

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 17-10
Johnston City Hall, 6221 Merle Hay Road
May 15, 2017
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:25 p.m.

2. ROLL CALL

Present: Brown, Cope, Temple

Absent: Clabaugh, Lindeman

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Boy Scout representatives from Troop 93 led the Council Chambers in the reciting of the Pledge of Allegiance.

5. AGENDA APPROVAL

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

ROLL CALL: Aye: Cope, Temple, Brown

Nay: None

Motion Approved: 3-0

6. PUBLIC COMMUNICATIONS

a. Proclamation Proclaiming the Week of May 21, 2017, as National Public Works Week

Mayor Dierenfeld recognized the Public Works staff and Director Matt Greiner who was in attendance, and expressed appreciation for all the work the staff perform.

b. Proclamation Proclaiming May 14-May 20, 2017, as National Police Week and Recognizing May 15, 2017, as Peace Officers' Memorial Day

Mayor Dierenfeld recognized the Police Department and Chief Dennis McDaniel who was in attendance, and expressed appreciation for the job they do.

Carol Wharton from Bunny Estates stated that during the rezoning they were not notified. She stated that the developer is not fulfilling their obligations under the terms of the maintenance agreement. Carol requested that if there is a similar situation in the future in which a maintenance agreement is involved, that they be notified in order to provide the owners with a voice. She responded that she understands the City does not get involved in private maintenance agreement disputes, but as a courtesy it would be helpful to be notified.

7. PUBLIC HEARINGS

- a. Continue the Public Hearing to June 19, 2017, Concerning Ordinance No. 973, Approving An Amendment to the Amber Ridge PUD (Adam Ridge) to Change the Allowed Uses of 4.78 Acres Within Parcel 'D' from PC, Professional Commerce and C-2, Community Retail Commercial by Creating New Parcel 'N' Allowing Uses of the R-4, High Density Residential District. The Subject Property is Located South of NW 62nd Avenue and West of NW 100th Street – (This Public Hearing was Opened at the May 1, 2017, City Council Meeting Following Proper Public Notice and Continued)

Motion by Temple, which was seconded by Cope, to continue the Public Hearing until June 19, 2017, at 7:00 p.m.

ROLL CALL: Aye: Temple, Brown, Cope
 Nay: None
Motion Approved: 3-0

- b. Conduct a Public Hearing and Consider Resolution No. 17-142 – Amendment No. 1 to the Fiscal Year Ending June 30, 2017, City Budget:
- Consider Resolution No. 17-142 – Approving and Certifying Amendment No. 1 to the Fiscal Year Ending June 30, 2017, City Budget

The Public Hearing opened at 7:39 p.m.

Director of Finance and Human Resources, Teresa Rotschafer, outlined the necessity for the budget amendment. Rotschafer stated that the overall amendment includes approximately \$5.5M in revenues, and 10.6M in expenses, of which approximately \$8.9M is from capital projects. Rotschafer reminded everyone that the City did not issue bonds, but instead decided to wait until August of 2017 to issue the necessary bonds. There were no questions or comments received from the public.

The Public Hearing closed at 7:41 p.m.

Motion by Brown, which was seconded by Cope, to approve Resolution No. 17-142.

ROLL CALL: Aye: Brown, Cope, Temple
 Nay: None
Motion Approved: 3-0

8. CONSENT AGENDA

- Consider Approval of Minutes of May 1, 2017, Worksession
- Consider Approval of Minutes of May 1, 2017, Council Meeting
- Consider Resolution No. 17-158 – Approving Staff Appointments and Establishing Wages
- Consider the Renewal of a Class B, C, and E Liquor License to Include Sunday Sales, Carryout Wine and beer for Hy-Vee Food Store, 5750 Merle Hay Road
- Consider Approval of an Outdoor Service Privilege for the Liquor License at The Cab, 8460 Birchwood Court #900. The New Owner will be Lone T Entertainment, LLC
- Consider the Renewal of a Class “B” Beer Permit for Cactus Bob’s BBQ Corral, 5955 Merle Hay Road, Suites C and D
- Consider the Renewal of Class B, C, and E Liquor License to Include Sunday Sales for Kum and Go LC, Store #570, 6800 Northglenn Drive
- Consider Approval of an Outdoor Service Privilege for the Class E Liquor License for Price Chopper, 5440 NW 86th Street
- Consider Approval of Out-of-State Travel for Eric Melton and Molly Mauer to Attend the American Library Association Annual Conference in Chicago, IL (June 22-June 25, 2017)
- Consider Resolution No. 17-143 – Setting a Public Hearing for June 5, 2017, at 7:00 p.m. to Consider an Official Zoning Map Amendment to Rezone Approximately 29.68 Acres from A-R, Agriculture Reserve Zoning District, to R-1(75), Single Family Residential Zoning District. The Subject Property Address is 10207 NW 80th Lane
- Consider Authorizing Out-of-State Travel for Adam Plagge to Attend the International Economic Development Council Economic Development Credit Analysis Course in Madison, Wisconsin (May 17-May19, 2017)
- Consider Approval of Professional Services Contract with OPN Architects Inc. for a City Hall Space Use Analysis Update
- Consider Resolution No. 17-156 – Approving Change Order No. 1 Lake Shore Repairs for the Terra Park Project, Phase 4
- Consider Resolution No. 17-155 – Approving Change Order No. 6 Adjustment to Pendant Light Location and New Thresholds at the Restroom Building for the Terra Park Project, Phase 3

- o. Consider Approval of Partial Pay Request No. 3 to Minturn, Inc., in the Amount of \$89,775.00 for Terra Lake Park Improvements Phase 4
- p. Consider Approval of Pay Request No. 3 to Rochon Corporation of Iowa, Inc. in the Amount of \$19,615.60 for Greenwood Hills, Greenbelt Wetland Mitigation
- q. Consider Resolution No. 17-148 - Approval and Certification of Fire Department Eligibility Hiring List Dated May 3, 2017
- r. Consider Resolution No. 17-153 – Approving Staff Appointments and Establishing Wages for New Members of the Johnston-Grimes Metropolitan Fire Department
- s. Consider Resolution No. 17-159 – Approving the Construction Plans for Hidden Valley Estates Plat 1. The Subject Property is West of NW 100th Street and Immediately South of Little Beaver Creek
- t. Consider Approval of Unplanned Purchase of Replacement Patrol Vehicle and Damaged Equipment Due to On-Duty Collision – (Estimate: \$35,024.33)
- u. Consider Resolution No. 17-157 – Approving a One-Year Agreement By and Between the City of Des Moines and the City of Johnston for Homeland Security Services
- v. Consider Approval of an Agreement with HR Classroom, an Online Provider for Workplace Training and Compliance
- w. Consider Approval of a 28E Agreement Between the Cities of Urbandale, Grimes, and Johnston for the Operation and Maintenance of the Traffic Signal at the Intersection of NW 54th Avenue and NW 100th Street
- x. Consider Resolution No. 17-146 – Releasing Retainage for the NW 60th Avenue Improvements (Phase 4A) Merle Hay Road to 667 feet East of Merle Hay Road
- y. Consider the Following for the Johnston Community Fiber Optic System Phase 4:
 - Resolution No. 17-147 – Approving Construction Contract and Bond
- z. Consider Resolution No. 17-149 – Releasing Retainage for the 86th Street Booster Pump Station Improvements
- aa. Consider Resolution No. 17-154 – Approving and Adopting a Replacement Cost for Mailboxes to Chapter 142 as Authorized by Johnston City Code
- bb. Consider Re-Roofing of Buildings No. 2 and No. 6 Located at Johnston Public Works – (Low Bid of \$47,870.00)
- cc. Consider Approval of Pay Request No. 3 to Kingston Services in the Amount of \$33,827.65 for Work Completed as of May 4, 2017, on E of Merle Hay Road NW 57th Avenue Improvements Project, Phase 2
- dd. Consider Approval of Out-of-State Training for Doug Kueck to Attend IMSA Training In Peoria, Illinois
- ee. Consider Approval of Pay Request No. 23 to Alliance Construction Group in the Amount of \$14,731.21 for Work Completed as of May 5, 2017, on the NW 70th Avenue Improvements 98th Street to West City Limits
- ff. Consider Agreement with Foth Engineering for the School Speed Zone Flashing Beacon Improvements
- gg. Receive and file the following reports:
 1. Bank Reconciliation Report – April 30, 2017
 2. Treasurer’s Investment Report – April 30, 2017
 3. Year-to-Date Treasurer’s Report – April 30, 2017
 4. Monthly Report Summarization – April 30, 2017
 5. Senior Citizens Report – April 30, 2017
 6. Planning and Zoning Minutes – May 8, 2017
 7. Year-to-date Building Permit Report – April 30, 2017
 8. Street Division Monthly Report – April 30, 2017
 9. Wastewater Monthly Operations Report – April 30, 2017
 10. Water Department Monthly Operations Report – April 30, 2017

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

ROLL CALL: Aye: Cope, Temple, Brown

Nay: None
Motion Approved: 3-0

9. NON-CONSENT AGENDA

- a. Consider Third and Final Reading and Adopting and Publishing 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 Subject Property is Located West of NW 90th Street and North of Windsor Parkway (PZ Case 17-11)

There were no questions, nor changes from previous consideration.

Motion by Temple, which was seconded by Cope, to approve Third and Final Reading of Ordinance No. 974 and to adopt and publish.

ROLL CALL: Aye: Temple, Brown, Cope

Nay: None

Motion Approved: 3-0

- b. Consider Resolution No. 17-152 – Approving the Preliminary Plat for Ewing Johnston Plat 1 and Site Plan for Vintage Cooperative (PZ Case 17-19)

Senior Planner Aaron Wolfe introduced this item. Wolfe stated that the property is in Windsor Office Park and combines four existing lots into new lots 1 and 2. Lot 2 is the easternmost lot which is being considered for the site plan. The parking requirement for this site is 99 stalls. The developer has included 79 and is requesting a waiver of 20 spaces citing experience with similar projects. Wolfe stated that the City Code grants the Council with that ability and there has been precedence on similar senior housing projects. Wolfe then went over the utility requirements and other site plan and plat requirements.

The applicant has requested a waiver of the north buffer citing an existing drainage way which renders space undevelopable. Distance and existing trees would serve as an alternative buffer.

Councilmember Cope asked if this project would look similar to the development on Beaver Drive and the developer concurred that it would. Councilmember Cope asked a follow-up question with regard to having a site plan and a preliminary plat on the same resolution and requested in the future they be handled separately.

There were no there no other questions or comments and none were received from the audience.

Motion by Cope, which was seconded by Brown, to approve Resolution No. 17-152.

ROLL CALL: Aye: Brown, Cope, Temple

Nay: None

Motion Approved: 3-0

- c. First Consideration of Ordinance No. 976 – An Ordinance Amending the City of Johnston Revised Ordinance of 2007, By Amending Chapter 92, Section 92.02 Water User Charges.

Rotschafer mentioned that Financial Advisor Matt Stoefel was in attendance for the last Work Session and at the Finance Committee meeting. Rotschafer stated that the average residential user will see an increase of \$3.35 per month based on 6000 gallons used per month. The ordinance entails four years of adjustments, but each spring there will be a thorough analysis to determine if a change is needed. Councilmember Cope asked for a metro area comparison. Rotschafer stated that she will put that together, but reminded all that the City of Johnston is unique with regard to the City not paying debt on the capital infrastructure through Des Moines Water Works.

Motion by Temple, which was seconded by Cope, to approve First Consideration of Ordinance No. 976.

ROLL CALL: Aye: Cope, Temple, Brown
 Nay: None
Motion Approved: 3-0

- d. First Consideration of Ordinance No. 977 – An Ordinance Amending the City of Johnston Revised Ordinances of 2007, By Amending Chapter 99, Section 99.07 Sewer User Charges

Rotschafer stated that the increase will be 2.5% and that based on the average use of 6000 gallons a month, the average residential customer’s bill will increase by \$0.97.

Motion by Brown, which was seconded by Cope, to approve First Consideration of Ordinance No. 977.

ROLL CALL: Aye: Temple, Brown, Cope
 Nay: None
Motion Approved: 3-0

- e. Consider Approving the Following Items Related to the Development of 19.39 Acres Located West of Merle Hay Road at the Intersection of Merle Hay Road and NW 64th Place:
- Resolution No. 17-150 – Approving the Bricktowne Johnston Site Plan / Preliminary Plat / Construction Drawings
 - Resolution No. 17-151 – Approving a Development Agreement Regarding Parkland Dedication with Bricktowne Johnston, L.C.

Planner Clayton Ender stated that Jensen Group has submitted a site plan application and preliminary plat for 384 multi-family residential units that will be primarily 1-bedroom with some 2-bedroom. Ender then went over site plan requirements and summarized the development. The applicant perceives a lack of 1-bedroom units and housing they are providing, and staff concur that this project meets the intent of the redevelopment study. Ender summarized the landscaping plans and requirements and that the developer would like to use tall grasses in lieu of shrubs. The applicant feels that grass would be a better fit. Ender stated that shrubs are not defined in the City Code, so the Council shall determine if the tall grass is consistent with the intent.

Ender mentioned the north buffer requirement and that the applicant is requesting an adjustment to 25 feet, but they will carry that 25 foot buffer all the way through the entire length. Ender discussed the plans related to utility connections and how storm water runoff will be handled. Ender mentioned that the applicant is requesting a waiver from the full parking requirement. The applicant is confident they will exceed the parking demand in accordance with their plan application. The applicant is also requesting an alternative parkland agreement, which includes granting a twenty foot easement and developing a ten foot trail, along with offering up their private park for use by their residents, with the thought that the residents will be utilizing the facilities within the development.

Councilmember Cope inquired about the twenty foot trail easement. Parks and Recreation Director John Schmitz stated that it would be beneficial to get the desired connectivity between the schools and library without requiring bridges which could save the City a lot of money.

Citizen Randy Clarkson expressed concern related to architectural controls due to the recent development with air conditioner units being exposed on Merle Hay. Mr. Clarkson also asked when the developer would be able to charge rents that are subsidized. Mr. Jensen responded and stated that they are not considering subsidized housing. Mr. Jensen stated that their market is for the young working class with rents of one-bedroom running approximately \$850.00 / month market rate and not subsidized housing.

Susan and Mike House of Panora, Iowa, who own two homes on 59th Court had many questions and comments in relation to the site plan application. The questions and concerns involved the buffer zone; the trail and buffer for the trail; condition of the street; water flow; ground elevation and potential change; parking requirements; sanitary sewer; parkland space and applicants' request to have a waiver; request for a traffic study; analysis of the lighting plan; amount of rent charged and subsidized housing questions; grasses as opposed to shrubs; and tree removal and replacement.

After considerable discussion, Councilmember Brown stated that this process will take a significant amount of time, and some of the items the House's mentioned can still be worked through. Brown requested that staff meet with the House's and work through their concerns and respond to their questions. Ender stated that he would be happy to sit down with the House's and go over the plans in detail and respond to their concerns and questions.

Motion by Cope, which was seconded by Brown to approve Resolution No. 17-150

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

Motion Approved: 3-0

A motion was made by Cope, to table Resolution No. 17-151 until the June 19th meeting. Motion failed due to lack of a second.

Motion by Brown, which was seconded by Temple to approve Resolution No. 17-151

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

Motion Approved: 3-0

- f. Consider Approval of the Following Items Related to the Subdivision of 5.59 Acres into 18 Single-Family Residential Lots and 2 Street Lots. The Subject Property is Located West of NW 86th Street and North of Long Meadow Drive (PZ Case 16-36):
- Resolution No. 17-144 – Approving the Final Plat for Greenwood Hills Plat 5
 - Resolution No. 17-145 – Approving a Storm Water Management Facilities Maintenance Agreement for Greenwood Hills Plat 5

Ender introduced this agenda item. Ender stated that this item includes a final plat for Greenwood Hills Plat 5 and the Storm Water Management Facilities Maintenance Agreement. Land has been dedicated in the past to comply with the parkland dedication requirement for this plat. All requirements have been met.

The public improvements are under construction and completion is expected in the near future. The Planning and Zoning Commission has recommended approval.

Motion by Brown, which was seconded by Temple, to approve Resolution No. 17-144.

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

Motion Approved: 3-0

Motion by Cope, which was seconded by Brown, to approve Resolution No. 17-145.

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

Motion Approved: 3-0

- g. Consider Approval of Claims in the Amount of \$786,079.61

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

ROLL CALL: Aye: Cope, Temple, Brown

Nay: None

Motion Approved: 3-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

City Administrator Jim Sanders stated that construction would begin on 141 soon and he handed out documents with regard to detours, which will potentially affect traffic on 86th Street or Merle Hay within the City of Johnston. Sanders also handed out a document from the Army Corps of Engineers regarding the deviation from the flood control for Saylorville Lake to better manage the water coming into the lake. The Corps did it last year and felt it was successful and would like to continue it. Sanders also reminded all that there are three weeks between this council meeting and the next.

11. CITY COUNCIL COMMENTS

Mayor Dierenfeld thanked staff for all their efforts on a successful Kites on the Green and the Mayor's Bike Ride.

12. UPCOMING MEETINGS

June 5, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
June 19, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 9:52 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk