

**January 24, 2011**  
**CITY OF WINDSOR HEIGHTS REGULAR BUSINESS MEETING MINUTES**  
**6:00 pm City Hall**  
**Unabridged version**

**Item 1: Roll Call**

Mayor Jerry Sullivan called meeting to order at 6:00 p.m. Council present: Steve Peterson, Diana Willits, Charlene Butz, David Jenison and Betty Glover. 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 present.

**Item 2: Approval of the Agenda - Roll Call 15**

Mayor Sullivan noted item 13, the closed session, has been moved to after item 16, Mayors Inquires. Peterson moved Willits seconded approval. Voice vote passed unanimously.

**Item 3: Good of the Order**

Chief McDaniel introduced new police officer Jeremy Siepker.

**Item 4: Approval of the minutes - Roll Call 16**

Glover moved Jenison seconded approval of January 10, 2010 minutes. Voice vote passed unanimously with Butz and Willits abstaining.

**Item 5: Public Comment**

None.

**Item 6: Consent Agenda - Roll Calls 17-25**

Butz asked if item 6g could be discussed briefly. Butz asked why the architect did not think of these items while designing the building. VanAusdall noted this was an effort to make the doors even better since it was wood against metal and the metal was winning. He said the next step is installing removable mulleins to make the doors even stronger. Glover asked about the lighting purchased in the claims and payroll. VanAusdall noted it was to replace the lighting in public works as part of the energy efficiency grant. Jenison moved Willits seconded approval of the December Public Works Report, December Fire Report, December Police Report, December Clerk and Investment Report, 2010 Rental Inspection Report, Community and Events Center 2010 4th Quarter Report, Approval of Change Order No. 9 from Prostruct, Approval of Prostruct Pay Application #14 and Claims and Payroll. Voice vote passed unanimously.

**Item 7: Approval of liquor license requests for Elks Lodge and City of Windsor Heights - Roll Call 26-27**

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

**Item 8: Approval of new liquor license requests for Billy Goat - Roll Call 28**

Chief McDaniel gave background on the new owners of Billy Goat. The applicant is Brad Lathrop. According to the Secretary of State website has the following domestic profit corporations.

- Billy Goats Inc., filed 1-3-11 (active)
- The Club House Windsor Heights Inc., filed 2-9-09 (inactive)
- Tanners Inc., filed 11-4-04 (inactive)
- Bradley's Pub West Inc., filed 1-9-95 (inactive)
- Waukee Beds Inc., filed 8-20-09 (inactive) – runs mattress store in Waukee

**He has the following bar business ventures:**

- Bradley's Pub, West Des Moines (19 yrs)\*
- Tanner's Pub, Clive
- Joe's Pub, Johnston (3 yrs)\*
- Chops Old Bank, Waukee
- Kenny's Pub, Waukee (owns the building, does not run the bar)
- The Club House, Windsor Heights
- The Garage, Urbandale
- Billy Goats, Windsor Heights\*

McDaniel reported that Bradley Lathrop has been involved in the renovation and opening of several drinking establishments in the Des Moines metropolitan area in the last several years. During the course of this background investigation, Windsor Heights' staff spoke with the cities of Waukee, Johnston, Clive, Urbandale, and West Des Moines police departments. Consistently staff was given information that there were either no police calls for service to these locations, or none of public interest outside of typical business related activities other than as follows:

When The Garage was open in Urbandale in 2007-08 there were three cases to note. The first was an assault with intent to commit sex abuse (07-1501 on 6-01-07). Upon further investigation the assault actually occurred at a separate location; however, the victim and the suspect first met at The Garage. This is why the offense is grouped to that location. A second incident was reported as a man with a gun called in by the bartender (08-3339 11-08-08). Upon further investigation this was actually just a threat made by a drunk patron. The patron was detained by law enforcement, no gun was located, and the patron was arrested for public intoxication. The third violation was for selling tobacco to a minor (07-3727 on 12-28-07), which appears to have been an isolated occurrence.

Mr. Lathrop was co-owner of the Clubhouse in Windsor Heights in 2009-10 when it was first reopened after being The Loft. This was prior to it changing hands and becoming The Myst. When Mr. Lathrop had a vested interest in the establishment the police department received one documented report of underage drinking in the establishment (10-77 on 1-28-10). This complaint was investigated initially, but the complainant then failed to cooperate with the on-going investigation or provide the requested documentation needed to pursue the case further. Subsequently, it was closed due to lack of evidence.

Additional background investigation for this application process produced no points of interest through social media or internet research. Iowa Courts Online shows Mr. Lathrop to have a few civil filings and judgments associated with what is assumed to be past business transactions and two criminal arrests. Criminal history information confirms arrests for OWI in 1997 and 2007, with no other indicators of criminal activity from what we can discern.

McDaniel reported he spoke with Mr. Lathrop by telephone today to verify the information to inquire about his business model for Billy Goats. Lathrop informed Chief McDaniel that he intends to do some light remodeling to "spruce the place up" and create a neighborhood atmosphere that would fit well into Windsor Heights in his opinion. He also assured the Chief that he was willing to work with the police department in any matters of community interest and would support the introduction of a future ordinance banning individuals under 21 years of age in bars. He said that presently he does not allow minors in his other bars unless they are designated drivers and are clearly marked with a wristband. Peterson moved approval, Willits seconded. Voice vote passed unanimously.

**Item 9: Consideration of a resolution 11-0124/29 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent, approving the paying agent and note registrar and transfer agent agreement and authorizing the execution of the agreement (2011A).** Roll Call 29 Peterson moved approval, Glover seconded. Roll call vote passed unanimously.

**Roll Call 30** Willits moved to approve form of continuing disclosure and place it on file. Jenison seconded. Roll call vote passed unanimously.

**Item 10: Consideration of a resolution 11-0124/31 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$3,360,000 taxable general obligation capital loan notes, series 2011A and levying a tax to pay the notes. Roll Call 31**  
Willits moved approval, Peterson seconded. Roll call vote passed unanimously.

**Item 11: Consideration of a resolution 11-0124/32 appointing Bankers Trust Company of Des Moines, Iowa, to serve as paying agent, note registrar, and transfer agent, approving the paying agent and note registrar and transfer agent agreement and authorizing the execution of the agreement (2011B).** Roll Call 032 Butz moved approval, Jenison seconded. Roll call vote passed unanimously.

**Roll Call 33** Jenison moved to approve the form of the tax exemption certificate and place it on file. Butz seconded. Roll call vote passed unanimously.

**Roll Call 34** Peterson moved to approve form of continuing disclosure and place it on file. Glover seconded. Roll call vote passed unanimously.

**Item 12: Consideration of a resolution 11-0124/35 approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$440,000 general obligation capital loan notes, series 2011B and levying a tax to pay the notes. Roll call 035**  
Willits moved approval, Peterson seconded. Roll call vote passed unanimously.

**Item 13: Staff updates:**  
None.

**Item 14: Council member comments:**  
None.

**Item 15: Mayor's inquiries.**

Mayor Sullivan noted that Premium Solutions & Matt Cale State Farm are having an open house on Thursday, January 27th from 11:30 am to 1:30 pm & 4:30 pm to 6:30 pm. The official ribbon cutting will take place around 5:30 pm. He also noted that on Saturday, January 29th will be the annual Legislative Coffee hosted by the Chamber will be at 3E Conference Center from 9-11 a.m. This event is open to the public. He also thanked the Fire Department for everything they did for Chief Hunter's funeral.

**Item 16: Adjournment to closed session pursuant to 21.5j (real estate) of the Code of Iowa. Roll Call 036**

Peterson moved to adjourn to closed session, Willits seconded. Roll call vote passed unanimously. Mayor Sullivan adjourned at 6:25 pm to closed session.

Mayor Sullivan opened the public meeting at 7:14 pm.

**Item 17: Adjournment - Roll Call 37**

At 7:15 p.m. Peterson moved Glover seconded to adjourn to 6:00 p.m. on Monday, February 7, 2011. Roll call vote passed unanimously.

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk