

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 16-03
Johnston City Hall, 6221 Merle Hay Road
TUESDAY, February 2, 2015
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:04 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

Members of the Carstens family led the meeting in the Pledge.

5. AGENDA APPROVAL

Motion by Brown second by Lindeman to approve the Agenda.

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

6. PUBLIC COMMUNICATIONS

Life-Saving Awards Presentation to Paramedic Andrew Winter, EMT Adam Hoffman, and EMT Andrew Hooper
Fire Chief Jim Krohse and Council Member Matt Brown relayed details of the incident of December 27, 2015 involving Michelle Carstens which led to the Life-Saving awards.
Mrs. Carstens thanked those who had been instrumental in saving her life.
Mayor Dierenfeld and Council Member Brown presented the awards to Winter, Hoffman, and Hooper.

7. PUBLIC HEARINGS

None

8. CONSENT AGENDA

- a. Consider Minutes of January 19, 2016 Council Worksession.
- b. Consider Minutes of January 19, 2016 Council Meeting.
- c. Consider the approval of a special 5-day liquor license for Hy-Vee to cater an event at John Deere Financial on February 5, 2016.
- d. Consider the renewal of a Class C Liquor License to include Sunday sales, outdoor service, and catering privileges for the Greenbriar Restaurant & Bar, 5810 Merle Hay Road.
- e. Consider approval of Out-of-State Travel for Firefighter Tristan Johnson to attend the Fire Department Instructors Conference (FDIC) Annual Conference in Indianapolis, IN on April 20-23, 2016.
- f. Consider setting March 7, 2016 at 7:00 p.m. as the date and time for a Public Hearing on the proposed budget for fiscal year July 1, 2016 through June 30, 2017.
- g. Consider the following items related to the 2016A General Obligation Bonds:
 - Resolution No. 16-27 – Fixing a date for a meeting on the proposition of the issuance of not to exceed \$5,745,000 General Obligation Bonds of the City of Johnston, State of Iowa (for essential corporate purposes), and Providing for Publication of Notice Thereof

carry over to the new plat. Wolfe reminded the Council that with replatting, setbacks can and do change because the configuration of the lot changes, and that in this instance, the replatting removes the 35-foot rear yard setback, and it now becomes a 10-foot side yard setback.

Council Member Cope questioned the applicant on his rationale for replatting the property and moving away from his previous application for an accessory structure. Mr. Coons noted that because of the interpretation of the front yard setback the impact on his plans for the structure meant that construction would be near his septic tank and lateral fields. He noted that replatting him allowed him to create a sellable or buildable lot, and that he'd like to do something with the lot other than mow it. Council Member Cope also questioned Mr. Coons about the overhang issue with the Davis property. Mr. Coons noted that they were continuing to work on the issue, and felt that it was more or less resolved. Council Member Cope also requested clarification on the proposed covenants. Mr. Coons noted that he would like to have some control over what was built and that anything built would be comparable to his home.

Larry Gulleen, 7050 Forest Drive, also addressed the Council, noting that he is concerned about the nature of the residence that would be built on the lot. He urged the Council to put restrictions on the development of the property, which they are able to do, so any residence would be similar to those in the neighborhood. He also noted that the 35-yard setback was relied on by the adjoining property owner and should continue. Mr. Gulleen also voiced concerns about Mr. Coons being responsible for any covenants put in place, as they would be self-serving.

City Attorney Tim Pearson asked for clarification on placing restrictions on a property before there were even any plans, which may inhibit the property owner's ability to sell or develop the property.

Mr. Gulleen noted that in some ways the restrictions would enhance the property value. He also noted his concern that they would end up with an accessory structure that feigned to be a residence.

Motion by Council Member Cope to table consideration of Resolution Nos. 16-25 and 16-26 and to strongly urge Mr. Coons and the neighbors to engage in a mediation process to discuss the minimum square footage of the living area of any structure built on plat 2 and any other issues that both parties mutually agree should be part of the mediation. He noted that the Council does not have the power to require the parties engage in mediation, but if the parties do so, in a good faith effort, they may come to some sort of resolution that would satisfy both sides. He also noted that if the mediation fails, the Council will have to take some sort of action in the next 60 days. Council Member Lindeman seconded the motion.

Council Member Brown noted that he was struggling with the property rights of both parties. He advised that what Council Member Cope was proposing was a good thing, and that there are still zoning laws and approval to development is subject to review by the Planning Commission and the Council. He noted that he wants to be careful that the Council is not setting a precedent for requiring restrictive covenants.

Ben Bruner, 2696 Berkshire Parkway, on behalf of Mr. Coons, noted that at this point, all that is being considered is an imaginary line on the property, and not approval of any building plans, and that the replatting complies with all legal requirements and city code. He noted that he is not sure what mediation will accomplish. He noted that the focus is that the proposal meets city code and that he is not sure how the request for mediation gets facilitated, and whether mediation be something that the city requires whenever there is any dispute as far as any subdivision request. He noted that it seemed an odd request, and that he felt the process should continue to move forward as they have done everything they are required to do. Mayor Dierenfeld noted that it is not unusual for the Council to encourage neighbors to work out their differences before the Council decides an issue.

Mr. Coons noted that he hasn't had a conversation with Mr. Bednar in over two years, and that he doesn't see much to negotiate about.

Council Member Cope provided information regarding the Neighborhood Mediation program through the Polk County Attorney's office.

Mr. Bruner asked for clarification on the mediation and whether it was a requirement. Mayor Dierenfeld noted that the Council cannot require mediation.

ROLL CALL:

Aye: Clabaugh, Lindeman, Cope, Temple

Nay: Brown

Motion Approved: 4-1

Council Member Lindeman left the meeting at 8:50 p.m.

d. Consider approval of Claims in the amount of \$195,442.25

Motion by Clabaugh second by Cope to approve the Claims as presented.

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

Motion Approved: 4-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

a. Memorandum of Understanding by and between the MPO and the City of Johnston for the Complete Streets Tactical Starts Grant Program

City Administrator Jim Sanders noted that he had provided information to the Council on the Complete Streets grant program.

b. Recreational Amenities for Multi-Residential Developments Consulting proposal

Sanders noted that Council Member Brown had provided a contact that would provide consultation at no cost to the city to look at amenities for the multi-family residential developments.

Sanders noted that the Partnership would be holding a fundraiser at Hyperion on February 4 at 5:30 p.m.

c. IAMU Safety Group Dividend

Finance Director Teresa Rotschafer noted that she had included the information in the Council packet.

11. CITY COUNCIL COMMENTS

None

12. UPCOMING MEETINGS

Tuesday, February 16, 2016

City Hall

Joint Meeting with the Johnston School Board 6:00 p.m.

Meeting 7:00 p.m.

March 7, 2016

City Hall

Worksession 6:00 p.m.

Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk