

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 16-02
Johnston City Hall, 6221 Merle Hay Road
TUESDAY, January 19, 2015
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:09 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

Cub Scout Pack 244, Dens 7 and 8 led the meeting in the Pledge.

5. AGENDA APPROVAL

City Administrator Jim Sanders noted that item 8Q should be for Pay Request No. 2, not 1 as noted on the agenda.

Motion by Clabaugh second by Lindeman to approve the Agenda as noted.

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

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

None

7. PUBLIC HEARINGS

- a. Conduct a Public Hearing and consider Resolution No. 16-16 – Approving proceeding with condemnation for a Fee Title Property Acquisition and Temporary Construction Easement for property located at 5720 NW 60th Avenue.

The Public Hearing opened at 7:15 p.m.

Sanders noted that staff had met with the property owner several times throughout 2015, even as late as November 27 regarding the acquisition and temporary construction easement, as well as taking the issue of the front porch to the Board of Adjustment and offering compensation for the driveway that may be damaged during the construction project. Sanders noted that because of time concerns regarding the construction of the road, it was necessary to begin the process but it was staff's hope to continue working with the property owner to come to some sort of resolution before condemnation was undertaken.

No public comments were received.

The Public Hearing closed at 7:17 p.m.

Motion by Temple second by Cope to approve Resolution No. 16-16.

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

Motion Approved: 5-0

- b. Conduct a Public Hearing and consider Resolution No. 16-17 – Approving proceeding with condemnation for a Fee Title Property Acquisition and Temporary Construction Easement for property located at 5732 NW 60th Avenue.

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

Sanders noted that this was a similar situation to the previous hearing and that the property owner had stopped responding to requests for the acquisition and easement agreement. Sanders noted that he had had contact from an attorney representing the property owner.

Property owner Mandy McIntire addressed the Council, noting that she had an issue with some of the language contained in the agreement, but once that was resolved, she had every intention of signing the agreement. She advised that she would have her attorney make contact with Jim Sanders.

The Public Hearing closed at 7:22 p.m.

Motion by Brown second by Temple to approve Resolution No. 16-17, with the understanding that this process may not move forward pending resolution with the property owner.

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

Nay: None

Motion Approved: 5-0

Council Member Cope thanked Ms. McIntire for coming in to speak with the Council.

- c. Conduct a Public Hearing and consider the following items for the NW 60th Avenue Improvements project (Phase 4):
- Resolution No. 16-22 – A Resolution with respect to adopting Resolution of Necessity;
 - Resolution No. 16-23 – A Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders;
 - Resolution No. 16-24 – A Resolution ordering bids, approving plans, specifications and form of contract and related matters.

The Public Hearing opened at 7:23 p.m.

Public Works Director Dave Cubit noted that there had been a lot of discussion regarding this project, and it was now time to take bids. He advised that the action at tonight's hearing would start that process.

There were no public comments received prior to or during the meeting.

The Public Hearing closed at 7:25 p.m.

Motion by Lindeman second by Clabaugh to approve Resolution No. 16-22.

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

Nay: None

Motion Approved: 5-0

Motion by Clabaugh second by Temple to approve Resolution No. 16-23.

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

Nay: None

Motion Approved: 5-0

Motion by Lindeman second by Cope to approve Resolution NO. 16-24.

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

Nay: None

Motion Approved: 5-0

8. CONSENT AGENDA

- a. Consider Minutes of January 4, 2016 Council Worksession.
- b. Consider Minutes of January 4, 2016 Council Meeting.

- c. Resolution 16-13 – Rescheduling the February 1, 2016 meeting of the City Council to February 2, 2016 due to a conflict with the Caucuses.
- d. Consider approval of a new Class C Liquor License to include Outdoor Service for Noodle Zoo and the Zoo Bar, 8705 Chambery Boulevard, Suite 600
- e. Consider Resolution No.16-09 – Appointing a primary and alternate representative to the Polk County Emergency Management Commission.
- f. Consider authorizing the Fire Chief to sign a Memorandum of Understanding between the Metro Area Fire Investigation Task Force (MAFIT) and the Johnston Fire Department.
- g. Consider Resolution No. 16-08 – Appointing a primary member and an alternate member to the Polk County E911 Service Board.
- h. Consider Resolution No. 16-14 – Appointing representatives and alternates to the Des Moines Area Metropolitan Planning Organization Transportation Policy Committee and the Transportation Technical Committee.
- i. Consider out-of-state travel for Building Inspector Eric Rehm to attend the International Code Council sponsored Colorado Chapter Educational Institute training seminar in Denver, CO February 29 – March 4, 2016.
- j. Consider out-of-state travel for Parks Crew Leader Kari Allen to attend the Midwestern Chapter ISA Conference in Kansas City, MO February 3-5, 2016.
- k. Consider approval of a Purchase Order to Keck Energy for the purchase of fuel.
- l. Consider approval of a Purchase Order to Star Equipment for repairs made to the crack seal machine.
- m. Consider Resolution No. 16-12 – Approving Change Order No. 1 on the NW 70th Avenue Improvements – Building Demolition and Utility Extension projects.
- n. Consider approval of Pay Request No. 1 from Elder Corp. in the amount of \$106,079.38 for work completed as of December 21, 2016 on the NW 70th Avenue Improvements – Building Demolition project.
- o. Consider out-of-state travel for Public Works Director Dave Cubit to attend the Water Infrastructure and Resiliency Finance Center Event in Washington, D.C.
- p. Consider Resolution No. 16-18 – Approving Change Order No. 1 on the Johnston Community Fiber Optic Phase III project.
- q. Consider Resolution No. 16-19 – Approving Change Order No. 2 on the Johnston Community Fiber Optic Phase III project.
- r. Consider the following Resolutions for the NW Beaver Drive Reconstruction project:
 - Resolution No. 16-10 – Accepting the project;
 - Resolution No. 16-11 – Releasing retainage.
- s. Consider the following Resolutions for the 2014 Stormwater Remediation Improvements project:
 - Resolution No. 16-20 – Accepting the project;
 - Resolution No. 16-21 – Releasing retainage
- t. Consider Amendment No. 1 to the Professional Services Agreement with HR Green for the NW 86th Street Booster Pumping Station project.
- u. Receive and file the following reports:
 1. Bank Reconciliation Report – December 30, 2015
 2. Treasurer’s Investment Report – December 30, 2015
 3. Year-to-Date Treasurer’s Report – December 30, 2015
 4. Monthly Report Summarization – December 30, 2015
 5. Senior Citizens Report – December 30, 2015
 6. Street Division Monthly Operations Report –December 2015
 7. Water/Wastewater Department Monthly Operations Report – December 2015
 8. 2015 Development Summary
 9. Year to Date Building Permit Report – December 2015
 10. Planning & Zoning Commission Meeting Minutes – January 11, 2016

Motion by Cope second by Brown to approve the Consent Agenda.

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

Motion Approved: 5-0

9. NON-CONSENT AGENDA

- a. Consider Second Reading of Ordinance No. 939 – Amending the City of Johnston Revised Ordinances by amending Chapter 92.02 – Water Rates, Rates for Service.

Finance Director Teresa Rotschafer noted that there had been no changes since First Consideration.

Motion by Cope second by Clabaugh to approve Second Consideration of Ordinance No. 939.

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

Motion Approved: 5-0

Council Member Temple requested an update on the Stormwater Rates and whether there would be an Ordinance coming forward to make those changes. City Clerk Cyndee Rhames noted that as the Stormwater Ordinance allowed rate changes by Resolution, the Ordinance itself was being looked at.

- b. Consider Resolution No. 16-15 – Approval of PZ Case 15-41, a Final Plat for Crosshaven Outlots Plat 2 subdividing 58.36 acres into 3 outlots. The subject property is located east of NW 100th Street and north of Little Beaver Creek.

Senior Planner Aaron Wolfe reviewed the proposed action, noting that this was for property transfer only and that any development on the lots would require further action.

Motion by Temple second by Lindeman to approve Resolution No. 16-15.

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

Motion Approved: 5-0

- c. Consider First Reading of Ordinance No.940 – Amending Chapter 165.04 (148 and 149) of the Code of Ordinances to require a business license application process for massage businesses in Johnston. Chief of Police Bill Vaughn noted that the proposed Ordinance had been discussed at the previous meeting and that he had implemented the changes proposed during that discussion. He advised that he had met with the Mayor and Council Member Brown where additional language related to whether or not the fee would be paid annually had been discussed. Chief Vaughn noted that he was comfortable with requiring the initial application fee and then again only with a material change of ownership or business type. Chief Vaughn also noted that he had met with massage business owners in the area as well as the owner of Body Wisdom School and the liability limits in the application were consistent with the industry standards. He reviewed the additional changes and modifications in the Ordinance.

Mayor Dierenfeld noted that this was an additional tool to help curb human trafficking, which is a prominent issue.

Mayor Dierenfeld requested additional changes relating to the purpose statement. She also noted that she would like to see the greatest penalty enforced, even going to a simple misdemeanor being charged for every day the business is out of compliance. City Attorney Pearson noted that he would need to consider that.

Council members noted they would also like to clarify what businesses would fall under this requirement. Would it be based on a percentage of the business or any business where massage is conducted?

Motion by Temple second by Lindeman to approve First Consideration of Ordinance No. 940 as discussed.

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

- d. Consider approval for the creation of the position of Full Time Lieutenant for the Fire Department. Fire Chief Jim Krohse reviewed the proposed positions, noting that this would create a Lieutenant position which would oversee each shift. Council Member Clabaugh requested clarification on why this was happening outside of the budget process. Chief Krohse advised that he was using the increased revenue from ambulance billing to pay for the positions, but that they had been budgeted in the proposed 16-17 budget. Council Member Temple inquired as to whether this would make the department top heavy. Chief Krohse responded that as compared to other metro departments it would not be top heavy. City Administrator Jim Sanders provided an update on the 28E agreement with the City of Grimes.

Motion by Lindeman second by Temple to approve the creation of the Lieutenant position in the Fire Department.

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

- e. Consider approval of Claims in the amount of \$669,542.61

Motion by Clabaugh second by Temple to approve Claims as presented.

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

10. CITY ADMINISTRATOR/STAFF COMMENTS

City Administrator Sanders reminded the Council of the Goal Setting session on January 28 at 4:00 p.m.

11. CITY COUNCIL COMMENTS

Council Member Cope addressed the ongoing issue on Forest Drive. He encouraged the Council to read the P&Z minutes. He also noted that he would like to table this issue when it's presented and that while the Council has no authority to require mediation, he would like to suggest mediation to the involved parties. City Attorney Pearson noted that he had spoken with the Neighborhood Mediation Program and that this issue could be undertaken through that program. Mayor Dierenfeld noted that she would be meeting with Dow-DuPont in Wilmington, Delaware on Wednesday to encourage them to maintain the Pioneer headquarters in Johnston.

WS4. GREEN MEADOWS FLUME DISCUSSION

Parks Director John Schmitz introduced Josh DeBower of Foth Infrastructure and Environment. DeBower reviewed the proposed solution to the scour and water quality issues within the flume system. He noted that the engineer's estimate for the project with 6 alternate bids was approximately \$275,000. Council Member Clabaugh requested a meeting with DeBower and Schmitz to further discuss the project and then set a meeting with the Homeowners Association. The Council also requested an update on the water quality studies being conducted periodically through the watershed.

WS5. DISCUSS SPEED LIMITS ALONG NW 78th AVENUE, NW 100th STREET AND NW 107th STREET.

Sanders noted that there were inconsistent speed limits within the northwest area as the area is overseen by three different entities. Sanders noted that as road improvement project occur throughout that corridor it may make sense to see if the entities can agree on consistent speed limits. Council members encouraged staff to set up a meeting with residents in the area to get feedback on the proposal.

12. CLOSED SESSION

Per Iowa Code §21.5.1 (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 the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

Motion by Lindeman second by Cope to enter into Closed Session.

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

Nay: None

Motion Approved: 5-0

The meeting entered into Closed Session at 8:29 p.m.

The meeting entered into Open Session at 8:44 p.m.

13. UPCOMING MEETINGS

Tuesday , February 2, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
Tuesday , February 16, 2016	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

14. ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk