

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 16-15  
Johnston City Hall, 6221 Merle Hay Road  
July 18, 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  
Absent: Cope, Temple

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

John Kyhl led the meeting in the Pledge.

5. AGENDA APPROVAL

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

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

Motion Approved: 3-0

6. PUBLIC COMMUNICATIONS

Joe Ruggerio, 5802 NW 106<sup>th</sup> Street, addressed the Council regarding the traffic situation along NW 106<sup>th</sup> Street. He requested a temporary speed bump be placed to slow traffic down. He also requested a no truck traffic sign be posted. Mayor Dierenfeld thanked Mr. Ruggerio for his comments and noted that staff would be in touch with him to discuss the issue.

Garrett Picklap, representing Fareway Stores, addressed the Council and noted that construction on the store was on track for a September 14, 2016 opening. He also advised that he wanted to provide an update on the status of working with the neighbors on the agreement to help with some landscaping costs. He noted that the issue was resolved with the McIntyre property but that the McCarthy property was still unresolved. Picklap provided a timeline of what has occurred with the McCarthy property. He noted that Fareway had met with the property owner onsite a couple times last fall, and received a bid from the property owner for a very detailed landscaping plan. The plan included 100 tons of dirt, some lilies, boulders, and most substantively, 11 vertical plantings estimated at \$1600. Fareway offered in November to pay for the vertical plantings and to provide him with whatever dirt he wanted for the landscaping project. That offer expired the first week of December. No response was received from the property owner prior to the offer expiring. The property owner contacted Fareway after the deadline. Picklap advised the property owner that they would extend the offer, but it wasn't an indefinite offer as the dirt needed to be removed from the construction site by spring. There was no additional communication until February or March when Picklap was contacted by the Des Moines Register inquiring about a claim that Fareway was holding up the property owners' negotiations with the city because of landscaping. Picklap advised that he contacted the property owner again and renewed the offer, but advised that the time of the dirt availability was very short, as the dirt needed to be off-site. Picklap gave a June 7, 2016 deadline for the offer. The property owner called on June 10, noting he had not received the offer until June 10. Picklap requested that the property owner sign the offer and fax it back. The property owner advised that he wasn't at work and would fax it first thing on Monday, June 13. On June 13, Picklap received an email from McCarthy wanting Fareway to revise the offer by changing the dates so he wasn't signing an expired offer. Picklap responded by email stating he would initial the dates, extending the offer to June 13. As of the date of this meeting there has been no further communication between the property owner and Fareway. Mayor Dierenfeld thanked Picklap for the update and noted that she was hearing that residents were excited about the opening.

6. PUBLIC HEARINGS

a. Conduct a Public Hearing and consider the following:

- Receipt of Bids
- Resolution No. 16-153 – Resolution directing the sale of \$8,510,000.00 (dollar amount subject to change) General Obligation Bonds, Series 2016A

The Public Hearing opened at 7:11 p.m.

Finance/HR Director Teresa Rotschafer noted that the bid results were on the dais. Rotschafer introduced Matthew Stoffel and Jenny Blankenship from PFM. Stoffel reviewed the bids, noting that 7 bids were received, with PFM recommending acceptance of the bid from Piper Jaffray. Stoffel also noted that the city's AA+ bond rating was confirmed.

No public comments were received.

The Public Hearing closed at 7:14 p.m.

Motion by Clabaugh second by Lindeman to approve Resolution No. 16-153.

ROLL CALL: Aye: Brown, Clabaugh, Lindeman

Nay: None

Motion Approved: 3-0

b. Conduct a Public Hearing and consider Resolution No. 16-152 – Instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$288,000.00 Sewer Revenue capital loan notes for the Green Meadows West Central Channel Stabilization project.

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

Community Development Director David Wilwerding noted that this action was part of the stabilization project in Green Meadows West and allowed borrowing the cost of the engineering contract through a zero percent interest loan from the SRF, which would then be paid back through Stormwater Utility revenue.

No public comments were received.

The Public Hearing closed at 7:16 p.m.

Motion by Clabaugh second by Lindeman to approve Resolution No. 16-152.

ROLL CALL: Aye: Clabaugh, Lindeman, Brown

Nay: None

Motion Approved: 3-0

7. CONSENT AGENDA

- a. Consider Minutes of July 5, 2016, Work Session
- b. Consider Minutes of July 5, 2016, Council Meeting
- c. Consider Resolution No. 16-158 – Approving Staff Appointments and Establishing Wages.
- d. Consider the renewal of a Class C (Commercial) Liquor License to include Sunday sales and outdoor service privileges for Okoboji Bar & Grill, 8481 Birchwood Court.
- e. Consider the renewal of a Class E Liquor License to include Sunday sales for Casey's General Store #2816. 6417 Northglenn Drive.
- f. Consider the renewal of a Special Class C Liquor License to include Sunday sales for Pagliais Pizza, 5312 Merle Hay Road.
- g. Consider approval of a new Class LE, B, and C Liquor License and Cigarette, Tobacco, Nicotine, and Vapor Permit for the new Fareway Store, 6005 Merle Hay Road.
- h. Consider the renewal of a Liquor License for Sodexo to serve alcohol at DuPont Pioneer's Carver Center, 7000 NW 62<sup>nd</sup> Avenue.
- i. Consider the renewal of a Class C Liquor License with Sunday sales for The Boat House, 7695 NW Beaver Drive.
- j. Consider approval of the Full-Time Firefighter/Paramedic Eligibility List.
- k. Consider Resolution No. 16-155 – Approving Johnston's Grievance Procedure to comply with the Americans with Disabilities Act.
- l. Consider an approval of the proposal to conduct a Compensation Study, and Agreement for Professional Services with Gallagher Benefit Services, Inc.'s Fox Lawson Group.



Sanders noted that Second Consideration included the amendments made at the July 5, 2016 meeting.

Motion by Lindeman second by Clabaugh to approve Second Consideration of Ordinance No. 947.

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

Motion Approved: 3-0

- b. Second Consideration of Ordinance No. 948 Approving an Amendment to the Official Zoning Map 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 100<sup>th</sup> Street and approximately 275' south of the Johnston city limits.

Senior Planner Aaron Wolfe noted that the Benton Dam safety report from the DNR was included in the packet. He also advised that Council had indicated that they would like a maintenance agreement for the dam in place before the plat approval, but that so far, no agreement had been reached.

Property owner Mark Shryock noted that he had agreed to sell the property to Gentile and that three years ago the Council had also discussed a maintenance for the dam. He encouraged the Council to stay out of private affairs between neighbors. He also advised that he was not clear in what the issue is with the dam. He noted that Gentile had agreed to address the overflow issues on outlot X.

Mayor Dierenfeld noted that the Council recognized the limits on their authority, but were encouraging the parties to work together to reach an agreement.

Council Member Brown noted that he had met with the Van Der Heijdens and that they had voiced concerns about potential flooding to the north and whether or not they would be responsible and that was the issue the Council was trying to address with a maintenance agreement.

Motion by Brown second by Clabaugh to approve Second Consideration of Ordinance No. 948.

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

Motion Approved: 3-0

- c. Consider Resolution No. 16-151 – Confirming the results of the Nilles Associates Greenwood Hills Plat 5 Stormwater Study dated July 6, 2016.

Planner Clayton Ender noted that the Nilles study had been completed and showed a negligible impact of .008 inches of increase in the pond.

Motion by Lindeman second by Brown to approve Resolution No. 16-151.

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

Motion Approved: 3-0

- d. Consider approval of Claims in the amount of \$2,018,588.37

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

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

Motion Approved: 3-0

## 10. CITY ADMINISTRATOR/STAFF COMMENTS

- a. Update on ADA compliance for sidewalks

City Administrator Jim Sanders noted that the issue had been discussed in the past as we had received a complaint about our sidewalks, along with the issue of not having a sidewalk program. He advised that the city has received a letter from DOT/FHWA indicating that we still have a number of issues that need to be dealt with. He noted that the city still has work to do in implementing a sidewalk program and ensuring that our sidewalks are ADA compliant. He advised that according to the letter, those sidewalks that need to be addressed are those that are funded with federal dollars, which are limited in the city. But the city knows that it needs to address all of the sidewalks in the community and wants to look at not only what we're required to do, but also look broader to ensure that we have adequate inspection and updating of our sidewalk system. He noted that the Public Works Ad Hoc committee would also be discussing the sidewalk program and then staff would make a more formal presentation at the August 15 meeting.

Construction Inspector Matt Greiner reviewed the progress that has been made related to the five items outlined in the email.

Public Works Director Dave Cubit also addressed the Council regarding the letter, noting that the 90-day deadline is related to the plan as opposed to the actual work. Cubit advised that in his communications with the DOT/FHWA he has indicated that the city is actively working toward compliance.

Sanders also noted that staff had discovered that an employee was scheduled for out-of-state training that had not yet been approved by Council. He noted that the training was scheduled for August 1, and the item would be included on the August 1 agenda.

Sanders also inquired as to whether the Council was interested in continuing with the Urban Bow Hunt program. The Council indicated their consensus with continued participation.

11. CITY COUNCIL COMMENTS

Council Member Clabaugh noted he had paddled Beaver Creek and that he was looking forward to the Water Trails presentation with the MPO and the Park Board and Tree Board.

Mayor Dierenfeld thanked staff for the successful appreciation dinner for the Terra Lake donors.

12. UPCOMING MEETINGS

August 1, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
August 15, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk