

UNABRIDGED MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 08-18-16

(Minutes to be approved at the September 1, 2016 meeting)

Mayor Phillips called the City Council meeting to order at 6:01 p.m. Present at roll call: Erika Isley, David Lester, Jaki Livingston and Stephanie Riva Absent: Ed Kuhl(RC = roll call vote)

Staff present included: Luke Nelson, City Manager; Jodi Eddleman, City Clerk; Jean Furler, Finance Director; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Tim Hoskins, Public Works Director; Jenn Vetterick, Assistant Fire Chief; Luke Parris, City Planner and Jim Dougherty, City Attorney.

16-165 Motion by Livingston, seconded by Isley, to approve the agenda, carried unanimously by voice vote.

Presentations:

Chief Staples introduced new officers; Carmon Iredale and Kirsten Koestler. Mayor Phillips congratulated the Norwalk Superstars on being the Grand National champions.

Welcome of Guests and Public Comment

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

16-166 Motion by Riva; seconded by Livingston to approve the minutes of the August 4th, regular city council meeting, carried unanimously by voice vote.

Consent included tax abatements; liquor license application for St. Johns Fall Festival, **Resolution 0818-16-085** ordering construction of certain public improvements approving preliminary plans and fixing a date for hearing thereon and taking of bids therefore for improvements known as the 50th Avenue bridge repairs; **Resolution 0818-16-086** ordering construction of certain public improvements approving preliminary plans and fixing a date for hearing thereon and taking of bids therefore for the West North Avenue trail project; **Resolution 0818-16-087** approving 28E agreement with the Iowa Department of Transportation for maintenance and repairs of primary roads; **Resolution 0818-16-088** approving supplemental agreement for snow removal on IA 28 within the City of Norwalk; **Resolution 0818-16-089** approving the disposal of city property; Receive and file the Des Moines Water Works cost of service study, monthly department reports, treasurers report and expenditures.

ADVENTURE LIGHTING	EMERGENCY LED	516.85	MCANINCH CORP	CEDAR STREET & BEARDSLEY	281,627.50
AIA CORPORATION	UNIFORMS	158.50	MCCLURE ENG	NCIS 2014 PROJECT REP	59,521.25
ALL IOWA POOL	CHEMICALS	76.96	MEDIACOM	INTERNET SERVICE	162.90
AMERICAN TEST CENTER	TRUCK TEST	510.00	MENARDS	WIRE NUTS	50.04
ANKENY SANITATION	TRASH SERVICE	54.08	MENARDS	LUMBER FOR FORMS	947.55
APPLE INC	IPAD	379.00	MPS ENGINEERS PC	NCIS HOLLY DR	4,110.89
BATTERIES PLUS BULBS	MISC BATTERIES	172.08	MUNICIPAL SUPPLY	DOG PARK	8,254.80
BEST PORTABLE TOILETS	COMPLEX TOILETS	140.00	NICHOLS EQUIP	DOG PARK	139.50
BLUE TARP FINANCIAL	DOG SUPPLIES	248.85	NWTC	PUBLISH	123.02
BOUND TREE MED	MEDICAL SUPPLIES	1,440.62	NORWALK HARD	JULY CHARGES	344.03
CAPPELS ACE	CITY HALL REPAIR	118.32	NORWALK READY MIX	REDWOOD & SPRUCE	2,730.50
CARPENTER UNIFORM	UNIFORM ALLOW	4,847.78	NORWALK SEASONAL	MOWING	30.00
CENTURYLINK	515 E52--0041 899	573.52	O'HALLORAN INTL	REPIAR	2,705.46
CITY WDSM	JULY WESTCOM	80,397.38	OXEN TECH	EQUIPMENT	2,653.00
CLIA LAB	PROGRAM FEE	150.00	PEAK SOFTWARE	SPORTSMAN SOFTWARE	1,318.00
CONST & AG	EQUIPMENT	213.75	PEPSI-COLA	POOL CONCESSION	939.54
CONTRACT SPEC	SUPPLIES	3,129.77	PIONEER MANU	MATERIALS	702.00

DANIELS FILTER SERV	HVAC FILTERS	224.12	PITNEY BOWES	LEASE	735.00
DCI GROUP	DETENTION POND	2,440.00	PLUMB SUPPLY	JOB SITE TRAYS	56.00
DSM METAL FAB	SERV CALL	95.88	PUBLIC RELATIONS	MEMBERSHIP	305.00
DONALD FISCHER	REIMBURSE	40.00	RAFE ALBERS	REIMBURSE	9.99
EMER APPARATUS	REPAIR	776.87	RUDOLF INVEST	MOWING	535.00
FELD FIRE	REPAIR	747.81	SAM'S CLUB	POOL CONCESSIONS	698.55
FRANK DUN	PATCH	789.00	SCHWAN'S	POOL CONCESSIONS	94.67
G & L CLOTHING	ALLOWANCE	1,622.82	SEAMUS EXCAVATING	ORCHARD TR WRIGHT RD	3,500.00
GREENWOODS SEWER	REPAIRS POOL	304.75	SHIVE HATTERY INC	CEDAR STREET PAVING	2,756.00
GREGG YOUNG	OIL CHANGE	546.92	SHRED IT	SITE SHRED	50.71
HARVEYS AUTO	PW #42	631.58	SIMPSON TENNIS	TENNIS CLASSES	1,379.70
HAWKINS, INC.	CHEMICALS	181.50	STRATEGIC AMERICA	WEB MAINTENANCE	450.00
HOTSY CLEAN	PARTS	945.06	SWANA	MEMBERSHIP	212.00
ILLINOIS FIRE STORE	SUPPLIES	203.82	TERMINIX INTL	PEST CONTROL CITY HALL	134.00
INDIANOLA FIRE DEPT	EMS INVOICES	2,345.00	GRAPHIC EDGE	FLAG FOOTBAL TSHIRTS	1,605.01
INDOFF INC	OFFICE SUPPLIES	183.28	THE SHREDDER	PYMT SERV	278.00
IA CRIME PREVENT	MEMBERSHIP DUES	50.00	TK CONCRETE	NCIS WAKONDA DR	117,347.70
IA DOT	TRAFFIC LITE	46.72	TREAT AMERICA	ILEA	2,937.34
IA LAW ENFORCE ACAD	REGISTRATION	360.00	UNITYPOINT CLINIC	EMPLOYEE MEDICAL	1,108.00
IA PARK REC	MEMBERSHIPS	465.00	USA BLUE BOOK	METER WIRE	201.32
IA PRISON IND	SIGNS	1,825.50	V&K	SW DETENTION GREENBELT	159,292.00
IA WINDOW SERV	BLDG MAINT	290.00	VOORHEES TAE	REC	293.83
JAMES OIL	DYED DIESEL	5,949.96	WADE WAGONER	MILEAGE REIMBURSE JOHNNYS	31.75
JP COOKE CO	DOG LICENSE	139.50	WESCO DIST	REPAIR	2,089.73
LASER RESOURCES	LEASE	539.71	WOOD ROOF	SUPPLIES	1,266.28
MAD SCIENCE	REGISTRATION	1,293.00			
MARY JANE SHARP	FITNESS CLASSES	874.65			

16-167 Motion by Lester, seconded by Livingston to approve the consent agenda, passed unanimously, RC.

Ordinance Orchard View PUD

16-168 Motion by Lester, seconded by Isley to pass the final reading of **Ordinance 16-12** amending the master plan and rules, regulation, and guidelines for the Orchard View Planned Unit Development as contained in Ordinance 12-09. Passed 3-1, with Livingston voting nay.

Norwalk Orchard View townhomes preliminary plat

This request creates 74 townhome lots and the site plan shows the location of buildings and private roadways on Parcel 3 of the Orchard View PUD. The proposal is developed with the requests submitted in a separate PUD amendment.

The surrounding ground is currently undeveloped with the exception of nearby two-family homes along Wright Road to the southeast. The surrounding development is all planned as single family residential as a part of various PUDs. Happe Homes, 2575 N Ankeny Blvd, Ankeny Iowa provided council with pictures of the proposed townhome units. Livingston asked if it is the city's responsibility to provide the stop sign at the intersection at Sycamore Drive. Hoskins responded that the city will put the stop sign in the right of way.

16-169 Motion by Riva, seconded by Isley to approve **Resolution 0818-16-90** approving the preliminary plat and site plan of Norwalk Orchard View townhomes. Passed 3-1, with Livingston voting nay.

Orchard Trail Plat 5 preliminary plat

The plat shows the construction of two new streets. Rellim Drive provides a north/south street between Sycamore Drive and West Pine Avenue. The plat includes a section of Sycamore Drive that completes the development of this street, providing a connection from Orchard Hills Drive to North Avenue.

16-170 Motion by Lester, seconded by Livingston to approve **Resolution 0818-16-091** approving the preliminary plat of Orchard Trail Plat 5, passed unanimously, RC.

16-171 Motion by Riva, seconded by Isley to remove from the table consideration of a resolution accepting the public infrastructure for West Grove Villas carried unanimously by voice vote.

West Grove Villas public infrastructure

West Grove Villas contains 34 lots that will be accessed from West North Avenue. The developer's engineer, McClure Engineering has submitted documentation that the improvements have been installed in accordance with the plans and specifications. A site inspection performed on July 25, 2016 found outstanding items yet to be completed. The developer has provided a performance bond for the remaining unfinished items. With the acceptance of these improvements the 4 year maintenance bonds will start. The developer, West Grove Homes L.L.C. is now requesting the City accept the following improvements: The plat includes standard 5' sidewalks. A 6' trail is included on the south side of Sycamore Drive.

16-172 Motion by Lester, seconded by Livingston to approve **Resolution 0818 - 16-092** accepting improvements known as West Grove Villas, passed unanimously, RC.

16-173 Motion by Lester, seconded by Riva to remove from the table consideration of a resolution approving the final plat for West Grove Villas carried unanimously by voice vote.

West Grove Villas final plat

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.

Joe Petrizinski, Hubbell Realty, 6900 Westown Parkway, West Des Moines, stated that there will be six inch curbs put in and Hubbell will also pave the portion of sidewalk that connects Sycamore to the West Grove Development. Petrizinski asked that the final plat be approved contingent upon the city attorney receiving and reviewing the storm water detention document and the final plat meets the specifications of the site plan design. Isley asked if there is any coordination with the developer and the city to pave the trail on North Avenue to the development. Hoskins submitted a timeline for completion of that project; Hubbell will also coordinate with the city to put the sidewalk in from Dogwood to Sycamore.

16-174 Motion by Livingston, seconded by Riva to approve **Resolution 0818-16 093** approving the West Grove Villas Final Plat, contingent upon the city attorney review and approve the storm water document, curb replacement and paving of the 100 foot of sidewalk carried unanimously by voice vote.

16-175 Motion by Lester, seconded by Isley to remove from the table consideration of a resolution accepting the public infrastructure for Timberview Plat 1, carried unanimously by voice vote.

Timberview Plat 1 infrastructure

Timber View Plat 1 contains 61 lots that will be accessed from West North Avenue (G-14). The developer's engineer, Cooper Crawford Associates has submitted documentation that the improvements have been installed in accordance with the plans and specifications. A site inspection performed on July 21, 2016 found only minor items yet to be completed. The contractors have provided the necessary maintenance bonds. With the acceptance of these improvements the 4 year maintenance bond clock will start. Livingston asked about the temporary cul-de-sacs. Mayor Phillips responded that they are on stub streets. Lester asked if the curb had been satisfactorily resolved, Hoskins responded that the developer ground the curbs down within the shoulder area of the right of way.

Mayor Phillips asked if the city would acquire a detention pond in the development. Dougherty stated that the detention pond would remain on a portion of the private lots and would be privately maintained. The document states that the maintenance will be the responsibility of the lots that the detention facility is located upon, an association will be put together to maintain the pond and the facilities. The pond has to be in compliance with the DNR requirements and the cities storm water requirements and that the city will have access to the pond to inspect each year. The city will also have the ability to enforce maintenance of the pond.

16-176 Motion by Lester, seconded by Riva to approve **Resolution 0818-16-094** accepting public infrastructure known as Timber View Plat 1, passed unanimously, RC.

16-177 Motion by Riva, seconded by Lester to remove from the table consideration of a resolution approving the final plat for Timberview Plat 1, carried unanimously by voice vote.

Timberview Plat 1 final plat

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.

16-178 Motion by Riva, seconded by Isley to approve **Resolution 0818-16-095** approving Timberview Plat 1 final plat, contingent upon the city attorney review and approve the storm water document passed unanimously, RC.

Blooming Heights Plat 1 replat of preliminary plat

The original preliminary plat was approved on October 2, 2014. It included 35 single family lots that met the R-1(100) zoning of the land. Many of these lots far exceeded the 100' minimum width. This replat of the development is to reduce the size of the lots and add six additional lot within the same street layout as originally approved.

Riva encouraged the developers to set aside land that meets the cities criteria for parkland and would like to see 5 acres of parkland in the development. Brad Cooper, Cooper Crawford Associates, 475 S 50th Street #800 West Des Moines, stated that there will be a 4 acre park along Timberview Drive, and the money from the Blooming Heights development will help develop that park. Livingston asked Luke Parris how much land needs to be set aside for parkland between the two developments. Parris responded that a 4 acre park would be enough parkland to satisfy 222 lots. There is no area in the Blooming Heights development to place a park. Dan Kruse, Kruse Development, 4215 SW 33rd, Des Moines, Blooming Heights will provide money to develop the park in Timberview. Isley stated that the parkland fee doesn't cover the costs to put a park in and requested that council review the parkland dedication policy at a future council meeting.

Accepting work covering the 2014 Norwalk NCIS improvement project

Jeff Schug, McClure engineering, 1360 NW 121st Street, Clive gave the council an update on the process to begin closing out the Wakonda and Holly Drive projects, both contractors have agreed that the money that would have been used to pay the contractors will be withheld for the reseeding the city can then hire another contractor to reseed. The mayor asked if the amount that is being held back will cover the cost to replace the poor soil. Schug stated that Soiltek will remove the top layer of the black soil and replace with a better quality of soil, the cost to do both projects could roughly be \$31,000. The city will be holding back about \$12,000 on Wakonda and \$5,000 on Holly for the seeding. It was the consensus of the council that the city should not have to pay the difference because it was the contractor's mistake. Schug will meet with the contractor to identify other options to pay for the cost to reseed.

16-179 Motion by Lester, seconded by Riva to table accepting the work covering the 2014 Norwalk NCIS improvement, passed unanimously, RC.

Adopting final assessment schedule for the 2014 Norwalk NCIS improvement project and levying assessments

16-180 Motion by Lester, seconded by Riva to table adopting the final assessment schedule for the 2014 Norwalk NCIS improvement project and levying assessments, passed unanimously, RC.

Approving a policy for recent improvements installed prior to NCIS project improvements

16-181 Motion by Lester, seconded by Riva to table approving a policy for recent improvements installed prior to the NCIS project improvements, passed unanimously, RC.

Ordinance parking restrictions on south side of School Avenue

By City Ordinance 69.08, parking is always restricted city wide on the North side or Eastside of any street except in cases where Council codifies an exception or alternative. Parking therefore, is generally allowed on the Southside or Westside of any street except in cases where Council codifies and exception or alternative. Currently City Ordinance 69.08(9) codifies a no parking zone *"On the north side of School Avenue from Main Street to Lane Avenue between the hours of 7:30 A.M. and 4:30 P.M. Monday through Friday"*. (Ord. 13-02 – Mar. 13) A review of the agenda statement for ordinance change 13-02 showed that the intent of ordinance 69.08(9) was to restrict parking on the Southside of School Street during school hours not the North side as was written into the code.

16-182 Motion by Livingston, seconded by Isley to approve consideration of the first reading of an ordinance amending the code of ordinance by approving modifications to the standard parking restrictions, passed unanimously, RC.

16-183 Motion by Isley, seconded by Lester to pass the second reading and waive the third reading of **Ordinance 16-10 an ordinance amending the code of ordinances by approving modifications to the standard parking restrictions**, passed unanimously, RC.

Ordinance stop sign Elm Avenue and Lane Avenue

The police department has received a number of requests from residents who live in the area of Elm Avenue and Lane Avenue to make this intersection a 4 way stop. Currently, stop signs are located on Lane Avenue but not on Elm Avenue at this intersection. Residents are concerned for the safety of children walking to and from the school property and for children and parents who park

in the area during student pick up. Speed survey data indicates that 17.2% of cars on Elm travel faster than the posted speed limit of 25 in this area.

16-184 Motion by Lester, seconded by Livingston to approve consideration of the first reading of an ordinance amending the code of ordinances by approving placement of stop signs within new subdivisions or other identified locations, passed unanimously, RC.

16-185 Motion by Livingston, seconded by Riva to pass the second reading and waive the third reading of **Ordinance 16-11 an ordinance amending the code of ordinances by approving placement of stop signs within new subdivisions or other identified locations**, passed unanimously, RC.

Twin Lakes Plat 4

On May 19, 2016 the City Council approved the Twin Lakes Plat 4 Preliminary Plat with the following conditions: Bruce Gerleman is requesting reconsideration of the approval conditions with the following: Boston Circle on the east side of the bridge would be graded to accommodate a future 26-foot wide pavement and would be initially paved with 18-foot wide asphalt to meet the other streets in Twin Lakes. The bridge would be constructed to accommodate an 18-foot wide street pavement with the bridge being designed to facilitate widening to accommodate a 26-foot wide pavement. On the east side of the bridge, Bruce Gerleman is requesting no change and agrees to grade the road to accommodate the future 26-foot wide pavement and pave the road to 18-foot wide.

Livingston has concern that if the development is annexed into the city then the cost to widen the bridge becomes the city's.

Isley asked if there was a homeowners association in place, Bruce Gerleman, 303 Locust, Des Moines, stated that there is no homeowners association and that he currently owns all of the streets.

Mayor Phillips asked for a motion from the council to approve the request from Gerleman, no one made motion.

Staff Inquiries Updates

Tim Hoskins construction observations on municipal improvements in developments

Upon completion of the development, the engineer's inspector, contractors, and often the developer's representative meet with the Public Works Department and an inspection of the public improvements takes place. A "punch list" of items that need to be addressed is developed and shared by all. At this point the developer has the option of providing a performance bond to cover all the items that are outstanding or wait until the items on the list have been addressed. Then the developer's engineer provides a letter stating that the improvements have been installed as designed. In the Subdivision Ordinance 16.08, 1 states "Construction observation as deemed necessary to assure quality workmanship on all portions of the improvements to be dedicated shall be provided by the City at the developer's expense. Construction observation costs shall be paid for by the developer before final acceptance of the plat for recording at the county offices." Existing engineering services agreements with Veenstra & Kimm, Inc. in exhibit A, 1. B. Development Services. No. 3 states "When requested, supervises the inspection of construction of public facilities by private developers and recommend acceptance."

Riva asked that the subdivision ordinance be amended to include the city has the option to inspect private streets and private infrastructure.

Council requests pictures of what the retaining wall at the Beardsley regional detention pond will look like.

Chief Staples reported that Phil Parkers last day will be August 26th they are looking for a certified officer to replace him.

Nancy reported that the dog park has been fenced in and that Sunday, August 21st is funday at the pool.

Holly reported that the library is gearing up for fall programs.

Tim asked for volunteers to serve on a committee to review the NCIS engineering, Jaki Livingston and Stephanie Riva agreed to be on the committee. Tim introduced Joe Ballard to the council.

Tony Belizi stated that the Beardsley project contractors are behind schedule because of weather conditions. V&K will coordinate the 100 foot section of sidewalk to the West North trail extension.

Luke Parris stated that they will review and streamline the stormwater process.

16-186 Motion by Livingston, seconded by Riva to adjourn the meeting at 8:12 p.m., carried unanimously by voice vote.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk