

**City of Windsor Heights Regular Business Meeting Minutes**  
**Monday, May 6, 2019 – 6:00 P.M. Council Chambers**

1. **Call to Order:** Mayor Burgess called the meeting to order at 6:00 P.M.  
Council members present: Zachary Bales-Henry, Joseph Jones, Mike Loffredo, Mike Jones (via teleconference), and Threase Harms.  
Staff present: City Administrator Elizabeth Hansen, City Clerk Travis Cooke, Public Safety Director/Police Chief Chad McCluskey, Deputy Clerk/Communications Specialist Jessica Vogel, Public Works Director Dalton Jacobus, City Attorney Erin Clanton, and City Engineer Justin Ernst.
2. **Pledge of Allegiance:** Pledge of Allegiance was recited.
3. **Approval of the Agenda:** Motion by Joseph Jones to approve the agenda. Seconded by Loffredo. Motion passed unanimously on a roll call vote.
4. **Public Hearing (s):**
  - A. **Amendments to Chapter 101 regarding Storm Water Drain Utility Rates**
    - i. **Public Hearing:** Motion by Loffredo to open the public hearing at 6:01 PM. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote. No comments oral or written. Joseph Jones moved to close the public hearing at 6:02 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
    - ii. **Approve First Reading to Ordinance No. 19-03, Amending Chapter 101.04 of the Code of Ordinances:** Motion by Loffredo to approve the first reading of Ordinance No. 19-03, Amending Chapter 101.04 of the Code of Ordinances. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
    - iii. **Consideration of waiving second and third reading:** Council came to a consensus not to waive the second and third reading of the ordinance.
  - B. **Amendments to Chapter 60 regarding Special Speed Zones**
    - i. **Public Hearing:** Motion by Joseph Jones to open the public hearing at 6:04 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote. Written comments: Andrew Mayes, 710 E. Seneca, Des Moines – supports increasing speed limit and keeping speed cameras; Tiffany Vasey, 502 SW 42<sup>nd</sup> St., Des Moines, - supports increasing the speed limit; Michael Friedel, 6808 Forest Ct. – supports increasing the speed limit. Comments: Dennis Block, 6412 University – opposed to raising speed limit, wanted letters sent to residents along University prior to the hearing; Lauren Campbell, 1004 63<sup>rd</sup> St. – supports raising the speed limit. Motion by Joseph Jones to close the public hearing at 6:11 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
    - ii. **Approve First Reading to Ordinance No. 19-04, Amending Chapter 60.04.04 of the Code of Ordinances:** Motion by Bales-Henry to approve the first reading of Ordinance No. 19-04, Amending Chapter 60.04.04 of the code of ordinances. Seconded by Joseph Jones. Council comments: Harms – spoke in opposition to the speed limit increase for now; would like to see the public safety committee consider it and bring a recommendation to the next council meeting; supports raising the speed limit in conjunction with the University redesign project and the findings of the complete streets advisory committee. Loffredo – spoke in favor of the speed limit increase; stated that the University Ave redesign recommendations are not set in stone. Mike Jones spoke in favor of the increase; spoke to the possibility that Mayor Burgess may veto the University Ave redesign project; cited three surveys that showed that the residents were in favor of the change. Roll call vote: Bales-Henry – aye, Loffredo – aye, Harms – nay, Mike Jones - aye, and Joseph Jones – aye. Motion passed 4-1.
    - iii. **Consideration of waiving second and third reading:** Council came to a consensus not to waive the second and third reading of the ordinance.
5. **Public Forum:**

Nicole Crain, 7022 Del Matro Ave – gave a history of the issues that have been ongoing since 2017 with Kingston and getting her property restored as required in the sidewalk project contract including seeding and watering; wants to see a resolution soon and have grass this summer. Mayor Burgess and City Attorney Clanton reported that the city sent Kingston a ten day notice to remedy all outstanding issues with the project or the city would seek other contractors to remedy the situation. Dennis Block, 6412 University – went through University Ave reconstruction twice and had issues with contractors restoring his lawn. Loffredo – asked Justin Ernst if it is possible to separate the seeding and restoration from the construction work. Ernst answered that it’s not common practice and may lead to issues coordinating the work between multiple contractors but would look into it.
6. **Consent Agenda:**
  - A. Approve Minutes of the Regular Council Meeting on April 15, 2019

- B. Approve Minutes of the Special Council Meeting on April 29, 2019
- C. Approve Payment of Cash Disbursements
- D. Resolution No. 19-0514, A Resolution Authorizing and Approving an Agreement for Library Services with the City of Urbandale, Iowa
- E. Resolution No. 19-0515, A Resolution Authorizing and Approving an Agreement for Library Services with the City of Des Moines, Iowa  
Motion by Joseph Jones to approve the consent agenda. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.

**7. Old Business:**

- A. **Discussion and Appropriate Follow up on Automated Traffic Enforcement (ATE) Devices**  
Harms – ATE devices are to be discussed at the next public safety committee meeting on May 16<sup>th</sup>. Bales-Henry – would like to refer ATE discussion to the public safety committee. Mike Jones – spoke in opposition to referring the issue to committee. Loffredo – will not vote for removal at this time due to the penalties when the city can opt out of the contract at no cost to taxpayers next year. Louisa Dykstra, Windsor Heights Chamber – ATE’s need to be removed sooner to help the business community and encourage visitors to do business in Windsor Heights. After due consideration and discussion council came to the consensus to refer the issue to the public safety committee. Dennis Block, 6412 University – spoke in opposition to removing the ATE devices; discussion favors businesses over residents; ATE’s are a tool to control speed and do not impact people who are obeying the law. Lauren Campbell, 1004 63<sup>rd</sup> St. – spoke in favor of removing the ATE devices to help with the overall perception of the city. John Thompson, 6300 School St. #222 – spoke in favor of the ATE devices as an enforcement tool to protect residents; spoke in favor of not waiving the second and third reading of ordinances.
- B. **Approve Change Order No. 1 to Parking Lot Specialties for additional Crack and Seal work in the amount of \$18,392.80:** Motion by Harms to approve the change order for Parking Lot Specialties for work in the amount of \$18,392.80. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.
- C. **Discussion and Appropriate Follow Up on 73rd Street Trail Project:** Ernst summarized the results of the 30% design and options after the railroad denied using their right-of-way for the project. He gave options for the council to consider including continuing talks with the railroad with participation from the council, explore an alternate route on the west side of 73<sup>rd</sup> St, explore a crossing over Walnut Creek near Center St and possible partnership with West Des Moines, or do nothing. Harms and Loffredo volunteered to assist Ernst in moving forward with the project in addition to having discussion at the public works committee. Nicole Crain, 7022 Del Matro – spoke in opposition to going forward since it took two meetings to get the project passed initially, initial questions as to if the railroad would be cooperative, the costs already incurred by the city at \$30,000, and if alternate routes would be utilized; questioned what the total cost would be for a sidewalk when funding could be used for streets. Mike Jones commented that funding for the project would include \$1,000,000 in TIF and \$400,000 to \$500,000 in unsecured funding and asked if any sources in addition to the \$1,000,000 had been identified. Administrator Hansen identified sources that could include LOSST, General Fund Reserves/ATE, and grants including Safe Routes to School as mentioned earlier by Harms.

**8. New Business:**

- A. **Consideration of Resolution No.19-0516 to approve the 2019 Polk County Multi-Jurisdictional Hazard Mitigation Plan:** Motion by Loffredo to approve Resolution No. 19-0516 approving the 2019 Polk County Multi-Jurisdictional Hazard Mitigation Plan. Seconded by Harms. Motion passed unanimously on a roll call vote.
- B. **Discussion and Appropriate Follow up on proposed amendments to Chapter 161 regarding Post-Construction Storm Water Management:** Motion by Joseph Jones to set the public hearing for May 20<sup>th</sup> on proposed amendments to Chapter 161. Seconded by Loffredo. Motion passed unanimously on a roll call vote.
- C. **Discussion and Appropriate Follow up on proposed amendments to Chapter 96 regarding Building Sanitary Sewer Connections:** Motion by Joseph Jones to set the public hearing for May 20<sup>th</sup> on proposed amendments to Chapter 96. Seconded by Loffredo. Motion passed unanimously on a roll call vote.
- D. **Consideration of Resolution No.19-0517 to approve a Storm Water Best Management Practices Reimbursement Program:** Motion by Joseph Jones to approve Resolution No. 19-0517. Seconded by Loffredo. Motion passed unanimously on a roll call vote.
- E. **Discussion and Appropriate Follow up on Request for waiver of fees from the Windsor Heights Chamber of Commerce and Foundation in the amount of \$4,447.73:** Motion by Loffredo to grant the

waiver of city fees for Chamber and Foundation events in the amount of \$4,447.73. Seconded by Joseph Jones. After due consideration and discussion with David Schwartz, Windsor Heights Foundation regarding additional fees of \$570.00 Loffredo amended his motion to include sign fees for a total waiver request of \$5,017.73. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.

**F. Consideration of Resolution No.19-0518 to approve a 28E Agreement with the West Des Moines School District and City of West Des Moines relating to Clive Learning Academy Crossing Guard:** Motion by Loffredo to approve Resolution No. 19-0518 approving a 28E Agreement with the West Des Moines School District and the City of West Des Moines related to the Clive Learning Academy Crossing Guard. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.

**G. Approve Economic Development Program Grant from Pharmco Properties, LLC. For Façade, Capital and Accessibility Improvements at 6800 Hickman Road in the amount of \$12,069:** Motion by Harms to approve the economic development grant to Pharmco Properties LLC. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.

**9. Reports:**

Bales-Henry: DART meeting this week.

Joseph Jones: Des Moines Partnership DC Trip this week. MPO updates.

Loffredo: Public Works Committee this Friday at 4:30 PM. Attending SMART conference on May 9<sup>th</sup>.

Mayor Burgess: None.

Mike Jones: Thank you to Jess for helping with the city wide garage sale and gave updates on the event.

Harms: Distributed an agenda and committee member list for the public safety committee. Next meeting is May 16<sup>th</sup> at council chambers.

**10. Closed Session:** Pursuant to Iowa Code Section 21.5 (1) (j) To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary and that individual requests a closed session. Motion by Harms to convene into closed session at 7:37 PM. Seconded by Joseph Jones. Roll call vote: Loffredo – aye, Harms – aye, Joseph Jones – aye, Bales-Henry – aye, and Mike Jones – aye. Motion passed 5-0.

Motion by Harms to convene into open session at 7:55 PM. Seconded by Joseph Jones. Roll call vote: Harms – aye, Loffredo – aye, Mike Jones – aye, Joseph Jones – aye, and Bales-Henry- aye. Motion passed 5-0.

**11. Possible action after closed session:** Motion by Loffredo to move forward with mediation between the city and Administrator Hansen. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.

**12. Adjourn to 6:00 pm on Monday, May 20, 2019, for a Regular Council Meeting at the Council Chambers.** Motion by Harms to adjourn the meeting at 7:57 PM. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.

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David Burgess, Mayor

ATTEST: \_\_\_\_\_

Travis Cooke, City Clerk