

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 08-08
Johnston City Hall, 6221 Merle Hay Road, Johnston, Iowa 50131
April 21, 2008
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, Tingley, Culbert, Hibbs, Kallen
Absent: None

3. WELCOME

Mayor Dierenfeld welcomed citizens and guests to the meeting.

4. AGENDA APPROVAL

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

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

5. PUBLIC COMMUNICATIONS

a. Tree City USA Award

Parks Superintendent Ron Ward noted that Johnston had been awarded the Tree City USA designation for the fifteenth year.

b. Arbor Day Proclamation

Mayor Dierenfeld proclaimed May 3, 2008 as Arbor Day in Johnston.

Mayor Dierenfeld also noted that there were still trees available for purchase through the City.

6. PUBLIC HEARINGS

None

7. CONSENT AGENDA

a. Consider Minutes of Worksession 08-07

b. Consider Minutes of Council Meeting 08-07.

c. Consider Minutes of Joint Session with Johnston Community School District Board.

d. Consider Resolution No. 08-50 – Approving Staff appointments and establishing wages.

e. Consider acceptance of the GASB 45 Actuarial Services proposal from Gallagher Benefit Services, Inc.

f. Consider Resolution No. 08-51 – Fixing a date for a meeting on the proposal to enter into a Development Agreement with Greedy Investments, Inc.

- g. Consider approval for Matt Greiner, Construction Inspector, to attend out of state training in Madison, Wisconsin, May 12 and 13, 2008.
- h. Consider approval of a purchase order to HD Supply Waterworks, LTD for the purchase of hydrant caps for Elmerodo Estates.
- i. Consider Resolution No. 08-49 – Acceptance of a Temporary Construction Easement and approval of a Purchase Agreement for the construction of a trail along NW 86th Street as part of the Beaver Creek Bridge Widening project.
- j. Consider approval of Pay Request No. 6 to Communication Technologies for work completed as of April 3, 2008 on the Johnston Fiber Optic project in the amount of \$43,921.92
- k. Consider approval of Pay Request No.9 in the amount of \$69,302.50 to Eco-Tech Construction, LLC for work completed as of April 11, 2008 on the NW 86th Street / Valley Parkway project.
- l. Consider Resolution No. 08-47 – Approving Change Order No. 1 for the NW 86th Street / Valley Parkway project.
- m. Consider approval of Pay Request No. 1 to Synergy Contracting, LLC in the amount of \$133,495.43 for work completed as of April 10, 2008 on the Elmerodo Estates Water Main Project.
- n. Consider approval of Pay Request No. 3 to H&W Contracting LLC in the amount of \$56,631.87 for work completed as of April 11, 2008 on the Central Basin Drainage Improvements project.
- o. Consider approval of a purchase order for the Mayor and two Council Members to participate in the Greater Des Moines Partnership’s DC DM United trip, June 6-8.
- p. Consider approval of a purchase order to Quad County Implement, Inc. for the purchase of a 17’ Land Pride mower deck.
- q. Consider the renewal of a Class “C” liquor license, to include Sunday sales and outdoor service for Picketts Pub, 6014 NW 59th Court.
- r. Consider approval of a 28E agreement with Polk County for the reconstruction of NW 66th Avenue from NW 26th Street to NW Beaver Drive.
- s. Consider agreement with Foth Engineering Alliance for the site design services for the Water and Sewer building at Public Works.
- t. Consider Approval of Resolution No. 08-48 – Approving construction plans for Beaver Drive Business Park Plat 1, located at the NW corner of NW Beaver Drive and NW 57th Avenue.

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

Sanders noted that the date for the public hearing on item 7F would be May 19, 2008.

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

8. NON-CONSENT AGENDA

- a. Consider approval of the Park Board Referendum Plan recommended by the Johnston Park Advisory Board.
 Ward noted that the recommendation from the committee had been included in the Council packet materials. He also advised that the Johnston Park Advisory Board had approved the recommendation at their April 15, 2008 meeting.

Kallen asked whether potential sites had been identified. Culbert noted that there were four potential sites of 100-120 acres each, and that these were ranked in preferential order.

Hibbs noted that this referendum would impact the entire community and would provide opportunities for all residents.

Motion by Kallen second by Hibbs to approve the Referendum Plan as recommended by the Park Board.

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

- b. Consider Resolution No. 08-52 – Approving a Neighborhood Improvement Grant for the NorthGlenn neighborhood.

Deb Schiel-Larson reviewed the grant request and the path it had followed to come before the Council for approval.

Rhonda Martin, representing the neighborhood in the grant process, noted that her position had not changed since the request at the previous meeting.

Dan Sweet, NorthGlenn Neighborhood Association, reviewed the request and thanked the Mayor and Council for their continued support.

Motion by Culbert second by Tingley to approve the Grant for the Northglenn Neighborhood.

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

- c. First Consideration of Ordinance No. 782 (PZ Case 07-52) – Rezoning approximately 277 acres of land from AR (Agricultural Reserve) to PUD (Planned Unit Development) for the creation of the Crosshaven PUD and conservation subdivision by Hubbell Realty Company.

Wilwerding briefly reviewed the process that had led to Council action at this meeting. Wilwerding introduced staff from Hubbell Realty working on the project.

Joe Pietruszynski, Hubbell Realty, reviewed the changes that had been made since the previous presentation.

Pietruszynski answered questions from Council members regarding the changes. He also reviewed the possible house styles and pricing and answered questions regarding square footage, pricing, and covenants.

Dan Dutcher, Hubbell Realty, noted that Hubbell would be willing to raise the minimum square footage to a number deemed appropriate by the Council.

Discussion regarding setbacks and berms ensued. A 12-foot berm was deemed possible at this site.

Wilwerding noted that the changes reflected in the previous discussions had also been updated in the ordinance.

He also read through the language in the NW Comprehensive Plan relating to transitions.

Wilwerding noted that a technical memorandum had been included in the Council packet materials relating to a traffic study conducted in August 2005.

Council Member Hibbs asked for clarification relating to maintenance of the prairie areas in the proposed development.

Wilwerding noted that a maintenance plan and a way to pay for the plan would be required during the platting process. He advised that an Association would have to be set up in accordance with state law.

Council Member Clabaugh requested additional information on drainage ways and the impact on Little Beaver Creek.

Jeff Schug of McClure Engineering provided clarification on the conservation concept relating to drainage.

Mayor Dierenfeld noted her appreciation for Wilwerding and his staff for their time and effort in preparing Council for this meeting and for facilitating meetings with the stakeholders.

The Mayor also thanked Cindy Johnson for agreeing to act as spokesperson for the neighbors in the area.

The Mayor then allowed comments from interested parties.

Cindy Johnson gave a presentation outlining the neighbors' concerns as well as their objections to the proposed development.

The following individuals noted their concurrence with Ms. Johnson's presentation by their signatures on a document filed as part of the record:

Scott Temple	10200 NW 74 th Avenue, Grimes
Sherrí Bruckshaw	9778 NW 74 th Place, Grimes
Kim Kintz	9840 NW 74 th Place, Grimes
Cindy Campbell	10044 NW 74 th Avenue, Grimes
Nancy Betz	7547 NW 100 th Street, Grimes
Melanee Stanbrough	9928 NW 74 th Place, Grimes
Curtis Clausen	9475 NW 74 th Place, Grimes
Michael Hefner	9551 NW 74 th Place, Grimes
James Marek	9588 NW 74 th Place, Grimes

Robert Betz	7547 NW 100 th Street, Grimes
Stephen Watrous	10108 NW 80 th Lane, Grimes
Pat Watrous	10108 NW 80 th Lane, Grimes
Val Wagner	10131 NW 78 th Avenue, Grimes
Bruce Havlik	9781 NW 74 th Place, Grimes
Craig Clasen	9418 NW 74 th Place, Grimes
Michael Stanbrough	9928 NW 74 th Place, Grimes
Carrie Harris	7884 NW 103 rd Lane, Grimes
Chad Harris	7884 NW 103 rd Lane, Grimes
Carolyn Mikkelsen	7440 NW 100 th Street, Grimes
Tom Mikkelsen	7440 NW 100 th Street, Grimes
David Midtlyna	7450 NW 100 th Street, Grimes
Don Ross	7789 NW 100 th Street, Grimes
Lisa Elming	10125 NW 76 th Place, Grimes
Greg Elming	10125 NW 76 th Place, Grimes
Luther Lehman	9530 NW 74 th Place, Grimes
Roger Brown	10108 NW 76 th Place, Grimes
Cynthia Brown	10108 NW 76 th Place, Grimes
Valerie Kounkel	9927 NW 74 th Place, Grimes
Angela Hopkins	9927 NW 74 th Place, Grimes
Nick Gelormino	10100 NW 82 nd Avenue, Grimes
Peggy Stecklein	10100 NW 82 nd Avenue, Grimes
Barb Hoffman	10113 NW 80 th Lane, Grimes
Anthony Hoffman	10113 NW 80 th Lane, Grimes
Pat Helwig	7948 NW 100 th Street, Grimes

In addition, the following individuals addressed the Mayor and Council:

Virginia Soelberg, 5979 Dogwood Circle, Johnston, regarding water quality and low impact building practices.

Jennifer Welch, Urban Conservationist with Polk Soil and Water Conservation District, 1513 N. Ankeny Boulevard, Ankeny, regarding water quality and conservation building practices.

Pat Helwig, 7948 NW 100th Street, Grimes, opposed to the proposed development.

Nick Gelormino, 10100 NW 82nd Avenue, Grimes, opposed to the proposed development.

Cynthia Brown, 10108 NW 76th Place, Grimes, opposed to the proposed development.

Scott Temple, 10200 NW 74th Place, Grimes, opposed to the proposed development.

Craig Clasen, 9418 NW 74th Place, Grimes, opposed to the proposed development.

Patrice Davis, 10064 NW 78th Avenue, Grimes, opposed to the proposed development.

Linda Evans, 7820 NW 100th Street, Grimes, opposed to the proposed development.

Val Wagner, 10131 NW 78th Avenue, Grimes, opposed to the proposed development.

Council Member Kallen left the meeting at 9:12 p.m. and returned at 9:14 p.m.

Pietruszynski responded to questions raised by those addressing the Mayor and Council.

Council Member Culbert requested clarification on the NW Area Comprehensive Plan language relating to buffers, transitions, and setbacks.

Council Member Clabaugh requested additional information on why the PUD zoning was chosen.

Wilwerding advised that it was mutually beneficial to the developer and the City in that it allowed smaller lot sizes for the developer and additional open space for the City, as well as the regulation of water quality volume by the City, which could not be accomplished without the PUD zoning.

Clabaugh stated that he was more convinced than before that a conservation development was the right fit for this piece of property and that Little Beaver Creek was a key piece of infrastructure in the community. He also noted that traffic was still a concern for him. In addition, Clabaugh stated that he felt that Hubbell met the test that had been laid out for them in regards to the Comp Plan.

Council Member Tingley noted that he continued to struggle with traffic and the number of rooftops this project would bring. He stated that while the design was ideal, he was not certain that it fit in the proposed area. He indicated that he would not be voting in favor of the rezoning.

Council Member Clabaugh moved approval of First Consideration of Ordinance No. 782.

Council Member Culbert seconded with the stipulation that the minimum home size would be 1500 square feet, and the berm height at the periphery of the development be between 10 and 12 feet.

These stipulations were accepted by Council Member Clabaugh.

Hubbell representatives also indicated their agreement with the stipulations.

Council Member Hibbs thanked Council Member Kallen for bringing the stakeholders together. He noted that Hubbell had put together a good plan, but as he reviewed the impact on the existing neighborhood, he could not vote to approve.

Mayor Dierenfeld noted that although she did not have a vote, she wanted to share her views on the issue. She felt that Hubbell had met the requirements of the Comp Plan, and that the revised plan was an improvement. She stated that if she had a vote, she would be voting to approve.

Council Member Culbert noted that he would not have voted to approve the plan presented at the February 19, 2008 meeting, but while this plan is not perfect, it is better than the original proposal.

Council Member Kallen echoed Culbert's statement. He noted that he had dealt in good faith with Hubbell and felt that Hubbell had made concessions. He indicated that he would be voting to approve.

ROLL CALL: Aye: Culbert, Clabaugh, Kallen

Nay: Hibbs, Tingley

Motion Approved: 3-2

- d. Consider approval of claims in the amount of \$298,068.33

Motion by Clabaugh second by Hibbs to approve the claims as presented.

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

Nay: None

Motion Approved: 5-0

9. REPORTS

- a. Receive and File the following reports:

1. Bank Reconciliation Report - March 31, 2008
2. Treasurer's Investment Report – March 2008
3. Year to Date Treasurer's Report – March 31, 2008
4. Monthly Report Summarization – March 31, 2008
5. Senior Citizen's Report – March 2008
6. Johnston Public Library Claims – March 14, 2008
7. Johnston Public Library Claims – April 17, 2008
8. Johnston Public Library Report – February 2008
9. Johnston Library Board of Trustees Minutes – February 21, 2008

Motion by Culbert second by Clabaugh to receive and file reports.

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

Nay:

Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

- a. Request for proposal for the provision of banking services for the City of Johnston
Finance Director Teresa Rotschafer noted that Council Members Culbert and Clabaugh had indicated that the current prices for services be included on the RFP.
- b. Update on Watershed Assessment Plan and Local Stormwater Management Plan RFQ
David Wilwerding noted that thirteen firms had responded to the RFQ and that Council Member Kallen would be working with staff to finalize a firm to conduct the study.
- c. Thank you letter from The Closet at Crown Point

City Administrator Sanders noted that DART would be holding a meeting on May 14, 2008 from 1:30- 3:30 p.m. to discuss the funding formula.

11. CITY COUNCIL COMMENTS

Mayor Dierenfeld noted that she had received a note from the Johnston Community School Board thanking the Council for their time and participation in the Joint Session.

Council Member Kallen stated that he would like to talk with staff in the upcoming week about the Green Meadows West letter he had received relating to stormwater.

12. UPCOMING MEETINGS

May 5, 2008	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.
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May 19, 2008	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.
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13. ADJOURNMENT

The meeting adjourned at 10:27 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Stephanie L. Reynolds, City Clerk