

JOHNSTON CITY COUNCIL  
COUNCIL MEETING NO. 17-04  
Johnston City Hall, 6221 Merle Hay Road  
TUESDAY, February 21, 2017  
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:20 p.m.

2. ROLL CALL

Present: Clabaugh, Lindeman, Brown, Cope, Temple  
Absent: None

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Den 2 of Johnston Cub Scout Pack 98 led the meeting in the Pledge.

5. AGENDA APPROVAL

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

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

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

Mark Gee spoke and in summary stated he felt the Council was doing a good job and praised the growth and development. Gee talked about Dow Agri Sciences and the merger with Pioneer. Gee also stated that the executives provided a compliment to Mayor Dierenfeld, and went on to discuss International Baccalaureate schools, including the different approach to education. Johnston School Board had passed a policy that allows Johnston Seniors who have completed 20 hours to take one course at Central Academy or Waukee Apex. Gee stated that is a problem and it needs to change.

Jim Prole spoke about 7050 NW Beaver Drive. Prole stated that he bought the home in 2004, fixed it up and tried to sell it. It did not sell, so they rented it out until about a year ago and they then tried to sell it again. It was on the market for a year and had a potential buyer interested. During the inspection the tank and lateral were good but distribution box was bad. Prole said he went to get a permit but it was not approved to replace the distribution box. Prole asked for permission to change the distribution box. Mayor Dierenfeld asked if he spoke with City staff. Prole had spoken with City Administrator Jim Sanders. Mayor Dierenfeld referred him to a subcommittee.

6. PUBLIC HEARINGS

- a. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$6,900,000 General Obligation Bonds of the City of Johnston, Iowa, (For Essential Corporate Urban Renewal Purposes) Series 2017D, and Consider the Following:
- Resolution No. 17-56 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$6,900,000 General Obligation Bonds, Series 2017D

The Public Hearing opened at 7:38 p.m.

Finance Director Teresa Rotschafer stated the City was not selling until July 2017. This will cover Phases 2 and 3 of the NW 70<sup>th</sup> Avenue improvements. The debt being issued is based on the City's CIP. The estimated cost of the project is \$6.5M and it is hoped that it will be paid for by TIF District 6. There were no public comments.

The Public Hearing closed at 7:42 p.m.

Motion by Clabaugh, which was seconded by Cope to approve Resolution No. 17-56.

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

Nay: None

Motion Approved: 5-0

- b. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$18,800,000 General Obligation Bonds of the City of Johnston, State of Iowa (for Essential Corporate Purposes) 2017D, and Consider the Following:

- Resolution No. 17-54 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$18,800,000 General Obligation Bonds, Series 2017D

The Public Hearing opened at 7:43 p.m.

Rotschafer stated that the project costs are closer to \$11M than the \$18,800,000, but it was done this way at Bond Counsel's recommendation in case there were any petitions against using TIF dollars from the prior public hearing on the not-to-exceed \$6.9M bond issuance for corporate urban renewal purposes. When issued, these proceeds are being used to fund the NW 57<sup>th</sup> Avenue Improvements (East of Merle Hay Road), Kempton Bridge project payment, NW 54<sup>th</sup>, NW Beaver Drive overlay, ambulance purchase, and sidewalk replacement program.

There were no public comments.

The Public Hearing closed at 7:44 p.m.

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 17-54.

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

Nay: None

Motion Approved: 5-0

- c. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$700,000 General Obligation Bonds of the City of Johnston, Iowa, (For General Corporate Urban Renewal Purposes) Series 2017D, and Consider the Following:

- Resolution No. 17-55 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$700,000 General Obligation Bonds, Series 2017D

The Public Hearing opened at 7:45 p.m.

Rotschafer stated that this issuance is subject to reverse referendum and is for General Corporate Purposes (non-essential). The issuance will cover the last of the Terra Lake Park project, Pioneer Trail, and the library carpet. It will be issued approximately August 2017.

There were no public comments.

The Public Hearing closed at 7:47 p.m.

Motion by Cope, which was seconded by Temple to approve Resolution No. 17-55.

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

Nay: None

Motion Approved: 5-0

- d. Conduct a Public Hearing on the Matter of Adopting the Plans, Specifications, Form of Contract and Estimate of Cost for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive, and Consider the Following:

- Resolution No. 17-49 – Adopting Plans, Specifications, Form of Contract and Estimate of Cost for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive
- Consideration of Construction Bids
- Resolution No. 17-50 – Making Award of Contract for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive
- Resolution No. 17-51 – Approving Construction Contract and Bond for the NW 57<sup>th</sup> Avenue Improvements from Merle Hay Road to NW Beaver Drive

The Public Hearing opened at 7:47 p.m.

Director of Public Works Matt Greiner stated that there were 7 bids and the lowest bid was approximately \$600,000 under the estimate of Cost. Foth has recommended the bid award to Kingston Services as they were the lowest responsible bidder. There were no public comments.

The Public Hearing closed at 7:51 p.m.

Motion by Clabaugh, which was seconded by Lindeman to approve Resolution No. 17-49

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

Motion Approved: 5-0

Motion by Clabaugh, which was seconded by Cope to approve Resolution No. 17-50

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

Motion Approved: 5-0

Motion by Lindeman, which was second by Cope to approve Resolution No. 17-51

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

Motion Approved: 5-0

## 7. CONSENT AGENDA

- a. Consider Approval of Minutes of February 6, 2017, Worksession
- b. Consider Approval of Minutes of February 6, 2017, Council Meeting
- c. Consider Approval of Partial Pay Request Number 6 to Kingston Services in the Amount of \$176,486.48 for Construction of a New Parking Lot at Terra Lake
- d. Consider Resolution No. 17-45 – Approving Change Order No. 6 Extending the Contract Completion Date from December 1, 2016, to May 15, 2017 for the Terra Park Project, Phase 2
- e. Consider Approval Authorizing the Mayor to Sign Reimbursement Request to the Iowa Economic Development Authority for the Terra Lake Park Improvement Project
- f. Consider Approval of Purchase Order No. 15-941 for Agriland FS, Inc., for Spring Fertilizer for \$7,774.00 for Various Park Areas
- g. Consider Approval of Out-of-State Travel for Eric Rehm to Attend the International Code Council Training Summit in Arlington Texas, May 22, 2017, through May 24, 2017
- h. Consider Approval of Out-of-State Travel for Two Fire Department Members to Attend Training at the National Fire Academy in Emmetsburg, Maryland: Fire Marshal Craig Ver Huel – April 1, 2017, through April 15, 2017; Deputy Chief Mike Gentosi – May 22, 2017, through June 2, 2017
- i. Receive and File the Report from the 2017 Goal Setting Session
- j. Consider Agreement for Professional Services with Foth Infrastructure and Environment for the Design of the Beaver Creek Bank Stabilization Project Adjacent To Augustine
- k. Consider Agreement for Professional Services with Foth Infrastructure and Environment for the Design of Timberwood Drive Trail Stabilization Project
- l. Consider Resolution No. 17-58 – Setting a Public Hearing for March 6, 2017, at 7:00 p.m. to Consider An Official Zoning Map Amendment for 1.79 Acres from R-3, Medium Density Residential District, to C-2, Community Retail Commercial District for Property Located South of NW 70<sup>th</sup> Avenue and East of the Future Extension of Peckham Street
- m. Consider Resolution No. 17-52 – Initiating an Official Zoning Map Amendment for Approximately 6.23 Acres from CD, Conservation Zoning District, and M-1, Light Industrial Zoning District, to MUC-ROC-2, Mixed Use Center Zoning District, By Referring to the Planning and Zoning Commission for Review and Recommendation. The Subject Property is Located North of 6506 Merle Hay Road and South of 6508 Merle Hay Road
- n. Consider Receiving and Filing the City of Johnston, Iowa, June 30, 2016 Audit
- o. Consider Resolution No. 17-57 – Authorizing the Issuance of \$11,275,000 General Obligation Bonds, Series 2017D, and Levying a Tax for the Payment Thereof
- p. Consider Approval of Purchase Order No. 15-944 for the Purchase of six (6) Equipment Storage Boxes to be Mounted in the Rear Cargo Areas of Police Patrol Vehicle
- q. Consider Approval of Out-of-State Travel for Sergeant Kenny Agan to Attend the Lifesavers Traffic Safety Conference, March 25-28, 2017, in Charlotte, North Carolina

- r. Consider Authorizing the Chief of Police to Submit a Section 402 State and Community Highway Safety Grant Application Through the Iowa Governor's Traffic Safety Bureau to Provide Reimbursement to the City of Johnston for Overtime, Training, Education Materials, and Speed Detection Equipment
- s. Consider Resolution No. 17-48 – Approving Change Order No. 7 for the NW 70<sup>th</sup> Avenue Improvements, 98<sup>th</sup> Street to West City Limits
- t. Consider the Following Resolutions Related to Demolition of Structures on Merle Hay Road:
  - Resolution No. 17-46 – Authorizing Demolition of a Commercial Structure Located at 6249 Merle Hay Road
  - Resolution No. 17-47 – Authorizing Demolition of a Residential and Commercial Structure Located at 6337 Merle Hay Road
- u. Consider Amendment No. 1 to Agreement with Foth for the NW 57<sup>th</sup> Avenue Improvements Project
- v. Consider Approval of Pay Request No. 6 to Weidener Construction Inc. in the Amount of \$3,321.20 for Work Completed as of February 8, 2017, on the 86<sup>th</sup> Street Booster Pump Station
- w. Consider Approval to Disconnect Water and Sanitary Sewer Lateral to 6335, 6337, and 5249 Merle Hay Road
- x. Consider Approval of Purchase Order to Diamond Oil for the Purchase of Fuel (\$12,693.10)
- y. Consider Approval to Purchase Water Meters (\$15,360.00)
- z. Receive and file the following reports:
  1. Bank Reconciliation Report – January 31, 2017
  2. Treasurer's Investment Report – January 31, 2017
  3. Year-to-Date Treasurer's Report – January 31, 2017
  4. Monthly Report Summarization – January 31, 2017
  5. Senior Citizens Report – January 31, 2017
  6. Year-to-Date Building Permit Report – January 31, 2017
  7. Planning and Zoning Commission Minutes – February 13, 2017
  8. Water / Wastewater Monthly Operations Report – January, 2017
  9. Street Division Monthly Operations Report – January, 2017

Motion by Brown, which was second by Cope to approve the Consent Agenda as presented.

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

**9. NON-CONSENT AGENDA**

- a. Consider Third and Final Reading of Ordinance No. 956 – Amending the Johnston Revised Ordinances of 2007 by Amending Section 69.08 to Modify Parking on NW 98<sup>th</sup> Street between Windsor Parkway and NW 97<sup>th</sup> Street and Modify Parking on Trace Court; and to adopt and publish.

There were no questions or changes from previous consideration, nor correspondence.

Motion by Lindeman, which was seconded by Brown to approve Third and Final Consideration of Ordinance No. 956 and to adopt and publish.

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

- b. Consider approval of Claims in the amount of \$516,172.47

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

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

**10. CITY ADMINISTRATOR/STAFF COMMENTS**

Sanders stated that he has received a letter from the City of Carlisle regarding DART. Carlisle will wait another year before dropping out. Their notice is in effect but they are not exercising it at this point.

Bravo provided their audit report and it is available for reading. DART will not have an increase for FY 18 budget. There was a meeting with Sanders, Mayor Dierenfeld and DART representatives. Services in the City now and in the future were discussed. Dart will examine and possibly survey citizens. There were also some discussions about DART bus stop shelters.

Councilmember Cope left at 8:00 and returned at 8:01.

Parks Director John Schmitz discussed the lowering of the lake level for construction of the pier for phase 4. It will average a foot to 1.5 feet per day drop

11. CITY COUNCIL COMMENTS

Councilmember Lindeman discussed HF 316 which is in agriculture committee right now. It would dissolve the water boards in Des Moines, West Des Moines and Urbandale. There has been a lot of pushback from metro communities. Cities would have until 2020 to develop a regionalization plan. CIRDWC will analyze community impacts, but as worded now it is ambiguous. Des Moines is in favor of it. Sanders stated that city managers have come together to discuss and have some suggestions. Councilmember Cope stated that the bill is not being hyper fast tracked. It will come out of committee next week, but the roll out was not handled in the most appropriate manner and that is something city leaders need to work on together. Cope stated he doesn't think the standard of transparency was met with this bill and he was very disappointed, and it should be voiced strongly by city leaders.

12. CLOSED SESSION

Per Iowa Code §21.5.1 (j): To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

Motion by Lindeman, which was seconded by Cope to enter into Closed Session.

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

Nay: None

Motion Approved: 5-0

The meeting entered into Closed Session at 8:13 p.m.

The meeting entered into Open Session at 8:24 p.m.

13. UPCOMING MEETINGS

March 6, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
March 20, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

14. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk