

1. CALL TO ORDER

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

2. ROLL CALL

The following answered Roll Call as present: Brown, Clabaugh, Cope, Lindeman, Temple.

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

5. AGENDA APPROVAL – Sanders mentioned there was an update to Item 8J in the packets – updating the resolution.

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

ROLL CALL:

Aye: Brown, Clabaugh, Cope, Temple, Lindeman

Nay: None

Motion Approved:

5-0

6. PUBLIC COMMUNICATIONS

- a. There was a presentation by the Adjutant General's Office of the Iowa National Guard to the Johnston Police Department in appreciation for the security / staffing assistance the City provided for the dignitaries attending the Council of Governors Meeting.
- b. Elizabeth Presutti provided a DART Forward Survey Result Presentation which included 3 potential options based on funding and what local leaders and citizens would like to see from public transit over the next 20 years.
- c. Citizen Frank Wennerholt discussed his request to drop the speed limit in certain areas and an abandoned line that runs under his driveway and is causing seepage which is undermining the integrity of his driveway. Mr. Wennerholt also stated that there is a sidewalk portion near 100th and Crosshaven that is always under water. Staff responded that the drainage work is underway and that the sidewalk has been examined and there are plans this fall to remedy the issue of standing water.

6. CONSENT AGENDA

- a. Consider Minutes of October 3, 2016, Work Session
- b. Consider Minutes of October 3, 2016, Council Meeting
- c. Consider the Renewal Application of a Class "B" Liquor License to Include Sunday Sales for Stoney Creek Inn of Des Moines, 5291 NW 84th Street
- d. Consider Approval the Renewal of a Special Class "C" Beer/Wine License to Include Sunday Sales and Outdoor Service for WineStyles, 8460 Birchwood Court, Suite 500
- e. Consider Resolution No. 16-215 – Approving Staff Appointments and Establishing Wages
- f. Consider Approval of Pay Request No. 3 from TK Concrete in the Amount of \$27,932.70 for Work on the Green Meadows Flume Repair Project
- g. Consider Resolution No. 16-218 – Accepting the Agreement with Foth Infrastructure and Environmental LLC for Wetland Monitoring Services, Construction Administration, Resident Engineering/ Observation and Construction Surveying Associated with the Beaver Creek Natural Resource Area Phase IV Mitigation Project
- h. Consider Resolution No. 16-223 – Approving Change Order No. 3 for the Addition of Steel Lintels in the Stair Area of the Amphitheater for the Terra Park Project, Phase 3
- i. Consider the Following Items Related to the Greenwood Hills Mitigation Project, Phase IV:
 1. Consideration of Construction Bids

2. Consider Resolution No. 16-219 – Making Award of Construction Contract to Rochon Corporation
3. Consider Resolution No. 16-220 – Approving Construction Contract and Bond with Rochon Corporation
- j. Consider Resolution No. 16-225 – Approving the Crosshaven North Public Improvement Plans
- k. Consider Resolution No. 16-226 – Approving and Authorizing a form of Interim Loan and Disbursement Agreement by and Between the City of Johnston, Iowa, and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the Payment of \$288,000 Sewer Revenue Capital Loan Notes Anticipation Project Note, Series 2016, of the City of Johnston, Iowa, Under the Provisions of the Code of Iowa, and Providing for a Method of Payment of Said Notes for the Green Meadows West Central Channel Stabilization Project
- l. Consider Approval of a Planning Services Agreement with Confluence for an Update of the Merle Hay Road Redevelopment Plan
- m. Consider Approval of Purchase Order 15-864 with Bob Brown Chevrolet for the Purchase of a 2017 Chevrolet Traverse for the Community Development Department
- n. Consider Resolution No. 16-222 – A Resolution Fixing Date for a Public Hearing on the Proposal to Enter Into a Project Oak Amendment to Beaver Creek Plat 1 Improvements Development Agreement (September 2010) and Research Growth Chambers Building Development Agreement (September 2012) by and Among the City of Johnston and E.I. DuPont de Nemours and Company, and its Wholly-owned Subsidiary Pioneer Hi-Bred International, Inc., and Providing for Publication of Notice Thereof
- o. Consider Resolution No. 16-224 – A Resolution Approving Change Order No. 7 for the Johnston Community Fiber Optic Phase III Project
- p. Consider Resolution No. 16-227 – A Resolution Approving Change Order No. 5 for the NW 100th Street Reconstruction Project
- q. Consider Approval of Pay Request No. 15 to Alliance Construction Group in the Amount of \$266,489.01 for Work Completed as of October 7, 2016, on the NW 70th Avenue Improvements 98th Street to West City Limits
- r. Consider Proposal from MidAmerican Energy for the Installation of Street Lights on the NW 54th Avenue and NW 100th Street Project - \$49,603.73
- s. Consider Approval of State Revolving Fund – Planning and Design Loan Application to Design a Water Booster Station
- t. Consider Approval to Purchase Ten (10) Grinder Tank Systems from Municipal Supply, Inc. - \$47,669
- u. Consider Approval of Pay Request No. 11 to Rognes Corporation in the Amount of \$11,303.61 for Work Completed as of October 6, 2016, on E of Merle Hay Road NW 60th Avenue Improvements Project – Phase 4A
- v. Consider Approval to Purchase a Copier – \$8,795.00
- w. Consider Approval to Purchase Water Meters - \$22,643.73
- x. Receive and file the following reports:
 1. Bank Reconciliation Report – September 30, 2016
 2. Treasurer’s Investment Report – September 30, 2016
 3. Year-to-Date Treasurer’s Report – September 30, 2016
 4. Monthly Report Summarization – September 30, 2016
 5. Senior Citizens Report – September 30, 2016
 6. Street Division Monthly Operations Report – September 2016
 7. Water/Wastewater Department Monthly Operations Report – September 2016
 8. Year to Date Building Permit Report – September 2016
 9. Planning and Zoning Commission Meeting Minutes – October 10, 2016
 10. Police Department Monthly Statistics – September 2016
 11. Police Investigations Unit Report – September 2016
 12. Police Yearly Comparison Report – September 2016

Motion by Cope, which was seconded by Clabaugh to **approve the consent agenda** as presented.

ROLL CALL:	Aye:	Clabaugh, Cope, Temple, Lindeman, Brown
	Nay:	None
Motion Approved:		5-0

9. NON-CONSENT AGENDA

a. Consider Resolution No. 16-221 – Establishing Deer Management Zones on Private Properties for the 2016/17 Urban Bow Hunt Program

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 16-221.

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

Motion Approved: 5-0

b. Consider Third and Final Reading and Adopting and Publishing Ordinance 950 – Approving an Official Zoning Map Amendment for the Simpson Property 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

Motion by Temple, which was seconded by Cope to approve and adopt Ordinance No. 950 and publish.

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

Motion Approved: 5-0

c. Consider Approval of the Following Items Related to the Subdivision of 57.64 Acres of Land South of Little Beaver Creek and East of NW 96th Court

1. Resolution No. 16-212 – Approving a Development Agreement with Hubbell Realty Company

Motion by Lindeman, which was seconded by Clabaugh to approve Resolution No. 16-212.

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

Motion Approved: 5-0

2. Resolution No. 16-213 – Approving the Final Plat for Crosshaven Plat 7

Motion by Cope, which was seconded by Lindeman to approve Resolution No. 16-213.

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

Motion Approved: 5-0

3. Resolution No. 16-214 – Accepting a Petition and Waiver for Future Improvements to NW 100th Street

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 16-214.

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

Motion Approved: 5-0

d. Consider Approval of the Following Items Related to Property Located West of NW 100th Street and Approximately 275 Feet South of the Johnston City Limits (PZ Case 16-20)

Planner Clayton Ender provided background on this agenda item. Ender mentioned that there had been talk of a potential maintenance agreement on the dam, but that the owner was not in favor of one. Ender also stated that according to his research, which included conferring with legal counsel, the Council could not implore Mr. Shryock to enter into a maintenance agreement. Ender stated that all the City's requirements have been met and staff are in favor of approving the request. Ender also stated that any development on the property would have to go before the Council and Planning and Zoning. Mayor Dierenfeld asked if anybody in the audience wanted to speak and make comments with regard to this agenda item, which is a re-platting request by property owner Mark Shryock.

There was lengthy discussion over hour regarding this agenda item. Frank Wennerholt, Monique Van Der Heijden and Gerardus Van Der Heijden spoke in opposition and asked Council to deny absent a

favorable maintenance agreement due to the fact that the risks and amount of water have increased. In addition, they are concerned future development may lead to flooding and overwhelming of the dam, which their Association is part owner of, and they feel they can be held liable for damages if that is the case. They requested Council deny Mr. Shryock's request or impose a maintenance agreement of the dam. Mr. Shryock stated that he has had no benefit from the pond unlike the Association as his home is sited below it without a view. He said as of right now he is simply dividing his property and there is no corresponding development, although development may occur.

Councilmember Cope asked Mr. Shryock why he was not open to a maintenance agreement. Mr. Shryock stated that it was his property to do as he chooses within the confines of the law and all he wants to do at this point is subdivide his land. Councilmember Temple stated that he believes any restrictions should be put in place now while the item is under the jurisdiction of the Council. Mayor Dierenfeld asked Attorney Bob Laden for his opinion. Attorney Laden stated if the proposal met the City's requirements, they should approve and cannot impose a maintenance agreement at this point.

1. Resolution No. 16-216 – Approving the Preliminary Plat and the Final Plat for Elmerodo Estates Plat 4

Motion by Brown, which was seconded by Clabaugh to approve **Resolution No. 16-216.**

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

Motion Approved: 3-2

2. Resolution No. 16-217 – Accepting a Petition and Waiver for Future Improvements to NW 100th Street

Motion by Lindeman, which was seconded by Brown to approve **Resolution No. 16-217.**

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

Motion Approved: 4-1

e. Consider Approval of Claims in the Amount of \$513,740.38

Motion by Clabaugh, which was seconded by Cope to **approve the Claims in the Amount of \$513,740.38.**

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

Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Sanders stated that today is Fire Chief Clark's first day and Chief Clark was welcomed. Sanders said thanks to Emily Price for her work during City Week. Sanders provided an update on the MidAmerican substation including that the approximately 20 panels of incorrect color will be stained to match. Greiner said the city's ADA transition plan has been reviewed and they are recommending closure of the case. Schmitz stated that the PO for Crosshaven playground ended up being approximately \$6,000 more based on the pad and asked if there are any issues with proceeding. Council did not note any issues. Wilwerding updated the council that this is the 4th year the city has been involved in sampling and the results are improving.

11. CITY COUNCIL COMMENTS

Councilmember Temple thanked Sanders and staff for the flowers and condolences. Mayor Dierenfeld mentioned that the open house went very well and reminded everyone of the Mayor's run / walk event that is Saturday at 8:00 a.m.

12. UPCOMING MEETINGS

November 7, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
November 21, 2016	City Hall	Worksession 6:00 p.m.

13. ADJOURNMENT

The Meeting adjourned at 9:13 p.m.