



PLANNING & ZONING COMMISSION

City of Johnston
 6221 Merle Hay Road, Johnston, IA 50131

Minutes
 Regular Meeting: Monday, June 14, 2010

AGENDA:

1. Call to Order

Robertson called the meeting to order at 7:03 p.m.

2. Roll Call

	Robertson	Wiskirchen	Temple	Moran	Jeske	Petersma	Johnson
Present	X	X		X	X		X
Absent			X			X	

City Staff Present: David Wilwerding, Dustin Powers, Steven Witmer

3. Approval of Agenda

Robertson called for a vote to approve the agenda.

	Robertson	Wiskirchen	Temple	Moran	Jeske	Petersma	Johnson
Aye	X	X		X	X		X
Nay							
Abstain							

4. Approval of Meeting Minutes: Regular Meeting April 26th, 2010.

Motion by Jeske seconded by Johnson to approve the minutes of April 26th, 2010.

Roll Call Vote:

	Robertson	Wiskirchen	Temple	Moran	Jeske	Petersma	Johnson
Aye	X	X			X		X
Nay							
Abstain				X			

5. PZ Case No. 10-07; Amended Preliminary Plat for Hawkeye Estates: Consider approval of an Amended Preliminary Plat for Hawkeye Estates (formerly known as Ridgeview Estates) subdividing 17.881 acres into 4 single family residential lots. The subject property is located on NW 86th Street south of Little Beaver Creek.

David Wilwerding presented the staff report.

Robertson asked if the owners are willing to sign a development agreement, the city would not be maintaining this, correct? Wilwerding – the issue is that this is a drainageway that receives flow from public streets and drainage areas and so the city has an interest in maintaining the adequate flow.

Robertson asked if the pipe is on private property. Wilwerding responded that it is on private property, but with an easement.

Robertson asked does city have the right to require a private property owner to use concrete pipes. Wilwerding replied yes, if it is a drainageway in an easement and the city has an interest in the functioning of the drainage area, and within an area being developed.

Johnson expressed concern whether just four property owners reasonably be expected to afford paying for the future replacement.

Moran asked which way the water flows. Wilwerding replied from northwest to southeast. Moran asked who will maintain the rip-rap. Wilwerding replied that is a private drive. The design is to overtop the drive during major rain events, the city has made clear they will not be responsible for maintenance of that.

Moran asked why not remove pipe and just replace with a ditch. Johnson replied that there too much elevation difference for that, the pipe serves as an overflow.

Wiskirchen asked what the consequences will be to other properties if this fails. Wilwerding replied that today it would flood a farm field, but in the future it could be developed ground.

Tom Dean, 7344 NW 86th Street, explained that at the south pond, the 54” pipe was installed with a deep weir to collect runoff to go under the private road. It was constructed to city standards. The pipe coming into north pond and pipe connecting north pond to south pond is the issue. If these pipes fail, his own home is the likely recipient of the resulting flooding. He put in corrugated metal pipe because it was the most economically feasible at the time. Both pipes are 30” pipes and both were installed to SUDAS standards, although it does not meet the city standards because it is not concrete. The life of corrugated metal pipe varies, it depends on how well the intakes and outputs are managed. He has used Grade D rip-rap to prevent erosion. If there is an open-cut ditch there will be erosion. He stated that these pipes survived two 100-year floods with the system as it is with no problems.

He has had his attorney draft an agreement that protects the city. The association will take over the maintenance of the drainage area. If the Homeowners Association disbands, then the landowners will have responsibility, and if they choose not to pay the city has the right to assess the owners for the repair. Part of the proposed stormwater easement passes across his own personal property. All he is asking is that the pipe be allowed to remain until the city determines it has failed and then per the agreement the owners will replace it to the city’s standard.

Moran asked if Dean knew the cost of what an open channel would cost. Dean estimated probably half what the pipe would cost. Moran asked if the pipe would be inspected by the association or by the city. Dean replied that he is not sure how frequently city inspects storm

sewer. He is willing to provide access, the easement would still be in place so city would have the right to inspect.

Dean restated that he sees no financial hazard to the city with this situation. He would agree an open ditch would be better but there is no reason to do so before the pipe fails.

Moran commented that his concern is liability. If this fails and property owners are flooded, they may try to sue the city because it has an easement. Wilwerding noted that the city attorney has not reviewed the proposed agreement at this time, the Commission is not addressing that issue at this time.

Wiskirchen asked if the options for Mr. Dean are to put in concrete pipe or an open ditch. Wilwerding commented that the open ditch was suggested as an idea but has not been fully reviewed by city staff.

Wilwerding noted that the pipe capacity is not an issue; the city's concern is the materials used.

Moran commented that there are a lot of unknown factors, it could be that the surrounding lots will not develop for years. At the same time, the city allows developers to build private streets that are not to city standards, so is this any different from that.

Johnson noted that from looking at the topography, if there was a catastrophic failure, it would overflow over the southeast corner before it would back up into residential lots to the west.

Wiskirchen suggested setting a time limit for replacement after replacement is specified by the city to ensure that it is done in a timely manner, and if the limit is not met city could assess the association and do the replacement itself.

Wiskirchen – some kind of reasonable agreement could be worked out if regular inspections are part of the agreement. Johnson agreed.

Jeske commented that she is bothered by the potential setting of a precedent and that the city guidelines weren't followed from the beginning, but if city council and city attorney can reach an agreement they are comfortable with she would be willing to approve.

Motion by Wiskirchen seconded by Johnson to approve with the following conditions:

	Robertson	Wiskirchen	Temple	Moran	Jeske	Petersma	Johnson
Aye	X	X		X	X		X
Nay							
Abstain							

6. Comprehensive Plan Advisory Board Appointment; Consider recommending a Commission member to serve as the Planning and Zoning Commission representative on the Comprehensive Plan Advisory Board.

Wilwerding explained that the Commission has a seat on Comprehensive Plan Advisory Board, term is 3 years. The Commission can choose to makes a recommendation to the City Council for their representative on the Board.

Motion by Jeske seconded by Moran to appoint Dick Robertson.

	Robertson	Wiskirchen	Temple	Moran	Jeske	Petersma	Johnson
Aye	X	X		X	X		X
Nay							
Abstain							

7. Other Business

Wilwerding distributed a flyer concerning the Green Meadows Bioretention Project. Educational walkthroughs are scheduled for 5:00 p.m. and 7:00 p.m. on June 22nd.

Wilwerding advised that the Commission will soon be reviewing a rezoning request for Pioneer’s expansion west of Beaver Creek and north of NW 62nd Avenue.

Wilwerding reminded the Commission that there will be a joint meeting on June 23rd for the comprehensive plan update.

8. Adjournment.

The meeting adjourned at 8:00 p.m.

Dick Robertson, Chairman

David Wilwerding, Secretary