

**CORRECTED**

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 16-11  
Johnston City Hall, 6221 Merle Hay Road  
May 16, 2016  
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present: Clabaugh, Lindeman, Brown, Cope, Temple  
Absent: None

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Spencer Meyer led the meeting in the Pledge. Mayor Dierenfeld noted that she had recently learned that her great-grandfather was Spencer's great-great-grandfather. She also showed pictures of her great-grandfather.

5. AGENDA APPROVAL

Motion by Clabaugh second by Brown to approve the Agenda as presented.

ROLL CALL: Aye: Lindeman, Brown, Cope, Temple, Clabaugh  
Nay: None

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

a. Proclaiming May 15-21, 2016 as National Public Works Week

Mayor Dierenfeld read the proclamation and noted her appreciation for the work that the Public Works staff does. She noted that the majority of the positive comments she receives are related to snow removal.

b. Check presentation from Polk County for Terra Park project

Polk County Supervisor Robert Brownell presented a check for \$300,000 for the Terra Park project, noting that when complete the park would be a regional park unlike anything else in the metro area.

6. PUBLIC HEARINGS

a. Conduct a Public Hearing and consider Resolution No. 16-103 - Approving proceeding with Condemnation of Easements and Property located at 7420 NW 54<sup>th</sup> Avenue for construction of a public road from NW 54<sup>th</sup> Avenue to Birchwood Court.

The Public Hearing opened at 7:17 p.m.

Mayor Dierenfeld addressed the audience, noting that discussions were ongoing with the property owner and that she was hopeful that those discussions would lead to an agreed upon resolution. She advised that because those discussions were still occurring, the Council was going to continue the Public Hearing until June 20, 2016 at 7:00 p.m.

Specifically addressing the Green Meadows West residents in attendance with questions and concerns regarding the project as a whole, she noted that the Council and staff were willing to meet, in either public or private meetings, to discuss the proposed project as a whole, and not just the easements that the city needs to construct the proposed road.

Motion by Brown second by Lindeman to continue the Public Hearing to June 20, 2016.

A member of the audience asked if the Council would be taking comments. Mayor Dierenfeld noted that if there were comments related to the easement, that would be appropriate. The audience member noted that he felt there were a number of people with comments on the easement. Following a request from Mayor Dierenfeld, the audience member identified himself as Jon Vasey, 8025 Tiburon Place. He commented that he felt that the Council sensed there was going to be resistance to the condemnation and therefore the Council had entered into new negotiations to try to pay the property owner more money and delay discussion on the issue. Mayor Dierenfeld

noted that the speaker was out of line and wrong and asked him to take his seat. Mayor Dierenfeld noted that she took exception to his speculative comments.

Another member of the audience inquired as to whether they were going to be able to speak on the issue. Mayor Dierenfeld reiterated that the City has spoken with the property owner and will continue to negotiate with them on this particular item. She advised that if the comments weren't addressing this particular item, she would suggest that a separate meeting be held and conversations around those issues or the project in general take place. The audience member noted that she has comments on the easement.

Joyce Linn, 5466 Foxboro Road, noted that her parents had a store on the main street in her home town and that after 50 years in business, the city used eminent domain to force them out and build condos. She also noted that the property owner at 7420 NW 54<sup>th</sup> Avenue was not adequately represented and it is wrong to force her to make a decision. She noted the stress this issue was causing and that it is morally wrong for the city to push this issue as the property owner is recently widowed.

Jennifer Erbes, 6149 Foxboro Road, noted her objection to tabling the item and noted that it is not appropriate to continue the hearing. She also noted that she found it disturbing that residents made time to attend the meeting and weren't being allowed to be heard and were being asked to come back at a later date.

Mayor Dierenfeld advised that action would continue on this item **relating to acquisition of an easement**, but that following the completion of the agenda, anyone who wanted to make comments regarding the **proposed project to extend Foxboro Road south to Birchwood Court** could do so. She noted that the engineers were not in attendance and so there would not be much in the way of a response to the comments made. She also restated her offer to meet with the concerned residents to discuss the project as a whole.

ROLL CALL: Aye: Brown, Cope, Temple, Clabaugh, Lindeman

Nay: None

Motion Approved: 5-0

- b. Conduct a Public Hearing and consider Resolution No. 16-114 - Amending the budget for year end June 30, 2016. The Public Hearing opened at 7:40 p.m.

Finance Director Teresa Rotschafer reviewed the amendment noting that this was the first and only amendment of the FY 15-16 budget. Rotschafer noted that there had been a calculation error in the materials provided to the Council and that the correction was on the dais. Rotschafer noted that the main impact was that although General Obligation bonds had been scheduled to be issued this year, there were no G.O. Bonds issued after all.

No public comments were received.

The Public Hearing closed at 7:43 p.m.

Motion by second by to approve Resolution No. 16-114.

ROLL CALL: Aye: Cope, Temple, Clabaugh, Lindeman, Brown

Nay: None

Motion Approved: 5-0

- c. Conduct a Public Hearing and consider Resolution No. 16-113 – Instituting proceedings to take additional action for the authorization of a lease agreement in the principal amount of not to exceed \$20,000, for a general corporate purpose.

The Public Hearing opened at 7:44 p.m.

Finance Director Teresa Rotschafer noted that this item related to a decision by the Library Board to lease printing equipment, which necessitated the hearing as a lease is an agreement that the City owes money to the vendor. She noted that the lease is nowhere near the \$20,000, but bond counsel suggested that amount in case the lease went longer than anticipated or there were other issues.

No public comments were received.

The Public Hearing closed at 7:45

Motion by Lindeman second by Clabaugh to approve Resolution No. 16-113.

ROLL CALL: Aye: Temple, Clabaugh, Lindeman, Brown, Cope

Nay: None

Motion Approved: 5-0

- d. Conduct a Public Hearing and Consider First Consideration of Ordinance No. 944 – To add a definition of a raceway within Chapter 170, Zoning Sign Regulations of the City of Johnston Code of Ordinances.

The Public Hearing opened at 7:45 p.m.

Community Development Director David Wilwerding reviewed the proposed definition, which is basically the way that signs are lit, noting a raceway is not currently defined in the Code.

Wilwerding noted that Planning & Zoning approved the item at their last meeting.

No public comments were received.

The Public Hearing closed at 7:46 p.m.

Motion by Lindeman second by Clabaugh to approve First Consideration of Ordinance No. 944.

ROLL CALL: Aye: Clabaugh, Lindeman, Brown, Cope, Temple

Nay: None

Motion Approved: 5-0

7. CONSENT AGENDA

- a. Consider Minutes of May 2, 2016 Worksession
- b. Consider Minutes of May 2, 2016 Council Meeting.
- c. Consider Resolution No. 16-105 – Approving staff appointments and establishing wages.
- d. Consider the renewal of the liquor license to include Sunday sales for QuikTrip #568, 5169 Merle Hay Road.
- e. Consider a liquor license application for a Class C Beer Permit for new owners at Johnston Bait & Tackle, 6148 Merle Hay Road.
- f. Consider the approval of a special 5-day liquor license for Hy-Vee to cater a wedding to be held at Camp Dodge, 7105 NW 70<sup>th</sup> Avenue.
- g. Consider authorization for out-of-state travel for David Croll to attend the 2016 ESRI International User's Conference from June 27-July1, 2016 in San Diego.
- h. Consider Resolution No. 16-106 – Approving and authorizing the Police Chief to sign a renewal Memorandum of Understanding (MOU) to continue to participate in the Mid-Iowa Narcotics Enforcement (MINE) Task Force.
- i. Consider approval of an invoice from RMS US LLP for final billing of the FY15 Audit.
- j. Consider approval of Pay Application No. 11 from Corell Contractor, Inc. for the Greenwood Hills Greenbelt – Phase II Grading and Utilities project.
- k. Consider Resolution No. 16-115 – Approval of Change Order No. 6 with Corell Contractor, Inc. for the Greenwood Hills- Phase II Grading and Utilities project.
- l. Consider approval of a Purchase Order to NeoGov for Human Resources Insight and Onboard software.
- m. Consider Resolution No. 16-116 – Initiating an official zoning map amendment to rezone approximately 13.88 acres and adjoining right-of-way from A-R, Agricultural Reserve District to R-1(75), Single-Family Residential District by referring to the Planning and Zoning Commission for review and recommendation. The subject property is located west of NW 100<sup>th</sup> Street and approximately 275 south of the Johnston City Limits (adjacent to Camp Dodge).
- n. Consider Resolution No. 16-104 – Setting June 6, 2016 at 7:00 p.m. as the date and time for a Public Hearing to consider the partial vacation of an Overland Flowage Easement and a Conservation Easement for the area within Lots 5 and 6 of The Reserve at Orchard Meadows.
- o. Consider approval of reimbursement to Fareway Stores for the pouring of driveway approaches that had previously been included in the NW 60<sup>th</sup> Avenue Improvements project.
- p. Consider Resolution No. 16-112 – Authorizing a Public Hearing for condemnation of Fee Title Property Acquisition and Temporary Construction Easement for property located at 5401 NW 57<sup>th</sup> Avenue.
- q. Consideration of Resolution No. 16-111 – Approving Change Order No. 2 for the NW 54<sup>th</sup> Avenue and NW 100<sup>th</sup> Street project.
- r. Consider Resolution No. 16-110 – Approving Change Order No. 1 for the NW 54<sup>th</sup> Avenue and NW 100<sup>th</sup> Street project.
- s. Consider approval of purchase of water meters from Ferguson Waterworks in the amount of \$24,946.44.
- t. Consider approval of Pay Request No. 9 from Manatt's, Inc. in the amount of \$168,612.71 for work completed as of May 5, 2016 on the NW 100<sup>th</sup> Street Reconstruction project.
- u. Consider approval of Pay Request No. 2 from Iowa Signal, Inc. in the amount of \$194,925.75 for work completed as of May 6, 2016 on the Johnston Community Fiber Optic System project – Phase III.
- v. Consider approval of Pay Request No. 5 from Alliance Construction Group in the amount of \$349,530.17 for the NW 70<sup>th</sup> Avenue Improvements – NW 98<sup>th</sup> Street to west city limits project.
- w. Receive and file the following reports:
  1. Bank Reconciliation Report – April 30, 2016
  2. Treasurer's Investment Report – April 30, 2016
  3. Year-to-Date Treasurer's Report – April 30, 2016
  4. Monthly Report Summarization – April 30, 2016
  5. Senior Citizens Report – April 30, 2016
  6. Year-to-Date Building Permit Report – April 2016
  7. Street Division Monthly Operations Report –April 2016

8. Water/Wastewater Department Monthly Operations Report – April 2016
9. Planning & Zoning Commission Meeting Minutes – May 9, 2016

Motion by Cope second by Lindeman to approve the Consent Agenda.

ROLL CALL:                      Aye:    Lindeman, Brown, Cope, Temple, Clabaugh  
  Nay:    None

Motion Approved:                      5-0

9. NON-CONSENT AGENDA

- a. Third and Final Consideration of Ordinance No. 941 – Amending Chapter 99, Sewer User Charge, in the Code of Ordinances to allow a Construction Sanitary Sewer Permit to be issued; and to adopt and publish.

No questions or changes from previous consideration.

Motion by Temple second by Clabaugh to approve Third and Final Consideration of Ordinance No. 941 and to adopt and publish.

ROLL CALL:                      Aye:    Brown, Cope, Temple, Clabaugh, Lindeman  
  Nay:    None

Motion Approved:                      5-0

- b. Third and Final Consideration of Ordinance No. 942 – Amending Chapter 92, Water Rates, in the Code of Ordinances to adjust permit fees, administration fees, hydrant deposits, and customer deposits and to adopt and publish.

No questions or changes from previous consideration.

Motion by Cope second by Lindeman to approve Third and Final Consideration of Ordinance No. 942 and to adopt and publish.

ROLL CALL:                      Aye:    Cope, Temple, Clabaugh, Lindeman, Brown  
  Nay:    None

Motion Approved:                      5-0

- c. Second Consideration of Ordinance No. 946 – Amending Johnston Revised Ordinances of 2007, Chapter 69.12 Parking Limited to Two Hours.

Community Development Director David Wilwerding noted that during additional enforcement discussions with the Chief of Police, staff was recommending an amendment defining the 2 hour parking limit as between 7:00 a.m. and 6:00 p.m. as that is the time period where the majority of the leasing activity is expected to occur.

Motion by Lindeman second by Temple to amend Ordinance No. 946 by setting the 2 hour parking limit between 7:00 a.m. and 6:00 p.m.

ROLL CALL:                      Aye:    Temple, Clabaugh, Lindeman, Brown, Cope  
  Nay:    None

Motion Approved:                      5-0

Motion by Lindeman second by Cope to approve Second Consideration of Ordinance No. 946.

ROLL CALL:                      Aye:    Temple, Clabaugh, Lindeman, Brown, Cope  
  Nay:    None

Motion Approved:                      5-0

- d. Consider the following items related to development of Lot 6 in the Windsor Office Park:
  - Resolution No. 16-108 - Approving a minor amendment to the Windsor Office Park PUD to accept the use of stone in lieu of brick toward satisfaction of the architectural requirements for building elevations facing public streets within the PUD for Lot 6;
  - Resolution No. 16-109 – Approving the site plans for Premier Lending Alliance Credit Union located at 8831 Thomas Avenue (PZ Case 16-10)

Senior Planner Aaron Wolfe reviewed the proposed project, noting the conditions for approval, including stormwater easement requirements and the building materials.

