

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 17-08
Johnston City Hall, 6221 Merle Hay Road
April 17, 2017
7:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. WELCOME
4. PLEDGE OF ALLEGIANCE
5. AGENDA APPROVAL
6. PUBLIC COMMUNICATIONS
 - a. Arbor Day Proclamation
 - b. Johnston Running Club: Presentation of Proceeds to Mayor Dierenfeld for the 2016 Run for the Trails
7. PUBLIC HEARINGS
 - a. Conduct a Public Hearing – Proposal to Enter into a Development Agreement with Amega Garage Door and Opener, Inc. and Consider the Following:
 - Consider Resolution No. 17-101 – Approving and Authorizing Execution of a Development Agreement by and Between the City of Johnston and Amega Garage Door and Opener Inc.
 - b. Conduct a Public Hearing and Consider the Following Items Related to the Rezoning of Approximately 7.918 Acres Located West of NW 90th Street and North of Windsor Parkway:
 - Resolution No. 17-123 – Approving a Development Agreement with Windsor Office Park, LLC (Pursuant to Chapter 414 of Iowa Code, Action on this Item Must Occur Prior to Close of the Public Hearing)
 - Resolution No. 17-124 – Approving a Development Agreement with Windsor Office Park, LLC, and Walker and Sherinian Invest, LLC (Pursuant to Chapter 414 of Iowa Code, Action on this Item Must Occur Prior to Close of the Public Hearing)
 - Resolution No. 17-125 – Approving Amendment #11 to the Johnston 2030 Comprehensive Plan’s Future Land Use Map
 - First Reading of Ordinance No. 974 – An Official Zoning Map Amendment for Approximately 4.223 Acres from PUD to R-3 and for Approximately 3.694 Acres from PUD to R-4
 - c. Conduct a Public Hearing and Consider the Following Items Related to the Terra Lake – Phase 5 Park Construction Project:
 - Resolution No. 17-97 – Adopting Plans Specifications, Form of Contract and Estimate of Costs
 - Consideration of Construction Bids
 - Resolution No. 17-98 – Making Award of Construction Contract to Joiner Construction
 - Resolution No. 17-99 – Approving Construction Contract and Bond with Joiner Construction
8. CONSENT AGENDA
 - a. Consider Approval of Minutes of April 3, 2017, Worksession
 - b. Consider Approval of Minutes of April 3, 2017, Council Meeting

- c. Consider Approval of the Renewal of the Class C Liquor License at The Cab, 8460 Birchwood Court #900. The New Owner Will be Lone T Entertainment, LLC
- d. Consider a Class “C” Liquor License Including Outdoor Service for the Johnston Chamber of Commerce – Green Days Celebration
- e. Consider Liquor License Renewal of Class B Wine Permit and a Class C Beer Permit for the Hy Vee Gas Convenience Store Located at 5902 Merle Hay Road
- f. Consider Resolution No. 17-96 – Setting the Fees Associated with the Issuance of Grading Permits as Referred to in Chapter 145 of the City of Johnston Municipal Code of 2007
- g. Consider Resolution No. 17-102 – Initiating an Official Zoning Map Amendment to Rezone Approximately 29.68 Acres from A-R to R-1(75) by Referring to the Planning and Zoning Commission for Review and Recommendation. The Subject Property’s Address is 10207 NW 80th Lane.
- h. Consider Resolution No. 17-113 – Fixing Date for a Public Hearing on the Proposal to Enter into a Second Amendment to the Development Agreement with Windsor Office Park, L.L.C., and Providing for Publication and Notice Thereof
- i. Consider Authorizing a Fireworks Permit for Hyperion Field Club – (7390 NW Beaver Drive)
- j. Consider Approval of Out-of-State Travel for Use of Force Instructor Ryan Hanssen to attend Gracie Survival Tactics Level 2 Instructor Certification Training in Burien, WA (June 5-9, 2017)
- k. Consider Approval to Set Public Hearing to Amend the Budget for yearend June 30, 2017 – (May 15, 2017 at 7:00 p.m.)
- l. Consider Approval of the Following Items Related to \$4,434,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2017A:
 - Resolution No. 17-105 – Approving and Authorizing a Form of Loan and Disbursement Agreement by and Between the City of Johnston, Iowa, and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the Payment of \$4,434,000 Stormwater Management Utility Revenue Capital Loan Note, Series 2017A, of the City of Johnston, Iowa, under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of Said Notes and Approving Form of Tax Exemption Certificate
 - Resolution No. 17-106 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- m. Consider Approval of the Following Items Related to \$1,156,000 Sewer Revenue Capital Loan Notes, Series 2017B:
 - Resolution No. 17-107 – Approving and Authorizing a Form of Loan and Disbursement Agreement by and Between the City of Johnston, Iowa, and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the Payment of \$1,556,000 Sewer Revenue Capital Loan Notes, Series 2017B, of the City of Johnston, Iowa, Under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of Said Notes, and Approve Form of Tax Exemption Certificate
 - Resolution No. 17-108 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- n. Consider Approval of the Following Items Related to \$1,675,000 Water Revenue Capital Loan Notes, Series 2017C:
 - Resolution No. 17-109 – Approving and Authorizing a Form of Loan and Disbursement Agreement by and Between the City of Johnston, Iowa, and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the Payment of \$1,675,000 Water Revenue Capital Loan Notes, Series 2017C, of the City of Johnston, Iowa, Under the Provisions of the Code of Iowa, and Providing for a Method of Payment of Said Notes and Approving Form of Tax Exemption Certificate
 - Resolution No. 17-110 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement

- o. Consider Approval of the Following Items Related to \$3,114,000 General Obligation Capital Loan Notes, Series 2017E:
 - Resolution No. 17-111 – Approving and Authorizing a Form of Loan and Disbursement Agreement by and Between the City of Johnston, Iowa, and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the Payment of \$3,114,000 General Obligation Capital Loan Notes, Series 2017E, and Providing for a Method of Payment of Said Notes and Approving form of Tax Exemption Certificate
 - Resolution No. 17-112 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- p. Consider Resolution No. 17-104 – Approving Change Order No. 6 for Re-routing the Regional Trail and Overages in Concrete for the Terra Park Project, Phase 2
- q. Consider Approval of Partial Pay Request No. 2 to Minturn, Inc., in the Amount of \$170,525.00 for Terra Lake Park Improvements Phase 4
- r. Consider Approval of Pay Request No. 1 to Concrete Technologies, Inc., in the Amount of \$3,531.72 for Work on Beaver Drive Trail Phase 2
- s. Consider Approval of Pay Request No. 2 to Rochon Corporation of Iowa, Inc., in the Amount of \$59,608.70 for Greenwood Hills, Greenbelt Wetland Mitigation
- t. Consider Approval of Partial Pay Request No. 7 to Kingston Services in the Amount of \$156,266.73 for Construction Work on Phase 2 at Terra Lake
- u. Consider Resolution No. 17-126 – Approving the Construction Plans for Crosshaven Plat 8
- v. Consider Resolution No. 17-114 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 54th Court Improvements
- w. Consider Resolution No. 17-115 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 70th Avenue Improvements Phase 2
- x. Consider the Following Resolutions for the NW 62nd Avenue Improvements West City Limits to NW 103rd Street Project:
 - Resolution No. 17-116 – Accepting Public Improvements
 - Resolution No. 17-117 – Approving Release of Retainage for the NW 62nd Avenue Improvements West City Limits to NW 103rd Street Project
- y. Consider Resolution No. 17-118 – Approving Change Order No. 10 for the Johnston Community Fiber Optic Phase 3 Project
- z. Consider the Following Resolutions for the Johnston Community Fiber Optic System Phase 3 Project:
 - Resolution No. 17-119 – Accepting the Johnston Community Fiber Optic System Phase 3
 - Resolution No. 17-120 – Approving Release of Retainage for the Johnston Community Fiber Optic System Phase 3
- aa. Consider Approval of Pay Request No. 22 from Alliance Construction Group in the Amount of \$41,132.05 for Work Completed as of April 7, 2017, on the NW 70th Avenue Improvements 98th Street to West City Limits
- bb. Consider Resolution No. 17-122 – Approving Change Order No. 8 for the NW 70th Avenue Improvements 98th Street to West City Limits
- cc. Consider Approval of Partial Pay Retainage Request to Alliance Construction Group in the Amount of \$286,993.49 for Work Completed as of April 11, 2017 on the NW 70th Avenue Improvements 98th Street to West City Limits
- dd. Consider the 86th Street Booster Pumping Station Improvement Project Substantially Complete
- ee. Consider Approval for Out-of-State Travel for Matt Greiner to Attend the APWA Mid Am Expo in Overland Park, KS (May 24-May26)
- ff. Consider Approval of Pay Request No. 1 to Kingston Services in the Amount of \$152,233.70 for Work Completed as of April 5, 2017, on E of Merle Hay Road NW 57th Avenue Improvements Project – Phase 2
- gg. Consider Approval to Purchase Water Meters from Ferguson Waterworks – (\$6,606.11)

- hh. Consider Approval of a Purchase Order for Keck Oil for the Purchase of Fuel – (\$12,394.30)
- ii. Consider Reimbursement to Renee Tooman on the NW 100th Street Project – (\$500.00)
- jj. Consider Resolution No. 17-121 – Setting a Date for a Public Hearing for May 1st, 2017, at 7:00 p.m. to Consider an Amendment to the Amber Ridge PUD to Change the Allowed Uses of 4.78 Acres Within Parcel ‘D’ from PC, Professional Commerce Park District and C-2, Community Retail Commercial District, to R-4, High Density Residential District by Creating New Parcel ‘N’ for Property South of NW 62nd Avenue and West of NW 100th Street
- kk. Consider Resolution No. 17-128 – To not Remand BOA Case No. 17-01 to the Board of Adjustment for Reconsideration
- ll. Consider Resolution No. 17-129 – To Not Remand BOA Case No. 17-03 to the Board of Adjustment for Reconsideration
- mm. Consider Resolution No. 17-130 – To Not Remand BOA Case No. 17-04 to the Board of Adjustment for Reconsideration
- nn. Receive and file the following reports:
 1. Bank Reconciliation Report – March 31, 2017
 2. Treasurer’s Investment Report – March 31, 2017
 3. Year-to-Date Treasurer’s Report – March 31, 2017
 4. Monthly Report Summarization – March 31, 2017
 5. Senior Citizens Report – March 31, 2017
 6. Johnston Police Department Quarterly Report
 7. Board of Adjustment Minutes – March 30, 2017
 8. Year-to-date Building Permit Report – March 31, 2017
 9. Street Division Monthly Report – March 31, 2017
 10. Wastewater Monthly Operations Report – March 31, 2017
 11. Water Department Monthly Operations Report – March 31, 2017
 12. Planning and Zoning Commission Minutes – April 10, 2017

9. NON-CONSENT AGENDA

- a. Consider Second Reading of Ordinance No. 964 - An Official Zoning Map Amendment for Approximately 5.73 Acres from M-1, Light Industrial Zoning District, to MUC-ROC-2, Mixed Use Center Zoning District, and for Approximately 0.50 Acres from CD, Conservation Zoning District, to MUC-ROC-2 Mixed Use Center Zoning District. The Subject Property is Located on the North of 6506 Merle Hay Road and South of 6508 Merle Hay Road
- b. Consider Second Reading of Ordinance No. 972 – An Ordinance Amending Speed Limits Along NW 62nd Avenue, NW 70th Avenue, NW 100th Street and NW 107th Street
- c. Consider Second Reading of Ordinance No. 971 – To Amend and Update Chapter 155, Building Code of the Johnston Code of Ordinances from the 2012 to the 2015 International Building, Residential and Existing Building Codes
- d. Consider Second Reading of Ordinance No. 965 – To Amend and Update Chapter 159, Fire Code of the Johnston Code of Ordinances
- e. Consider Second Reading of the Following Ordinances Related the Fuel Gas, Electrical, Mechanical, Plumbing and Swimming Pool Codes:
 - Ordinance No. 966: Amend Chapter 154 to Update from the 2012 International Fuel Gas Code to the 2015 Edition, with Amendments;
 - Ordinance No. 967: Amend Chapter 157 to Update from the 2011 National Electrical Code to the 2014 Edition, with Amendments;
 - Ordinance No. 968: Amend Chapter 158 to Update from the 2012 International Mechanical Code to the 2015 Edition, with Amendments;
 - Ordinance No. 969: Amend Chapter 156 to Update from the 2012 International Plumbing Code to the 2015 Edition, with Amendments;
 - Ordinance No. 970: Adding a New Chapter 148, Adopting the 2015 International Swimming Pool and Spa Code with Amendments
- f. Consider Resolution No. 17-103 – Approving the Site Plans for 4801 NW 55th Avenue

- g. Consider First Reading of Ordinance No. 975 – An Ordinance Amending the Johnston Revised Ordinances of 2007, by Amending Section 69.08.123 to Modify Parking on Trace Court
- h. Consider Resolution No. 17-127 – Approving the Preliminary and Final Plat Bunny Estates Plat 3 Creating 1.297-Acre Lot 1, .126-Acre Outlot W, and 517 Square Foot Outlot V from Previous 1.43 Acre Outlot X. The Property is Located North of NW 69th Street and the Orchard Meadows Subdivision. (PZ Case 16-41)
- i. Consider Resolution No. 17-100 – An Amended and Substituted Resolution Approving the Preliminary Plat for Hidden Valley Estates Plat One. The Subject Property is Immediately West of NW 100th Street and Immediately South of Little Beaver Creek (PZ Case 16-37)
- j. Consider Approval of Claims in the Amount of \$1,296,778.03

10. CITY ADMINISTRATOR/STAFF COMMENTS
 2016-2017 Polk County Controlled Bow Hunt – (Deer Report)

11. CITY COUNCIL COMMENTS

12. UPCOMING MEETINGS

May 1, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
May 15, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT