-occupied language.

The Ordinance amending the Orchard View PUD failed for lack of motion.

### **Resolution approving Norwalk Orchard View townhomes**

Resolution approving Norwalk Orchard View Townhomes was removed from the agenda.

On a motion by Livingston and second by Riva **2nd reading of ordinance amending the master plan and rules, regulations and guidelines for the Echo Valley Community Planned Unit Development as contained in Ordinance No 03-08** passed with Isley voting nay, RC.

Scott McMurray indicated minutes need to be revised to accurately reflect first reading motion. The motion was to restrict the commercial zoning to allowable C-2 uses only (nothing in the C-3 category) and to lift the restrictions on the R-4.

Chad Ross, P&Z Chair stated his reason for voting no is he felt the density levels were tight. He did indicate he thought it was a good project.

On a motion by Livingston and second by Lester the **3rd reading of ordinance amending the master plan and rules, regulations and guidelines for the Echo Valley Community Planned Unit Development as contained in Ordinance No 03-08 was waived** with Isley voting nay, RC.

On a motion by Livingston and second by Lester the **Resolution approving the preliminary plat for Market Place at Echo Valley** passed unanimously, RC.

Isley was concerned about the street name and McMurray indicated they would concede the street name to Hy-Vee.

### **Discussion and possible action request for urban chickens**

Luke Parris presented information regarding the request for urban chickens. City code allows this, however zoning codes do not. Staff would like to bring a formal process back to council.

Stacey Squiers, 1313 Main Street requested the ability to raise urban chickens at her home in the city limits. Squiers indicated she raises chickens as part of educating her first grade classroom and asked that she be able to maintain no more than 4 hens on her property.

On a motion made by Livingston and second by Kuhl the request was approved unanimously, RC.

#### **Consider request by Herb Eckhouse LaQuercia**

Kathy Eckhouse, owner of LaQuercia spoke regarding the American Wine and Cheese Festival that will be held July 26, 2016. LaQuercia would like to host an outdoor event in conjunction with the festival. LaQuercia is requesting the council approve this request and allow the Norwalk School District provide bus service.

Lester questioned why the council is approving this request as opposed to the school district. Mayor Phillips indicated the city has to designate the use of the buses as a "public purpose" based on Iowa code. The school will provide the bus drivers and LaQuercia will reimburse expenses.

On a motion made by Isley and second by Livingston the request was approved unanimously.

On a motion by Livingston and second by Riva **the Resolution amending the Holland Park Farms development agreement** passed unanimously, RC.

Wade Wagoner spoke regarding the amendment and outlined the benefits of the amended development agreement and park redesign.

- Eliminates expensive excess soils export costs.
- Improves the park and creates a trail head/parking lot
- Improves value of Commercial pad sites for seller and for future tax revenues
- Expedites commercial development in Norwalk

On a motion by Livingston and second by Isley the **Resolution approving the FY 16/17 salary schedule** passed unanimously, RC.

Livingston supported 2%. Kuhl supported maintaining union and non-union consistency. Riva indicated she would like to see a merit/performance system put in place.

The city council approved a 2% cost-of-living adjustment/general wage increase for all non-union employees effective July 1, 2016.

On a motion by Lester and second by Isley **a resolution prohibiting tobacco use in the city parks passed** with Kuhl voting nay, RC.

Nancy Kuehl, Park & Recreation Director presented the resolution prohibiting tobacco use in all city parks. The Parks & Recreation Commission supported the resolution unanimously. The American Lung Association will provide the signs to the city.

Jim Daugherty indicates state law allows the city to prohibit smoking in public areas including parks.

Brian Vanderheyden, American Lung Association introduced himself and indicated surrounding communities are also participating in this program.

#### **Fire Department reorganization discussion**

Fire Chief, Ryan Coburn presented a re-organization plan for the fire department that would include eliminating the assistant chief job and establishing three captain positions. Coburn indicated this would create more balance and eliminate another layer in the organization.

On a motion by Lester and second by Kuhl city council unanimously **approved the FY 14/15 audit for the City of Norwalk.**

**Staff Reports**

Jean Furler reported the audit responses outlined in the final pages of the FY15 audit was put together by staff and she feels comfortable the recommendations will remedy any deficiencies listed in the report.

Holly Sealine reported the library received the warren county philanthropic grant for information technology updates. Nancy Kuehl reported that the dog park committee received a warren county philanthropic grant as well.

Greg Staples gave a brief update of events in his department.

Ryan Coburn indicated staff hours will be expanded in his department beginning July 1, 2016.

Wade Wagoner gave a brief community development update.

The Mayor gave a brief summary regarding Norwalk community events and indicated he would be attending the Greater Des Moines Partnership annual DC trip May 11-13. Community chat will be held Saturday, May 14 at 10:00 am.

Motion by Lester second by Riva to **adjourn** at 9:02 p.m. passed unanimously on a voice vote.

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Tom Phillips, Mayor

Attest: \_\_\_\_\_

Jodi Eddleman, City Clerk