

**JUNE 9, 2011 SPECIAL STUDY SESSION MINUTES  
CITY HALL, 1133 66<sup>TH</sup> STREET, 4:00 PM**

**1. Call to order.**

Mayor Sullivan Called the meeting to order at 4:10 p.m. Council present: Steve Peterson, Diana Willits, Charlene Butz, David Jenison and Betty Glover. Staff present included City Administrator Marketa George Oliver, Chief Financial Officer Carrie Brannen, Police Chief Dennis McDaniel, Public Works Director Jason VanAusdall, Community Services Director Josh Heggen, Fire Chief Christopher Cross and City Attorney Matt Brick.

**2. Group Home Discussion**

City Attorneys Pat Burk and Matt Brick reviewed with the council what is included in the state group homes law. Substance abuse group homes is specifically noted in the statute as saying that the city cannot restrict it or require a conditional or special use permit. The only thing that this allows the city to do is to keep them spaced out. The code can prevent that kind of thing.

Oliver asked how we would know where the homes would be located in advanced to keep the spacing correct. Willits asked if we could put limitations on it by indicating that we would not allow them to destroy the single family home, with knocking down a wall and stuff like that.

Burke does not think so. The statute says we cannot do anything that we would not require a residential home to do. Glover asked if there is a limit to the number of people per square foot. VanAusdall said the building code does limit it. Glover said it does not seem fair that the city cannot regulate group homes. For example, there is a house in northwestern part of the city where they went in and ripped up the house and ruined it. Glover said it sounds like we have no rights. Burke said the legislature would need to change the law. Brick will ask their lobbyist if this remains a League effort to get some changes to this as it has been one of their priorities in the past.

Peterson noted that the Alzheimer's house was a for-profit corporation and they took a mortgage out as a residential mortgage and then turned it into a for profit corporation. Oliver asked if there was any way to get that taxed at a commercial level. Peterson said the neighbors had approached the city when it was an Alzheimer's home. Can we try to prevent a for-profit group home?

Burk said traffic patterns are great arguments for lobbyists to use, but the statute says you have to treat these properties as residences. Willits asked if we could put a conditional use requirement in place for R1 and R2. Oliver said that would likely not be advisable however we could put the requirements in place that restricts how close together they can be because that is what is permitted by State Code. The council discussed how this could be accomplished. Burk noted the State Code stated that group homes shall not be located within contiguous city block areas. Burk will see how restrictive the City can be regarding placement of group homes. This matter will go to Planning and Zoning for discussion and report back to council.

VanAusdall said right now we are doing a rental inspection every 18 months. Cross said group homes go through the rental inspection. Oliver asked if we can inspect them more frequently than other residential homes. Willits asked why we cannot make all rentals an annual inspection instead of every 18 months. Peterson asked if that would mean lowering the fee. Willits said no. VanAusdall said we would be the only metro in the area that would be annual. VanAusdall thinks the city's housing stock has improved over what it was several years ago. Willits think we should go to 12 month rentals. VanAusdall said to be aware for the backlash from the property owners.

Willits asked if there is something in the code that would let us go in and inspect on a new frequency. It is important for our fire department to know where the rental homes are so that they know how many people are there. Cross said we have to have a working knowledge of where the properties are. Oliver said it is important to protect not only the rentals as housing stock, but the residents living there. Glover said that gives residents comfort. Jenison added that when it comes time for residents to look for other housing, it is important to know it is safe.

Glover said when you think of a family with children, if you knew there was a halfway house down the street, would you buy there? Glover said blight starts one house at a time. We have to be very cautious because we have affordable housing. Homes are strong and well-built. Willits asked to make a recommendation to planning and zoning regarding how restrictive the area should be for group homes. Brick said they will check to see if there is any sort of appellate case that gives guidance on group homes.

Cross thinks a 12-month rental cycle is excessive. The properties will only be seen in a snap shot once a year. If it is only during the winter, you cannot really see condition of the concrete, the lawn, etc. The 18-month cycle lets him see issues in different seasons. Jenison asked if there is a safety issue that cannot be seen because of snow buildup, would staff wait until the third year to correct that problem. Cross said no. He added that Windsor Heights inspects properties more frequently than any other city in the metro and the frequency is manageable. VanAusdall said he has been in every single rental unit in the city. By and large the inspection is good. Every year you go back, you are looking at it and it is improving. The backlash would be huge. Cross noted that the violations they find on a regular basis are relatively small. Rentals are a growing demographic and we are currently staying up-to-date on inspections.

Glover asked how many properties are rentals. Cross said around 240. She asked how many of those are out of town land owners and Cross said he would have to check. VanAusdall said the group homes should be inspected as part of the commercial fire inspections program. Glover asked if they are residential or commercial. Oliver said they are residential homes that are purchased and used to run a commercial business in. VanAusdall said group homes have central alarm system and fire suppression. Willits said in 30 years, we could be overwhelmingly rental and we need to be proactive. Willits said we have requirements now that the people in that house are going to keep it maintained and the yard maintained. Glover said on Northwest Drive there are two duplexes that look terrible and they are right across the street from a lovely country-style home. VanAusdall asked if it would be a violation if the City required after a certain date that any rentals be fire sprinkled. Heggen suggested providing an incentive to home ownership as a way of turning the homes into owner-occupied. Brick said you have the right to do it, but the question is, is it limiting the ability to have rentals.

Glover said not all rental properties are bad. Some landlords take very good care of their properties. Butz said do we really want to put the burden on an elderly person who has to move and need to rent the home with requiring it be sprinkled. Willits said we could put some provisions to allow people to petition for an exclusion or a variance. Glover said maybe we need more aggressive programs for property renovation and ownership. Jenison added that often you do not know what kind of group home it is. Willits asked what kind of ordinance can we create that will help address this.

Glover said years ago Sherman Hill had this problem. That area had neighbors who were raising similar concerns and wondered what happened with that. Brick said a bunch of people got together and bought the homes, rehabbed them and then sold them to individuals. Oliver suggested 15 months instead of 18 months for rental home inspection and then it would catch the property in every season. Willits is in favor of that. Peterson said if we did move it to 15 months, we would have opportunity for unhappy owners and negative publicity and wondered what that would do for our process.

Jenison asked if the 18-month inspection is done and there is need for a new inspection, what the follow up procedure is. Cross said the property owner has 30 days to correct the violation. Jenison said then perhaps that property could be on a 12 month cycle, because it is a known violation property. If they pass in a year, then it could go back to the 18 month cycle. He asked if that would do any good. Would that tell the homeowner that you really need to keep your property up? Peterson asked what the data shows. Of the 240 homes, how many have violations? Cross said he can find out but it is extremely rare that they have to go back other than one re-inspection.

Glover said the message of what Dave is talking about is that we have zero tolerance for bad rental properties and we are basically nailing them in the pocketbook. Peterson said what if that is the expectation when you take out the rental permit. Cross said what would sting more is increasing compliance fines. Cross would like to clamp down by having a fee for violations or re-inspection. Oliver asked Cross to come back with some recommendations regarding what that should look like. Brick said that the fee should be based on something. Oliver said \$25 is the current fee and is very low considering the amount of employee time required.

Peterson asked of the 240 rental homes, how many of those have grass problems? As he walks around, he does not see many houses with grass problems. Glover suggested communicating info on rentals to real estate brokers. Cross will put together information on what is actually happening on violations and bring recommendations forth on changing fees. Brick suggested also working on ordinances that tighten regulations related to vacant and abandoned properties.

### **3. Sewer Ordinance Discussion**

Heggen distributed information on a proposed inflow and infiltration ordinance. He said it is a draft that was adapted from an Indianola ordinance. It is related to the residential side of fixing your leaky sewer pipe; illegal drainage connection and sump pump connections. It would involve city inspections, but not until July, 2014. The city would then do inspections and determine who has inflow or infiltration. Once a problem is found, the property owner would have one year from being notified that they have one year to fix it. The property owner could then go through the Neighborhood Finance Corporation (NFC) or Metro Home Improvement for financing. If not fixed, there would be fines. If a homeowner refused inspection or fails to fix the problem, there would be fines, unless it was a case of undue hardship. Glover said at some point in time we might want to use NFC on a wider range because it does not discriminate based on income. Butz said it seems one of the biggest problems is the perimeter tile drains. She asked if that should be specifically listed. Heggen said yes. Glover asked if it was expensive to eliminate your perimeter tile drain. Jenison said it was as simple as adding a sump pump. Butz said she was approached by some residents and wanted to know if they would be forced to do this. Butz asked how much it would cost and VanAusdall said probably around \$600 to \$800. Glover asked if that should be spelled out - the issue of perimeter tiles.

Peterson asked who from Norwalk or Indianola could come out to the next study session. Butz said a lot of the houses on her block have the perimeter tiles going into the sewer; she thinks it is a very common thing in Windsor Heights. Glover asked when we can start inspections. Heggen said the draft said 2014. Butz said it seems it would be nice to start the inspections sooner. Heggen said you can start it sooner, but you would need to have the funding to pay the crew to go out and do it. There is an inspection for perimeter tiles, for sump pump and for crumbling pipes. Peterson would like to have someone from Indianola come up and talk to us. Jenison said we also need to tell people you cannot run the sump pump hose and put it on your neighbors' yard. Oliver said or the street. Jenison said we have talked about an ordinance and stated it cannot be placed within a certain number of feet from the curb or the property line. VanAusdall said if we have 4 inches of rain in 24 hours, we have problems based on the North Walnut Creek flooding map. It goes out of bank and goes to a 10% flood.

Butz asked how much it will cost to have a crew do inspections. VanAusdall said he would see what other cities have spent. Heggen said it would also depend on whether it was the city or the sanitary sewer district paying for it. Heggen said that 40% of the infiltration is the City's problem and 60% is on the private side. Peterson said this is big and expensive and we all need to look at it. Jenison asked if the gentleman from Indianola would know how much it costs to send a crew out to do the inspections. Glover noted Oliver spoke at the Neighborhood Association and she thinks it would be good to speak with other organizations. Butz said the ordinance should be passed now and then educate people between now and 2014. Glover thinks we should pass it. Heggen will coordinate a meeting with someone from Indianola.

#### **4. I235 Auxiliary Lane Update**

McDaniel said the lane that DOT had proposed from 63rd to 73rd that was in 2013 has been deferred to 2016. The City was also evaluating a traffic safety program on the interstate. This lane would have created a hurdle to this effort and that hurdle has now been removed. McDaniel will be bringing forward some recommendations for this program, which includes automate speed enforcement.

#### **5. Paperless Packet Discussion**

Oliver said staff was looking at submitting a grant to Metro Waste Authority to purchase hardware for paperless packets. Brannen said there was some stuff that you cannot put a price on, in terms of savings, such as the wear and tear on the copier. Willits asked what the cost was and Brannen said about one cent for black and white and 3 to 4 cents for color. Peterson said we should go for it. Jenison thinks it is a good idea. It would cut down on a lot of printing. VanAusdall said he is paperless at his office. It is very easy to update stuff on a pdf. Jenison said the section in the iPad where you access your notes is easy to get to, so taking notes is not a problem. Sullivan asked if other cities in the area are going paperless. VanAusdall said Grimes is paperless. Oliver noted Bondurant is paperless and Windsor Heights had been semi-paperless at one time, but the process did not work so well because the packet was emailed to council members, who then would print it at home. While it saved the City paper, it was not truly paperless.

#### **6. Inventory of housing units retrofitted for non-residential use**

Oliver said at a previous study session Council asked for a list of commercial properties that were once single family homes. The council reviewed the list.

#### **7. 2010 Census comparison between 2000 - Precinct Discussion**

The council reviewed the census numbers compared between 1990, 2000 and 2010. Oliver said staff did not see a reason to change precincts, but would like council direction on the matter. She noted that the number in the precincts do not add up to the number of people in the census and that there were more than what the official census said. She is pursuing the matter with the GIS person at the County to see what the City needs to do to update its census number. There was consensus to leave current precincts in place. Oliver said the City had looked at going to one voting location, but if we did that, it would only be for city elections and she thought that would be confusing to voters. However, it was possible to go to two voting locations for all three precincts for all election. Glover said going to two voting locations made sense.

#### **8. Hickman Road**

Oliver distributed a document from the National League of Cities on economic development. She said it was important to have a vision for Hickman Road. Glover said it makes sense to have a marketing plan. Peterson said people tell him all the time that we need a restaurant up there. Butz said it seems hard to attract a restaurant to Windsor Heights' area. Willits said every year when we go to the Partnership event downtown she talks to restaurants about Windsor Heights.

Glover said Hickman Road is now an artery and there is more traffic than ever. She thinks we should zero in on what we want to see there. Peterson asked about the restrictions on what used to be the BP station and said if it was parking lot, there would really be no problem. Oliver said that was correct. Glover said the 360 Group could be used to get a quote. Sullivan said they unfolded a plan last night in Cumming, Iowa. Willits said looking at the demographics of Windsor Heights is exciting because the people who are here are restaurant people. Oliver said she would like to get bids to add color and a stamp to the median concrete on Hickman Road, but wanted to make sure the council was okay with that. There was consensus to get bids on colored and stamped concrete.

The meeting closed at 6:55 p.m.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk