

October 3, 2011
CITY OF WINDSOR HEIGHTS SPECIAL BUSINESS MEETING MINUTES
6:00 p.m. City Hall
Unabridged version

Item 1: Call to order.

Mayor Sullivan called the meeting to order at 6:00 p.m. Council present: Steve Peterson, Charlene Butz, David Jenison, Diana Willits and Betty Glover. Staff present included City Administrator Marketa George Oliver, Police Chief Dennis McDaniel, Public Works Director Jason VanAusdall, Community Services Director Josh Heggen, Chief Financial Officer Carrie Kruse, Fire Chief Christopher Cross and City Attorney Matt Brick.

Item 2: Approval of the agenda - Roll Call 260

Peterson moved Willits seconded approval of the agenda. Voice vote passed unanimously.

Item 3: Good of the Order.

Mayor Sullivan introduced Eileen Boggess from the Food Pantry. She noted the high demand at the pantry that has resulted in longer officer hours and help with fresh food from some local churches who planted gardens. She also said they are doing an "Adopt a Family" program again this year.

Item 4: Approval of the Minutes - Roll Call 261-263

Sullivan noted the August 30th Study Session Minutes should read "Glover does not think the average person on the streets realizes how many accidents there are"

Jenison moved approval of the August 30th study session and special business meeting publication and unabridged minutes and the September 6th published and unabridged minutes, Glover seconded. Voice vote passed unanimously.

Item 5: Public Comment

Ann Burgess, 7036 Wilshire, asked if the microphones work and if they are plugged in because people have a hard time hearing.

Item 6: Approval of the Consent Agenda. Roll Call 264-268

Jenison asked how many people of the 13 on the waiting list for Metro Home Improvement Program will be served this year? Glover asked how many homes were done last year. Oliver said she will ask staff from the program to attend the next council meeting. Glover moved, Butz seconded approval of Keep Windsor Heights Beautiful Appointments, August Police Report, August Fire and Rental Inspections Report, August Clerk and Investment Report and Claims and Payroll. Voice vote passed unanimously.

Item 7: Consideration of liquor license renewal request for Front Row. Roll Call 269

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

Item 8: Consideration of a resolution reauthorizing the mayor to enter a brokerage agreement with Ruhl and Ruhl for the marketing of city owned property along Hickman Road. Roll call 270

Butz asked if the properties were to sell, what would Ruhl and Ruhl get. Oliver said as she recalls it is 6% if it is something Ruhl and Ruhl has brought to the city and 2% if it is someone who has contacted the city before Ruhl and Ruhl was under contract. Peterson moved approval, Willits seconded. Roll call vote passed unanimously.

Item 9. Discussion and possible consideration of Ordinance 11-12, revisions to Chapter 167: Zoning Code--Use Type revising restaurant definitions and changing use types. Roll call 271

Willits moved approval, Jenison seconded. Roll call vote passed unanimously.

Item 10. Discussion and direction of memorial program parameters.

Oliver presented the council some information on various options for a memorial program on or around the Community and Events Center. The council discussed the issue and decided to research some more options.

Item 11. Discussion regarding gravel driveways.

Oliver noted this is being brought back from the last meeting. She noted the city counted 25 gravel driveways currently in the city that have yet to be hard surfaced. She stated the council put the ordinance in place in December of 2009 requiring gravel driveways be paved, prior to that the driveway have to be paved upon the transfer of ownership. Peterson asked if the homeowners received letters. He also asked if liens could be placed on the properties. Oliver said something could be filed with the Recorder's office noting that gravel driveway have to be paved before a property can be sold. Glover asked what the original intent of the law was. Oliver said it passed in the early 90's so she is not 100% sure why, other than Windsor Height is an urban city. Willits stated that lots of driveways, in particular those on University, were gravel and the city wanted to improve the properties. Butz said not all the driveways were gravel. Willits said a lot of them were, in particular the houses by the Quonset hut.

Deb Klyn, 1104 69th Street, complained that when her and her husband purchased property from the city they had no idea about the ordinance requiring the driveway be paved. She said the agreement with the city did say they have to pave it, but no timeline was given. Oliver said the property did not have to be paved by the city prior to the transfer of ownership and her property was not affected by the ordinance because the purchase agreement that she and her husband had signed with the city had a paving requirement in the agreement. The agreement with the city also included a timeline, saying the driveway should be paved "as soon as practicably possible". Klyn said they had been maintaining the property for the city when the city owned it. Oliver said the knowledge that the driveway would have to be paved was taken into consideration when the property price was set. Klyn said she had made an offer through sealed bid. Oliver said that is correct, but when the minimum amount of what would be accepted for the property was determined, the property conditions were considered. Klyn said it would be \$20,000 to pave the driveway and that was a hardship. She and her husband had built a garage and wanted to put an addition on to their house. Oliver noted that they had agreed to pave the driveway in the purchase agreement they had signed, with a note that it would be as soon as possible. They had then constructed a \$16,000 garage. Klyn said it was not that much and Oliver noted that was the value on the building permit. The fact that the Klyns had agreed to pave the driveway and had not yet done so was why they had received a letter from the City inquiring as to the timeline of the project. Klyn said she would have to get an attorney.

Peterson said a better process needs to be put into place to let people know to do their driveways. Oliver suggested that a letter be recorded with the County and that way, it would have to be cleared up before a property could transfer title. Glover asked what the original intent of the requirement was. Oliver said that other than living in an urban area with finished properties, she was not here when the original legislation was adopted, so could not speak very well to the original intent. (Editor's note: It appears from the requirements that dust may have been one of the initial driving factors.)

The original ordinance required property owners to hard surface the driveway before the property changed ownership. Many property owners were not doing this and then the new property owner would be left with the requirement because the property had changed ownership. Willits would like to review the notes from when the Planning and Zoning Commission recommend these changes.

Dave Burgess, 7036 Wilshire, said the definition of driveways needs to be updated in the city code because it says the driveway is the area between the sidewalk (or where one would be) and 18 feet back. (Editor's note: The zoning code (166.03 (44) defines a driveway as, "...a permanent surface area providing vehicular access between a street and an off-street parking or loading area. A driveway surface area shall be asphaltic, Portland cement binder pavement, paver block, concrete block, or similar surface so as to provide a durable and dustless surface. Gravel or rock is not deemed to be a dustless surface.") Lorin Knapp, 1801 68th Street, suggested that driveways be exempted for backyard habitats. That remained his goal.

Item 12. Staff Updates

VanAusdall noted he is meeting with the neighbors near the road project at 70th and Washington Avenue.

Item 13. Council Updates

Glover expressed frustration at the fact that nearly 30 yard signs of a candidate were stolen. Butz said Oktoberfest was a great event.

Item 14: Mayor Inquiries: Mayor Sullivan reminded everyone that 70th and Washington will soon be under construction and closed on Monday, October 10th.

Item 15: Adjournment - Roll Call 272.

Peterson moved Butz seconded to adjourn at 7:00 p.m. to October 17th, 2011 for the regularly scheduled meeting of the City Council. Voice vote passed unanimously.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk