

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 16-16 Minutes
Johnston City Hall, 6221 Merle Hay Road
August 1, 2016
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:03 p.m.

2. ROLL CALL

Present: Clabaugh, Lindeman, Brown, Temple
Absent: Cope

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Rachel Gowey, U.S. National Team gymnast led the meeting in the Pledge and was provided a certificate and recognition for her outstanding achievements.

5. AGENDA APPROVAL

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

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

Motion Approved: 4-0

6. PUBLIC COMMUNICATIONS

There was no additional public communication.

6. PUBLIC HEARINGS

a. Conduct a Public Hearing and consider Resolution No. 16-159 – Approving and authorizing execution of a Development Agreement by and between the City of Johnston and DSM Investment Partners, LLC, an Iowa limited liability company and Elite Glass & Metal, LLC, and Iowa Limited Liability Company.

The Public Hearing opened at 7:09 p.m.

City Administrator Jim Sanders provided some background in relation to the request for Tax Increment Financing incentives. The building will be approximately 15,000 square feet with a \$70,000 incentive as a forgivable loan at 20% per year forgiven.

No public comments were received.

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

Motion by Clabaugh; seconded by Lindeman to approve Resolution No. 16-159.

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

Motion Approved: 4-0

b. Conduct a Public Hearing and consider the following:

- Resolution No. 16- 169 – Releasing and vacating a portion of an existing Overland Flowage Easement recorded in Book 15020 Page 317 within Outlot “ZZ” of Canterbury Woods Plat 1;
- Resolution No. 16-170 - – Releasing and vacating a portion of an existing Conservation Easement recorded in Book 15020 Page 317 within Outlot “ZZ” of Canterbury Woods Plat 1.

The Public Hearing opened at 7:13 p.m.

Senior Planner Aaron Wolf provided background – following the preliminary plat, an agreement was discussed to reduce encroachment into the easement; modest vacation of easement.

There were no public comments received

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

Motion by Lindeman second by Brown to approve Resolution No. 16-169.

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

Nay: None
Motion Approved: 4-0

Motion by Temple second by Lindeman to approve Resolution No. 16-170.

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

Motion Approved: 4-0

7. CONSENT AGENDA

- a. Consider Minutes of July 18, 2016, Council Meeting
- b. Consider Resolution No. 16-168 – Approving Staff Appointments and Establishing Wages. Plagge, Library
- c. Consider approval of a Purchase Order to Capital City Equipment for the purchase of a new Kubota Tractor/Mower with attachments.
- d. Consider approval of Partial Pay Request No. 4 from Rochon Corporation of Iowa, Inc. in the amount of \$180,448.70 for Terra Lake Park Improvements Phase 3.
- e. Consider approval of a Purchase Order for \$46,406.54 to Van Wall Equipment, Inc. for the purchase of a new John Deere H180 Loader/Tractor with attachments.
- f. Consider authorizing additional services as outlined in the Agreement for Professional Services with Foth Infrastructure and Environments, for the Merle Hay Road Gateway Permitting project.
- g. Consider authorizing out-of-state travel for Detective Ryan Hanssen to attend the Mid-States Organized Crime Information Center (MOCIC) Annual Training Conference in Wichita, Kansas, August 23-25, 2016.
- h. Consider authorizing out-of-state travel for Community Service Officer Terry Dippold to attend NW3C Cell Phone Forensic Training in Kansas City, August 1-4, 2016.
- i. Consider Resolution No. 16-160 – Appointing representatives to the Johnston-Grimes Metropolitan Fire Department Board
- j. Consider approval of a Purchase Order for the purchase of ten (10) replacement desktop computers, two (2) replacement laptop computers, and five (5) replacement monitors for the Police Department.
- k. Consider approval of an amendment to the NW 100th Street Improvements Engineering Services contract
- l. Consider the following items related to the \$8,510,000 General Obligation Bonds, Series 2016A:
 - Resolution No. 16-163 – Appointing Bankers Trust Company of Des Moines, Iowa to Serve as Paying Agent, Bond Registrar, and Transfer Agent, Approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement;
 - Resolution No. 16-164 - Amending "the Resolution Authorizing the issuance of \$8,715,000 General Obligation Bonds, Series 2016A, and levying a tax for the payment thereof", Passed and approved on February 16, 2016, by substituting a new resolution therefore, Authorizing and Providing for the Issuance of \$8,510,000 General Obligation Bonds, Series 2016A, and Levying a tax to pay said bonds; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate
- m. Consider Resolution No. 16-162 - A Resolution initiating an Official Amendment to the Johnston 2030 Comprehensive Plan's Future Land Use Map and initiating an Official Zoning Map Amendment for approximately 7.7 acres and adjoining right-of-way from A-R, Agricultural Reserve District, to R-1(75), Single-Family Residential District, and initiating an Official Zoning Map Amendment for approximately 28.2 acres and adjoining right-of-way from A-R, Agriculture Reserve District, to C-2, Community Retail Commercial District, and initiating an Official Zoning Map Amendment for approximately 17.9 acres and adjoining right-of-way from A-R, Agriculture Reserve District, to Pc, Professional Commerce Park District, and initiating an Official Zoning Map Amendment for approximately 12.8 acres from A-R, Agriculture Reserve District, to R-3, Medium Density Multiple Family Residential District, by referring to the Planning And Zoning Commission for review and recommendation. The subject property is located on the southwest corner of NW 86th Street and NW 70th Avenue.
- n. Consider Resolution No. 16-165 – A Resolution Approving Change Order No. 3 for NW 70th Avenue Improvements 98th Street to West City Limits.
- o. Consider Approval of Pay Request No. 6 to Iowa Signal, Inc., in the amount of \$60,329.90 for work completed as of July 22, 2016, on the Johnston Community Fiber Optic System Project Phase 3.

- p. Consider Approval of Pay Request No. 6 to Rognes Corporation in the amount of \$35,249.75, for work completed as of July 19, 2016, on E of Merle Hay Road NW 60th Avenue Improvements Project Phase 4A.
- q. Consider Approval of Blanket PO to Hawkins, Inc for Hydrogen Bioxide.
- r. Consider Approval of PO to Automatic Systems Company.
- s. Consider Approval of PO to Automatic Systems Company for Orchard Meadows 1 Lift Station Telemetry Upgrade.
- t. Consider Approval of PO to Keck Oil for City Fuel Purchases.
- u. Consider Approval of Professional Services Agreement with HR Green for the NW Beaver Drive Pumping Station.
- v. Consider Approval of Pay Request No. 10 to Alliance Construction Group in the amount of \$330,467.04, for work completed as of July 22, 2016, on the NW 70th Avenue Improvements 98th Street to West City Limits.
- w. Consideration of Resolution No. 16-166 – A Resolution Approving Change Order No. 4 for the Johnston Community Fiber Optic Phase 3 Project.
- x. Receive and file the following reports:
 - 1. Planning & Zoning Commission Meeting Minutes – July 25, 2016.
- y. Consider approval of a Purchase Order to UltraMax for the purchase of ammunition for the Police Department.

Motion by Lindeman second by Clabaugh to approve the Consent Agenda as presented with the change noted by Sanders of Council Members Temple and Brown being appointed as the City representatives in Resolution 16-160, agenda item 8I, (Johnston-Grimes Metropolitan Fire Department Board).

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

Motion Approved: 4-0

9. NON-CONSENT AGENDA

- a. Third and Final Consideration of Ordinance No. 947 – Amending the City Code to expand the use of bows and arrows within the city limits; and to adopt and publish.
 No questions or changes from previous consideration. Sanders briefly introduced the draft ordinance. Motion by Lindeman second by Temple to approve Third and Final Consideration of Ordinance No. 947 and to adopt and publish.
 ROLL CALL: Aye: Brown, Temple, Clabaugh, Lindeman
 Nay: None
 Motion Approved: 4-0

- b. Third and Final 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 100th Street and approximately 275’ south of the Johnston city limits; and to adopt and publish.
 No questions or changes from previous consideration. Wolfe briefly introduced the draft ordinance. The following comments were received: Monique Van Der Heijden – 10113 NW 80th – platting does not have the leverage that rezoning has; responsibilities and liabilities remain. The existing house is part of the rezoning; what happens if more construction occurs along NW 100th Street. She suggested reconsidering the rezone to find a different solution. Frank Wennerholt – 10189 NW 80th – the Chesterfield development has increased water / runoff. A three inch rain event raised the pond 25 inches. A ’93 or 2008 event would result in substantial damage – the farm pond is not designed to handle that amount of water coming in. Melissa Hill (Civil Engineering Consultants) – 2400 86th – this is a detention issue and focus should be on rezoning. Detention is a platting issue. The covenants show Monique and Jerry are responsible for maintenance of the dam. Additional lots on 100th cannot currently be developed as the property is in the dam overflow area. Monique responded that is too much responsibility with no benefit / profit; she would like to have time to look at issues and have a chance to solve before development begins. Wennerholt – Jerry and Monique’s responsibility has shifted to Chesterfield as the dominant owner. Mark Shryock – 8094 NW 100th Street – there is no maintenance agreement and probably never will be. In terms of development he’s not sure why the dam is holding up the development when it has

12. UPCOMING MEETINGS

August 15, 2016

City Hall

Worksession 6:00 p.m.

Meeting 7:00 p.m.

TUESDAY, September 6, 2016

City Hall

Worksession 6:00 p.m.

Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 8:01 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk