

October 4, 2010
CITY OF WINDSOR HEIGHTS REGULAR BUSINESS MEETING MINUTES
6:00 P.M. – Council Chambers
Publication version

RC= RC

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

RC 281

Peterson moved Butz seconded approval of agenda. Voice vote passed unanimously.

RC 282

Peterson moved Willits seconded approval of September 20, 2010 minutes. Voice vote passed unanimously, Jenison and Glover abstaining.

RC 283

Peterson moved Jenison seconded approval of September 16, 2010 study session minutes. Voice vote passed unanimously.

RCs 284-287

Willits moved Butz seconded approval: August Fire Report, Move date of public hearing for FY 2011 Budget Amendment #1 from October 4th to October 25, 2010 at 6:00 pm, Documentation of disposal of damaged and obsolete equipment, Claims and Payroll. Voice vote passed unanimously.

RC 288 Resolution 10-1004/288 adjusting frequency of registration for home based businesses.

Peterson moved approval Willits seconded with decreasing the registration fee to \$10 per year instead of \$25. RC Vote passed with Butz and Glover voting no.

RC 289 Resolution 10-1004/289 approving with Commercial Building Services. Peterson moved Willits seconded to defer so adjustment can be made to create a timeline for response to an emergency cleaning. RC vote passed unanimously.

RC 290 Resolution 10-1004/290 modifying Windsor Heights Community Center Rental Agreement.

Peterson moved approval with modifications adjusting that requests for rental reductions be sent to and approved by the Parks and Special Events Coordinator, Glover seconded approval. RC vote passed unanimously.

RC 291 Resolution 10-1004/291 fixing date for meeting on authorization of loan agreement and issuance of not to exceed \$4,350,000 taxable general obligation REFUNDING CAPITAL LOAN notes, SERIES 2011A, of the City of Windsor Heights, State of Iowa, and providing for publication of notice thereof.

Willits moved Peterson seconded approval. RC vote passed unanimously.

RC 292 Resolution 10-1004/292 fixing date for meeting on authorization of loan agreement and issuance of not to exceed \$475,000 general obligation REFUNDING CAPITAL LOAN notes, SERIES 2011B, of the City of Windsor Heights, State of Iowa, and providing for publication of notice thereof.

Peterson moved Willits seconded approval. RC vote passed unanimously.

RC 293 Adjournment

Jenison moved Glover seconded to adjourn at 7:05 pm to 6:00 p.m. on Monday, October 25th, 2010. Voice vote passed unanimously.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

October 4, 2010
CITY OF WINDSOR HEIGHTS REGULAR BUSINESS MEETING MINUTES
6:00 P.M. – Council Chambers
Unabridged version

Item 1: Roll Call

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

Item 2: Approval of the Agenda - Roll Call 281

Peterson moved Butz seconded approval. Voice vote passed unanimously.

Item 3: Good of the Order

Trevor Huffaker from the Windsor Heights Neighborhood Association made a presentation to the city regarding a tree planted near the new Community Center that honors the police and fire department. The Association donated \$250 towards the purchase price of the tree.

Mayor Sullivan read a proclamation for Wal-mart in appreciation for their support towards city special events and other city projects.

Item 4: Approval of the minutes - Roll Call 282

Peterson moved approval of the September 20, 2010 minutes. Willits seconded approval. Voice vote passed unanimously with Jenison and Glover abstaining.

Roll Call 283

Peterson moved approval of the September 16, 2010 study session minutes. Jenison seconded approval. Voice vote passed unanimously.

Item 5: Public Comment

Sylvia Owens thanked everyone for the great time at Oktoberfest. She said the volunteers felt safe, included and appreciated.

Allen Sydnes, 2012 66th Street, thanked the council for their endurance and discussion during the study session. He noted the difficulties because of the recession and liked the council was doing what they could to help alleviate the problems, including refinancing.

Dennis Block, 6412 University, apologized if he used the word "severe" during the last council meeting to describe the burns because he said that was not accurate. He would like that stricken from the minutes. He asked if all city email communication would come out under the Windsor Wave name. Oliver said that is correct. He asked that maybe a traditional email be sent giving people notice. He also said he attended Oktoberfest and thought it was great. He noted his surprise to see Flo Hunter there making funnel cakes.

Item 6: Consent Agenda - Roll Calls 284-287

Willits moved Butz seconded approval: August Fire Report, Move date of public hearing for FY 2011 Budget Amendment #1 from October 4th to October 25, 2010 at 6:00 pm, Documentation of disposal of damaged and obsolete equipment, Claims and Payroll. Voice vote passed unanimously.

Item 7: Discussion and possible consideration of resolution 10-1004/288 adjusting the frequency of registration for home based businesses. - Roll Call 288

Oliver explained that currently, Windsor Heights requires home-based businesses to register with the city in compliance with the city code on a biennial basis. In order to better track home-based businesses and ensure they continue to meet the criteria of home-based business and respond to complaints, staff recommends changing the requirement to have those businesses register annually with the city. Willits asked what the criteria for a home-based business are. Oliver said there is a list of about six different items in the packet. Butz asked if the City has had that many problems with home-based businesses. Oliver said she could think of three in the past couple of years. Butz said it just seems like small businesses are being killed one way or another and to put more things on them and it is not necessary. Willits asked if they had to meet all of the criteria to be considered a home-based business. Oliver said what they will look at is if a business is generating traffic, how much are they generating; and if you are generating enough traffic that you are interfering with your neighbors' enjoyment of their residential property, then you would not qualify as a home-based business. Those kinds of things are the thing that Butz said that does not play into how often they should register and if they are being nuisance that is a separate issue. Oliver said the idea at the staff level is that it lets us keep closer track of it and if we are having problems and complaints, we could address those problems sooner when they come into re-register. Willits asked if we have zoning codes to address this. Oliver said this would be another tool to let staff react more quickly. Glover thinks it is redundant.

Jenison said he can understand why the city would want to keep track of what business is where and there are a lot of good reasons for that, but he knows of a business that refuses to register and nothing really happens. We either cannot or will not make them register. He does not want to mount more and more rules and regulations on fees on business that might be barely holding on. Is there a way to do that without taxing them further and agrees that it might be redundant. He also worries about another tax on small businesses. Oliver said that it could simply be left as it currently stands.

Peterson asked what power the City has for shutting down a business that is not registered. Oliver said we could fine them for operating a business in violation of the zoning code. Peterson said that if a business is in violation and they come into renew, what happens? Oliver said the City does not renew the permit. Peterson asked what happens if they continue to operate the business. Oliver said the City can then take appropriate legal action. Burk noted further that civil fines can be imposed for violation of the zoning code. Peterson said his neighborhood has had a problem in the past with an in-home business and no one could touch them. It was an Alheimers home. Burk mentioned that type of operation is afforded special protection under the Iowa Code. Oliver said that the City has been able to deter problems with the registration process as well. Butz said if there is a problem we do not want to wait for registration whether it is annual or biennial. It seems redundant. Willits asked if there is a problem with a business, would it be easier to deal with them through an annual application. Oliver asked if it was the registration or the fee that was troubling. She suggested that the fee could be lowered. Willits noted that there are also safety concerns and we would like to know what businesses we have locally.

Chief McDaniel noted he looks at this like a tobacco or liquor license, done on an annual basis, to give the city more regulatory authority in cases of problems. This gives the city the ability to regulate the process. It is sometimes hard to do anything unless complaints are not anonymous and someone is willing to sign an affidavit with a complaint. McDaniel said if the fee was problematic, he suggested making the registration on an annual basis, but cut the fee in half. Jenison asked that we go back and make sure that all the other ordinances that affect home businesses and make sure they are up-to-date. Willits liked the Chief's idea of cutting the fee in half and requiring a yearly registration. Glover asked if she was suggesting having them register every year, but only pay the \$25 every other year. Willits said she meant they should apply annually and pay \$12.50. Glover said she did not realize it was such a problem. McDaniel said when it comes time to enforce and staff needs an extra tool to mediate problems, it is there to use. Peterson said he favored making it \$10 annually and helping out the small businesses. Peterson moved approval with decreasing the registration fee to \$10 per year instead of the proposed \$25, Willits seconded. Dave Burgess, 7036 Wilshire, said the city can keep track of everything on a spreadsheet and that it would not be a complicated process. Nicole Molt, 7022 Del Matro Ave, thanked the council for the discussion and was happy the way the discussion ended. She said more businesses may even register with the new lower fee. Dennis Block, 6412 University, noted the city should be encouraging small business, not discouraging with fees. He also worries about the complaint process. Jenison asked Block if he thought lowering the fee would hurt small business. Block said no and thanked Dave for the clarification. Jenison asked Block then how this restricts the businesses when it does not change the base requirements. Block noted it reminded him of a parking problem he had with his vehicle and the constant complaints and harassment he received. Jenison asked if he had a home based business. Block said no. Jenison asked if the parking issue was related to a home-based business. Block said if neighbors complain it will just then drive businesses out of business. A motion by Peterson seconded by Willits to approve the resolution with the adjustment of a \$10 annual fee passed on a roll call vote with Butz and Glover voting no.

Item 8: Consideration of a resolution 10-1004/289 approving with Commercial Building Services as the cleaning service contractor for City Hall and the Windsor Heights Community Center. Roll Call 289

Jenison asked about what the response time would be for emergency cleanings. Heggen said the vendor had always been good about responding in a quick manner. He suggested passing the resolution with wording requiring a 24 hour response time. Peterson asked if they are easy enough to work with to make this happen. VanAusdall said with his experience, they have been Johnny on the spot when needed. Heggen said if this company is not available, say if there is little time between rentals, then city personnel would step up and clean the building as much as possible. Jenison said he would like to see if worded in the contract. Peterson moved to defer so adjustment can be made to create a timeline for response to an emergency cleaning, Willits seconded. Roll call vote passed unanimously.

Item 9: Consideration of a resolution 10-1004/290 modifying the Windsor Heights Community Center Rental Agreement. Roll Call 290

Peterson suggested changing the agreement so the Parks and Special Events Coordinator can waive the minimum or fee. Oliver said this would give the coordinator the flexibility to negotiate if a business or person wants multiple rentals. Butz asked why change the non-profit rate. Oliver said to make it more consistent with other rental locations. Willits noted the non-profit rental is way up. Jenison noted because they can rent at a lower cost, it can crowd out other rentals or citizens. Willits asked if others give a non-profit discount. Heggen said that West Des Moines does. Oliver said Windsor Heights will still be less expensive. Peterson moved approval with modifications adjusting that requests for rental reductions be sent to and approved by the Parks and Special Events Coordinator, Glover seconded approval. Roll Call vote passed unanimously.

Item 10: Consideration of resolution 10-1004/291 fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$4,350,000 taxable general obligation REFUNDING CAPITAL LOAN notes, SERIES 2011A, of the City of Windsor Heights, State of Iowa, and providing for publication of notice thereof. Roll Call 291

Willits moved approval with, Peterson seconded approval. Tionna Pooler, for Public Financial Management reviewed the bonds with the city. Willits suggested a meeting with the Polk County Assessor to discuss ramifications of assessment decisions made. Glover said she cannot imagine that Windsor Heights is the first city to have those concerns. Jenison thanked Tionna for her time and expertise. Tionna thanked the council. Roll Call vote passed unanimously.

Item 11: Consideration of resolution 10-1004/292 fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$475,000 general obligation REFUNDING CAPITAL LOAN notes, SERIES 2011B, of the City of Windsor Heights, State of Iowa, and providing for publication of notice thereof. Roll Call 292

Peterson moved Willits seconded approval. Roll Call vote passed unanimously.

Item 12: Staff updates:

VanAusdall noted the sound wall is moving along very quickly behind public works and said they should be done by the winter.

Item 13: Council member comments:

Glover thanked VanAusdall, Sandie Sydnes, Ann Burgess for making the fall clean up day a success. Butz thanked everyone for helping with the cleanup day. Willits thanked everyone for the work on Oktoberfest, it was a great event. Willits asked if the city could get a presentation on TIF and how it works and what is has done for the city and where the city would be without TIF. Glover agreed, noting the city would be in a different financial position if not for TIF. Jenison said that would be a good idea. Glover said the situation cannot be blamed entirely on the recession; there was also bad timing and bad decisions. Butz said at Oktoberfest a citizen commented on the fast response of the city police department. She also thanked VanAusdall for fixing the sewer lid in front of her house.

Item 14: Mayor's inquiries.

Mayor Sullivan noted the next council meeting scheduled for October 18th has been moved to October 25th.

Item 15: Adjournment - Roll Call 293

Jenison moved Glover seconded to adjourn at 7:05 pm to 6:00 p.m. on Monday, October 25th, 2010. Roll call vote passed unanimously.

ATTEST:

Jerry Sullivan, Mayor

Marketa George Oliver, City Administrator/Clerk