

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 16-09  
Johnston City Hall, 6221 Merle Hay Road  
April 18, 2016  
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:09 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

Boy Scouts Andrew Thompson and Alan Ritchie led the meeting in the Pledge.

5. AGENDA APPROVAL

Motion by Lindeman second by Temple to approve the Agenda as presented.

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

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

a. 2016 Arbor Day Proclamation

Mayor Dierenfeld proclaimed April 29, 2016 as Arbor Day in the city of Johnston.

Parks Director John Schmitz gave an update on the residential tree sale underway within the city. He noted that 160 trees were available to residents. He also noted that the city would be planting an additional 225 trees in various park areas this year.

6. PUBLIC HEARINGS

a. Conduct a Public Hearing and consider the following items related to the NW 86<sup>th</sup> Street Booster Pumping Station Improvements project:

- Resolution No. 16-81 – Adopting Plans, Specifications, form of contract and estimate of cost;
- Consideration of construction bids;
- Resolution No. 16-82 – Making award of contract to Weidner Construction, Inc.

The Public Hearing opened at 7:15 p.m.

Public Works Director Dave Cubit reviewed the bid results and noted that the engineer was recommending awarding the bid to Weidner Construction of Marshalltown.

Cubit noted that this project is part of the Water Master Plan and that the booster currently exists at the southeast corner of NW 86<sup>th</sup> Street and NW 62<sup>nd</sup> Avenue. He advised that the improvements would allow quicker filling of the NW Water Tower.

Alan Ritchie, 6615 Cheldon Court, asked for additional information on the specific improvements.

Water/Wastewater Superintendent Shane Kinsey advised that 3 pumps within the station would be updated with variable frequency drives which will allow the City the ability to adjust the water being pumped to meet demands.

The Public Hearing closed at 7:19 p.m.

Motion by Clabaugh second by Lindeman to approve Resolution No. 16-81.

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

Motion Approved: 5-0

Motion by Clabaugh second by Temple to approve Resolution No. 16-82.

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

Motion Approved: 5-0

7. CONSENT AGENDA

- a. Consider Minutes of April 4, 2016 Worksession
- b. Consider Minutes of April 4, 2016 Council Meeting.
- c. Consider Resolution No. 16-85 – Approving staff appointments and establishing wages.
- d. Consider approval of a Class C Liquor License for a new owner at The Cab, 8460 Birchwood Ct, #900.
- e. Consider entering into an agreement with Unite Private Network for internet services.
- f. Consider approving the Retainage Release payment to MPS Engineers in the amount of \$74,612.79 for the final phase of construction work on the Beaver Drive Trail project.
- g. Consider approval of Payment No. 14 to MPS Engineers in the amount of \$209.00 for the final phase of construction work on the Beaver Drive Trail project.
- h. Consider approval of a Purchase Order to Palos Sports in the amount of \$13,047.86 for the purchase of new soccer goals for park areas.
- i. Consider Resolution No. 16-86 – Re-Approval of the Final Plat for Lithia Plat 1, subdividing 9.54 acres into two (2) commercial lots.
- j. Consider Resolution No. 16-83 – Approving the acquisition of real estate interests and authorizing payments to acquire real property for the NW 57<sup>th</sup> Avenue Improvements project.
- k. Consider approval of Pay Request No. 3 from Alliance Construction Group in the amount of \$201,447.59 for work completed as of April 18, 2016 on the NW 70<sup>th</sup> Avenue Improvements – NW 98<sup>th</sup> Street to west city limits – project.
- l. Consider approval of an enCodePlus software license for the purchase and development of the enCode 360 software for the Community Development Department.
- m. Receive and file the following reports:
  1. Bank Reconciliation Report – March 31, 2016
  2. Treasurer’s Investment Report – March 31, 2016
  3. Year-to-Date Treasurer’s Report – March 31, 2016
  4. Monthly Report Summarization – March 31, 2016
  5. Senior Citizens Report – March 31, 2016
  6. Street Division Monthly Operations Report –March 2016
  7. Water/Wastewater Department Monthly Operations Report – March 2016
  8. Johnston Police Department Crime Statistics – March 2016
  9. Planning & Zoning Commission Meeting Minutes – April 11, 2016

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

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

Motion Approved: 5-0

9. NON-CONSENT AGENDA

- a. Consider First 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.  
Water/Wastewater Superintendent Shane Kinsey noted this was the item discussed during the Worksession and was related to the implementation of a Construction Sanitary Sewer Permit to be issued to builders for 210 days of construction related sewer use.

Motion by Temple second by Lindeman to approve First Consideration of Ordinance No. 941.

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

Motion Approved: 5-0

- b. Consider First 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. Water/Wastewater Superintendent Shane Kinsey noted this was the item discussed during the Worksession and would allow new residential builders the unmetered water for 210 days, as well as increase the deposit on hydrant meters. He also noted that the changes would increase the fees associated with disconnection and restoral as well as increasing the deposit that new customers would pay when they start service without a letter of credit from a previous utility. Kinsey noted that the amount noted in the last line of Section 3, paragraph 4 should also be \$35.00 and would be corrected in future considerations.

Motion by Temple second by Cope to approve First Consideration of Ordinance No. 942, amending the last line of Section 3, paragraph 4 to be \$35.00

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

Motion Approved: 5-0

- c. Consider Resolution No. 16-87 – Approving an amendment to the Development Agreement for Silverstone Plat 2 as it applies to Lot 17. The subject property is located at the south end of NW 104<sup>th</sup> Ct. Planning Intern Clayton Ender reviewed the proposed amendment, noting that the applicant would like to construct a new home and accessory structure. Ender noted that without the development agreement amendment, the eastern boundary of the parcel in question would be considered a side yard, subject to the applicable restrictions of a side yard. Ender advised that the Planning & Zoning Commission had considered the request and recommended approval.

Motion by Brown second by Temple to approve Resolution No. 16-87.

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

Motion Approved: 5-0

- d. Consider Resolution No. 16-84 – Approving the Preliminary and Final Plats for Orchard Meadows Plat 3. The property is located east of NW Beaver Drive and north of NW 84<sup>th</sup> Avenue. Community Development Director David Wilwerding noted that the development was planned for but had not yet been platted. Wilwerding noted the conditions for approval including the paving of the gravel drive and extending the hydrant line.

Motion by Lindeman second by Brown to approve Resolution No. 16-84.

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

Motion Approved: 5-0

- e. Consider removing from the table and consideration of Resolution No. 16-69 – Approving PZ Case 16-04, Wilkie Place Preliminary Plat located east of the intersection of NW 64<sup>th</sup> Place and NW 51<sup>st</sup> Street.

Motion by Lindeman second by Clabaugh to remove Resolution No. 16-69 from the table for consideration.

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

Motion Approved: 5-0

Planning Intern Clayton Ender noted that since the April 4 meeting the applicant has been meeting with Foth Infrastructure and has submitted a revised preliminary plat, which in staff and Foth's opinion adequately addresses stormwater concerns for the site.

Ender outlined the stormwater management details in the preliminary plat including three drainage basins, with the central basin containing two bottomless manholes which will encourage infiltration of water into the ground.

Ender noted that at the previous meeting development of this property being tied to adjacent properties to the east, but at this time, there was no indication of when the other properties would be developed. Ender noted that utilities on the lot in question would be extended to the property boundaries to accommodate future development.

Ender also advised that suggestions made at the April 4 meeting related to traffic burdens and the extension of a proposed cul-de-sac to NW 64<sup>th</sup> Place had been explored by the applicant but found to be cost prohibitive as it would result in the loss of lots.

Ender noted that additional right-of-way had been acquired along NW 51<sup>st</sup> Street to accommodate future reconstruction of NW 51<sup>st</sup> Street.

Ender answered questions from the Council regarding the placement of the bottomless manholes and the runoff into the old tile in the area.

Community Development Director David Wilwerding reviewed stormwater requirements for this project. Brad Cooper of Cooper Crawford & Associates addressed the Council regarding the project, noting that he felt that the improvements would be beneficial to the area.

Council Member Temple asked for clarification on what types of improvements may occur as the East of Merle Hay project moves north of NW 62<sup>nd</sup> Avenue.

The following residents addressed the Council:

Lynn Walker, 6406 NW 51<sup>st</sup> Street. Noted that she has lived in the area for 37 years and there has always been an issue with stormwater. She also noted that she would like to see this project done correctly for everyone.

Debbie Lemke, 6394 NW 51<sup>st</sup> Street. Noted her concern about the water issues as well as sidewalk and traffic issues.

Discussion ensued regarding the current design standards for holding water on site, and how that will impact the proposed development as well as neighboring properties.

Jim Evans, 5125 NW 64<sup>th</sup> Place. Questioned why the sinkhole and tiles haven't been repaired in the area. Public Works Director Dave Cubit noted that this is private tile and not in the public domain or within an easement.

Marilyn Howieson, 6382 NW 51<sup>st</sup> Street. Noted that the water table in this area is so high she is not sure it can be corrected.

Deanne Walker-King, noted that she lives on the other side of NW 62<sup>nd</sup> Avenue and was involved with the process for the East of Merle Hay Road Improvements project and encouraged those in the area to be involved so they can have a say in what occurs in their neighborhoods.

Motion by Clabaugh second by Brown to approve Resolution No. 16-69.

Council Member Temple noted that he still has concerns and would like to see staff look into the existing issues in the area to see if there are measures to help improve the situation.

Council Member Brown noted that he agreed. He advised that he felt what was being done in the proposed plat was the right thing, but that there was still a larger problem in the area. He thanked residents for attending and bringing the issues to the Council's attention.

Council Member Cope noted that he was still a little unclear with Foth's review of the proposal and asked for clarification on the status of locating the water table in the area. Planning Intern Clayton Ender noted that one of Foth's conditions for approval was the submission of a geo-technical report that analyzes the soils in the area to validate the assumed infiltration rate, and that if the infiltration rate comes back invalid, the developer will need to find another solution.

Brad Cooper of Cooper Crawford & Associates noted that they were confident that they would find the level, and that the whole project will only allow an inch and quarter rain to get off their site and will restrict the water coming off the site.

Council Member Cope inquired as to whether action should be delayed until that report comes back. Cooper noted that he was confident they would be able to find the depth needed. In response to Council Member Clabaugh's question regarding the tile in the area, Cooper noted that they would address the needed repairs, and that there should be improvements. He noted that there would also be additional areas created by the sidewalk installation that will further allow infiltration and slow runoff. Council Member Lindeman noted that he still had concerns about pedestrian safety in the area. Council Member Clabaugh noted he was in favor of reviewing the area and the issues brought forth.

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

Motion Approved: 3-2

- f. Consider approval of Claims in the amount of \$697,221.48

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

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

Motion Approved: 5-0

#### 10. CITY ADMINISTRATOR/STAFF COMMENTS

City Administrator Jim Sanders noted that he and Dave Cubit had attended a meeting with the Army Corps of Engineers related to Saylorville and a deviation from their plan.

Sanders noted that Dave Cubit and Kinney Carnahan had both submitted notices of their retirements occurring in October.

Sanders advised that during a testing of the storm sirens had revealed an issue with the reception of the signal from Polk County. He noted that the sirens are functional, it's just that the signal is not triggering the siren. He noted that staff continues working with Polk County on the issue.

Sanders noted that Mediacom was making improvements in the area.

Public Works Director Dave Cubit noted that decent progress was being made on the NW 70<sup>th</sup> Avenue project, but that during excavation, the contractor had found sections of the roadway that are in excess of two and a half feet, which would lead to a change order increase of approximately \$65,000.

#### 11. CITY COUNCIL COMMENTS

Council Member Lindeman noted that he would be attending the Central Iowa Regional Drinking Water Association meeting on April 19, 2016.

Council Member Cope noted he had attended the Youth Homes Annual meeting where the City had received the Friends of Youth Home award.

Mayor Dierenfeld reminded everyone of the kite workshop on April 23 and the Annual Kites on the Green event will be held on the first Saturday in May.

#### 12. UPCOMING MEETINGS

May 2, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
May 16, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

#### 13. ADJOURNMENT

The meeting adjourned at 8:59 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk