

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 17-12
Johnston City Hall, 6221 Merle Hay Road
June 19, 2017
7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

Present: Clabaugh, Lindeman, Brown, Cope, Temple

Absent: None

The record should reflect Council Member Brown's participation via telephone, which is allowed under *Iowa Code* §21.8.

3. WELCOME

Mayor Dierenfeld welcomed residents and guests to the meeting.

4. PLEDGE OF ALLEGIANCE

Fire Chief Clark led in the recitation of the Pledge of Allegiance.

5. AGENDA APPROVAL

Motion by Lindeman, which was seconded by Cope to approve the Agenda as presented.

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

Nay: None

Motion Approved: 5-0

6. PUBLIC COMMUNICATIONS

- DART General Manager Elizabeth Presutti will Discuss the Substituted and Restated 28E Agreement of the Des Moines Regional Transit Authority and Consideration of Resolution No. 17-201 During Consent Agenda (Item #8d)

DART General Manager Elizabeth Presutti discussed the governance changes and how the changes resulted from committee and Board work. Mayor Dierenfeld was complimentary of all the work and the changes that have been presented.

7. PUBLIC HEARINGS

- a. Conduct a Public Hearing on the Proposal to Enter into a Purchase Agreement to Acquire 5489 NW 62nd Avenue and Consider the Following:

- Consider Resolution No. 17-190 – Accepting the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Such Real Property for the Merle Hay Road Corridor Redevelopment Project

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

Economic Development Manager Adam Plagge introduced this item. Plagge stated this is related to the Town Center development. Plagge mentioned having a property owner willing to sell at an agreed upon price and that the City has received no comments or objections.

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

Motion by Clabaugh, which was seconded by Cope to approve Resolution No. 17-190.

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

Nay: None

Motion Approved: 5-0

- b. Conduct a Public Hearing on the Proposal to Enter into a Purchase Agreement to Acquire 9401 NW 70th Avenue and Consider the Following:

- Consider Resolution No. 17-191 – Accepting the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Such Real Property for the Phase 2 Improvements to 70th Avenue Project

The Public Hearing opened at 7:19 p.m.

Economic Development Manager Adam Plagge provided background and introduction for this item. Plagge stated that the Renes are willing sellers and that the greenhouse has already been relocated. A determination on the use of the property is still under consideration but the property is needed partially for a right-of-way easement.

There were no comments or questions received regarding this item from the public.

The Public Hearing closed at 7:20 p.m.

Motion by Lindeman, which was seconded by Clabaugh to approve Resolution No. 17-191.

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

Motion Approved: 5-0

- c. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$2,125,000 General Obligation Bonds of the City of Johnston, State of Iowa (for essential corporate purposes) and Consider the Following:

- Consider Resolution No. 17-183 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$2,125,000 General Obligation Bonds

The Public Hearing opened at 7:20 p.m.

Finance Director Teresa Rotschafer introduced this item. Rotschafer stated that there are three hearings tonight, with this being one of them, regarding debt issuance. The sale information was included in the Council packet. This particular item is refunding 2007B and depending on how the bids come in it will be refunded if savings is 3% over par. Current interest rates on the bond are up to 4.7% and the City should realize an interest savings.

There were no questions or comments from the public.

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

Motion by Clabaugh, which was seconded by Cope to approve Resolution No. 17-183.

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

Motion Approved: 5-0

- d. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$350,000 General Obligation Bonds of the City of Johnston, State of Iowa (for general corporate purposes) and Consider the Following:

- Consider Resolution No. 17-184 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$350,000 General Obligation Bonds

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

Finance Director Rotschafer provided background and introduced this item. Rotschafer stated that previously the Council has approved the fiscal year '17-'18 Capital Improvement Plan, which included the 54th Avenue reconstruction \$3.3M project. Due to timing and the need to accommodate multiple jurisdictions this project will be moved out in order to accommodate phases 2 and 3 of the NW 70th Avenue widening project instead of spreading those out. Some of the Capital Improvement Plan items have been re-prioritized and moved around necessitating this bond issue in lieu of what was originally charted for a course of issuing debt. These actions have no effect on the debt levy; this is just a re-prioritization of projects and realizing efficiencies Rotschafer stated.

There were no questions or comments from the public.

The Public Hearing closed at 7:26 p.m.

Motion by Lindeman, which was seconded by Clabaugh to approve Resolution No. 17-184.

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

Motion Approved: 5-0

- e. Conduct a Public Hearing on the Proposition of the Issuance of Not to Exceed \$400,000 General Obligation Bonds of the City of Johnston, State of Iowa (for general corporate purposes) and Consider the Following:

- Consider Resolution No. 17-185 – Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$400,000 General Obligation Bonds

The Public Hearing opened at 7:27 p.m.

Finance Director Teresa Rotschafer introduced this item and provided background. Rotschafer stated this particular item is a reallocation of money already approved and pertains to potential parkland that would first come back to Council prior to action. That may or may not occur but the City is only issuing debt this one time for the foreseeable future.

There were no questions or comments received from the public.

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

Motion by Temple, which was seconded by Cope to approve Resolution No. 17-185.

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

Motion Approved: 5-0

- f. Conduct a Public Hearing on the Matter of the Adoption of Plans, Specifications, Form of Contract and Estimate of Cost for the Construction of the School Speed Zone Flashing Beacon Improvements and Consider the Following:

- Consider Resolution No. 17-199 – Adopting the Plans, Specifications, Form of Contract and Estimate of Cost
- Consideration of Construction Bids
- Consider Resolution No. 17-200 – Making Award of a Contract

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

Public Works Director Matt Greiner introduced this item and provided background. Greiner stated that the City received bids on June 14th, with three bidders. All bids came in considerably higher than the engineer's estimate of cost. The issue was based on an error in cost the engineer received from the equipment supplier. Staff and the engineer are recommending approval of the project at this time. Councilmember Cope inquired about where the engineer estimate would be if not for the cost error, and Greiner stated that it would be right in line with the bids.

There were no questions or comments from the public.

The Public Hearing closed at 7:30 p.m.

Motion by Lindeman, which was seconded by Temple to approve Resolution No. 17-199.

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

Motion Approved: 5-0

Motion by Cope, which was seconded by Clabaugh, to approve Resolution No. 17-200.

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

Motion Approved: 5-0

- g. Continue Public Hearing from May 1, 2017, on Amendment to the Amber Ridge PUD and Consider the Following:
- Consider First Reading of Ordinance No. 973 – Approving an Amendment to the Amber Ridge PUD (Adam Ridge) to Change the Allowed Uses of 4.78 Acres Within Parcel ‘D’ Zoned PC, Professional Commerce and C-2, Community Retail Commercial by Creating New Parcel ‘N’ Allowing Uses of the R-4, High Density Residential District. The Subject Property is Located South of NW 62nd Avenue and West of NW 100th Street

Senior Planner Aaron Wolfe introduced this continued hearing item. Wolfe stated that Jerry’s Homes has proposed a new amendment which will create new parcel N. It will be zoned R-4, High Density Residential and the remainder of Parcel D will remain the same. The proposed project will include 42 attached townhomes on Parcel N. 5.14 acres will remain commercial adjacent to NW 62nd. The proposed rezoning will result in a net loss of approximately 4 acres of commercial. The applicant stated that there is an abundance of property better suited to commercial.

The total number of units when completed will exceed the original number of proposed residential units in the Amber Ridge PUD by 59 if this amendment is approved. Landscape buffers are required and the parkland requirement is .34 acres. Planning and Zoning did not recommend approval and therefore, three-quarters vote of the Council is required for approval.

Councilmember Cope asked about parking. Wolfe stated that City ordinance requires two parking spaces for every residential unit. Ron Grubb of Jerry’s Homes stated that this project is 42 units with 184 parking stalls or 4.3 per unit. Each unit will have a 2-car garage and each driveway has space for two more cars, plus additional guest parking stalls. Councilmember Brown discussed commercial zoning and the storm water pond. Wolfe stated that prior to anything being built the area will need to be replatted and at that time it is determined what storm water requirements will be necessary.

Jim Michaelsted, the president of Amber Ridge Homeowner’s Association stated that they are concerned with the current pond as it fills up fast during rain events and debris clogs up the intakes. He stated that the discharge at 100th does not seem large enough to cover it and that they would like the developments north and west to contribute as they are serving the entirety. Grubb stated that Johnston’s storm water requirements are the strictest in the metro area but that the biocells are working real well now and the water on their properties is detained much longer than it would in the past, up to seven times longer as it penetrates and provides a slower release. Wolfe stated that the quality component is going to have to be examined prior to development due to the increased storm water requirements.

Mayor Dierenfeld asked if anybody in the audience would like to comment. Sandy Langan stated she lives on the northwest corner of the present retention pond and she said when she moved in seven years ago the retention was adequate, but if there is a 4-5 inch rain now her house gets overflow and they get debris.

Jim Russell of 6066 Sheffield Circle and owns the retention pond. Mr. Russell questioned the number of townhomes and wants to make sure if it is 42 and stated that the Planning and Zoning Commission voted this proposed project down 6-0. Russell stated that there is a natural retention pond that contains a lot of water and he stated that it cannot be a green space and a retention pond at the same time.

Jim Michaelstead stated that other issues that have come up revolve around parking. He said they currently have two car garages and parking in front of the driveway just like the proposed new project so they end up parking on the streets including 61st Street. When the clubhouse has events they end up putting 60 cars on the street. Michealstead stated that they were all told the land was

going to be office buildings or a strip mall and a nice little restaurant and what the Council will be voting on is not that.

Robert Kenyon of 6042 Sheffield Circle stated that he objects to the proposal. He stated that the Planning and Zoning Commission unanimously denied it and he would like the Council to take note of that and the objections filed should become part of the record now since all of the specifics of that night are not being brought up tonight. He stated that the hypothetical change of taxation while not known will affect the value of their units as the price point of the proposed units is \$158,000 and his are between \$220,000 and \$250,000, which will ultimately adversely affect their home values. He also discussed parking issues on NW 61st that this proposed development would bring and that the water detention will not properly drain due to the existence of solid clay. He said most importantly why do the developers keep coming back and changing the plans. He said when they bought it was represented that the area would be commercial and that the Council should not acquiesce to the developers' desires each time they want to make a change. He asked the Council to consider each and every objection at Planning and Zoning.

Mayor Dierenfeld mentioned that the Planning and Zoning meeting minutes are included in the agenda packets.

Mayor Dierenfeld asked if Wolfe could respond to some of the questions and comments. Wolfe stated that the parkland dedication requirement is either green space or some developers choose to provide a monetary amount equivalent. Wolfe stated that the density is regulated, capping the parcel at 42 units according to Ordinance No. 973. Wolfe suggested if the desire was to specifically limit the development to townhomes that the motion include such, if there is a motion. Wolfe stated that 61st Street is a public street and that parking is permitted on one side by anybody whether a nearby resident or not.

Margaret Kirkpatrick of 6050 Sheffield stated that parking would be better if the land use was commercial instead of residential and also questioned how the Council is at the point they are at now when the Planning and Zoning Commission voted it down 6-0.

Michaelstead stated that on 103rd Street is solid cars, to provide an example of having parking spaces and yet still having people park in the street.

There were several other individuals including the resident residing at 6057 Sheffield and Marcella Kenyon of 6042 Sheffield, who voiced concerns with parking and one mentioned a "bait and switch" in which the developer got what they wanted before by saying in the future this or that will happen, but when it comes to that time, they ask for something different.

Councilmember Cope stated that the storm water issues will be resolved moving forward, but understands the concerns, and as far as the change of use from what was originally proposed is consistent with the land use in the area and due to market conditions. Cope mentioned that he is sympathetic to the views of the current owners but it is something that all residents have to deal with and the property owner has the right to change based on market changes.

Councilmember Clabaugh concurs with Councilmember Cope's comments and that he is concerned with two items which is the loss of commercial and parking. Clabaugh mentioned that the owner does have the right to pivot based on market conditions. Clabaugh also stated that hopefully the Association can help remedy the parking issues, but that hoping for commercial development to utilize their spaces after hours does not seem to be the proper solution.

Councilmember Temple stated that a lot of the concerns are site plan concerns that will be dealt with at that time and that a motion include limiting to 2-story townhomes. Councilmember Lindeman stated that he is sensitive to the parking issues but all areas deal with that and garages if they are not utilized will exacerbate the problem.

The Public Hearing closed at 8:20 p.m.

Motion by Cope, which was seconded by Clabaugh, to approve First Consideration of Ordinance No. 973 with an amendment to direct staff to come back with language for the second reading limiting it to 2-story townhomes.

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

Nay: None

Motion Approved: 5-0

8. CONSENT AGENDA

- a. Consider Approval of Minutes of June 5, 2017, Worksession
- b. Consider Approval of Minutes of June 5, 2017, Council Meeting
- c. Consider Resolution No. 17-194 – Approving Staff Appointments and Establishing Wages
- d. Consider Resolution No. 17-201 – Authorizing the Approval and Execution of and Delivery of the Substituted and Restated 28E Agreement of the Des Moines Regional Transit Authority
- e. Consider Resolution No. 17-203 – Selecting Persons to Serve as a Commissioner and Alternate for the Des Moines Regional Transit Authority
- f. Consider Approval of Retail Cigarette/Tobacco/Nicotine/Vapor Sales Permits for FY 17-18
- g. Consider Appointments to the Board of Adjustment and Planning and Zoning Commission
- h. Consider Authorizing Out-of-State Travel for Eric Rehm to Attend the International Code Council Sponsored Plan Review Institute in Chicago, Illinois, October 2, 2017 through October 6, 2017
- i. Consider Approval of Purchase Order No. 15-002 to Pay UI Community Medical Services, LLC \$2,761.30 for Physicals for New Employees
- j. Consider Approval of Purchase Order No. 15-007 to Pay the Fire Store (Witmer Public Safety Group) for Five New Fire Helmets for \$1,419.85
- k. Consider Approval of Purchase Order No. 15-008 to Purchase a New Sony Laser Projector for the Training Room / Emergency Operation Center at the Public Safety Building in the Amount of \$3,975.00 Including Installation
- l. Consider Authorization of Purchase Order No. 15-997 for FY18 in Conjunction with the Police Department Entering into an Agreement with Ziegler Power Systems for a Three-Year Customer Support Agreement for Services Related to Maintaining the Public Safety Building Generator
- m. Consider Re-Authorizing the Police Chief to Renew a New, Renegotiated Product and Services Contract / Maintenance Agreement with Axon Enterprise, Inc., to Supply Equipment and Services for 24 Body Worn Cameras to the Police Department over the Next Five Years
- n. Consider Purchase of Replacement Patrol Vehicle Equipment Due to On-Duty Collision
- o. Consider Authorizing the Finance Director to Issue Payments for Necessary End of Fiscal Year Purchases for End of Fiscal Year 2016-2017
- p. Consider Resolution No. 17-182 – Charging Off Active Utility Accounts Receivable
- q. Consider Resolution No. 17-193 – Establishing Salaries, Wages and Salary Ranges for Non-Bargaining Unit Professional and Administrative Employees for the 2017-2018 Fiscal Year
- r. Consider Resolution No. 17-192 – Naming Depositories for City Funds and Establishing the Amount Not to Exceed and Authorizing the Finance Director to Accept the Master Agreements for Treasury Management Services with Community State Bank
- s. Consider Approval of 28E Agreement with Polk County for Congregate Meal Site at Crown Point
- t. Consider Resolution No. 17-197 – Establishing Solid Waste and Recycling Fees for 2017/2018
- u. Consider Authorizing Out-of-State Travel for Doug Sandvig to Attend the Code Official Institute in Phoenix, Arizona, December 4, 2017 through December 8, 2017
- v. Consider Approval of City Administrator Contract Renewal
- w. Consider Resolution No. 17-206 – Approving Construction Contract and Bond for the School Speed Zone Flashing Beacon Improvements
- x. Consider Amendment No. 1 to the Agreement with MSA for the NW Beaver Drive Overlay – Merle Hay Road to North Corporate Limits Project
- y. Consider Approval to Extend Contract for Mosquito Control with Wilson Brothers Pest Control
- z. Consider Authorization for Des Moines Water Works to Perform Annual Leak Survey – (\$13,000.00)

- aa. Consider Approval of Pay Request No. 4 to Kingston Services in the Amount of \$94,496.36 for Work Completed as of May 30, 2017, on E of Merle Hay Road NW 57th Avenue Improvements Project Phase 2
- bb. Consider Approval for Out-of-State Travel for Matt Greiner to Attend the APWA PWX Conference in Orlando Florida from August 27, 2017 through August 30, 2017
- cc. Consider Resolution No. 17-195 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 54th Court Improvements
- dd. Consider Resolution No. 17-196 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 70th Avenue Improvements Project Phase 2
- ee. Consider Resolution No. 17-205 – Approving the Acquisition of Real Estate Interests and Authorizing Payments to Acquire Real Property for the NW 100th Street NW 62nd Avenue to NW 70th Avenue Improvements Project
- ff. Consider Resolution No. 17-202 – Approving Change Order No. 3 for the 2016 Bio-Retention Planting Project
- gg. Receive and file the following reports:
 - 1. Bank Reconciliation Report – May 31, 2017
 - 2. Treasurer’s Investment Report – May 31, 2017
 - 3. Year-to-Date Treasurer’s Report – May 31, 2017
 - 4. Monthly Report Summarization – May 31, 2017
 - 5. Senior Citizens Report – May 31, 2017
 - 6. Planning and Zoning Minutes – June 12, 2017
 - 7. Year-to-date Building Permit Report – May 31, 2017
 - 8. Street Division Monthly Report – May 31, 2017
 - 9. Wastewater Monthly Operations Report – May 31, 2017
 - 10. Water Department Monthly Operations Report – May 31, 2017

Motion by Lindeman, which was seconded by Clabaugh, to approve the Consent Agenda.

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

Motion Approved: 5-0

9. NON-CONSENT AGENDA

- a. Third and Final Reading of Ordinance No. 976 and Adopting and Publishing – 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 have been no comments or changes to previous readings.

Motion by Temple, which was seconded by Lindeman, to approve Third and Final Reading of Ordinance No. 976 and to adopt and publish.

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

Motion Approved: 5-0

- b. Third and Final Reading of Ordinance No. 977 and Adopting and Publishing – An Ordinance Amending the City of Johnston Revised Ordinances of 2007, By Amending Chapter 99, Section 99.07 Sewer User Charges
 Finance Director Teresa Rotschafer stated that there have been no comments or changes to previous readings.

Motion by Lindeman, which was seconded by Cope, to approve Third and Final Reading of Ordinance No. 976 and to adopt and publish.

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

Motion Approved: 5-0

- c. Consider Second 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 Subject Property is Located at 10207 NW 80th Lane.

Motion by Cope, which was seconded by Lindeman, to approve Second Reading of Ordinance No. 978.

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

Motion Approved: 5-0

- d. Consider Approving the Preliminary Plat for Miller’s Meadow, Subdividing 1.58 Acres into Four Lots for Property Located at the Northeast Corner of NW 57th Avenue and NW 54th Court

RESOLUTION NO. 17-198

Clabaugh left at 8:44 p.m. and returned at 8:46 p.m.

Senior Planner Aaron Wolfe introduced this item. Wolfe stated that this action is for consideration of Resolution No. 17-198, which subdivides 1.58 acres into 7 seven lots including three bi-attached residences. The City’s Code refers to these dwelling units as duplexes. Wolfe stated that the single family home will be remaining. Wolfe stated the duplexes are permitted in the zoning provided there is a special use permit received from the Board of Adjustment, which they have received. Wolfe pointed out that the development complies with the City’s comprehensive plan.

Councilmember Cope inquired about the current residence having a gravel driveway and if they were keeping it. Wolfe stated that the plans indicate asphalt. Cope also inquired about the two driveways that could be combined into one as they are close together. The developer’s engineer responded to the driveway inquiry and stated that it was considered and intentional in an effort to separate the single family home and duplex, and also for appearance.

Councilmember Clabaugh inquired about the property lines. Wolfe explained that creative platting was utilized in order to meet the City’s minimum lot size requirements. Wolfe also stated there would be a maintenance agreement for the driveway.

Resident Rhonda Martin inquired about the grading plan and the look of a ditch near the single family homes. The engineer stated that there are depressed areas to hold the water, and to address the quality element are prepared soil mixes and plantings, but that the slopes are relaxed and it should look like a grassy swale. The engineer noted that it will look more like a townhome retention and water control mix and that it will be mowed a couple times a year for low maintenance.

Motion by Brown, which was seconded by Temple, to approve Resolution No. 17-198.

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

Motion Approved: 4-1

- e. Consider Second and Possible Third Consideration (In Which Case and Adopt and Publish) of Ordinance No. 979 – Amending Chapter 41.12 Fireworks

City Administrator Jim Sanders mentioned that staff recommends the third consideration in order to get this Code updated and that nothing has changed since the first reading. Sanders stated that it confirms the current ordinance prohibiting uses and provides for the sale which is consistent with the State legislation. Attorney Pearson mentioned that the City was named in a lawsuit as defendants in federal court and Johnston's part in it seems to reference the previous Code section which the City is amending.

Mayor Dierenfeld inquired about the advantages of waiving the third consideration. Sanders stated that the purpose was merely to get the ordinance completed as nobody has made any recent comments. Wilwerding stated that if this third reading is waived and the permanent building meets all the requirements there is potential for a business to sell in a permanent building in the proper zoning, upon passage.

Motion by Temple, which was seconded by Clabaugh, to approve Second Reading of Ordinance No. 979.

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

Motion by Cope, which was seconded by Temple, to approve waiving Third and Final Reading of Ordinance No. 976 and to adopt and publish.

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

- f. First Consideration of Ordinance No. 980 – Amending Chapter 124 Massage Therapy Business License.

City Administrator Jim Sanders introduced this item. Sanders stated that when this ordinance was approved last year there was consideration that it would be examined further at a later date. Sanders mentioned that one of the main differences is the fee for the business license and pushback from the \$125 fee. The fee was cut to \$75.00, along with \$25.00 per individual providing these services, up to a maximum of \$150.00. This update also enhances the background check and updates revocation parameters. Sanders stated that this ordinance is much more clear and addressed some past concerns that came up after the original ordinance was enacted. Sanders recommended having at least a second reading to allow Zach Flick who is from the American Massage Therapists Association (AMTA) to attend, as he was not able to attend this evening.

Mayor Dierenfeld mentioned that the City is a leader in this legislation with other cities looking to see what Johnston was doing about these issues, and she thanked all staff for their efforts in bringing about this amendment to the Code. Mayor Dierenfeld stated that she did have some slight tweaks she would like to see including changes to the definition of license and under License Fee (A)(2) there was a second “or” that needs removed. Mayor Dierenfeld would also like to make sure applicant and licensee are used correctly and in the appropriate context. Sanders stated that those changes would be ready for the second reading.

There were further questions and comments regarding the waiver if operating in a healthcare facility and with regard to the fees, and how much staff time is spent relative to the fees initiated from Councilmembers Cope and Clabaugh.

Motion by Lindeman, which was seconded by Temple, to approve First Consideration of Ordinance No. 980.

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

- g. Consider Approval of Claims in the Amount of \$634,239.03
 Motion by Clabaugh, which was seconded by Temple to approve Claims as presented.
 ROLL CALL: Aye: Cope, Temple, Clabaugh, Lindeman, Brown
 Nay: None
 Motion Approved: 5-0

10. CITY ADMINISTRATOR/STAFF COMMENTS

Update on Letter of Non-Compliance for Underground Storage Tanks – Public Works Director
 Public Works Director Matt Greiner mentioned four minor deficiencies from the previous inspection, and one should not have been on there. The other three include: operator licenses which are now in the file of the underground storage tank. Greiner stated they were in the building but since the inspector came during lunch those were not located. The final two related to the spill basins still had some water from a rain the previous night and emergency contact information had blown off. All deficiencies have been corrected and treated as a learning experience.

Discuss the Additions of Chapter 53, Weeds and Grass and Chapter 161, Property Maintenance to the City Code and the Necessary Amendments of Chapter 50 and 153 of the City Code as Related to the Addition of Chapters 53 and 161 – Director Dave Wilwerding stated that this item has been discussed over time, which will reinforce the City’s ability to handle nuisance issues. Two changes are proposed including a height and enforcement limit mechanism for weeds and grass and the adoption of a property maintenance code. Wilwerding mentioned that as a result of the two changes, some edits would be required to the rental property inspection code and the current nuisance code. Wilwerding stated that it would be packaged and brought forth before the Council at the next meeting if there is not issues with the proposal.

Sanders reminded Council that the next meeting will be Wednesday, July 5th, and likely no work session needed, and that Wednesday, July 5th will be the first meeting utilizing BoardDocs.

11. CITY COUNCIL COMMENTS

Councilmember Clabaugh stated that himself, Chief Clark, Chief McDaniel, City Administrator Sanders and Councilmember Lindeman built up some camaraderie working the dunk tank at Childserve a couple of weeks ago, and thanked everyone who participated.
 Councilmember Cope thanked all the Johnston residents who volunteer in Boy Scouts, Girl Scouts, baseball and softball and all sport and non-sport related volunteers, and that he would like to come up with a way to thank them all and show appreciation.
 Councilmember Brown requested a link to Boarddocs to be sent out.
 Mayor Dierenfeld mentioned Green Days and thanked the many involved in making it a success.

12. UPCOMING MEETINGS

WEDNESDAY, July 5, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.
July 17, 2017	City Hall	Worksession 6:00 p.m. Meeting 7:00 p.m.

13. ADJOURNMENT

The meeting adjourned at 9:24p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee Rhames, City Clerk