

December 6, 2010
CITY OF WINDSOR HEIGHTS REGULAR BUSINESS MEETING MINUTES
6:00 pm City Hall
Publication version

RC=Roll Call

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

RC 331

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

RC 332

Jenison moved Glover seconded approval of November 15th, 2010 minutes. Voice vote passed unanimously.

RC 333-336

Peterson moved Willits seconded approval to set date of public hearing for FY 11 Budget Amendment #2 for 12.20.10, October Police, October Clerk and Investment Report and Claims and Payroll.

RC 337 Liquor License request: The Sugar Shack (801 73rd Street)

Willits moved Glover seconded denial of the request. RC vote passed unanimously.

RC 338 Resolution approving purchase of LED traffic light retrofits in the amount of \$13,200 in accordance with the Energy Efficiency Conservation Block Grant. Peterson moved Willits seconded approval. RC vote passed unanimously.

RC 339 Ordinance 10-13 amending public consumption regulations in City Code Chapter 40.06.02(2)

RC 339 Peterson moved Jenison seconded approval of the first reading. RC vote passed unanimously.

RC 340

Peterson moved Willits seconded approval of second reading. RC vote passed unanimously.

RC 341 Ordinance 10-14 amending provisions on existing animal control regulations in City Code Chapter 55.

Willits moved Butz seconded approval of first reading. RC vote passed unanimously.

RC 342

Butz moved Glover seconded approval of second reading. RC vote passed unanimously.

RC 343

At 6:50 p.m. Peterson moved Glover seconded to adjourn to 6:00 p.m. December 20, 2010. Voice vote passed unanimously.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

December 6, 2010
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: Diana Willits, Steve Peterson, 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 Assistant City Attorney Pat Burk present.

Item 2: Approval of the Agenda - Roll Call 331

Peterson moved Willits seconded approval. Voice vote passed unanimously.

Item 3: Good of the Order

Kris Gregersen from the Windsor Heights Chamber of Commerce noted the great success of the Haunting in the Heights. He presented checks to the Windsor Heights Police Association and Fire Association on behalf of the Chamber.

Item 4: Approval of the minutes - Roll Call 332

Jenison moved Glover seconded approval of November 15th, 2010 minutes. Voice vote passed unanimously.

Item 5: Public Comment

None.

Item 6: Consent Agenda - Roll Calls 333-336

Peterson moved Willits seconded approval to set date of public hearing for FY 11 Budget Amendment #2 for 12.20.10, October Police and October Clerk and Investment Report and Claims and Payroll.

Item 7: Consideration of Liquor License request: The Sugar Shack (801 73rd Street) Roll Call 337

Chief McDaniel provided the council with information from the background check that was made on this request. The requesting party is Julie White. Below is a memo he read and shared with the council.

Domestic Profit Corporations (*source Secretary of State webpage*):

- Sugar Entertainment Inc., filed 11-10-10 (active)
- Courtside Urban Wear Inc., filed 9-11-09 (inactive)
- Court Side Entertainment Inc., filed 9-25-07 (inactive)
- WW Investments Inc., filed 3-3-06 (inactive)

WW Investments has pending legal action set for trial in early December. McDaniel introduced a photo from Courtside Urban Wear Facebook Page.

Current Business Venture is the Courtside Bar at 1014 East 14th St. DSM, IA

- There have been 36 calls for service at Courtside Bar this calendar year.
- From July 2008 through November 2010 there have been 32 cases made on the Courtside Bar by DMPD.

Below are some of the public interest cases taken from the Courtside Bar.

- **DMPD Case # 10-34502 October 24, 2010** 0100 hrs, Patron assaulted at the bar by an associate of the owner. Victim received several stitches, skull fracture, loss of hearing and brain trauma.
- **DMPD Vice Case # 10-33144 October 12, 2010** 0225 hrs, offense serving after hours. Employee was suspected of dispensing after hours. Ron Williams and several patrons were in locked bar after hours playing poker. After doors were unlocked and officers gained entry no drinks were in front of any one at the bar. Officers did observe a bottle of beer and mixed drink at the end of the bar.
- **DMPD Case # 10-28817 September 4, 2010** 2306 hrs, an employee of the bar (cook) was assaulted by a regular customer of Courtside. The victim was hit in the head with a beer bottle and had to be taken to the hospital by Julie White.
- **DMPD Case # 10-20041 June 10, 2010** 0045 hrs, a patron was stabbed in both thighs and in the hand inside the bar while waiting in line for food.
- **DMPD Case # 10-18006 June 9, 2010** 0103 hrs, DMPD investigated a shooting where two patrons were told to quiet down in the parking lot and dispose of their alcohol. The patrons then came into the bar and fired shots into the air and attacked the bouncer who also reported being shot in the hand.
- **DMPD Case #08-42058 November 16, 2008** 2226 hrs, Patron removed from bar for harassing other patrons. He went to his vehicle and retrieved a handgun, walked into the bar and showed a large silver revolver, walked outside and fired a few rounds, and then got in his vehicle and drove away.
- **DMPD Case #08-34918 September 23, 2008** 2045 hrs, dispute between patrons at “Ron Ron’s Bar” (same location) over a missing pair of glasses where one party brandished a large knife.

On 11/15/10 a DMPD Vice officer was interviewed by a WHPD employee and advised that Vice had recently done a Tobacco compliance check at Courtside and they had passed the compliance check. He did confirm that they have investigated shooting, stabbing, and fight calls. He also advised that the bar patrons are a rough and rowdy crowd.

- **DMPD Case #06-52817 October 30, 2006** 0201 hrs, Julie White and Ron Williams were in charge of another bar, the **Double Deuce at 2222 Forest**. Officers did a bar check due to observing a number of people still inside after closing. Patrons were observed inside the bar drinking bottles and glasses of beer after closing. Case was forwarded to Vice unit for follow-up.
- **DMPD Case #06-39981 September 24, 2006** 0130 hrs, officers responded to a fight across the street from the Double Deuce. Officers observed several persons with alcoholic drinks in red plastic cups. Upon further investigation they contacted the bar owner, Julie White, who confirmed the bar was serving drinks in these cups and advised that several people left at the same time and she was unable to control the crowd. Officers also observed several empty beer cans and liquor bottles in the parking lot area.

Julie White has the following incidents and arrests- Per I-LEADS and IA Courts Online:

- Two arrests for misdemeanor thefts in the 1990's and a misdemeanor drug conviction
- OWI 1st conviction in 2003 and two liquor law complaints in 2006
- A few traffic violations in recent history.

Willits asked if the courtside bar had 36 calls for service in the last year. McDaniel said yes and that it is still owned by White. Julie White, 201 3rd St. West Des Moines, noted most of the calls to her business have not been major. Of the three major calls, one had to do with a problem between a cook at the restaurant and another gentleman, nothing to do with the business, and a beer bottle was hit over the cook's head. Another stabbing was immediately broken up by the bouncers and charges were pressed. The third incident involved the bouncers kicking a person out of the business who came back with a gun and fired that gun into the air. She noted the businesses try to handle things proactively, with bouncers, off duty police officers, joining the neighborhood association, etc. Jenison asked who the aggressor was in the beer bottle incident and stabbing. White said the patron with the beer bottle and the patron who was stabbed was the aggressor. Jenison asked if pat downs are normal. White said yes. Jenison asked what time problems typically occur. White said between 11 p.m. and 2 a.m. Willits asked if she was involved in four businesses. White said just one currently. Willits asked about what the bar will be like. White said they will host sporting events, dance and night club. Willits asked if this is similar to the courtside bar. White said there was no dancing at the Courtside. Glover asked if she has regular patrons. White said yes and they have been in businesses for many years. Glover asked who "we" is. White said her husband who works at the business with her. Sullivan asked who she is leasing from. White said she is subleasing until June and then will lease the space directly. Glover said she is not comfortable with pat downs and asked why that needs to happen. White said it is to create a comfort level for patrons so they know everything is safe. Glover said this bar is not a good fit for Windsor Heights. Jenison agreed and said he does not think this sounds like a friendly establishment. Martin Brody, 768 Foster Drive, said he has owned the building for over 20 years and this area was remodeled several years ago into a bar. He believes Julie is a great choice to lead the bar because of her experience. He noted all bars have problems and that she understands the business and how to minimize the risk. He noted the difficulty in renting any type of space in this economy. He worries the next leaser may not be as good as she could be. White said she understands the concern with pat downs, but that it is only needed to help with safety and if that is a big concern, she would not do the pat downs. Willits moved to deny the liquor license request, Glover seconded. Roll call vote passed unanimously.

Item 8: Consideration of a resolution approving the purchase of LED traffic light retrofits in the amount of \$13,200 and in accordance with the Energy Efficiency Conservation Block Grant. Roll Call 338 Peterson moved approval, Willits seconded. Roll call vote passed unanimously.

Item 9: Discussion and possible consideration of Ordinance 10-13 amending provisions on the existing public consumption regulations in City Code Chapter 40.06.02(2) Roll Call 339

McDaniel noted this is cleaning up some language changes from the recodification process. Peterson moved approval of the first reading, Jenison seconded. Roll call vote passed unanimously.

Roll call 340

Peterson moved approval of the first reading, Willits seconded. Roll call vote passed unanimously.

Item 10: Discussion and possible consideration of Ordinance 10-14 amending provisions on the existing animal protection and control regulations in City Code Chapter 55. Roll Call 341

McDaniel reviewed the potential changes with the council members. Willits asked if a reminder form can be sent out. McDaniel said that is the plan and will include information in the newsletter and Windsor Wave. Willits moved approval of the first reading, Butz seconded. Roll call vote passed unanimously.

Roll call 342

Butz moved approval of the first reading, Glover seconded. Roll call vote passed unanimously.

Item 11: Staff updates:

VanAusdall reported that Veenstra and Kimm completed the manhole inspections and the VisuSewer will begin the videoing of the sewer in January. Peterson asked how long that will take. VanAusdall estimates about 3 months, depending on the weather. Peterson asked if this was the same company that did it the first time. VanAusdall said this is a different company. McDaniel noted an open house will be on Dec 16th at 1907 Carpenter for the Polk County Emergency Management building. Cross invited council members to the Fire Department graduation on Dec 8th for the new members. Brannen shared with the council a rotating password device Bankers Trust provided the city for extra account security.

Item 12: Council member comments:

Glover thanked McDaniel for bringing in the mediation people during the last council meeting. Willits thanked staff and everyone involved for Windsor Wonderland. Jenison thanked Levine and the Special Events Committee, ARL, HyVee, Jan Hutchinson, Donna Markley, San's Club, Valley High Silver Cord Students, Walmart, Windsor Heights Neighborhood Association, Windsor Heights Neighborhood Watch, Walnut Creek Community Church for helping with Windsor Wonderland. Butz asked if Community Coffee Club was happening on fourth Saturday of December and Oliver said due to the holiday, the Coffee Club was re-scheduled to December 18th.

Item 13: Mayor's inquiries.

Sullivan thanked the Fire Department for everything on Santa Day. Willits also thanked them.

Item 14: Adjournment - Roll Call 343

At 6:50 p.m. Peterson moved Glover seconded to adjourn to 6:00 p.m. on Monday, December 20, 2010. Roll call vote passed unanimously.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk