

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 17-02  
Johnston City Hall, 6221 Merle Hay Road  
TUESDAY, January 17, 2017  
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:10 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

Members of Cub Scout Pack 244 Dens 2 and 5 led the meeting in the Pledge.

5. AGENDA APPROVAL

Motion made by Lindeman, which was seconded by Cope to approve the agenda as published

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

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

a. Introduction of Nate Osmundson – Recreation Coordinator

Parks Director John Schmitz introduced the new Recreation Coordinator. Osmundson was selected from an original applicant pool of approximately 100 applications.

6. PUBLIC HEARINGS

a. Conduct a Public Hearing on the Resolution of Necessity for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive Project and Consider the Following:

1. Resolution No. 17-23 – Resolution Adopting the Resolution of Necessity Proposed for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive
2. Resolution No. 17-24 – Resolution Directing Preparation of Detailed Plans and Specifications, Form of Contract and Notice to Bidders on the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive
3. Resolution No. 17-25 – Resolution Order Bids, Approving Plans, Specifications, and Form of Contract and Notice to Bidders, Fixing Amount of Bid Security, and Ordering Clerk to Post Notice and Fixing a Date for Receiving Same, and For a Public Hearing on the Plans, Specifications, Form of Contract and Estimate of Cost

The Public Hearing opened at 7:18 p.m.

City Administrator Jim Sanders provided background information including the purpose of the hearing. This is a phased project over several years. Two years ago NW 55<sup>th</sup> was completed including utility infrastructure. Last year NW 60<sup>th</sup> was completed. A portion of the road improvements only are being assessed to the benefitting property owner. The assessment schedule utilized the same methods as NW 55<sup>th</sup> and NW 60<sup>th</sup>. Mayor Dierenfeld asked Sanders to remind everybody what the process was. There was substantial citizen and local stakeholder involvement in the design and process. It was communicated to the public all economic impacts of this project.

Citizen Bruce Ostrander stated that on 55<sup>th</sup> there are some traffic calming bump outs, which causes unnecessary stoppages – perhaps they can be widened for NW 57<sup>th</sup>.

Foth Engineer Doug Ernst noted that an error had been found relating to Parcel 26 and that a corrected

schedule of preliminary assessments had been provided. Ernst noted that Parcel 26 has been removed from Exhibit 3 Beaver Pines Subdivision assessment schedule and added to the Exhibit 1 schedule resulting in a Preliminary Assessment of \$4,044.94 for this parcel. Ernst advised that Parcel 20-25 Preliminary Assessment shown on Exhibit 1 has been revised to \$30,317.70.

The Public Hearing closed at 7:27 p.m.

Motion made by Claybaugh, which was seconded by Cope to approve Resolution No. 17-23.

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

Motion Approved: 5-0

Motion made by Lindeman, which was seconded by Clabaugh to approve Resolution No. 17-24.

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

Motion Approved: 5-0

Motion made by Temple, which was seconded by Lindeman to approve Resolution No. 17-25.

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

Motion Approved: 5-0

## 7. CONSENT AGENDA

- a. Consider Approval of Minutes of January 3, 2017 Work Session
- b. Consider Approval of Minutes of January 3, 2017 Council Meeting
- c. Consider Resolution No. 17-15 – Approving Staff Appointments and Establishing Wages
- d. Approval of Pay Request from TK Concrete in the Amount of \$39,998.00 for Work on the Green Meadows Flume Repair Project
- e. Consider approval of Partial Pay Request No. 8 from Rochon Corporation of Iowa, Inc. in the amount of \$239,274.60 for Terra Lake Park Improvements Phase 3
- f. Consider Approval of Partial Pay Request No. 9 from Rochon Corporation of Iowa, Inc., in the Amount of \$37,254.25, for Terra Lake Improvements Phase 3 in the Month of December, 2016
- g. Consider Authorizing Out-of-State Travel for David Wilwerding to Attend the Nebraska Annual Planning Conference in Kearney, Nebraska from March 8-10, 2017
- h. Consider Resolution No. 17-18 – Resolution of Support for the Greater Des Moines Area Water Trails and Greenways Plan
- i. Consider Resolution No. 17-16 – Approving Construction Contract and Bond with Concrete Technologies, Inc., (Related to the NW Beaver Drive Trail – Phase II Construction Project)
- j. Consider Letter of Engagement with Ahlers and Cooney, P.C. for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive Special Assessments
- k. Consider Resolution No. 17-17 Approving Change Order No. 5 Extending the Contract Completion Date from December 1, 2016, to May 15, 2017, for the Terra Park Project, Phase 3
- l. Consider Resolution No. 17-20 – Approving a 28E Agreement for Mutual Aid Assistance within the Polk County Area for Law Enforcement Services
- m. Consider Resolution No. 17-22 – Initiating an Official Zoning Map Amendment to Rezone Approximately 1.75 Acres from R-3, Medium Density Residential District to C-2, Community Retail Commercial District. The Subject Property is Located on the South NW 70<sup>th</sup> Avenue and East of the Future Extension of Peckham Street
- n. Consider Approval of Purchase Order From Heffron Services, Inc., for Calcium Chloride for the 2016-2017 Winter Season (\$7,200.00)
- o. Consider Approval of Pay Request No. 20 from H and W Contracting, LLC, in the Amount of \$20,015.72 for Work Completed as of January 4, 2017, on E of Merle Hay Road NW 55<sup>th</sup> Avenue Improvements Project – Phase 1B
- p. Consider Approval of Pay Request #4, Invoice from Des Moines Water Works for Saylorville Water Treatment Plant – West Feeder Main Phase 2 (\$71,250.33)
- q. Consider Approval of Pay Request #6, Invoice from Des Moines Water Works for Saylorville Water Treatment Plant – West Feeder Main Phase 1 (\$12,880.29)

- r. Consider Approval of Pay Request No. 5 from Weidner Construction, Inc., in the Amount of \$145,504.85 for Work Completed as of January 4, 2017, on the 86<sup>th</sup> Street Booster Pump Station Improvements
- s. Consider Approval of a Five-year Maintenance, Repair and Minor Reconstruction of Primary Roads Within the Boundaries of the Municipality (28E with Iowa Department of Transportation)
- t. Consider Approval of Pay Request No. 21 from Alliance Construction Group in the Amount of \$2,766.40 for Work Completed as of December 31, 2016, on the NW 70<sup>th</sup> Avenue Improvements 98<sup>th</sup> Street to West City Limits
- u. Consider Approval of Pay Request No. 17 from Manatt's, Inc., in the Amount of \$198,125.63, for the Work Completed as of January 6, 2017, on the NW 100<sup>th</sup> Street Reconstruction Project
- v. Consider Resolution No. 17-09 – Approving Change Order No. 3 for the E of Merle Hay Road NW 55<sup>th</sup> Avenue Improvements Project – Phase 1B
- w. Consider Resolution No. 17-10 – Approving Change Order No. 4 for the E of Merle Hay Road NW 55<sup>th</sup> Avenue Improvements Project – Phase 1B
- x. Consider Resolution No. 17-19 – Approving Change Order No. 6 for the NW 100<sup>th</sup> Street Reconstruction Project
- y. Receive and file the following reports:
  - 1. Bank Reconciliation Report – December 31, 2016
  - 2. Treasurer's Investment Report – December 31, 2016
  - 3. Year-to-Date Treasurer's Report – December 31, 2016
  - 4. Monthly Report Summarization – December 31, 2016
  - 5. Senior Citizens Report – December 31, 2016
  - 6. Planning and Zoning Commission Minutes – January 9, 2017
  - 7. Water Department Monthly Operations Report – December, 2016
  - 8. Waste Water Department Monthly Operations Report – December, 2016
  - 9. Street Division Monthly Operations Report – December, 2016

Motion made by Clabaugh with clarification on item 8Y4 and the variances as provided by Rotschafer; seconded by Brown to approve the Consent Agenda with the clarification from 8Y4. (Rotschafer noted that the debt payments made thus far are only one-half of the interest only – remainder will come in June along with the principal)

ROLL CALL:                      Aye:    Clabaugh, Lindeman, Brown, Cope, Temple  
     Nay:    None  
 Motion Approved:                      5-0

9. NON-CONSENT AGENDA

- a. Consider Third and Final Reading of Ordinance No. 954 - Amending the Johnston Revised Ordinance of 2007 by Amending Section 170.09 of the Zoning Sign Regulations; and to adopt and publish. No changes from previous reading.  
 Motion made by Lindeman, which was seconded by Cope to approve Resolution No. 954 and to adopt and publish.  
 ROLL CALL:                      Aye:    Lindeman, Brown, Cope, Temple, Clabaugh  
     Nay:    None  
 Motion Approved:                      5-0
- b. Consider First Reading of Ordinance No. 956 – Amending Johnston Revised Ordinances of 2007 by Amending Section 69.08 to Modify Parking on NW 98<sup>th</sup> Street Between Windsor Parkway and NW 97<sup>th</sup> Street to Modify Parking on Trace Court.  
 Planner Clayton Ender provided background and introduced the topic, which was initiated by a request and endorsed by emergency services / staff due to problems caused by traffic flow restrictions with permitting parking on both sides. Notice was sent to all properties. One property owner responded in favor of the proposed ordinance. Councilmember Brown inquired about the map / impact the ordinance will have. Councilmember Cope inquired regarding if we know the number of feet currently permissible for parking and what it would be with this ordinance. He did not know, but that each home has enough space for 2 vehicles parked on the street. Councilmember Cope stated that he is not in favor of the current one street at a time approach.

Citizen Merrit Skarff of 5913 NW 98<sup>th</sup> Street stated she lives in the 4<sup>th</sup> house from Windsor Pkwy on east side of the street. She said since this is the first meeting she would like to bring up some issues. Ms. Skarff stated that they have not received mail on occasion due to cars being parked in the area, and she also voiced concerns about security issues and emergency services being able to get to a location.

Motion made by Brown, which was seconded by Lindeman to approve First Reading of Ordinance No. 956.

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

Motion Approved: 5-0

- c. Consider Approval of Resolution No. 17-13 – The Crosshaven North Preliminary Plat, Subdividing 69.23 Acres into 131 Single Family Residential Lots, 1 Street Lot, and 3 Unbuildable Outlots. This Site is Located East of NW 100<sup>th</sup> Street and North of Little Beaver Creek (PZ Case 16-35).

Ender introduced the topic and provided background information. This property was part of the Elmerodo Estates annexation. Crosshaven I, LLC, submitted a preliminary plat for the subdivision of 69.23 acres. The subdivision consists of 131 lots for single family detached residences. This property is part of the Planned Use Development (PUD) – Crosshaven PUD, which is split into 12 tracts. Crosshaven North Preliminary Plat is in tracts 9-11. Ender discussed some of the PUD requirements and how this project relates in conformance to those. The proposal is in compliance with the bulk regulations and the open space requirements. Several buffers are required for this project including a stream buffer for Little Beaver Creek. Areas of the site are within the 100 and 500 year floodplain and one area is within the floodway that is right on Little Beaver Creek. The applicant is responsible for obtaining a Letter of Map Revision for those properties identified in the floodplain.

The PUD requires a minimum of 3 acres of developable parkland be dedicated to the City at no cost. The applicant had dedicated 5.3 acres but will need to amend the preliminary plat to identify lots south of Buckley Street to be dedicated to the City, which will be contiguous with other parkland and identifies an easement between lots 77 and 78, which is where the sanitary sewer will be installed. Approved construction plans include an extension of sanitary sewer north of Little Beaver Creek and the extension of water north of Little Beaver Creek. Sanitary sewer for the site will extend off of the 18” sewer extension. The sanitary sewer network will consist of 8” and 10” mains.

The site is going to be developed in phases starting with the area adjacent to NW 100<sup>th</sup> Street. Stormwater will be managed in three wet pond retention basins and one dry bottom detention basin. Homes may utilize individual French drains for sump pumps. The Planning and Zoning Commission engaged in considerable discussion with regard to whether a second means of ingress and egress should be in place. This site presents some unusual circumstances as it lies immediately adjacent to Camp Dodge. Staff have reached out to Camp Dodge leadership who have indicated that an agreement could be reached to allow for emergency access to the site from the north through Camp Dodge property.

Notice was sent to all properties within 320 feet of the property. Public comments were received from Camp Dodge, along with a noise management report prepared for Camp Dodge. This area will be within the noise zone for explosives activity, likely noticed at times of neutral weather activity.

Motion made by Cope, which was seconded by Lindeman to approve Resolution No. 17-13.

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

Motion Approved: 5-0

- d. Consider Approval of the Following Items Related to the Development of 23.52 Acres East of NW 100<sup>th</sup> Street and North of Future NW 82<sup>nd</sup> Avenue into 97 Townhome Lots, 1 Private Street Lot and 1 Unbuildable Outlot:

1. Resolution No. 17-12 – Approving a Minor Amendment to Ordinance No. 782, the Crosshaven PUD;
2. Resolution No. 17-14 – Approving the Crosshaven Townhomes Preliminary Plat and Site Plan (PZ Case 15-10)

Hubbell Realty Company has submitted a preliminary plat and site plan for the subdivision and development of 23.52 acres east of NW 100<sup>th</sup> Street and north of future NW 82<sup>nd</sup> Avenue, which consists of 43 lots for bi-attached townhomes, 54 lots for detached townhomes, 1 private street lot and 1 outlot.

This development will occur in Tract 12, which allows for the development of the proposed site plan, however the PUD is not clear on how to regulate bulk requirements when both bi-attached and detached townhomes are in use. City ordinance allows for an amendment of the PUD by Council resolution if the amendment is in substantial compliance with the PUD master plan and does not increase the density. Resolution 17-12 removes the requirement for a berm in the buffer adjacent to NW 100<sup>th</sup> Street, north of Little Beaver Creek. The reason for this amendment is due to locating future sanitary sewer easement granted to the City. This site will also require a variation of the subdivision regulations for ingress / egress due to its immediate proximity to Camp Dodge.

Building permits will not be issued until improvements to NW 100<sup>th</sup> Street and bridge over Little Beaver Creek are completed. The site has approximately 579,000 square feet, which place it in compliance with the R-3 bulk requirements. Three buffer areas are required for this site adjacent to NW 100<sup>th</sup> Street, NW 82<sup>nd</sup> Avenue, and to the east of the property boundary.

A unique feature of this site will be the “babbling creek” in the center of the site. Storm water will drain through an overland flowage easement to a wet pond located on the eastern side of the site. Water will be recirculated through this system to allow the babbling creek to be maintained even when new storm water is not draining into the system. The property is within the Little Beaver Creek Sanitary Sewer Connection District. The City Council has approved a development agreement allowing the waiver of up to \$61,765 of the applicable fee to offset the cost of upsizing the trunk main.

The PUD amendment and the preliminary plat and site plan have been considered by the Planning and Zoning Commission and recommended for approval.

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 17-12.

ROLL CALL:	Aye: Temple, Clabaugh, Lindeman, Brown, Cope
	Nay: None
Motion Approved:	5-0

Motion by Cope, which was seconded by Temple to approve Resolution No. 17-14.

ROLL CALL:	Aye: Temple, Clabaugh, Lindeman, Brown, Cope
	Nay: None
Motion Approved:	5-0

- e. Consider Approval of Purchase Order from Iowa Signal in the Amount of \$16,600.

Sanders introduced this item. This will be a temporary signal at 100<sup>th</sup> / Windsor Parkway which was previously discussed with the School District for safe access. When improvements are made there will be a permanent traffic signal.

Motion by Cope, which was seconded by Lindeman to approve a Purchase Order to Iowa Signal.

ROLL CALL:	Aye: Clabaugh, Lindeman, Brown, Cope, Temple
	Nay: None
Motion Approved:	5-0

- f. Consider Approval of the Construction of a Retaining Wall on NW 100<sup>th</sup> Street.

Public Works Director Matt Greiner introduced this item. This request is for a retaining wall 100 feet north of Newport Vista and 200 feet south of Newport Vista.. This will tie the existing grade into the project grade. The retaining wall will be approximately three feet tall and one intent will be to save the mature trees. This was going to be included as a change order on the 100<sup>th</sup> Street project, but it is far more cost effective to bid it out on its own.

Motion by Cope, which was seconded by Brown to approve the Construction of a Retaining Wall on NW 100<sup>th</sup> Street.

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

Nay: None

Motion Approved: 5-0

- g. Consider Approval of Resolution No. 17-21 - Approving The Prelim Plat for The Brio of Johnston, Subdividing 22.02 Acres West of NW 86<sup>th</sup> Street and South of NW 70<sup>th</sup> Avenue Into 14 Lots (PZ Case 16-32).

Senior Planner Aaron Wolfe introduced this item. The area is carved out of the Simpson property. Peckham Street will extend based on the preliminary plat bisecting the property north and south. There will be a future roundabout at NW 70<sup>th</sup> and Peckham. The largest lot is zoned R-3, which is approximately three acres which is slated to develop as an assisted living facility. Parkland property will be addressed prior to the final plat. Storm Water detention is provided by two wet bottom basins. The Comprehensive Plan shows recreation trails adjacent to Peckham. Outlot A will be a drainage channel easement with no additional development

Motion by Clabaugh, which was seconded by Cope to approve Resolution No. 17-21.

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

Nay: None

Motion Approved: 5-0

- h. Consider approval of Claims in the amount of \$1,207,675.76

Motion by Clabaugh, which was seconded 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

- a. Snyder & Associates presentation on the design concept for Phase 5 of the Terra Lake project. Schmitz introduced Tim West with Snyder and Associates and indicated he is present to provide an update on Phase 5 of Terra Park and its unique themed playground concept. West stated that there were three goals in mind: Establish a theme based on present ecosystem; encourage circular movement throughout and ease of accessibility for all. West then showed renderings and further explained the concept, including the five themed play areas.
- b. Presentation of 2016 Community Development Annual Report and Development Study. Director David Wilwerding summarized the 2016 Community Development Annual Report and Development Study highlighting the \$65M in residential and commercial growth and the continued, sustainable growth the City has experienced. There were 105 single family permits issued.

Sanders mentioned the January 26<sup>th</sup> goal setting at 4:00 p.m and the February 21<sup>st</sup> joint meeting with the Johnston School Board at 5:00 p.m. Sanders also reminded everyone about the JEDCO meeting Thursday January 19<sup>th</sup> at 4:30 p.m. at Stoney Creek and the Legislative Coffee this Saturday at Winestyles from 10:00 a.m. – 11:00 a.m.

11. CITY COUNCIL COMMENTS

Councilmember Lindeman reminded everyone about the Central Iowa Regional Drinking Water Commission (CIRDWC) meeting here next week. Councilmember Brown indicated that Glen Lyons has 28E money available once again for planning or studies. Councilmember Clabaugh inquired with Councilmember Lindeman about water quality test kits and who sponsors it. Councilmember Clabaugh also thanked the Park Board for their great job at Terra Lake Park design. Mayor Dierenfeld inquired about the lighting on NW 100<sup>th</sup> – waiting on MidAmerican; and stated that the Public Works did a great job on the ice storm.

12. UPCOMING MEETINGS

January 26, 2017	City Hall	Goal Setting 4:00 p.m.
February 6, 2017	City Hall	Worksession 6:00 p.m.
February 21, 2017	JSCD Administrative Resource Center	Meeting 7:00 p.m.
February 21, 2017	City Hall	Joint Session 5:00 p.m.
		Worksession 6:00 p.m.
		Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 8:54 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee D. Rhames, City Clerk