

UNABRIDGED MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 08-04-16

(Minutes to be approved at the August 18th, 2016 meeting)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Erika Isley, Ed Kuhl, David Lester, Jaki Livingston and Stephanie Riva
Absent: (RC = roll call vote)

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

16-149 Motion by Lester, seconded by Livingston, to approve the agenda, carried unanimously by voice vote.

Welcome of Guests and Public Comment

With no one present wishing to speak, Mayor Phillips opened the business portion of the meeting.

16-150 Motion by Riva; seconded by Kuhl to approve the minutes of the July 21st, regular city council meeting.

Consent included tax abatements; liquor license renewal for Outskirtz; **Resolution 0804-16-081** adopting the 2015-2016 Street Finance Report; **Resolution 0804-16-082** approving soil testing and observation services for the Beardsley Regional Stormwater Detention Phase II; Parks and Recreation Commission Appointments; and expenditures.

ALLEGRA	BROCHURES	571.46	LOGAN ARENDS	MILEAGE REIMBURSE	81.54
ARL	ANIMAL INTAKE	125.00	MATT ALEXANDER	POOL PAS REFUN	37.10
BEST PORT TOLIET	JAZZ FESTIVAL	140.00	MENARDS	TOOLS	626.87
BOBS TOOLS	DUMP TRUCK	27.98	METRO WASTE	PREMIUM COMPOST IT	39,520.32
BROWN EQUIP	MOWERPARTS	73.80	MICHELLE SAMS	SWIM LESSONS REFUND	60.00
CALHOUN BURNS	50TH AV BRIDGE	4,020.40	MICROSOFT	TABLETS	3,522.26
CAP SAN SUPPLY	BLDG DISPENSERS	1,851.68	MIDAMERICAN ENERGY	UTILITIES	19,713.22
ACE HARDWARE	POOL PARTS	23.97	MIDWEST K-9	ZENA BOARDING	75.00
CARPENTER	UNIFORM ALLOW	420.47	MILLER AUTO	PAINT DUMP TRUCK	403.20
CENTURYLINK	PHONE SERV	1,077.55	MURPHY TRACT	BACKHOE PARTS	82.90
CITY DES MOINES	WRA PYMT	90,889.50	NICHOLS EQUIP	ROLLER RENTAL	2,424.00
CNM OUTDOOR	CHAINS	101.22	NICOLE DAWDY	LESSON REFUND	25.00
CONFLUENCE	LAND USE PLAN	6,818.41	NWTC	JULY MINUTES	328.95
CONST AND AG	TREE WATER HOSE	87.77	OXEN TECH	WIRELESS ARRAY SUPPORT	1,620.00
DAWN BANKS	LESSON REFUND	23.00	PELVA MECH	POOL REVISIONS PHASE i	93,800.00
DELAGE LANDEN	COPIERS LEASE	701.08	POOL TECH INC.	CHEMICALS	276.00
DENISE MCCLURE	RENTAL REFUNDS	45.00	PURCHASE POWER	POSTAGE	1,000.00
DSM WW	LAB & CCR FEES	47,917.62	RANKIN	PHONE MAINTEN	305.00
DORISA SIMPSON	PASREFUND	37.10	RUDOLF	NORTH AV LOT	1,275.00
DOWNEY TIRE	MOWER	175.86	SANDY DUNN	POOL PASS PARTIAL REFUN	37.10
FARNER BOCKEN	CONCESSION	514.41	TAXPAYERS ASSOC	LOCAL GOVT COLLAB	900.00
GRIMES ASPHALT	MATERIAL	3,146.96	TIM CALVERT	POOL PASS PARTIAL REFUN	18.55
HANNAENGELING	REFUND	26.50	TYLER TECH	INCODE TRAINING	2,338.40
IMWCA	WORK COMP	11,589.00	U S POSTAL SERVICE	PUBLIC SAFETY POSTAGE	300.00
INDOFF INC	SUPPLIES	32.22	WADE WAGONER	MILEAGE TO EXILE BREWER	115.67
IA DEPT PUBLIC	WARRANTS	1,020.00	WAYNE DENNIS	HVAC FILTERS	236.14
IA PRISON IND	STREET SIGNS	3,356.47	WOODMAN CONTROL	HVAC SERVICE	276.00
JEN WUBBEN	LESSON REFUND	60.00	ZEP MANU	SUPPLIES	250.29
JESTER INS	LIABILITY INS	138,441.00			

16-151 Motion by Kuhl, seconded by Livingston to approve the consent agenda, passed unanimously, RC.

Public hearing consideration of an ordinance amending the section of the City Code Chapter 55 animal control and protection Chapter 177 rates and fees.

Mayor Phillips opened the public hearing at 6:04 p.m.

Eddleman reported receiving no comments.

Mayor Phillips closed the public hearing at 6:04 p.m.

Consideration of a first and possibly more readings of an ordinance amending the section of the City Code Chapter 55 animal control and protection Chapter 177 rates and fees.

At the June 2, 2016 City Council meeting, the Council directed staff to develop a finalized draft of an ordinance amendment that would allow up to four chickens at a residence provided specific criteria was met and that an annual license was obtained. Staff has developed the requested draft using the 2009 Proposed Urban Chicken Ordinance as a guide. The draft ordinance amendment also includes relevant changes needed to other sections of the City's codes to allow for urban chickens. On July 25, 2016, the Planning and Zoning Commission was set to hold a public hearing and vote on an amendment that would regulate the enclosure of chickens as an accessory use in the R-1 Single Family Residential zoning district. That hearing and vote did not take place due to a lack of quorum at the meeting. To continue forward, the City Council can consider an ordinance that amends sections of the City Code allowing for urban chickens. This will give the City Council the opportunity to determine if urban chickens are appropriate in the City or not. If the City Council approves the amendment allowing for urban chickens, then staff will proceed with the process of a Zoning Ordinance amendment that would regulate the enclosure of chickens as an accessory use in the R-1 Single Family Residential zoning district.

Kuhl asked about enforcement of the ordinance, Mayor Phillips replied that the nuisance code would enforce. Riva said questions came up at the planning and zoning meeting about the enclosure, that the ordinance does not require the chickens to be located in the enclosure and that the code does not limit the number of animals a resident can have. Dougherty responded that the issue involving number of animals could be enforced through the nuisance. Livingston stated that the ordinance states that no chickens may be kept without an approved enclosure that seems to cover the question of the chickens being contained in an enclosure. Luke Parris will present to Planning and Zoning and address how the enclosure will work.

16-152 Motion by Livingston, seconded by Isley to approve consideration of the first reading of an ordinance amending the section of the City Code Chapter 55 animal control and protection Chapter 177 rates and fees, passed 4-1 with Riva voting nay.

16-153 Motion by Livingston, seconded by Kuhl to pass the second reading and waive the third reading of **Ordinance No. 16-08 amending the section of the City code Chapter 55 animal control and protection Chapter 177 rates and fees**, passed 4-1 with Riva voting nay.

Consideration of second and possibly third reading of an ordinance amending the master plan and ownership requirement of parcel 3 of the Orchard View PUD.

Isley had asked at the July 21st meeting that the following language be added; not operating as a rental complex and that language would also be added in the covenants. Dougherty stated that the sentence can be included in the ordinance.

Marilyn Miller, 613 West Pine requested council to not waive the third reading.

16-154 Motion by Riva, seconded by Lester to pass the second reading of an ordinance amending the master plan and ownership requirement of parcel 3 of the Orchard View PUD, passed 4-1 with Livingston voting nay.

Consideration of the second and possibly third reading of an ordinance amending parcel 10 to the Legacy PUD to designate the site for an assisted living facility.

16-155 Motion by Isley, seconded by Livingston to pass the second reading of an ordinance amending parcel 10 to the Legacy PUD to designate the site for an assisted living facility, passed unanimously RC.

16-156 Motion by Livingston, seconded by Lester to pass the third reading of **Ordinance 16-09 an ordinance amending the master plan and rules, regulation and guidelines for the Legacy Planned Unit Development as contained in Ordinance No 01-01**, passed unanimously RC.

West Grove Villas

This request creates 12 single family lots and 22 bi-attached townhome lots in Parcel 4 of the Orchard Hills PUD. The request would be a medium density multifamily parcel in the Orchard Hills PUD area. The development itself only connects to North Avenue and does not have direct connection to the neighboring single family development. The proposal includes single family lots along the perimeter of the development that share a boundary with the existing single family development. The bi-attached units are internal to the development and located along the western boundary of the plat.

Mayor Phillips asked Tim about the sidewalk connecting West Grove Villas to Sycamore, Tim responded that he has visited with the engineers on the project and they said that the draft on the bike trail should be completed within the week. There is a rural cross section with open ditches the design, exact location and topography of the trail is critical. The city is paying for the trail at Sycamore to West Grove Villas boundary and the city is also paying for the additional 3 feet that runs in front of West Grove Villas. Isley asked about the site inspection. Hoskins responded that the thickness of the paving is appropriate.

Riva asked if they had increased the curb pipe, Hoskins replied that the contractor was given a draft plan and installed the curb design that was on the draft plan. Because the elevation of the curb was decreased Hoskins had an analysis done on storm water capacity and it was fine. The unfinished items council inquired about included intake inserts that were not done, saw joints weren't cleaned and filled grading was yet to be completed. A performance bond was provided to the city that all of those items would be completed. Livingston stated that what happens on the private streets has a significant effect on what happens on all public streets in the city. Private streets need to also be in compliance.

16-157 Motion by Kuhl, seconded by Isley to table a resolution accepting the public infrastructure for West Grove Villas passed 4-1 with Lester voting nay.

16-158 Motion by Kuhl, seconded by Isley to table a resolution approving the final plat for West Grove Villas, passed unanimously, RC.

Legacy Plat 19

This request creates 48 single family lots in the Legacy Plat 19 development, part of the Legacy PUD. The request does not appear to have a negative impact on traffic conditions. The development is west of Legacy Plat 17 and 18 and connects to High Road. A stub street is provided for connection to property to the south at Nicklaus Road.

Isley asked for clarification on the street names Monmouth Road and Nicklaus Road Parris responded that the street name was changed from Monmouth to Nicklaus Road.

16-159 Motion by Kuhl, seconded by Lester to approve **Resolution 0804-16-083** accepting public infrastructure for Legacy Plat 19, passed unanimously, RC.

16-160 Motion by Riva, seconded by Isley to approve **Resolution 0804-16-084** approving the final plat for Legacy Plat 19, passed unanimously, RC.

Timberview Plat 1

This request creates 61 single family lots in the Timber View subdivision. The development provides access onto Cumming Avenue to the south. The preliminary plat shows eventual access to subdivision to the east, though that area is not part of this final plat.

Isley asked about the curb on G14 she has concern with the snowplows being damaged when they plow that section. Isley asked Hoskins to take a look at that section.

Justin Cooper, Cooper Crawford Associates 475 S 50th Street, West Des Moines stated that the plans show curbs on the final plat. Cooper asked council to approve the infrastructure.

16-161 Motion by Lester, seconded by Livingston to table a resolution accepting the public infrastructure for Timberview Plat 1, passed unanimously, RC.

Isley asked if the 8 foot trail would be going in a future plat, Parris responded that it would be in a future phase; Isley asked about a designated area for parkland, Parris responded that parcel F, the east side of Timberview Drive, north of lot 12 is where the parkland would be and that the parkland would be accepted in phase 2.

16-162 Motion by Lester, seconded by Livingston to table a resolution approving the final plat for Timberview Plat 1, passed unanimously, RC.

Engineering agreement with Waters Edge phase 2 swimming pool

At councils request the engineering agreement was reviewed by Jim Dougherty with the following changes having been made. Council asked that the agreement be changed to say all documentation for the project, including the bidding documents and contracts, shall reflect the completion date of May 15, 2017.

16-163 Motion by Kuhl, seconded by Isley to approve the agreement for professional engineering services, passed unanimously, RC.

NCIS project

At the July 21, City Council meeting discussion was held as to what the next NCIS project in the Lakewood Subdivision should be. To assist in that decision Tim provided a street repair report from McClure Engineering that assigned conditions to individual streets. Staff does not have a recommendation as to what street segment should be approached next. The RFP can be modified to any location. With Council blessing the RFP will start the process to design and bid the project early next year with completion by the fall of 2017.

Tim updated the council on Wakonda Drive and Holly Drive, hoping to close out those projects at the next council meeting and have the final assessment plat recorded to the county.

Tim stated that the contractor on the Wakonda Drive project is non-responsive; Dougherty stated that money had been set aside for liquidated damages. Soil samples will be taken and soil will be replaced and reseeded. The amount for the restoration work was held out.

Larry Steele, 8814 Woodmayr Drive, addressed the council on the conditions of Woodmayr Drive.

Ron Karnatz, 8843 Woodmayr Drive, addressed the council on the conditions of Woodmayr Drive.

Carol Dickerson, 8869 Woodmayr Drive addressed the council on the conditions of Woodmayr Drive.

Dave Hixenbaugh, 4903 Lakewood Drive, asked if Lakewood Drive was still on schedule.

Heidi Lackmann, 8862 Woodmayr Drive addressed the council on the conditions of Woodmayr Drive.

Mike and Casey Hardy, 8839 Woodmayr Circle addressed the council on the conditions of Woodmayr Circle.

Isley stated that the repairs to those streets are scheduled in the 2021 budget; Tim responded that he would look at a simple leveling overlay process on those streets.

Council asked Tim to give an updated report on the cost to replace the panels on Woodmayr Drive, and Woodmayr Circle at the September 29th work session.

Discussion on signage

Lester asked the council what they had in mind for a welcome sign and asked Erika about the Iowa Architectural Foundation, Isley felt that in terms of beautification they gave a good presentation to the city, and felt it was wasteful spending \$175,000 on a sign. Lester responded that Iowa Architectural Foundation would do a study and then inform the city what could be done for improvements. It was the consensus of the council to have a welcome sign.

Reports:

Westvold reported that there will be 2 new police officers starting August 8th. Norwalk will be assisting West Des Moines during the funeral of the West Des Moines police officer.

Kuehl reported that they are laying concrete for the dog park.

Coburn reported that the fire department is also assisting West Des Moines for the funeral of the police officer.

Hoskins reported that the chamber of commerce has approached him about a memorial project honoring veterans to be located at the old water tower site.

Livingston made mention of the Norwalk Superstars bringing home the grand championship.

Mayor Phillips noted that there will be a community chat on Saturday, August 13.

16-164 Motion by Riva, seconded by Livingston to adjourn the meeting at 7:42 p.m., carried unanimously by voice vote.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk