

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 08-15  
Johnston City Hall, 6221 Merle Hay Road, Johnston, Iowa 50131  
July 21, 2008  
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:09 p.m.

2. ROLL CALL

Present: Clabaugh, Tingley, Culbert, Hibbs, Kallen  
Absent: None

3. WELCOME

Mayor Dierenfeld welcomed citizens and guests to the meeting.

4. AGENDA APPROVAL

Motion by Clabaugh second by Kallen to approve the agenda as presented.

ROLL CALL: Aye: Tingley, Culbert, Hibbs, Kallen, Clabaugh  
Nay: None  
Motion Approved: 5-0

5. PUBLIC COMMUNICATIONS

None

6. PUBLIC HEARINGS

- a. Public Hearing on the proposal to enter into a Development Agreement with Merchant Investments, Inc.
- Consider Resolution No. 08-118 - Approving and authorizing execution of a Development Agreement by and between the City of Johnston and Merchant Investments, Inc.

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

City Administrator Jim Sanders reviewed the project involving Merchant Investments and the development agreement which had been discussed at the June 2, 2008 worksession. He noted that the property affected was located at 5249 Merle Hay Road.

Sanders advised that the property was currently valued at approximately \$107,500.00 and that after improvements, the valuation was anticipated to be \$400,000.00.

No public comments were presented.

The public Hearing closed at 7:13 p.m.

Motion by Culbert second by Clabaugh to approve Resolution No. 08-118.

ROLL CALL: Aye: Culbert, Hibbs, Kallen, Clabaugh, Tingley

Nay: None

Motion Approved: 5-0

- b. Public Hearing to consider the vacation of city property used as the Kinsey Cemetery Access, as requested by Jerry's Homes, Inc., located at the end of Pine Ridge Street in the eastern portion of Pinewood Glen Plat 2.
  - Consider Resolution No. 08-97 - Approving the vacation of property owned by the City of Johnston as requested by Jerry's Homes, Inc.

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

Community Development Director David Wilwerding reviewed the property in question and how the cemetery would be accessed. In response to a question by Council Member Tingley, Wilwerding noted that parking at the cemetery would be improved under the proposal.

No public comments were received.

The Public Hearing closed at 7:20 p.m.

Motion by Clabaugh second by Kallen to approve Resolution No. 08-97.

ROLL CALL: Aye: Hibbs, Kallen, Clabaugh, Tingley, Culbert

Nay: None

Motion Approved: 5-0

## 7. CONSENT AGENDA

- a. Consider Minutes of Worksession 08-13
- b. Consider Minutes of Council Meeting 08-14.
- c. Staff Resolution No. 08-114 - Approving Staff Appointments and Establishing Wages (Paid-On-Call Firefighters - David Wyner, Christopher Ajluni, Jereme Lamb)
- d. Consider Resolution No. 08-117 - Approving Development Agreement with Hubbell Properties I, L.C., and Hubbell Realty Company regarding the extension of city services.
- e. Consider the Renewal of a Class "C" Liquor License to Include Sunday Sales for The Boat House, 7695 NW Beaver Drive. The applicant is also requesting the addition of an outdoor service privilege.
- 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 an agreement with Mainstay Systems, Inc., for Police Department computer maintenance.
- h. Consider Resolution No. 08-115 - Approving construction plans for Northwood Estates Plat 2, north of NW 70<sup>th</sup> Avenue and west of Valley Parkway.

- i. Consider approval of advertising contract between the City of Johnston and Iowa Living Magazines for publication of the city newsletter in *Johnston Living Magazine* for twelve months beginning October 2008.
- j. Consider Agreement for Engineering Services with Foth Engineering Alliance for Rittgers Oaks and Johnston Commons Drainage Study.
- k. Consider Resolution No. 08-120 - Approving Change Order No. 1 for the Beaver Creek Trunk Sewer Extension North of NW 70<sup>th</sup> Avenue Project.
- l. Consider approval of Pay Request No. 4 to H&W Contracting, LLC in the amount of \$12,005.63 for work completed as of July 1, 2008 on the Beaver Creek Trunk Sewer Extension North of NW 70<sup>th</sup> Avenue Project.
- m. Consider Resolution No. 08-119- Approving Change Order No. 3 for the Central Basin Drainage Improvement Project.
- n. Consider approval of Pay Request No. 5 to H&W Contracting, LLC, in the amount of \$23,643.96 for work completed as of July 1, 2008 on the Central Basin Drainage Improvement Project.
- o. Consider Resolution No. 08-121 - Approving Change Order No. 1 for Johnston Community Fiber Optic System - Phase 1 Project.
- p. Consider approval of Pay Request No. 7 to Communications Technologies, Inc., in the amount of \$641.25 for work completed as of June 26, 2008 on the Johnston Community Fiber Optic System - Phase 1 Project.
- q. Consider approval of Pay Request No. 8 to Communications Technologies, Inc., in the amount of \$1,912.49 for work completed as of June 26, 2008 on the Johnston Community Fiber Optic System - Phase 1 Project.
- r. Consider Resolution No. 08-122 - Approving the Final Change Order No. 2 for Johnston Community Fiber Optic System - Phase 1 Project.
- s. Consider Resolution No. 05-125 - Accepting Public Improvements known as the Johnston Community Fiber Optic System - Phase 1 Project.
- t. Consider approval of a P.O. to H.D. Supply in the amount of \$13,062.50 to purchase locking hydrant caps.
- u. Consider approval of a P.O. to Des Moines Steel Fence Co., Inc., in the amount of \$10,755.00 for fencing of lift stations.
- v. Consider Resolution No. 08-123 – Approving Construction Contract and Bond with Jensen Construction Company for the NW 70<sup>th</sup> Avenue Bridge Widening Project.
- w. Consider Resolution No. 08-124 – Approving Construction Contract and Bond with H&W Contracting for the 2008 Winwood Lift Station Removal Project.
- x. Consider approval of a P.O. to The Electric Company of Greater Des Moines in the amount of \$57,750.00 for various electrical repair from flooding along NW Beaver Drive and Merle Hay Road.

Motion by Clabaugh second by Tingley to approve the consent agenda as presented.

Sanders noted that there had been a change to the contract materials in item 7i, where, on advice of the city attorney, language had been added to allow for termination of the contract.

Sanders also noted that the outdoor service request in item 7e had been postponed pending approval by city staff.

Council Member Hibbs noted that although he felt item 7d was a different road to a development he did not agree with, he would be voting in favor of the item.

Council Member Clabaugh noted his acceptance of the changes.

ROLL CALL:           Aye: Kallen, Clabaugh, Tingley, Culbert, Hibbs  
                              Nay: None  
Motion Approved:           5-0

8. NON-CONSENT AGENDA

- a. Third and Final Consideration of Ordinance No. 784 – Amending the Official Zoning Map to rezone approximately 3.8 acres from R-1A Single Family Residential with Animal Keeping to R-4 high density residential, and to adopt and publish.

Motion by Culbert second by Kallen to approve Third and Final consideration of Ordinance No. 784, and to adopt and publish.

ROLL CALL:           Aye: Clabaugh, Tingley, Culbert, Hibbs, Kallen  
                              Nay: None  
Motion Approved:           5-0

- b. Second Consideration of Ordinance No. 787, amending the Official Zoning Map to rezone approximately 3.1 acres from, R-1 (150). Single Family Residential and R-3, Medium Density Multiple Family Residential to R-1 (75), Single Family Residential. The subject site is known as Silver Birch Park and is located north of NW 62<sup>nd</sup> Avenue, east of NW 94<sup>th</sup> Street and west of the Waterford Townhomes development.

Motion by Clabaugh second by Kallen to approve Second Consideration of Ordinance No. 787.

ROLL CALL:           Aye: Tingley, Culbert, Hibbs, Kallen, Clabaugh  
                              Nay: None  
Motion Approved:           5-0

- c. Second Consideration of Ordinance No. 788 – Increasing the monthly fee for solid waste collection services as provided for in the contract with Artistic Waste Services, Inc.

Sanders noted that the Ordinance had been updated since the previous meeting. The change was to clarify the fuel surcharge. He noted an updated copy was provided on the dais for the Council.

Motion by Clabaugh second by Culbert to approve Second Consideration of Ordinance No. 788 as amended.

ROLL CALL: Aye: Culbert, Hibbs, Kallen, Clabaugh, Tingley  
Nay: None  
Motion Approved: 5-0

- d. Consider Resolution No. 08-116 - Approving PZ Case 08-29, a final plat for Pinewood Glen Plat 3 located between NW 60<sup>th</sup> Avenue and Pine Ridge Street.

Wilwerding noted that this was the area previously discussed in the worksession.

Council members had no questions.

Motion by Tingley second by Kallen to approve Resolution No. 08-116.

ROLL CALL: Aye: Hibbs, Kallen, Clabaugh, Tingley, Culbert  
Nay: None  
Motion Approved: 5-0

- e. Consider approval of claims in the amount of \$348,371.50.

Motion by Tingley second by Clabaugh to approve claims as presented.

ROLL CALL: Aye: Kallen, Clabaugh, Tingley, Culbert, Hibbs  
Nay: None  
Motion Approved: 5-0

## 9. REPORTS

- a. Receive and File the following reports:

1. Johnston Fire Department Incident Report - June 2008
2. Treasurer of State Outstanding Debt Report - June 2008
3. Bank Reconciliation Report - June 2008
4. Treasurer's Investment Report - June 2008
5. City of Johnston Year to Date Treasurer's Report - June 2008
6. Monthly Report Summarization - June 30, 2008
7. Senior Citizens Report for 2007-2008
8. P & Z Commission Meeting Minutes - July 14, 2008

Council Member Clabaugh asked for an explanation of the decrease in revenue relating to the Library Trust.

Sanders advised that he had contacted Mediacom for clarification, but had not heard back from them and he will let the council know when he hears back from them.

Motion by Kallen second by Culbert to Receive and File reports as presented.

ROLL CALL: Aye: Clabaugh, Tingley, Culbert, Hibbs, Kallen  
Nay: None  
Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Sanders noted that the city had sustained significant damage from the storm that occurred overnight. He advised that the City would be assisting residents by offering pick up of storm debris.

Mayor Dierenfeld thanked the Public Works and Police Departments for their efforts in the storm cleanup.

11. CITY COUNCIL COMMENTS

Council Member Hibbs thanked Public Works for their continued diligence in managing the significant events that have occurred over the past few months.

He also wanted to let people know that there were many positive things going on relating to baseball in the city. He noted that the Johnston High School Varsity team was 37-0 on the season, and that the Junior All-Star Team has won the Iowa Little League Championship and is headed to Indiana for the Little League Regional Tournament. Additionally, he noted that the Sertoma Society would be sponsoring a baseball game for deaf athletes at the Johnston Little League Fields which would garner national attention.

Mayor Dierenfeld noted that she would like to have the High School and Little League teams attend a future council meeting to be officially congratulated by the City.

She also reminded residents about the congregate meals now offered at Crown Point.

Mayor Dierenfeld noted that some progress was being made with DART and advised that a schedule of upcoming meetings had been provided to Council Members.

Phil Dunshee of JEDCO reminded Council Members that a community development tour would be offered again this year on October 15.

12. UPCOMING MEETINGS

August 4, 2008	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.
August 18, 2008	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 7:41 p.m.

---

Paula S. Dierenfeld, Mayor

Attest:

---

Cyndee D. Rhames, City Clerk