

JOHNSTON CITY COUNCIL
COUNCIL MEETING NO. 10-14
Johnston City Hall, 6221 Merle Hay Road
June 7, 2010
7:00 p.m.

1. CALL TO ORDER

Mayor Dierenfeld called the meeting to order at 7:10 p.m.

2. ROLL CALL

Present: Clabaugh, Hibbs, Kallen, Lindeman

Absent: Culbert

3. WELCOME

Mayor Dierenfeld welcomed citizens and guests to the meeting.

4. AGENDA APPROVAL

Motion by Hibbs second Kallen by to approve the agenda as amended. (Removal of Item 5a, adding Officer Jeremy Christensen to Item 5b.)

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh

Nay: None

Motion Approved: 4-0

5. PUBLIC COMMUNICATIONS

a. ~~Accept and Recognize Wells Fargo Bank for their \$500 grant toward the Johnston Police Department's "Kid Power" program.~~

b. Oath of Office – Officers Jeremy Christensen, Ryan Hanssen and Brad Lowe
Chief Vaughn introduced each officer and Mayor Dierenfeld administered the oaths to the officers.

Karen Tegtmeyer, 5542 Boston Court, addressed the Council regarding her ongoing efforts related to Homeowner's Associations.

6. PUBLIC HEARINGS

None

7. CONSENT AGENDA

a. Consider Minutes of May 17, 2010 Worksession

b. Consider Minutes of May 17, 2010 Meeting

c. Consider Resolution No. 10-86 – Charging off active accounts receivable.

d. Consider the following items relating to the Northwest Water Tower project:

- Consideration of construction bids

- Resolution No. 10-92 – Making award of construction contract

e. Consider approval of a purchase order to Capital City Equipment for the purchase of a skid loader trailer.

- f. Consider Resolution No. 10-82 – Accepting the public ingress-egress easement for Veridian Credit Union, 5401 NW 86th Street.
- g. Consider the following items related to Creighton’s subdivision; the subject property is located south of NW 55th Avenue and west of NW Beaver Drive:
 - Resolution No. 10-88 – Acceptance of Petition and Waiver for future improvements to NW Beaver Drive;
 - Resolution No. 10-89 – Acceptance of Petition and Waiver for future improvements to NW 55th Avenue.
- h. Consider Agreement for Professional Services with Foth Infrastructure and Environment, LLC for survey and conceptual design services for the NW 62nd Avenue – NW 86th Street to Pioneer Parkway reconstruction project.
- i. Consider Resolution No. 10-84 – Establishing Salaries, Wages and Salary Ranges for Non-Bargaining Unit Professional and Administrative Employees for the 2010-2011 Fiscal Year.
- j. Consider appointments to the Comprehensive Plan Advisory Board, Board of Adjustment and Planning and Zoning Commission.
- k. Consider Resolution No. 10-91 – Approving an amendment to Regulation of fat, oil and grease discharge by food service establishments and directing adoption by the City of Johnston.
- l. Consider approval of a purchase order to RJ Thomas Mfg Co., Inc for the purchase of 8 picnic tables and 2 grills.
- m. Consider approval of a blanket purchase order to Manatt’s for concrete for the 2010-2011 budget.
- n. Consider approval of a blanket purchase order to Des Moines Asphalt for asphalt purchases for the 2010-2011 budget.
- o. Consider approval of a blanket purchase order to Grimes Asphalt for asphalt purchases for the 2010-2011 budget.
- p. Consider amending the 3-year contract with Iowa Telecom to facilitate the removal of a Qwest T-1 line with the City of Des Moines.
- q. Consider approval of Retail Tobacco Sales Permits for 2010-2011.
- r. Consider Resolution No. 10-90 – Approving staff appointments and establishing wages.
- s. Consider renewal of the Class “C” Beer Permit, including carryout wine and Sunday sales for Walgreens #5944, 6200 Merle Hay Road.
- t. Consider renewal of a Class “B” Wine Permit to include Sunday sales for Casa di Vino, Inc. 8805 Chambery Boulevard, Suite 250.
- u. Consider approval of Pay Request No. 2 for \$42,426.76 to Manatt’s , Inc. for work completed as of May 14, 2010 on the PCC Pavement Widening – NW 86th Street from Chambery Blvd. to NW 62nd Avenue project.
- v. Consider Resolution No. 10-87 – Accepting the construction of public improvements for Silver Birch Park. (PZ Case 09-18)
- w. Consider approval of Amendments to City of Johnston Employee Handbook.
- x. Consider approving Amendments of Collective Bargaining Agreements between the City of Johnston and AFSCME Iowa Council 61, Local 3861 and Teamsters Local Union No. 238.
- y. Receive and File the following reports:
 1. Johnston Library Claims – May 20, 2010
 2. Johnston Library Board of Trustees Minutes – April 15, 2010
 3. Johnston Library Circulation Report – April 2010

On advice of the city attorney, Mayor Dierenfeld announced that a separate motion needed to be made to waive Third and Final Consideration and to adopt and publish; therefore Council Member Hibbs would need to make a motion to reconsider his initial motion.

Motion by Council Member Hibbs second by Lindeman to reconsider the initial motion.

ROLL CALL: Aye: Lindeman, Clabaugh, Hibbs, Kallen
 Nay: None
Motion Approved: 4-0

Motion by Hibbs second by Kallen to approve Second Consideration of Ordinance No. 820.

ROLL CALL: Aye: Lindeman, Hibbs, Kallen
 Nay: Clabaugh
Motion Approved: 3-1

Motion by Hibbs second by Kallen to waive Third and Final Consideration and to adopt and publish Ordinance No. 820.

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh
 Nay: None
Motion Approved: 4-0

- b. Second Consideration of Ordinance No. 825 – Amending the City of Johnston Revised Ordinances of 2007 by amending §48.09, to add “with the exception of Beaver Creek, it is unlawful for any person to enter any lagoon, pond, creek, or stream at any time”.

Motion by Kallen second by Clabaugh to approve Second Consideration of Ordinance No. 825.

ROLL CALL: Aye: Clabaugh, Hibbs, Kallen, Lindeman
 Nay: None
Motion Approved: 4-0

- c. Second Consideration of Ordinance No. 826 – Amending the City of Johnston Revised Ordinances of 2007 by amending §49.03(1) – Revising the language to read “Fishing allowed in accordance with State of Iowa Fishing Regulations”.

Motion by Lindeman second by Clabaugh to approve Second Consideration of Ordinance No. 826.

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh
 Nay: None
Motion Approved: 4-0

- d. Second Consideration of Ordinance No. 827 – Amending the City of Johnston Revised Ordinances by amending Chapter 26.02 and 26.04(1), (2), (4), (6), and (7).

Motion by Kallen second by Lindeman to approve Second Consideration of Ordinance No. 827.

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh
 Nay: None
Motion Approved: 4-0

- e. Consider Resolution No. 10-83 – Approving the amended Site Plan and proposed building expansion for the Pioneer Reid Research Center – Reid B addition, 7300 NW 62nd Avenue.

Deb Schiel-Larson reviewed the proposed project. The project engineer noted that Pioneer was donating greenhouse parts to the school district for their use.

Council Member Clabaugh left the meeting at 7:55 p.m. and returned at 7:57 p.m.

Motion by Clabaugh second by Hibbs to approve Resolution No. 10-83.

ROLL CALL: Aye: Kallen, Lindeman, Clabaugh, Hibbs
 Nay: None
Motion Approved: 4-0

- f. Consider Resolution No. 10-85 – An extraterritorial review of the Preliminary Plat for Lakeview Estates. The subject property is located on NW Beaver Drive in unincorporated Polk County. (PZ Case 10-12)

Planning Intern Dustin Powers reviewed the preliminary plat and answered questions from the council.

Council members inquired about the conditions set forth in the review. Wilwerding advised that as the project was in unincorporated Polk County, the city would defer to the county for the issues raised.

Motion by Kallen second by Hibbs to approve Resolution No. 10-85.

ROLL CALL: Aye: Lindeman, Clabaugh, Hibbs, Kallen
 Nay: None
Motion Approved: 4-0

- g. Consider First Consideration of Ordinance No. 828 – Amending the Code of Ordinances for the City of Johnston, adding chapter 52 establishing regulations regarding noise. Sanders noted that this proposed Ordinance had been discussed at the May 17, 2010 Worksession. He also advised that the proposed Ordinance was modeled after the Urbandale Ordinance, with some additions relating to duration and clarifying vehicles covered in the Ordinance.

Barb Hoffman, 10113 NW 80th Lane, addressed the Council, thanking Sanders, Mayor Dierenfeld, Chief Vaughn, and the Council for the quick attention to the issue.

Motion by Clabaugh second by Kallen to approve First Consideration of Ordinance No. 828.

ROLL CALL: Aye: Clabaugh, Hibbs, Kallen, Lindeman
 Nay: None
Motion Approved: 4-0

- h. Consider approving a purchase order to Novusolutions for the purchase of software for automation of the agenda/packet process.
City Clerk Cyndee Rhames reviewed the proposal noting that this would be the first step toward electronic packets, and would also provide disaster recovery alternatives, a searchable historical trail, and increased visibility to city processes.

Motion by Hibbs second by Lindeman to approve the purchase order to Novusolutions.

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh
 Nay: None
Motion Approved: 4-0

- i. Approval of Claims in the Amount of \$10,568,023.13

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

ROLL CALL: Aye: Hibbs, Kallen, Lindeman, Clabaugh
 Nay: None
Motion Approved: 4-0

9. CITY ADMINISTRATOR/STAFF COMMENTS

- a. Discuss process for public education, acceptance of public input and consideration of the Green Meadows Bioretention Project.

Wilwerding noted that he had provided a proposed process to the mayor and council.

Mayor Dierenfeld expressed her appreciation for Wayne Peterson agreeing to participate in the process.

Council Member Clabaugh advised that he would like to see a task force formed for the project to provide a review of the project and put it into context with the stormwater management plan. Council Member Lindeman noted his consensus with the task force formation.

Wilwerding requested clarification on what the task force would be charged with accomplishing. Clabaugh noted that mainly they would be tasked with providing feedback to the Council on the discussions, concerns and strengths and weaknesses of the proposed project. The main focus would be to collect information from all sides, not

necessarily to build consensus, but rather as a way to have a systematic gathering of information for presentation to the council.

Council Member Hibbs noted that this was an opportunity to lead other communities in the stormwater management area.

10. CITY COUNCIL COMMENTS

11. UPCOMING MEETINGS

Monday, June 21, 2010	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.
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TUESDAY , July 6, 2010	City Hall	Worksession 6:00 p.m. Regular Session 7:00 p.m.
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12. CLOSED SESSION - Per Iowa Code §21.5 .1 (c): To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Motion by Clabaugh second by Hibbs to enter into Closed Session.

ROLL CALL: Aye: Kallen, Lindeman, Clabaugh, Hibbs

Nay: None

Motion Approved: 4-0

The meeting entered into Closed Session at 8:30 p.m.

The meeting entered into Open Session at 9:09 p.m.

13. ADJOURNMENT

The meeting adjourned at 9:09 p.m.

Paula S. Dierenfeld, Mayor

ATTEST:

Cyndee D. Rhames, City Clerk