

April 5, 2010
CITY OF WINDSOR HEIGHTS REGULAR BUSINESS MEETING MINUTES
6:00 P.M. – Council Chambers
Unabridged version

Item 1: Roll Call

Mayor Sullivan called meeting to order at 6:00 p.m. Council present: Diana Willits, Charlene Butz, David Jenison, Betty Glover, and Steve Peterson. City Administrator Marketa George Oliver, City Treasurer Carrie Brannen, Chief Gary Walters, Public Works Director Jason VanAusdall, Community Services Director Josh Heggen, Fire Chief Cross and City Attorney Pat Burk present.

Mayor Sullivan noted recently the city has had complaints about talking going on in the audience. He asked people to please refrain from talking and making comments. All comments should be made during the public comments section of the agenda or during the specific agenda item from the podium. Anyone engaged in outside conversations may be asked to leave the meeting.

Item 2: Approval of the Agenda - Roll Call 099

Willits moved Peterson seconded approval with item 6B being removed from the consent agenda at the request of Butz. Voice vote passed unanimously.

Item 3: Good of the Order

Mayor Sullivan recognized Betty Gustoff-Ridout of Bankers Trust who presented the city a framed article related to the Bankers Trust Loan Program for Windsor Heights. Ridout thanked City elected officials and staff for their partnership to encourage business development.

Item 4: Approval of the minutes - Roll Call 100

Glover moved approved of the minutes, Peterson seconded approval. Voice vote passed unanimously with Willits abstaining.

Item 5: Public Comment

None

Item 6: Consent Agenda - Roll Calls 101-103

Peterson moved Jenison seconded approval of: February Investments, Treasurer and Clerks Report, Claims and Payroll and Appoint Carrie Brannen as Deputy City Clerk. Voice vote passed unanimously.

Item 7: Approval of liquor license requests for the Twisted Parrot Roll call 104

Peterson moved approval, Jenison seconded. Voice vote passed unanimously.

Item 8: Consideration of a resolution 10-0405-105 approving a 28e Agreement by and between the cities of Des Moines, Altoona, Ankeny, Bondurant, Carlisle, Clive, DeSoto, Grimes, Indianola, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, Urbandale, Waukee, West Des Moines and Windsor Heights and the counties of Polk, Dallas and Warren for the funding and implementation of Homeland Security Services within the metropolitan area. The Windsor Heights portion of this agreement will cost \$6,901 annually, slightly less than the previous amount of \$7,259.56 in the current agreement. Roll Call 105

Butz moved approval, Glover seconded approval. Chief Walters noted this was approved by the MAC. This agreement gets services to Windsor Heights that the city could provide for itself, such as a bomb squad, etc. Roll Call vote passed unanimously.

Item 9: Consideration of a resolution 10-0405-106 approving a budget amendment for the FY 2010 budget. Roll Call 106

Jenison move approval, Peterson seconded. Roll Call vote passed unanimously.

Item 10: Consideration of a resolution 10-0405-107 approving an Iowa Department of Transportation agreement for Primary Highway Improvement Project agreement to Hickman Road (US Highway 6) from Westover Boulevard to 63rd Street. Roll Call 107

Willits moved Peterson seconded approval. Roll call vote passed with Butz voting no.

Item 11: Consideration of a resolution 10-0405-108 approving the creation of an ambulance capital replace fee. Roll Call 108

Peterson moved Jenison seconded approval. John Thompson, 6300 School St. #222 asked what the revenue annually would be. Chief Cross said it would be around \$3,500. Roll call vote passed unanimously.

Item 12: Consideration of an ordinance making changes to Chapter 155: Building Code. (The changes are to require a fence permit.) Roll Call 109 Peterson moved Glover seconded approval final reading. Roll call vote passed unanimously.

Item 13: Consideration of ordinance 10-06 making changes to Chapter 55: Animal Protection and Control

Chief Walters noted this ordinance would give the police something to use in cases of bites from any animal, not just a dog.

Roll Call 110 Willits moved Glover seconded approval first reading. Roll call vote passed unanimously.

Roll Call 111 Peterson moved Jenison seconded approval second reading. Roll call vote passed unanimously.

Item 14: Staff updates:

Oliver noted the Public Works Director had saved the city \$2,535 by contacting the City of West Des Moines Public Works Department who took the street sweepings from Windsor Heights and will use it as fill in West Des Moines, otherwise the dirt would have had to go to a landfill. Oliver also noted the city submitted an I-Jobs grant for the sewer project

Item 15: Council member comments:

Glover noted that KWHB will have a cleanup day on April 17th and they are looking for volunteers if anyone is available to help. Jenison thanked VanAusdall for fixing the sewer at 64th and College.

Item 6B Progress Payment No 9 for the Community Center project to Prostruct Construction in the amount of \$232,304.45 Roll Call 112

Butz asked how the concession kitchen could have been done not ADA (American with Disabilities Act) compliant in the first place. Oliver noted that the ADA law had changed recently but that the architect had originally thought only a "vendor" approved by the city would be using the concession kitchen. But, since the room will be used by the general public also, it must be ADA compliant. Glover said the law had not changed since January, 2009. Burk explained that on January 1, 2009 new ADA laws went into effect. Under old ADA, with case law behind it, you could take a risk and not take the ADA up charges. But, with the new ADA, it is untried and you really do not know what the definition of a "vendor" is under the new law. So by making these fixes now, you can avoid having to go back later and retrofit the building room to make the ADA required changes, which would be much more expensive. Public Works Director VanAusdall pointed out that the architect will always look towards the local building official to point out any ADA compliant issues and if that ADA issues were not brought out during the plan review of the concession area, then changes would have not been made at that time.

Glover asked about the restroom changes. Oliver said those changes were to accommodate changes to the counter, adding lights and a seating area for makeup application. Jenison said he thought that was in the original plan. Oliver noted it was likely in the very first plan, but many things were stripped from that plan for financial reasons and the favorable bid enabled some of the items to be added back.

Willits asked what kind of change can be made to the change order system to avoid these large changes in the future. Oliver said it can be discussed during the next policy and administration meeting. Butz asked how much hardware is encompassed by the oil-rubbed items on the change order. Peterson asked if change orders should be reviewed by committee. Oliver said she thought the parks and special events committee would be good to review these items. Butz said she would like to see the changes orders at the same time staff does and asked what the exterior changes were. Oliver noted she would have to verify this, but thinks the exterior changes are additional sealant to the brick and block work and siding. Willits moved approval, Peterson seconded approval. Voice vote passed unanimously.

Item 16: Mayor's inquiries.

Mayor Sullivan asked the council if anyone wanted to go to the Polk County Housing Trust Fund luncheon on Thursday. He also thanked Wal-Mart for pledging \$2,500 towards activities in the Park this summer.

Item 17: Adjournment to closed session pursuant to 21.5j (real estate) of the Code of Iowa. Roll Call 113

Willits moved approval, Peterson seconded to go into closed session at 6:42 pm. Roll Call vote passed unanimously.

The Council returned to open session at 6:55 pm.

Item 18: Consideration of action items related to closed session discussion.

Roll Call 114 Peterson moved approval of purchase of right of way property from Flowerama in an amount not to exceed \$25,250, Jenison seconded approval. Roll Call vote passed unanimously.

Item 19: Adjournment - Roll Call 115

Glover moved Willits seconded to adjourn at 6:56 p.m. to 6:00 p.m. on April 19th, 2010. Roll call vote passed unanimously.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk