

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 17-11
Johnston City Hall, 6221 Merle Hay Road
June 5, 2017
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:08 p.m.

2. ROLL CALL

Present: Clabaugh, Brown, Temple

Absent: Cope, Lindeman

The record should reflect that Council Member Temple is participating by telephone, as allowed by *Iowa Code* §21.8

3. WELCOME

Mayor Dierenfeld Welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

City Attorney Tim Pearson led those present in the Pledge of Allegiance.

5. AGENDA APPROVAL

Motion by Clabaugh, which was seconded by Brown, to approve with Item No. 12 Closed Session removed from the agenda.

ROLL CALL: Aye: Brown, Temple, Clabaugh

Nay: None

Motion Approved: 3-0

6. PUBLIC COMMUNICATIONS

7. PUBLIC HEARINGS

a. Conduct a Public Hearing to Consider a Proposal to Approve and Authorize Execution of a Second Amendment to the Development Agreement By and Between the City of Johnston, and Windsor Office Park, L.L.C. This Public Hearing was Opened at the City Council Meeting on May 1, 2017, and Continued until June 5, 2017, at 7:00 p.m.

- Consider Resolution No. 17-163 – Approving and Authorizing Execution of a Second Amendment to the Development Agreement By and Between the City of Johnston and Windsor Office Park, L.L.C.

The Public Hearing continued at 7:10 p.m.

Economic Development Manager Adam Plagge introduced this item and provided background. Plagge stated the original development agreement did not restrict increment for residential and the amended agreement does, which was the purpose of the new agreement.

There were no questions from the public.

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

Motion by Temple, which was seconded by Brown to approve Resolution No. 17-163.

ROLL CALL: Aye: Temple, Clabaugh, Brown

Nay: None

Motion Approved: 3-0

- b. Conduct a Public Hearing and Consider Approval of the Following Items Related to the Rezoning of Property Located at 10207 NW 80th Lane:
- Consider Resolution No. 17-160 – Approving a Development Agreement with George and Jean Hofman (Pursuant to Chapter 414 of Iowa Code, Action on this Item Must Occur Prior to Close of the Public Hearing)
 - Consider First Reading of Ordinance No. 978 – Amending the Official Zoning Map for Approximately 29.68 Acres from A-R, Agriculture Reserve to R-1 (75), Single Family Residential

The Public Hearing opened at 7:14 p.m.

Planner Clayton Ender introduced the item and provided background. Ender stated that George and Jean Hofman owned the property and that they along with the applicant Hidden Valley Estates LLC have initiated this rezoning application. The property was annexed in 2008, and at the time it was zoned A-R. The comprehensive plan identifies this property as low density residential. The development agreement would limit the development of residential to no more than 2 homes per acre. Ender discussed access and the public utilities and that all City requirements have been met.

Ender mentioned that the property does have portions within the FEMA floodway and the rezoning will not affect the floodway overlay district. Ender stated all notice requirements were met. Ender then stated that comments were received from Jeff Strawhacker and that additional written comments were received and emailed out on Friday.

Councilmember Clabaugh inquired about the tree removal. Ender stated that he examined the subject property from NW 100th Street, but he did not have any basis to enter the property. Ender stated that he did not notice any recent removal and that based on information available to staff he cannot corroborate any illegal tree removal.

Jeff Strawhacker stated that he lives just to the north of the property. He mentioned he provided comments and hopes they are not summarily dismissed, but that he would instead focus on the buffer issue. Strawhacker stated that a buffer is required for contrasting use and his portion of property abutting is forest preserve district. Strawhacker stated that the trees were cut in anticipation of this development in December 2016, and January, 2017. Strawhacker stated that the reduction in trees will lead to light pollution. Strawhacker states that he hopes the Council takes time to read through his comments.

Mayor Dierenfeld asked Ender to comment on the buffer issue. Ender stated that City Code cites when buffers are required between contrasting land uses and zoning districts. Ender stated that the adjoining districts are all single family detached either within the City or unincorporated County. Ender stated that a case could be made for contrasting land uses, but that would be done during the preliminary plat stage on a case-by-case basis and that it is too early at this time to determine if a buffer is required.

Councilmember Brown asked Ender to discuss the two residential units per acre stipulation. R-175 allows for 3.75 units per acre, but the Comprehensive Plan calls for no more than 2 units per acre in this northwest area. The County zoning permits 3 residential units per acre. Ender mentioned there would still be an opportunity to provide comments at the preliminary plat stage.

Motion by Clabaugh, which was seconded by Brown, to approve Resolution No. 17-160.

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

Motion Approved: 3-0

The Public Hearing closed at 7:28 p.m.

- s. Consider Resolution No. 17-171 – To Not Remand BOA Case No. 17-07 to the Board of Adjustment for Reconsideration
- t. Consider Resolution No. 17-168 – Approving and Authorizing the Police Chief to Give Notice to Discontinue Participation in the Mid-Iowa Narcotics Enforcement (MINE) Task Force Memorandum of Understanding (MOU) Effective July 1, 2017
- u. Consider Resolution No. 17-172 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 54th Court Improvements
- v. Consider Resolution No. 17-173 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 57th Avenue Improvements
- w. Consider Resolution No. 17-174 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 70th Avenue Improvements Phase 2
- x. Consider Resolution No. 17-175 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW Beaver Drive Overlay Project
- y. Consider Resolution No. 17-181 – Ordering Construction, and Fixing a Date of June 19, 2017, at 7:00 p.m. for the Public Hearing on the School Speed Zone Flashing Beacon Improvements
- z. Consider Approval of Pay Request No. 24 to Alliance Construction Group in the Amount of \$21,723.08 for Work Completed as of May 25, 2017, on the NW 70th Avenue Improvements 98th Street to West City Limits
- aa. Consider Approval of 28E Agreement for Public Works Mutual Assistance
- bb. Consider Approval to Purchase One (1) 2018 International WorkStar 4x2 Series Snow Plow Truck from O’Halloran International (\$136,877.00 after Trade-In)
- cc. Consider Approval to Purchase Water Meters (\$9,030.00)
- dd. Consider Approval of Purchase Order to Keck Oil for the Purchase of Fuel (\$12,257.40)
- ee. Receive and file the following reports:
 - 1. Board of Adjustment Meeting Minutes, May 18, 2017
 - 2. Planning and Zoning Meeting Minutes, May 30, 2017

Councilmember Clabaugh inquired about the pace of the Green Meadows flume repair project as there have been complaints about the schedule and the redoing of the work. Parks Director John Schmitz stated that the project was bid out last year and TK Concreted started work on May 1, 2016, with a preliminary completion date of August 8. They asked for an extension until September 30, 2016, due to heavy rains. Schmitz stated that it was just completed now, but the final inspection is needed and the City will complete the seeding. The seeding was taken out of the contract so the City could control this aspect. Schmitz mentioned the flume had a negative fall that has been corrected, and that the City is not paying for the corrections. Schmitz stated that he has been in contact with residents and that it was a consensus to stay diligent and make sure the project is done properly and not hastily.

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

ROLL CALL: Aye: Temple, Clabaugh, Brown
 Nay: None
 Motion Carried: 3-0

9. NON-CONSENT AGENDA

- a. Second 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

Finance Director Teresa Rotschafer stated that there were no changes made. There were no questions.

Motion by Clabaugh, which was seconded by Brown, to approve the second reading of Ordinance No. 976.

ROLL CALL: Aye: Clabaugh, Brown, Temple

remain in compliant for the current building on the lot and that as a result of the action any new easements that may be necessary are provided.

Motion by Brown, which was seconded by Clabaugh, to approve Resolution No. 17-180.

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

- e. Consider Resolution No. 17-166 – Approving the Site Plans for As We Grow Daycare at 10015 NW 61st Avenue

Wolfe introduced this item and provided background information. As We Grow Daycare is a 7,046 square foot daycare facility. It is in the Amber Ridge PUD on the corner of NW 62nd and NW 100th. Wolfe stated that City Code requires one parking space per every five daycare clients plus one for each vehicle used for transport. Site Plan indicates a capacity of 104 daycare clients, which necessitates 21 spaces. The plan indicates 30 spaces. City Code requires a fenced in play area and the site plan indicates compliance with this aspect and the size.

Wolfe summarized stormwater plans and architecture requirements compared to City Code requirements. The Planning and Zoning Commission recommended approval with some minor conditions. Councilmember Brown inquired about stormwater management in the area, in particular the pond controlled by the homeowner association. Brown requested certainty that calculations are verified. Brown also mention that it is a promising looking development.

Motion by Clabaugh, which was seconded by Brown, to approve Resolution No. 17-166.

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

- f. Consider Approval of Claims in the Amount of \$10,752,511.28

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

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

A motion was made by Brown, which was seconded by Clabaugh, to amend the agenda and place original agenda item 12 back on the agenda.

ROLL CALL: Aye: Clabaugh, Brown, Temple
 Nay: none
Motion approved: 3-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

None

11. CITY COUNCIL COMMENTS

Mayor Dierenfeld thanked Library Director Eric Melton for the concert and ice cream last night.

12. CLOSED SESSION

A. Per Iowa Code §21.51(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 tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

A motion was made by Clabaugh, which was seconded by Brown, to enter into closed session at 7:52 p.m.

ROLL CALL: Aye: Clabaugh, Brown, Temple
 Nay: none
Motion approved: 3-0

The meeting entered into closed session at 7:52 p.m.
The meeting entered into open session at 8:00 p.m.

13. UPCOMING MEETINGS

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

14. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk