

**April 19, 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: 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 Matt Brick present. Council absent Diana Willits.

**Item 2: Approval of the Agenda - Roll Call 116**

Peterson moved Jenison seconded approval. Voice vote passed unanimously.

**Item 3: Good of the Order**

**Item 4: Approval of the minutes - Roll Call 117**

Glover stated she would like the minutes to reflect that the discussion over item 6b started with Butz asking who authorized the changed order and what the order entailed. Glover moved approved of the minutes, Peterson seconded approval. Voice vote passed unanimously.

**Item 5: Public Comment**

Sandy O'Brien, 6826 Del Matro commented on the Des Moines Public Schools Cowles School Proposal. She worried the school district is not committed to Cowles and will close the school. She believes the school should purchase the home next to Cowles and make more access to the street. She wants this project done correctly. She said she'd like to see something in writing from the school that they are committed to staying open. Allen Sydnes, 2012 66<sup>th</sup> Street, asked if planning and zoning and study sessions are open to the public. Oliver commented that those meetings are open to the public, that meeting notices are on the website and hung up around the city. She also noted she has an email distribution list for people interested in planning and zoning meetings. Sydnes asked to be added to the list and Oliver said she would be happy to do that.

**Item 6: Consent Agenda - Roll Calls 118-123**

Jenison asked if in the future, the claims and payroll receipts the council reviews could have more information on the receipts. Peterson moved Jenison seconded approval of: March Police Report, March Public Works Report, March Fire Report, Code Enforcement Report (January through March), Set date of public hearing for property conveyance (vacated right-of-way) subsequent to Planning and Zoning Commission recommendation and Claims and Payroll. Voice vote passed unanimously.

**Item 7: Update on Colby Park rentals and consideration resolution 10-0419-124 approving furniture purchase for the new community center. Roll call 124**

Tracy Levine reviewed the rental records of the variety of events happening at Colby Park and the Community Center. She also showed samples of the inside furniture and tables that will be in the community center. Glover asked if it had been discussed to not use the concession during weddings. Glover asked about the alcohol policy and whether an off duty police officer is required. Butz commented what happens if a person brings alcohol outside during events. Oliver noted the park policy allows anyone at anytime the park is open to have beer and wine in the park. She also noted that Captain Dennis McDaniel is reviewing the community center alcohol policy for revisions and that will be brought back to the Council at a future date for consideration. Currently an off duty officer is required at all events, but that may change for smaller events. Jenison thanked the special events committee for picking out the finishes, surfaces, etc and getting a good price on items. Cindy Chamberlin, 1540 68<sup>th</sup> Street, asked who carries DRAM shop insurance and what the community center fees are. Oliver noted that DRAM shop is only required if they are selling the alcohol, so most likely the vendor doing the selling would be required to carry it. She said the fee schedule had been sent to every home in Windsor Heights in the Water Bill and in the Windsor Heights Living Magazine. Levine said she would give Chamberlin a copy of the rate card. Glover moved approval, Peterson seconded. Roll Call passed unanimously.

**Item 8: Consideration of a resolution 10-0419-125 approving a 28M agreement with DART. Roll Call 125**

Brad Miller from DART presented the council with proposed changes to the DART 28M. He stated the language is what city managers had agreed to, which is a 10 year bond, only for accidents. This is not new authority for DART, just allows them to issue this specific kind of debt. This does not give DART any kind of additional taxing authority. Since the time of the accidents, DART has bought additional insurance so this won't happen again. Jenison asked when this new insurance began. Miller said in August of 2009. Jenison asked when other cities were approving. Miller noted Steve Brody from WDM was at the Clive meeting tonight and he was here. If approved, Windsor Heights would be the 12<sup>th</sup> city to do the amendment. Allen Sydnes, 2012 66<sup>th</sup> Street, asked how this will affect the Windsor Heights citizen pocket books and if the city is liable if DART fails to pay. Miller said this will not raise taxes on anyone, but if DART were to fail, the current levy that is intact already would stay intact until the bond is paid off. Jenison said he was troubled by the amount of time he's had to review this item. He asked

if he could have some more time to review and bring back during the next council meeting. Glover agreed. Jenison moved to table, Glover seconded. Roll Call vote passed unanimously with Peterson abstaining.

**Item 9: Consideration of a resolution 10-0419-126 approving stormwater site plan review program and associated fees. Roll Call 126**

Jenison move approval, Butz seconded. Allen Sydnes, 2012 66<sup>th</sup> St, asked if this replaces any current fees. Oliver noted that it does not, that it is only charged for people adding impervious surface or regarding their property. Roll Call vote passed unanimously.

**Item 10: Consideration of a resolution 10-0419-127 approving the Energy Efficiency and Conservation Block Grant Sub Recipient Contract. Roll Call 127**

Heggen noted this is a continuation of the grant application the city applied for and received from the state. Legal council has reviewed and pointed out lots of the items the city knew going into this that the city has to follow Davis Bacon rules, buy American and do lots for reports. Butz asked if this is similar to the 73<sup>rd</sup> Street overlay and was going to cost the city a lot of extra money. Heggen noted that it really will just end up being extra work for him, and not cost the city extra funds. Peterson moved Butz seconded approval. Roll call vote passed unanimously.

**Item 11. Consideration of ordinance 10-06 making changes to Chapter 55: Animal Protection and Control**

**Roll Call 128** Butz moved Glover seconded approval of final reading. Roll call vote passed unanimously.

**Item 12: Staff updates:**

VanAusdall thanked everyone who worked on Saturday to help with the spring cleanup.

**Item 13: Council member comments:**

Glover noted that KWHB cleanup on Saturday was very successful. She thanked Grounds for Celebrations for the coffee, Mustards for the lemonade and Sam's for the bags and gloves. Butz noted she had never seen the Public Works Director there in the past and thanked Jason for attending. Butz noted she has asked an architect whether or not an architect would know and comply with all the ADA rules. VanAusdall said the plan review dictates code compliance. Glover asked whose fault this issue belonged too and if it is that person's responsibility to pay for the issue. Brick said when you talk about liability, you have to look and see what the city would have spent anyway from the beginning. If costs are significant now that would not have been there in the past, then that is what a person may be liable for, but that amount can be difficult to determine. Oliver noted that she and VanAusdall had gone through supporting documentation to identify any costs that would be incurred that would not have been incurred had the items been in the plan from the beginning.

**Item 14: Mayor's inquiries.**

Mayor Sullivan noted that this Saturday in the Community Coffee Club at 9 a.m. at Grounds for Celebration.

**Item 15: Adjournment to closed session pursuant to 21.5j (real estate) of the Code of Iowa. Roll Call 129**

Peterson moved approval, Butz seconded to go into closed session at 6:50 pm. Roll Call vote passed unanimously.

The Council returned to open session at 7:14 pm.

**Item 16: Adjournment - Roll Call 130**

Peterson moved Glover seconded to adjourn at 7:14 p.m. to 6:00 p.m. on May 3, 2010. Roll call vote passed unanimously.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk