

JOHNSTON CITY COUNCIL

Worksession No. 17-11

Johnston City Hall, 6221 Merle Hay Road

May 15, 2017

6:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: Brown, Temple, Clabaugh, Cope (Cope arrived at 6:07 p.m.)

Absent: Lindeman

3. DISCUSSION REGARDING THE SALE AND USE OF FIREWORKS

City Administrator Jim Sanders introduced this item. Sanders summarized the State legislative action that has prompted cities to examine their local code. Sanders mentioned that State law now permits use of fireworks during certain times of the year, but also provides cities the opportunity to prohibit the use of fireworks. Sanders stated that the current City of Johnston Code of Ordinances prohibit the use and sale, but that will require changes due to the State legislation regarding legalizing the sale of fireworks. Sanders mentioned receiving feedback from Councilmembers tonight and then an ordinance amendment could be drafted and presented at the June 5<sup>th</sup> meeting.

There was some discussion with regard to current City Zoning regulations. Sanders mentioned that it would be legal to sell in the C-2 and C-3 zoning districts only. Sanders explained the City's current zoning regarding temporary use structures. There is no mention in City Code permitting or prohibiting the sale of fireworks in temporary structures. Sanders continued his introduction of this topic by mentioning the City has received calls and emails related to this topic, and that everything received in writing has been provided to the Council.

Mayor Dierenfeld inquired about a required timeline for changes. Sanders mentioned that the current ordinance prohibits the use and zoning ordinances do not contradict the State law for sales. There will need to be changes to the Code regardless for updating definitions, and the State law allows for usage limitations. Fire Chief Jim Clark clarified when sales could take effect. Clark responded to other questions from Mayor Dierenfeld with regard to administrative rules and licensing. Clark confirmed that anyone selling must have a license issued by the State Fire Marshal. Clark mentioned State law referencing the National Fire Protection Association standards including safe handling, signage, storage proximity and other regulations related to the sale of fireworks.

Mayor Dierenfeld inquired if there were any limitations to use and sale. Clark mentioned that local authorities can limit the use, but not the sales. In response to a question from Councilmember Cope, Clark explained when fireworks could be set off according to current State law, and confirmed that the City can limit usage beyond those limits already established by State law.

Director of Planning and Development, Dave Wilwerding discussed the current City zoning regulations and potential changes to the Zoning Code based on what direction the Council would like to go. Wilwerding discussed Chapter 173, which was drafted mainly to address seasonal type items, green houses and similar temporary uses. Wilwerding mentioned that anything falling outside of what Chapter 173 expressly permits, must go through a process that will likely take six (6) weeks and final authority rests with the Council. Wilwerding responded to Mayor Dierenfeld's inquiry about temporary structures. Wilwerding stated that Pleasant Hill is going to prohibit sale from temporary structure. Wilwerding mentioned that cities are trying to make this new State legislation fit within their city codes that did not typically address fireworks due to the State law prohibition.

Sharon Glasgow of 5962 Greendale Place #101 spoke and stated that due to noise nuisance, and in the interest of safety for all and welfare of pets, she would like the Council to continue the ban on the use of

fireworks within the City of Johnston. Ms. Glasgow also presented a signed petition with 69 signatures who she said also opposed permitting the usage of fireworks. David Vawter from 9708 Candle Ridge Circle spoke and he recommended the Council allow the use of fireworks in accordance with State law, citing celebration and safety as two of the main reasons.

Councilmember Cope stated that at this time he was in favor of retaining the prohibition on the use of fireworks within the City. Councilmembers Temple and Clabaugh stated they were in agreement with Councilmember Cope.

4. REVIEW OPTIONS FOR HOSTING CRICKET EVENTS IN THE CITY OF JOHNSTON

Parks and Recreation Director John Schmitz introduced this agenda item. Schmitz stated that he has been in conversations with several members of the metro area cricket league association regarding their need for more space. Schmitz stated that many of the members of the league are Johnston residents. Schmitz mentioned that the site receiving the closest examination thus far is Johnston Commons. Schmitz stated that he has had a chance to consider the needs of area residents and long range plans for Johnston Commons, and that he is not sure Johnston Commons is the ideal location.

Schmitz stated that he fully supports developing space for the metro area cricket league and wants to make sure to find the right place and fit. Councilmember Cope concurred with Schmitz in terms of fully supporting the endeavor to find some useable space and welcome the cricket playing community, but was not sure if Johnston Commons was the right place to be. Cope stated that he would like to see an immediate effort in trying to provide a short term possibility and then a long term solution. Councilmember Brown stated that he and Councilmember Cope discussed potential options and feels there are a number of viable school site options to consider. There were some questions regarding dimensions and composition of the cricket field.

Councilmember Clabaugh left at 7:09 p.m.

Mayor Dierenfeld inquired with regard to current spaces in use. Several members of the cricket association, including the president of the premier league, spoke and stated that in just a few short years cricket has grown tremendously in popularity. They mentioned having some locations, but a dire need for many more. It is estimated that the overall metro area will be home to fifty (50) complete cricket teams in three (3) years. Councilmember Brown discussed potential fundraising options to help partner with the City for costs.

Schmitz stated that he would be in contact with the Johnston School District as soon as possible and that he would continue discussions with the cricket association to collaboratively find the most suitable location(s) and work out the logistics including costs.

5. DISCUSS A PROGRAM FOR THE CITY TO OFFER MAINTENANCE SERVICES FOR PRIVATE FIRE HYDRANTS

Sanders provided background information and mentioned that there is a considerable amount of private fire hydrants in the City of Johnston, primarily in townhome associations, schools, businesses and apartment complexes. Sanders stated that when a structure is constructed that is too far from the nearest public hydrant, they are responsible for putting in hydrants for proper fire protection. However, there has been some discussion with regard to who is inspecting and maintaining the private hydrants.

Sanders mentioned that the Urbandale water utility provides the inspection and maintenance services to the greatest extent they possibly can for a fee. Sanders included a sample agreement with the Council documents for review. The agreement would provide some assurances to the private entities that their hydrants are being properly maintained and assurances to the Fire Department that in the event these private hydrants are needed they will operate properly.

Sanders inquired if this was something the Council wanted to consider and then it can be brought back to Council for formal action. Councilmember Cope stated that this is a good first step. Cope stated that a

potential second step could be evidence from owners of private hydrants that do not pay the City for maintenance that they are being maintained by a private company with the requisite knowledge and skills for performing these services.

Citizen Larry Pardubsky spoke and stated that he was supportive of the idea and thankful for the work that Sanders has put forth thus far for addressing a topic that needed attention.

The meeting adjourned at 7:25 p.m.

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Paula S. Dierenfeld, Mayor

ATTEST:

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Cyndee Rhames, City Clerk