Motion by Cope second by Clabaugh to approve Resolution No. 16-108.

ROLL CALL:                      Aye:    Clabaugh, Lindeman, Brown, Cope, Temple  
  Nay:    None

Motion Approved:                      5-0

Motion by Cope second by Lindeman to approve Resolution No. 16-109.

ROLL CALL: Aye: Lindeman, Brown, Cope, Temple, Clabaugh  
Nay: None

Motion Approved: 5-0

- e. Consider Resolution No. 16-107 – Approval of an appeal to the Preliminary FEMA Flood Insurance Rate Map (FIRM) dated June 17, 2015.

Community Development Director David Wilwerding noted that there were two appeals properly filed pursuant to the FEMA appeals criteria and that this process approves the appeals and allows staff to submit the appeals to FEMA for review.

Motion by Cope second by Clabaugh to approve Resolution No. 16-107.

ROLL CALL: Aye: Brown, Cope, Temple, Clabaugh, Lindeman  
Nay: None

Motion Approved: 5-0

- f. Consider approval of Claims in the amount of \$1,076,301.91

Motion by Clabaugh second by Cope to approve Claims as presented.

ROLL CALL: Aye: Cope, Temple, Clabaugh, Lindeman, Brown  
Nay: None

Motion Approved: 5-0

#### 10. CITY ADMINISTRATOR/STAFF COMMENTS

City Administrator Jim Sanders noted that he provided the Council information on Des Moines Water Works survey information on rates in metro communities.

#### 11. CITY COUNCIL COMMENTS

None

The following residents addressed the Council regarding **the proposed** construction of a public road **extending south from Foxboro Road south and** NW 54<sup>th</sup> Avenue to Birchwood Court.

David Erbes, 6149 Foxboro Road, President of the Green Meadows West Homeowners Association. Noted that the Association had passed a resolution opposing the extension of the road. He also reviewed the Foth Traffic Study and inquired as to why the option allowing the offset intersection was not pursued.

De Ann Lee, 7608 Ashley Circle, noted her opinion that property values would decrease if the road is constructed. Also noted concern over the noise from a motorcycle dealer rumored to be locating in the area, the removal of trees that act as a buffer from the interstate noise, as well as safety of kids in the area, and the increased delivery truck traffic.

Jo Ann Robbins, property owner at 7420 NW 54<sup>th</sup> Avenue, noted that she has lived in her house for 54 years and that she's been dealing with the stress of this issue for 15 and a half years. She advised that she feels she has been treated poorly and that she was offered a pittance for her property by Hubbell. She states that somehow the Robbins got lost in this process and that this has caused unbelievable stress in her life.

Jennifer Erbes, 6149 Foxboro Road, noted she drives past Timber Ridge every day and that while controlled intersection may have some value, she teaches at King Elementary in Des Moines and that there are crossing guards in place. She advised that the City needs to be mindful of the impacts that development has and to ensure that residents have adequate support.

Joyce Linn, 5466 Foxboro Road, talked about decreasing property values, the danger that Foxboro traffic already presents in the area, and how increasing traffic will put more children at risk now that the school district is changing their transportation plan.

Jon Vasey, 8025 Tiburon Place, inquired as to why the offset intersection option wasn't pursued, stating that Hubbell must have wanted the first option. He also inquired as to whose interests the Council deems more important.

Jeff Johnson, 8116 Durham Circle, noted that he had just found out about the issue and was trying to gain a better understanding. He asked what the Council would need to hear to be considered a preponderance.

Jennifer Erbes, 6149 Foxboro Road, noted that Des Moines Public Schools don't have circular movement for drop off and pick up at a majority of their schools, and encouraged the Council to keep their decisions in perspective.

Mayor Dierenfeld noted that she regrets that the City didn't have all of the information or people at the meeting to fully address the project. She noted that she extended an invitation last week offering to sit down with residents to have a more complete conversation. She noted that the Council makes the best decisions when they know what the questions, concerns and views of the residents are. She noted that the Council wants to hear those concerns and address those concerns. Council members encouraged residents to leave their email addresses so staff could contact those in attendance. Council members noted that it is a common practice to meet with neighbors in a project area.

12. UPCOMING MEETINGS

June 6, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
June 20, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 9:13 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk