

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 17-08
Johnston City Hall, 6221 Merle Hay Road
April 17, 2017
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:05 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

Council Member Temple led the chambers in reciting the Pledge of Allegiance.

5. AGENDA APPROVAL

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

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

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

a. Arbor Day Proclamation – Mayor Dierenfeld summarized the proclamation.

b. Johnston Running Club: Presentation of Proceeds to Mayor Dierenfeld for the 2016 Run for the Trails
This was deferred until later in the meeting when representatives arrived. Britta Wey, President of the Johnston Running Club; Kyle Keraus, Vice President of Johnston Running Club, and Marci Cordaro, Treasurer of the Johnston Running Club were all present for the presentation of the \$1,000 check.

7. PUBLIC HEARINGS

a. Conduct a Public Hearing – Proposal to Enter into a Development Agreement with Amega Garage Door and Opener, Inc. and Consider the Following:

- Consider Resolution No. 17-101 – Approving and Authorizing Execution of a Development Agreement by and Between the City of Johnston and Amega Garage Door and Opener Inc.

The Public Hearing opened at 7:08 p.m.

Economic Development Manager Adam Plagge introduced the item. Plagge stated that it is a standard development agreement. Plagge stated that the developer has indicated that the new development will have an approximate \$1.1M valuation on the 12,500 square foot warehouse and showroom.

There were no public comments received.

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

Motion by Cope, which was seconded by Brown to approve Resolution No. 17-101.

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

Motion Approved: 5-0

- b. Conduct a Public Hearing and Consider the Following Items Related to the Rezoning of Approximately 7.918 Acres Located West of NW 90th Street and North of Windsor Parkway:
- Resolution No. 17-123 – Approving a Development Agreement with Windsor Office Park, LLC (Pursuant to Chapter 414 of Iowa Code, Action on this Item Must Occur Prior to Close of the Public Hearing)
 - Resolution No. 17-124 – Approving a Development Agreement with Windsor Office Park, LLC, and Walker and Sherinian Invest, LLC (Pursuant to Chapter 414 of Iowa Code, Action on this Item Must Occur Prior to Close of the Public Hearing)
 - Resolution No. 17-125 – Approving Amendment #11 to the Johnston 2030 Comprehensive Plan’s Future Land Use Map
 - First Reading of Ordinance No. 974 – An Official Zoning Map Amendment for Approximately 4.223 Acres from PUD to R-3 and for Approximately 3.694 Acres from PUD to R-4

The Public Hearing opened at 7:12 p.m.

Planner Clayton Ender introduced this item and provided a history of the site. There have been a couple of rezoning requests initiated over the last two years, but each of those were withdrawn and / or not acted on. When the first request was initiated in 2015, the Council had a study conducted to determine appropriate levels of high density housing. The study concluded with Council adopting seven criteria for the future land use development.

The rezoning is being initiated to R-4 in order to accommodate a senior residential Co-Op housing community and the R-3 is currently envisioned as townhomes. The senior development will be acted upon as soon as possible with it taking priority over the area zoned as R-3. Ender stated that the Planning and Zoning Commission did hear the request and are recommending approval of both the Comprehensive Plan Amendment and Zoning Amendment provided the development agreements are executed and approved.

There were no public comments.

Motion by Temple, which was seconded by Cope to approve Resolution No. 17-123

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

Motion by Clabaugh, which was seconded by Brown to approve Resolution No. 17-124

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

The Public Hearing closed at 7:18 p.m.

Motion by Cope, which was seconded by Lindeman to approve Resolution No. 17-125.

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

Motion by Cope, which was seconded by Brown to approve First Consideration of Ordinance No. 974.

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

- c. Conduct a Public Hearing and Consider the Following Items Related to the Terra Lake – Phase 5 Park Construction Project:

- Resolution No. 17-97 – Adopting Plans Specifications, Form of Contract and Estimate of Costs
 - Consideration of Construction Bids
 - Resolution No. 17-98 – Making Award of Construction Contract to Joiner Construction
 - Resolution No. 17-99 – Approving Construction Contract and Bond with Joiner Construction
- The Public Hearing opened at 7:20 p.m

Parks Director John Schmitz introduced this item and stated that phase 5 was the final phase of the Terra Lake Park project. Schmitz stated that Joiner construction was the lowest bid of the six bidders, and even that bid was twelve percent over the original estimate of cost. Schmitz stated that it is not likely that rebidding would result in any more beneficial bids than what was received.

Schmitz stated that this phase includes the playground equipment including shade structures shaped like flowers. The playground equipment will be exactly as presented with the design diagrams that have been circulated.

Mayor Dierenfeld confirmed with Finance Director Teresa Rotschafer that funds were available even though the bid was higher than the estimate of cost.

The Public Hearing closed at 7:26 p.m.

Motion by Lindeman, which was second by Temple to approve Resolution No. 17-97.

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

Motion Approved: 5-0

Motion by Lindeman, which was second by Temple to approve Resolution No. 17-98

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

Motion Approved: 5-0

Motion by Cope, which was seconded by Lindeman to approve Resolution No. 17-99

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

Motion Approved: 5-0

8. CONSENT AGENDA

- Consider Approval of Minutes of April 3, 2017, Worksession
- Consider Approval of Minutes of April 3, 2017, Council Meeting
- Consider Approval of the Renewal of the Class C Liquor License at The Cab, 8460 Birchwood Court #900. The New Owner Will be Lone T Entertainment, LLC
- Consider a Class “C” Liquor License Including Outdoor Service for the Johnston Chamber of Commerce – Green Days Celebration
- Consider Liquor License Renewal of Class B Wine Permit and a Class C Beer Permit for the Hy Vee Gas Convenience Store Located at 5902 Merle Hay Road
- Consider Resolution No. 17-96 – Setting the Fees Associated with the Issuance of Grading Permits as Referred to in Chapter 145 of the City of Johnston Municipal Code of 2007
- Consider Resolution No. 17-102 – Initiating an Official Zoning Map Amendment to Rezone Approximately 29.68 Acres from A-R to R-1(75) by Referring to the Planning and Zoning Commission for Review and Recommendation. The Subject Property’s Address is 10207 NW 80th Lane.
- Consider Resolution No. 17-113 – Fixing Date for a Public Hearing on the Proposal to Enter into a Second Amendment to the Development Agreement with Windsor Office Park, L.L.C., and Providing for Publication and Notice Thereof
- Consider Authorizing a Fireworks Permit for Hyperion Field Club – (7390 NW Beaver Drive)

- j. Consider Approval of Out-of-State Travel for Use of Force Instructor Ryan Hanssen to attend Gracie Survival Tactics Level 2 Instructor Certification Training in Burien, WA (June 5-9, 2017)
- k. Consider Approval to Set Public Hearing to Amend the Budget for yearend June 30, 2017 – (May 15, 2017 at 7:00 p.m.)
- l. Consider Approval of the Following Items Related to \$4,434,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2017A:
 - Resolution No. 17-105 – Approving and Authorizing a Form of 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 \$4,434,000 Stormwater Management Utility Revenue Capital Loan Note, Series 2017A, of the City of Johnston, Iowa, under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of Said Notes and Approving Form of Tax Exemption Certificate
 - Resolution No. 17-106 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- m. Consider Approval of the Following Items Related to \$1,156,000 Sewer Revenue Capital Loan Notes, Series 2017B:
 - Resolution No. 17-107 – Approving and Authorizing a Form of 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 \$1,556,000 Sewer Revenue Capital Loan Notes, Series 2017B, of the City of Johnston, Iowa, Under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of Said Notes, and Approve Form of Tax Exemption Certificate
 - Resolution No. 17-108 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- n. Consider Approval of the Following Items Related to \$1,675,000 Water Revenue Capital Loan Notes, Series 2017C:
 - Resolution No. 17-109 – Approving and Authorizing a Form of 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 \$1,675,000 Water Revenue Capital Loan Notes, Series 2017C, of the City of Johnston, Iowa, Under the Provisions of the Code of Iowa, and Providing for a Method of Payment of Said Notes and Approving Form of Tax Exemption Certificate
 - Resolution No. 17-110 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- o. Consider Approval of the Following Items Related to \$3,114,000 General Obligation Capital Loan Notes, Series 2017E:
 - Resolution No. 17-111 – Approving and Authorizing a Form of 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 \$3,114,000 General Obligation Capital Loan Notes, Series 2017E, and Providing for a Method of Payment of Said Notes and Approving form of Tax Exemption Certificate
 - Resolution No. 17-112 – Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of this Agreement
- p. Consider Resolution No. 17-104 – Approving Change Order No. 6 for Re-routing the Regional Trail and Overages in Concrete for the Terra Park Project, Phase 2
- q. Consider Approval of Partial Pay Request No. 2 to Minturn, Inc., in the Amount of \$170,525.00 for Terra Lake Park Improvements Phase 4
- r. Consider Approval of Pay Request No. 1 to Concrete Technologies, Inc., in the Amount of \$3,531.72 for Work on Beaver Drive Trail Phase 2

- s. Consider Approval of Pay Request No. 2 to Rochon Corporation of Iowa, Inc., in the Amount of \$59,608.70 for Greenwood Hills, Greenbelt Wetland Mitigation
- t. Consider Approval of Partial Pay Request No. 7 to Kingston Services in the Amount of \$156,266.73 for Construction Work on Phase 2 at Terra Lake
- u. Consider Resolution No. 17-126 – Approving the Construction Plans for Crosshaven Plat 8
- v. Consider Resolution No. 17-114 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 54th Court Improvements
- w. Consider Resolution No. 17-115 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 70th Avenue Improvements Phase 2
- x. Consider the Following Resolutions for the NW 62nd Avenue Improvements West City Limits to NW 103rd Street Project:
 - Resolution No. 17-116 – Accepting Public Improvements
 - Resolution No. 17-117 – Approving Release of Retainage for the NW 62nd Avenue Improvements West City Limits to NW 103rd Street Project
- y. Consider Resolution No. 17-118 – Approving Change Order No. 10 for the Johnston Community Fiber Optic Phase 3 Project
- z. Consider the Following Resolutions for the Johnston Community Fiber Optic System Phase 3 Project:
 - Resolution No. 17-119 – Accepting the Johnston Community Fiber Optic System Phase 3
 - Resolution No. 17-120 – Approving Release of Retainage for the Johnston Community Fiber Optic System Phase 3
- aa. Consider Approval of Pay Request No. 22 from Alliance Construction Group in the Amount of \$41,132.05 for Work Completed as of April 7, 2017, on the NW 70th Avenue Improvements 98th Street to West City Limits
- bb. Consider Resolution No. 17-122 – Approving Change Order No. 8 for the NW 70th Avenue Improvements 98th Street to West City Limits
- cc. Consider Approval of Partial Pay Retainage Request to Alliance Construction Group in the Amount of \$286,993.49 for Work Completed as of April 11, 2017 on the NW 70th Avenue Improvements 98th Street to West City Limits
- dd. Consider the 86th Street Booster Pumping Station Improvement Project Substantially Complete
- ee. Consider Approval for Out-of-State Travel for Matt Greiner to Attend the APWA Mid Am Expo in Overland Park, KS (May 24-May26)
- ff. Consider Approval of Pay Request No. 1 to Kingston Services in the Amount of \$152,233.70 for Work Completed as of April 5, 2017, on E of Merle Hay Road NW 57th Avenue Improvements Project – Phase 2
- gg. Consider Approval to Purchase Water Meters from Ferguson Waterworks – (\$6,606.11)
- hh. Consider Approval of a Purchase Order for Keck Oil for the Purchase of Fuel – (\$12,394.30)
- ii. Consider Reimbursement to Renee Tooman on the NW 100th Street Project – (\$500.00)
- jj. Consider Resolution No. 17-121 – Setting a Date for a Public Hearing for May 1st, 2017, at 7:00 p.m. to Consider an Amendment to the Amber Ridge PUD to Change the Allowed Uses of 4.78 Acres Within Parcel ‘D’ from PC, Professional Commerce Park District and C-2, Community Retail Commercial District, to R-4, High Density Residential District by Creating New Parcel ‘N’ for Property South of NW 62nd Avenue and West of NW 100th Street
- kk. Consider Resolution No. 17-128 – To not Remand BOA Case No. 17-01 to the Board of Adjustment for Reconsideration
- ll. Consider Resolution No. 17-129 – To Not Remand BOA Case No. 17-03 to the Board of Adjustment for Reconsideration
- mm. Consider Resolution No. 17-130 – To Not Remand BOA Case No. 17-04 to the Board of Adjustment for Reconsideration
- nn. Receive and file the following reports:
 1. Bank Reconciliation Report – March 31, 2017
 2. Treasurer’s Investment Report – March 31, 2017
 3. Year-to-Date Treasurer’s Report – March 31, 2017
 4. Monthly Report Summarization – March 31, 2017
 5. Senior Citizens Report – March 31, 2017

6. Johnston Police Department Quarterly Report
7. Board of Adjustment Minutes – March 30, 2017
8. Year-to-date Building Permit Report – March 31, 2017
9. Street Division Monthly Report – March 31, 2017
10. Wastewater Monthly Operations Report – March 31, 2017
11. Water Department Monthly Operations Report – March 31, 2017
12. Planning and Zoning Commission Minutes – April 10, 2017

Motion by Temple, which was seconded by Cope to approve the Consent Agenda

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

Motion Approved: 5-0

9. NON-CONSENT AGENDA

- a. Consider Second Reading of Ordinance No. 964 - An Official Zoning Map Amendment for Approximately 5.73 Acres from M-1, Light Industrial Zoning District, to MUC-ROC-2, Mixed Use Center Zoning District, and for Approximately 0.50 Acres from CD, Conservation Zoning District, to MUC-ROC-2 Mixed Use Center Zoning District. The Subject Property is Located on the North of 6506 Merle Hay Road and South of 6508 Merle Hay Road.

Motion by Cope, which was seconded by Temple to approve Second Consideration of Ordinance No. 964.

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

Motion Approved: 5-0

- b. Consider Second Reading of Ordinance No. 972 – An Ordinance Amending Speed Limits Along NW 62nd Avenue, NW 70th Avenue, NW 100th Street and NW 107th Street.

Council Member Clabaugh reiterated his concern about changing the speed limit in front of the current middle school, which will become an elementary school. Clabaugh said he is cautious about the amenities the children will be enjoying at off-school hours and he just wanted to express his concern again and caution the Council with the use of the facilities by children.

Motion by Temple, which was seconded by Brown to approve Second Consideration of Ordinance No. 972.

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

Motion Approved: 4-1

- c. Consider Second Reading of Ordinance No. 971 – To Amend and Update Chapter 155, Building Code of the Johnston Code of Ordinances from the 2012 to the 2015 International Building, Residential and Existing Building Codes.

Planning and Development Director Dave Wilwerding mentioned a change that needed to be made. Originally it was proposed to remove the redundant language in Section 155.03, but upon further examination there are sections of the Code that refer back to the originally proposed deleted language as indicated through the provided red-line version, and therefore the originally proposed deleted language is being amended to remain intact.

Motion by Temple, which was seconded by Lindeman to approve amendment to Section 155.03, paragraph 6, clarification of the Second Consideration of Ordinance No. 971

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

Motion Approved: 5-0

Motion by Lindeman, which was seconded by Cope to approve Second Consideration of Ordinance No. 971

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

Motion Approved: 5-0

Motion by Cope, which was seconded by Clabaugh to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 971.

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

Motion Approved: 5-0

- d. Consider Second Reading of Ordinance No. 965 – To Amend and Update Chapter 159, Fire Code of the Johnston Code of Ordinances.

Motion by Lindeman, which was seconded by Clabaugh to approve Second Consideration of Ordinance No. 965.

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

Motion Approved: 5-0

Motion by Lindeman, which was seconded by Clabaugh to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 965.

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

Motion Approved: 5-0

- e. Consider Second Reading of the Following Ordinances Related the Fuel Gas, Electrical, Mechanical, Plumbing and Swimming Pool Codes:
- Ordinance No. 966: Amend Chapter 154 to Update from the 2012 International Fuel Gas Code to the 2015 Edition, with Amendments;
 - Ordinance No. 967: Amend Chapter 157 to Update from the 2011 National Electrical Code to the 2014 Edition, with Amendments;
 - Ordinance No. 968: Amend Chapter 158 to Update from the 2012 International Mechanical Code to the 2015 Edition, with Amendments;
 - Ordinance No. 969: Amend Chapter 156 to Update from the 2012 International Plumbing Code to the 2015 Edition, with Amendments;
 - Ordinance No. 970: Adding a New Chapter 148, Adopting the 2015 International Swimming Pool and Spa Code with Amendments

Motion by Brown, which was seconded by Lindeman to approve Second Consideration of Ordinance No. 966.

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

Motion Approved: 5-0

Motion by Lindeman, which was seconded by Brown to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 966

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

Motion Approved: 5-0

Motion by Brown, which was seconded by Clabaugh to approve Second Consideration of Ordinance No. 967.

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

Motion by Brown, which was second by Cope to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 967

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

Motion by Brown, which was second by Lindeman to approve Second Consideration of Ordinance No. 968.

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

Motion by Lindeman, which was second by Brown to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 968

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

Motion by Lindeman, which was seconded by Brown to approve Second Consideration of Ordinance No. 969.

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

Motion by Brown, which was second by Lindeman to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 969

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

Motion by Lindeman, which was seconded by Clabaugh to approve Second Consideration of Ordinance No. 970.

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

Motion by Lindeman, which was seconded by Brown to approve waiving Third and Final Consideration, and to adopt and publish Ordinance No. 970

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

- f. Consider Resolution No. 17-103 – Approving the Site Plans for 4801 NW 55th Avenue.

Ender introduced the item and provided some background on the site plan. Ender went over all the requirements and stated that the site plan is in conformance to City Code. The applicant is requesting an alternative buffer which is outlined in the resolution. There is a letter of support and no letters against. The Planning and Zoning Commission did consider the item and recommend approval including the alternative buffer.

Motion by Lindeman, which was seconded by Cope to approve Resolution No. 17-103

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

Motion Approved: 5-0

- g. Consider First Reading of Ordinance No. 975 – An Ordinance Amending the Johnston Revised Ordinances of 2007, by Amending Section 69.08.123 to Modify Parking on Trace Court.

City Administrator Sanders introduced this item and provided the background regarding the resident who asked the Council to consider amending the ordinance to allow parking in front of her home and removal of the sign. Staff has put together an ordinance to meet this request. Sanders went over a couple of other options as well, but the ordinance was put together based on allowing parking on both sides of Trace Court. There were three residents that indicated they were against the removal of the restriction due to emergency vehicles.

Council Member Cope mentioned it was at his request to draft the updated amendment, but subsequently the City has heard from 80% of the residents in the neighborhood, and the majority are not in favor of the amendment. Therefore, Council Member Cope stated that he would not be inclined to move this amendment or vote approval. Sanders mentioned that there are several options, including keeping the sign where it is located / no action; move it slightly out of view; or paint the curb yellow, which is not something done in residential areas.

No motion was made.

- h. Consider Resolution No. 17-127 – Approving the Preliminary and Final Plat Bunny Estates Plat 3 Creating 1.297-Acre Lot 1, .126-Acre Outlot W, and 517 Square Foot Outlot V from Previous 1.43 Acre Outlot X. The Property is Located North of NW 69th Street and the Orchard Meadows Subdivision. (PZ Case 16-41)

Ender introduced this item and provided background. There were no comments from the public and Ender explained all requirements were met by the applicant.

Motion by Lindeman, which was second by Cope to approve Resolution No. 17-127

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

Motion Approved: 5-0

- i. Consider Resolution No. 17-100 – An Amended and Substituted Resolution Approving the Preliminary Plat for Hidden Valley Estates Plat One. The Subject Property is Immediately West of NW 100th Street and Immediately South of Little Beaver Creek (PZ Case 16-37).

Ender introduced this item and provided background. Ender stated that the amended resolution amends the condition of evidence that the applicants must have a DNR permit prior to Council approval of construction plans, and changes the language to substantially indicate that the applicants must have applied for a DNR permit for dam improvements and place \$20,000 in a private escrow account to ensure improvements to the primary outlet to the dam are completed, with the exception of the emergency spillway which must be completed with the development of Hidden Valley Estates. The amended resolution still requires DNR to confirm that the dam is in compliance and no longer in a deficient state. This must occur prior to Council accepting or a certificate of occupancy being issued.

Council Member Cope thanked staff for all the work to make this happen and balance the interests of all parties involved.

Motion by Brown, which was seconded by Cope to approve Resolution No. 17-100

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

- j. Consider Approval of Claims in the Amount of \$1,296,778.03

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

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

Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Covered during the Worksession

11. CITY COUNCIL COMMENTS

Council Member Temple requested the possibility of not having neighborhood clean-up over Easter weekend in the future.

Council Member Brown expressed appreciation with how the concerns on Ashton and 100th Street were handled. Brown also indicated appreciation of the efforts of Wilwerding and Ender.

Council Member Clabaugh thanked staff for responding to his questions. He also thanked Chief McDaniel for keeping department statistics updated and in front of the Council.

Mayor Dierenfeld thanked the police department and Chief McDaniel for the outstanding job in handling the recent adversity in a very professional manner.

12. UPCOMING MEETINGS

May 1, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
May 15, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk