

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 16-13
Johnston City Hall, 6221 Merle Hay Road
June 20, 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: Lindeman, Brown, Cope, Temple
Absent: Clabaugh

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Jessica Bigelow, representative of Girls' State, led the meeting in the Pledge.

5. AGENDA APPROVAL

Council Member Cope noted that he would like to move item 8I to the Non-Consent Agenda. City Administrator Jim Sanders noted that the resolution number in item 9B should be 16-132, not 16-32 as shown on the agenda.

Motion by Lindeman second by Cope to approve the agenda as noted.

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

Motion Approved: 4-0

6. PUBLIC COMMUNICATIONS

Frank Wennerholt, 10189 NW 80th Lane, addressed the Council regarding changes in Johnston and the increase in traffic in the northwest area, stating there is nowhere to walk safely. He also asked for more police presence in the area to help with the speeding issue. Mr. Wennerholt also noted that there is a stormwater issue near his home that is causing his driveway and street to cave in.

Mayor Dierenfeld thanked Mr. Wennerholt for his comments and noted that staff would make contact with him regarding the issues.

6. PUBLIC HEARINGS

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

Mayor Dierenfeld noted that the Public Hearing on this issue had been continued to this meeting. She advised that the Public Hearing closed at 7:18 p.m. She also noted that a working group would be assembled to continue addressing the proposed construction of the public road.

Motion by Cope second by Lindeman to take no action on Resolution No. 16-103.

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

Motion Approved: 4-0

7. CONSENT AGENDA

a. Consider Minutes of June 6, 2016, Work Session

b. Consider Minutes of June 6, 2016, Council Meeting

c. Consider the renewal of a Class B, C, and E Liquor License for Kum & Go, LC Store #570, 6800 Northglenn Drive.

d. Consider Resolution No. 16-130 – Establishing Salaries, Wages, and Salary Ranges for Non-Bargaining Unit Professional and Administrative Employees for the 2016-2017 Fiscal Year.

e. Consider Resolution No. 16-131 – Approving Staff Appointments and Establishing Wages.

- f. Consider Resolution No. 16-137 – Approval of amendments to the Employee Handbook.
- g. Consider Resolution No. 16-136 – Setting a public hearing on July 5, 2016 at 7:00 p.m. to consider approval of an official zoning map amendment for 13.88 acres and adjoining right-of-way from A-R, Agricultural Reserve District to R-1(75), Single-Family Residential District. The subject property is located west of NW 100th Street and approximately 275’ south of the Johnston city limits.
- h. Consider Resolution No. 16-138 – Establishing solid waste and recycling fees for 2016-2017.
- j. Consider authorizing a Fireworks Permit for Hyperion Field Club, 7390 NW Beaver Drive.
- k. Consider Resolution No. 16-128 – Charging off active utility accounts receivable.
- l. Consider approval of out-of-state travel for Jim Sanders and Teresa Rotschafer to attend the International City/County Management Association’s (ICMA) Annual Training Conference in Kansas City, September 25-27, 2016
- m. Consider authorizing the Finance Director to issue payments for necessary end of fiscal year purchases.
- n. Consider approval of a Purchase Order to Communication Innovators for the purchase of audio/visual equipment for the training room and the addition of sound capabilities for the Council chambers.
- o. Consider Resolution No. 16-129 – Approving the preliminary official statement for \$8,510,000 (dollar amount subject to change) General Obligation Bonds, Series 2016A.
- p. Consider Resolution No. 16-140 – Authorizing and approving the Police Chief to submit an application for funding to the U.S. Department of Justice COPS Office fiscal year 2016 Community Oriented Policing Services Hiring Program (CHP).
- q. Consider renewal of the Employment Contract and Agreement for the City Administrator.
- r. Consider the proposed 28E Agreement between Johnston and Grimes for fire and rescue services
- s. Consider appointments to the Library Board of Trustees.
- t. Consider Resolution No. 16-134 – Accepting the agreement with Hyperion Field Club for a temporary construction easement for phase 2 of the NW Beaver Drive Trail project.
- u. Consider Resolution No. 16-135 – Accepting funding award in the amount of \$50,000 from Prairie Meadows for the Terra Park project.
- v. Consider Resolution No. 16-141 – Approval of the Construction Plans for Wilkie Place Plat 1. The subject property is at the intersection of NW 64th Place and NW 51st Street.
- w. Consider Resolution No. 16-139 – Approval of the Construction Plans for Crosshaven Plat 7. The subject property is east of NW 100th Street and south of Little Beaver Creek.
- x. Consider approval of Pay Request No. 4 from Iowa Signal, Inc. in the amount of \$82,362.63 for work completed as of June 9, 2016 on the Johnston Community Fiber Optic System project – Phase 3.
- y. Consider approval of a Purchase Order to Des Moines Water Works to perform an annual leak survey.
- z. Consider approval for Matt Greiner to attend the APWA Public Works Expo Conference in Minneapolis, MN August 27-31, 2016.
- aa. Consider approval for Dave Cubit to attend the APWA Public Works Expo Conference in Minneapolis, MN August 27-31, 2016
- bb. Consider approval of a Purchase Order to Diamond Oil for the purchase of fuel.
- cc. Consider approval of Pay Request No. 7 from H&W Contracting, LLC in the amount of \$51,841.50 for work completed as of June 10, 2016 on the East of Merle Hay Road-NW 55th Avenue Improvements project-Phase 1B.
- dd. Consider approval of Pay Request No. 2 from Rognes Corporation in the amount of \$61,416.65 for work completed as of June 7, 2016 on the East of Merle Hay Road-NW 60th Avenue Improvements project-Phase 4A.
- ee. Consider approval of Pay Request No. 7 from Alliance Construction Group in the amount of \$790,914.90 for work completed as of June 10, 2016 on the NW 70th Avenue Improvements-NW 98th Street to west city limits.
- ff. Consider approval of a Purchase Order to Seneca Companies for service on the fuel tank monitoring system.
- gg. Receive and file the following reports:
 - 1. Bank Reconciliation Report – May 31, 2016
 - 2. Treasurer’s Investment Report – May 31, 2016
 - 3. Year-to-Date Treasurer’s Report – May 31, 2016
 - 4. Monthly Report Summarization – May 31, 2016
 - 5. Senior Citizens Report – May 31, 2016
 - 6. Street Division Monthly Operations Report – May 2016
 - 7. Water/Wastewater Monthly Operations Report – May 2016
 - 8. Planning & Zoning Commission Meeting Minutes – June 13, 2016

hh. Consider approval of out-of-country travel for Lt. Lynn Aswegan and Lt. Tyler Tompkins to attend a youth camp in Kosovo, August 17-24, 2016.

Motion by Temple second by Lindeman to approve the Consent Agenda

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

Motion Approved: 4-0

8i. Consider Resolution No. 16-133 – Designating a working group to identify and discuss issues related to the construction of a road from NW 54th Avenue to Birchwood Court.

City Administrator Jim Sanders noted that a group made up of stakeholders in the area would be created to look into the proposed roadway.

Council Member Cope encouraged those participating in the group to keep an open mind while working on the group.

Motion by Cope second by Temple to approve Resolution No. 16-133.

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

Motion Approved: 4-0

9. NON-CONSENT AGENDA

a. Consider Resolution No. 16-142 – Approving the Preliminary Plat for Canterbury Woods Plat 2 subdividing 7.644 acres into 3 single-family lots. The property is located east of NW 107th Street and south of NW 74th Place.

Senior Planner Aaron Wolfe reviewed the proposed plan, including utilities, and setback requirements. Wolfe noted that the setback and buffer requirements for the plat were spelled out in a development agreement approved in 2006. Wolfe advised that the lots met the requirements. Wolfe noted that the proposed cul-de-sac bulb encroaches on an existing conservation easement and would cause the removal of trees in the easement that could be transplanted to continue screenage of the project.

Sherif Tewfik, 7365 NW 107th Street, addressed the Council, noting that he is not opposed to the proposed project, but is against the encroachment on the conservation easement. He advised that he felt allowing the cul-de-sac bulb into the easement would be renegeing on the previous agreement. He noted that the easement was put there to appease the neighbors who were being annexed into Johnston.

Steve Kraber, 7375 NW 107th Street, also addressed the Council, noting that he was frustrated with the Planning & Zoning Commission's decision. He noted that allowing the cul-de-sac into the easement and tearing out trees just doesn't add up to him. He encouraged the Council to look closely at the proposed plat. He noted that the developer lives on the north side of the property and that if easements and boundaries were followed on that side, they should be followed on the south side as well.

Mark McMurphy of Abaci Consulting addressed the Council on the challenges the property presented which led to the plan to place the cul-de-sac bulb in the easement, noting that disallowing that would cause the loss of lot 3 for development.

John Larson, the developer, also addressed the Council. Mr. Larson noted that he was willing to plant 2 trees for every tree that was removed and that he was fine with size stipulations as well. He noted that he was also interested in screening these lots from the existing homes.

Council Member Cope inquired as the creation of the easement. Wolfe noted that typically they are created to protect sensitive slopes and topography. He advised that the easement was created in 2013 as part of the platting of Plat 1, even though it didn't meet the typical guidelines. Cope encouraged the developer to continue to look at their proposed project to see if there is a way to plat with less or no encroachment on the easement. Wolfe noted that the Comprehensive Plan called for either 120' separation or a 60' wooded buffer, and that the proposed plan meets the requirements. He noted that the issue seems to be whether or not the Council was inclined to allow the construction of the cul-de-sac within the conservation easement.

Dr. Tewfik reiterated that he was not opposed to the project, but was adamantly against building in the easement as he was assured that the buffer would not be encroached upon.

Duncan Kyhl, 6035 Nottingham Drive, noted that he did not live in the area being discussed but that the issue seems to be keeping a border between neighborhoods. He suggested adding additional trees below the conservation easement.

There was further discussion on what the compromise could be on the proposed project.

Rand Frei, 7746 Caldwell Circle, requested clarification on responsibility for utility installation, as well as the validity of an oral agreement that may have been made by a previous property owner.

Council Member Cope moved to table Resolution No. 16-142. There was no second. Motion dies due to lack of a second.

Discussion ensued regarding the process and the Motion by Brown to table Resolution No. 16-142 until July 5, 2016, with a caveat that additional information is provided by staff, second by Lindeman to table Resolution until July 5, 2016, with the caveat that there is a 12' minimum on replacement trees.

ROLL CALL: Aye: Lindeman, Brown, Cope, Temple
Nay: None
Motion Approved: 4-0

- b. Consider Resolution No. 16-132 – Approving the Site Plans for DSM Partners, LLC at 4945 NW 57th Avenue (PZ Case 16-16).
Planning Intern Clayton Ender reviewed the proposed project, noting that the developer was requesting the inclusion of their glass wall in the permanent materials calculations. Ender also noted the conditions for approval set by the Planning & Zoning Commission.

Motion by Lindeman second by Temple to approve Resolution No. 16-132
ROLL CALL: Aye: Brown, Cope, Temple, Lindeman
Nay: None
Motion Approved: 4-0

- c. Consider approval of Claims in the amount of \$1,968,796.24
Motion by Cope second by Temple to approve Claims as presented.
ROLL CALL: Aye: Cope, Temple, Lindeman, Brown
Nay: None
Motion Approved: 4-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Sanders noted that he had no comments other than those presented at the Worksession.

11. CITY COUNCIL COMMENTS

Council Member Lindeman commented that Green Days was a success.
Council Member Cope noted that he was participating in a discussion on the minimum wage in Polk County and that he was concerned about the precedent that could be set. He noted that he was encouraging Polk County to provide their legal authority to dictate wages.
Mayor Dierenfeld thanked everyone for a great job at Green Days.

12. UPCOMING MEETINGS

TUESDAY, July 5, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
July 18, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk