

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 16-19  
Johnston City Hall, 6221 Merle Hay Road  
September 19, 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: Lindeman, Brown, Cope, Temple  
Absent: Clabaugh

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

The Johnston Little League All Stars who were the U.S. Midwest Region's representative at the International Little League World Series in Williamsport Pennsylvania, led the Pledge of Allegiance.

5. AGENDA APPROVAL

Motion Lindeman, which was seconded by Temple to approve the agenda.

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

6. PUBLIC COMMUNICATIONS

- a. Proclamation - Recognition of the Johnston Little League All Star Team for its Little League World Series Achievements
- b. Police Department Commendations: Officer Jeremy Christensen, Letter of Appreciation; Officer Adam Criswell, Meritorious Service Award; Officer Anthony Yeager, Letter of Appreciation; Sergeant Jessica Jensen, Life Saving Award  
Chief Dennis McDaniel provided some background on each of the incidents and summarized the officers' actions leading to the awards.
- c. Promotion and Oath of Office for Police Lieutenant Tyler Tompkins  
Chief Dennis McDaniel provided background on Lieutenant Tompkins career with the City. Mayor Dierenfeld swore in Lieutenant Tompkins by administering the Oath of Office and his family participated in the pinning.

6. PUBLIC HEARINGS

- a. Conduct a Public Hearing and Consider the Following Items related to the Proposed Rezoning of the Simpson Property Containing Approximately 63 Acres on the Southwest Corner of NW 70<sup>th</sup> Avenue and NW 86<sup>th</sup> Street:
  - i. Consider Resolution No. 16-195 – Approving a Development Agreement with Simpson Enterprises, Inc. (Pursuant to Chapter 414 of Iowa Code, Action on this Item must Occur Prior to Close of the Public Hearing);
  - ii. Consider Resolution No. 16-196 – Approving an Amendment to the Johnston 2030 Comprehensive Plan's Future Land Use Map;
  - iii. Consider First Reading of Ordinance 950 – Approving An Official Zoning Map Amendment from A-R Agriculture Reserve District to R-1(75) Single-Family Residential District, C-2 Community Retail Commercial District, PC Professional Commerce Park District, and R-3 Medium Density Multiple Family Residential District

The Public Hearing opened at 7:32 p.m.

Planner Clayton Ender introduced the item and provided background related to proposed rezoning. Ender stated that the request for rezoning was initiated by Simpson Enterprises. The proposal is

subject to a development agreement should the Council approve the request. An amendment to the Future Land Use Map would be required based on this request if approved. The proposed amendment would result in low density residential (LDR) being increased from under an acre to a little over five acres, with medium density residential (MDR), and Office being decreased and 18.74 acres of Commercial being added, along with some changes to water way and future roads. The site is zoned AR – Agriculture Reserved, which is designed to protect the land until it shall become developed.

Proper notices went out including signs and publication in DM Register, website, and individual mailings, in addition the applicant held a neighborhood meeting. Staff have not received any comments from the public to date. Planning and Zoning Commission have recommended approval as well.

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 16-195.

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

Motion Approved:               4-0

The Public Hearing closed at 7:40 p.m. with no public comment or any issues noted from the Council or Mayor.

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 16-196.

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

Motion Approved:               4-0

Motion by Cope, which was seconded by Lindeman to approve First Consideration of Ordinance No. 950.

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

Motion Approved:               4-0

## 7. CONSENT AGENDA

- a. Consider Minutes of September 6, 2016, Worksession
- b. Consider Minutes of September 6, 2016, Council Meeting
- c. Authorization for the Police Chief to Accept Award, Terms and Conditions of a Traffic Safety Grant for Federal Fiscal Year 2017, from the Iowa Governor’s Traffic Safety Bureau
- d. Authorization for Out-of-State Travel for Detective Ryan Hanssen to Attend Gracie Survival Tactics instructor certification course in Livingston, Michigan, October 31- November 4, 2016
- e. Consider Resolution No. 16-200 – Approving the Street Finance Report for Fiscal Year 2015/2016 for the City of Johnston
- f. Consider Amendment No. 1 to the Agreement for Professional Services with Foth Infrastructure and Environment for the Merle Hay Road Gateway Permitting Project
- g. Consider Approval of a Purchase Order to Kingston Services in the Amount of \$23,775 for Concrete for the Playground at Crosshaven Park
- h. Consider Resolution No. 16-198 – Approving Change Order No. 2 for Masonry Veneer Adjustments for the Terra Park Project, Phase 3
- i. Consider Amending the Agreement with Unite Private Networks (UPN) to Provide the City with Internet Services
- j. Consider Resolution No. 16-203 – Appointing James Clark as Fire Chief, and Establishing Annual Salary
- k. Consider Approval of Pay Request No. 12 to Manatt’s Inc., in the Amount of \$616,934.47 for Work Completed as of September 12, 2016, on the NW 100<sup>th</sup> Street Reconstruction Project
- l. Consider Approval of Pay Request No. 9 to Rognes Corporation in the Amount of \$106,211.66 for Work Completed as of September 8, 2016, on E of Merle Hay Road NW 60h Ave Improvements Project – Phase 4A
- m. Consider Resolution No. 16-201 – A Resolution Approving Change Order No. 6 for the Johnston Community Fiber Optic Phase III Project



count the previous trees removed, but stated that the developer must meet the remediation plan. Ender also mentioned that boundaries are a civil issue to be worked out between the interested parties.

Brad Cooper of 475 South 50<sup>th</sup> in West Des Moines (Cooper Crawford Engineers) spoke and apologized for the confusion related to the area. Cooper stated that their grading plan maintains storm water detention and that they saved all the trees they could.

Mike Wakeman of 4844 Rose Circle was not as concerned with the trees as concern about the runoff going into the sewer system. He would also like notice when work begins in the area where he has constructed a fence in the easement area. Ender and the developer noted that neighbors would be notified.

Motion by Cope, which was seconded by Brown to approve Resolution No. 16-186.

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

Motion Approved: 4-0

c. Consider approval of Claims in the amount of \$2,326,916.84

Motion by Cope, which was seconded by Temple to approve Claims as presented.

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

Motion Approved: 4-0

~~10. CITY ADMINISTRATOR/STAFF COMMENTS~~

Covered during the Worksession

~~11. CITY COUNCIL COMMENTS~~

Covered during the Worksession

12. UPCOMING MEETINGS

October 3, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
October 17, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk