

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 16-10
Johnston City Hall, 6221 Merle Hay Road
May 2, 2016
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:02 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 the Johnston Innovation Show Choir led the meeting in the Pledge.

5. AGENDA APPROVAL

City Administrator Jim Sanders noted that the Resolution in item 9F should be 16-95.

Motion by second by to approve the Agenda as noted.

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

Nay: None

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

The Johnston Innovation Show Choir performed and Mayor Dierenfeld recognized them for their outstanding season.

- a. Proclaiming May 15 – 21, 2016 as National Police Week and recognizing May 15, 2016 as Police Officers' Memorial Day.

Mayor Dierenfeld proclaimed National Police Week and recognized May 15 as Police Officers' Memorial Day.

- b. Recognize donors to the Terra Park project.

Parks Director John Schmitz provided an update on progress at Terra Park. Mayor Dierenfeld and Schmitz recognized those individuals and businesses who had made donations to the project, and presented the donors with certificates of appreciation.

- c. Proclaiming May 7, 2016 as Kites on the Green Day.

Mayor Dierenfeld proclaimed May 7 as Kites on the Green Day and recognized those individuals and businesses who had donated time and money to the event.

- d. Proclaiming May 2016 as Johnston Bike Month and recognizing the many benefits of bicycle use in the Johnston community.

Mayor Dierenfeld proclaimed May as Johnston Bike Month and reminded residents that the Mayor's Bike Ride would be held on May 13, 2016.

6. PUBLIC HEARINGS

- a. Conduct a Public Hearing and Consider Resolution No. 16-89 – Opening and Closing Public Hearing, approving the annexation of property, including right-of-way, and establishing zoning districts for the Minks Monk 2016 Annexation. The property is 22.25 acres located east of NW Beaver Drive and north of NW 78th Avenue, currently within unincorporated Polk County.

The Public Hearing opened at 7:35 p.m.

Planning Intern Clayton Ender reviewed the proposed annexation, noting that there had been an area of right-of-way which had not been properly annexed in previous annexations. He noted that the action being undertaken would rectify the error and create an area with more uniform boundaries. Ender noted that the current zoning of adjacent property is R-1(100) and the applicant has petitioned to establish the annexation area as R-1(100) as well. Ender also advised that evidence had been presented that an easement on Lot B of Hughes Acres that may have been granted by a party without authority to do so, but that issue would be resolved during the plat review process.

There were no public comments received.

The Public Hearing closed at 7:39 p.m.

Motion by Clabaugh second by Cope to approve Resolution No. 16-89.

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

Nay: None

Motion Approved: 5-0

7. CONSENT AGENDA

- a. Consider Minutes of April 18, 2016 Worksession
- b. Consider Minutes of April 18, 2016 Council Meeting.
- c. Consider the renewal of a Class B Beer Permit for Cactus Bob's BBQ Corral, 5955 Merle Hay Road, Suites C and D.
- d. Consider Resolution No. 16-93 – Appointing Chief of Police Dennis McDaniel as the primary representative and Lt. Lynn Aswegan as the alternate representative to the Polk County Emergency Management Commission.
- e. Consider setting a Public Hearing for May 16, 2016 at 7:00 p.m. to amend the budget for year end June 30, 2016.
- f. Consider Resolution No. 16-90 – Approving amended sign permit fees.
- g. Consider Resolution No. 16-96 – Accepting funding award in the amount of \$300,000 from Polk County for the Terra Lake project and to authorize the Mayor to sign the contract agreement.
- h. Consider Resolution No. 16-97 – Accepting funding award in the amount of \$700,000 from Vision Iowa for the Terra Lake project and to authorize the Mayor to sign the contract agreement.
- i. Consider approval of Pay Request No. 1 from Kingston Services in the amount of \$271,455.85 for construction of a new parking lot at Terra Lake.
- j. Consider approval of Pay Application No. 4 from Corell Contractor, Inc. in the amount of \$219,210.81 for the NW 63rd Place Extension from NW 59th Court to Merle Hay Road project.
- k. Consider Resolution No. 16-101 – Approving the acquisition of real estate interests and authorizing payments to acquire real property for the NW 57th Avenue Improvements.
- l. Consider a Purchase Order to Hawkins, Inc. for the purchase of hydrogen bioxide for the injector located on NW Beaver Drive.
- m. Consider a Professional Services Agreement with MSA Professional Services for the design of the NW Beaver Drive Overlay, Merle Hay Road to north corporate limits, project.
- n. Consider a Professional Services Agreement with MSA Professional Services for Acquisition Services on the NW Beaver Drive Overlay, Merle Hay Road to north corporate limits, project.
- o. Consider Resolution No. 16-102 – Fixing date for a meeting on the proposition to authorize a lease agreement in the principal amount of not to exceed \$20,000 for the purpose of equipping the municipal library for a general corporate purpose and providing for publication of notice thereof.
- p. Consider a Resignation of Employment and Release Agreement.
- q. Consider Resolution No. 16-88 – Setting a Public Hearing for May 16th, 2016 at 7:00 p.m. to consider an Ordinance amending Chapter 170 of the City of Johnston Municipal Code of 2007 regarding signage definitions.
- r. Consider Resolution No. 16-100 – Approving the Construction Contract and Bond for the NW 86th Street Booster Pumping Station Improvements project.

- s. Consider approval of a Purchase Order to Quality Flow Iowa for the purchase of grinder stations and pumps.
- t. Consider approval of a Purchase Order to Keck Energy for the purchase of fuel.
- u. Consider approval of Pay Request No. 1 from Iowa Signal, Inc. in the amount of \$179,507.73 for work completed as of April 25, 2016 on the NW 70th Avenue Improvements Retaining Wall project.
- v. Consider Resolution No. 16-99 – Approving Change Order No. 1 for the 2016 Bio-Retention Planting project.
- w. Consider Resolution No. 16-97 – Approving Change Order No. 2 for the NW 70th Avenue Improvements, NW 98th Street to west city limits project.
- x. Consider Pay Request No. 4 from Alliance Construction Group in the amount of \$375,616.99 for work completed as of May 2, 2016 on the NW 70th Avenue Improvements, NW 98th Street to west city limits project.
- y. Consider Resolution No. 16-98 – Approving Change Order No. 3 for the Johnston Community Fiber Optic Phase III project.
- z. Receive and file the following reports:
 1. Planning & Zoning Commission Meeting Minutes – April 25, 2016
 2. Johnston Public Library Claims – April 21, 2016

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

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

Motion Approved: 5-0

9. NON-CONSENT AGENDA

- a. Second 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 that there were no changes or comments from previous consideration.

Motion by Temple second by Cope to approve Second Consideration of Ordinance No. 941.

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

Motion Approved: 5-0

- b. Second 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 that there were no changes or comments from previous consideration.

Motion by Lindeman second by Temple to approve Second Consideration of Ordinance No. 942.

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

Motion Approved: 5-0

- c. Consider approval of Resolution No. 16-92 – Adopting a Complete Streets Policy.
 Community Development Director David Wilwerding noted that the adoption of the Complete Streets policy had been discussed as a previous Worksession and it had also gone before the Parks Advisory Board and the Planning & Zoning Commission.

Motion by Clabaugh second by Lindeman to approve Resolution No. 16-92.

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

Motion Approved: 5-0

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

Wilwerding reviewed the proposed Ordinance related to the construction of the 62W complex along NW 62nd Avenue.

Chief of Police Dennis McDaniel answered questions regarding the enforcement of the parking limit. Council Member Clabaugh noted that parking at school functions may cause this item to come back before the Council at some point.

Motion by Temple second by Cope approve First Consideration of Ordinance No. 946.

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

Nay: None

Motion Approved: 5-0

- e. First Consideration of Ordinance No. 945 – Amending Johnston Revised Ordinances of 2007, Chapter 65 to modify locations of stop intersections.

Wilwerding noted that this was a housekeeping item that is looked at every year to address stop intersections in new development areas to allow enforcement by the Police Department.

Motion by Lindeman second by Brown to approve First Consideration of Ordinance No. 945.

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

Nay: None

Motion Approved: 5-0

Motion by Cope second by Brown to waive Second and Third Consideration of Ordinance 945 and to adopt and publish.

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

Nay: None

Motion Approved: 5-0

- f. Consider the following items:

- Resolution No. 16-94 – Establishing a Stormwater Homeowner Grant Program for Single-Family Residential Lots; and
- Resolution No. 16-65 – Approving the application for the Stormwater Homeowner Grant Program. Planning Intern Clayton Ender noted that this item had been discussed at the April 18 Worksession and had been updated to include the photograph/project release as requested by the Council.

Motion by Lindeman second by Brown to approve Resolution No. 16-94.

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

Nay: None

Motion Approved: 5-0

Motion by Temple second by Cope to approve Resolution No. 16-95.

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

Nay: None

Motion Approved: 5-0

- g. Consider Resolution No. 16-91 – Authorizing Public Hearing for Condemnation of Easements and Property located at 7240 NW 54th Avenue for construction of a public road from NW 54th Avenue to Birchwood Court.

City Administrator Jim Sanders noted that this issue has been discussed in the past and that a Public Hearing had been set last fall and that representatives of the property owner had attended and requested a delay in the construction process. Sanders noted that staff had met with the property owners earlier in

the year, but there has been no response to the last several attempts at communication. He advised that a construction timeline has been created, but that it is a work in progress with several moving pieces. He noted that staff is still hopeful that there will be communication with the property owner.

Motion by Clabaugh second by Lindeman to approve Resolution No. 16-91.

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

Nay: None

Motion Approved: 5-0

- h. Consider approval of Claims in the amount of \$1,408,009.49

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

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

Nay: None

Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Sanders noted that item 8M related to the overlay project on NW Beaver Drive, which is now in the design phase and is scheduled for construction in summer of 2017.

11. CITY COUNCIL COMMENTS

Council Member Lindeman noted that he had attended the Central Iowa Regional Drinking Water Committee meeting and that the legislation in the senate went nowhere. He also noted that there was discussion related to the Des Moines Water Works lawsuit.

12. UPCOMING MEETINGS

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

13. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk