

**City of Windsor Heights Regular Business Meeting Minutes
Monday, October 1, 2018- 6:00 PM. Council Chambers**

1. Call to Order

Mayor Burgess called the meeting to order at 6:00 PM.

2. Roll Call

Council members present: Michael Loffredo, Mike Jones, Threase Harms, Zachary Bales-Henry and Joseph Jones.

Staff present: City Administrator Elizabeth Hansen, City Clerk Travis Cooke, Public Safety Director/Police Chief Chad McCluskey, Deputy Clerk/Communications Specialist Jessica Vogel, City Attorney Erin Clanton, and City Engineer Justin Ernst.

3. Approval of the Agenda: Motion by Mike Jones to approve the agenda. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.

4. Update from Polk County Supervisor Robert Brownell

Polk County Supervisor Robert Brownell gave an update on Polk County that included the topics of property valuations; private school funding for technology upgrades that met the public good for refugees and immigrants attending those schools; the positive impacts of 120 refugee and immigrant families moving into the Metro area annually; and the Urbandale Food Pantry serving the needs of the 23,000 food insecure and hungry and the 50,000 food insecure but not hungry populations in the Metro.

5. Presentation on City-wide Storm Water Analysis by Bolton and Menk.

City Engineer Justin Ernst from Bolton and Menk were in attendance to present the City-wide Storm Water Analysis with the goal of incorporating the findings into the CIP process. Harms asked how the analysis fit into flood mitigation. Council discussed the difference between flood mitigation planning and storm water management planning. Ernst gave the key highlights of the report including the existing undersized piping, lack of intakes, and reducing runoff. The estimated cost to complete all projects presented is \$15.582 million using this year's pricing, no survey costs, and no potential utility conflicts. Administrator Hansen noted that the City has been budgeting installation of intakes into the CIP and has been doing slip lining of the sanitary sewer. Anne Avise – 6750 School St. # 1013 - asked what happens when Walnut Creek floods. Ernst answered that the entire storm water system backs up but additional storage capacity in the system can mitigate 5 year and 10 year events but not what happened in July. John Neiderbach – 1440 63rd St. – reported that research is showing that rainfall events will be increasing in intensity and frequency and that runoff mitigation needs to be considered. Marcus Lang– 7260 Sunrise Blvd. – reported that a storm sewer line in his backyard has failed on at least 2 or 3 occasions and asked if any blockages have been found.

6. Public Hearings

A. Public Hearing on Automatic Traffic Enforcement (ATE) Revenues and Expenses for FY 2018-2019: Motion by Harms to open the public hearing at 6:44 PM. Seconded by Loffredo. Motion passed unanimously on a roll call vote.

Nicole Crain – 7022 Del Matro Ave – Thanked Council for having the public hearing. Revenues were intended for public safety improvements. ATEs dollars are not working to reduce speed as initially intended. Wants to see the City to use ATE funds for one-time expenses rather than for ongoing expenses that should be part of the general budget. Does not want to see ATE funds become a slush fund. Supports the contract employee for public safety but has concerns with paying that employee with one-time money when it could become an on-going expense.

John Thompson - 6300 School St. #222 – ATE funds should be used for public safety. Wants to see the City give 10% of the revenues to the Iowa Highway Patrol.

Loffredo commented that he appreciated the public input from John. Motion by Harms to close the public hearing at 6:50 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.

- i) Approve Resolution No. 18-0939, A Resolution Approving the Plan for Automatic Traffic Enforcement (ATE) Revenues and Expenses for FY 2018-19:** Motion by Mike Jones to approve Resolution No. 18-0939, A Resolution Approving the Plan for Automatic Traffic Enforcement (ATE) Revenues and Expenses for FY 2018-19. Seconded by Joseph Jones. Comments: Harms clarified that the contract employee position with Chief McCluskey would not become an ongoing expense if the revenues were not there. Harms agreed with

Nicole Crain on spending of the ATE revenue and noted that a significant portion of it is dedicated to street repair and infrastructure improvements. Motion carried unanimously on a roll call vote.

7. Public Comment

Nicole Crain – 7022 Del Matro – shared frustration with the 15 month sidewalk project in front of her home. Stated that her yard is a mud pit and that rocks are under the topsoil. Topsoil has been washing away and does not think the contractor will have the seeding done before next year. Would like to see the project completed.

Loffredo commented that there have been dozens of complaints and that he has empathy for those impacted. Michael Libbie – 6601 Northwest Dr. – Chamber updates including: public meeting on Medpharm on October 23rd at 7:00 PM at Sherwood Forest; ribbon cuttings for Sherwood Forest Event Center; Peterson Painting; and an upcoming ribbon cutting for Sweet Swirls on October 11th at 5:30 PM; update on Super Quick Mart; continuing outreach on University Avenue project; and lunch and learn update with guest speaker Kirsten Anderson.

Meggan John - 6714 University – spoke in -opposition of University Avenue project.

8. Consent Agenda

A. Approve Minutes of the Regular Council Meeting on September 17, 2018

B. Approve Payment of Cash Disbursements

C. Set a Public Hearing for October 15, 2018, to consider an amendment to Chapter 175 pertaining to Signs

D. Set a Public Hearing for October 15, 2018, to consider an amendment to Chapter 4 and Chapter 60 pertaining to ATE collections

E. Resolution No. 18-1040, A Resolution Approving an Amendment to the Fee Schedule of the City's Code of Ordinances

Motion by Loffredo to approve the consent agenda with item #8B to be removed for separate consideration. Seconded by Harms. Motion passed unanimously on a roll call vote.

Motion by Harms to approve item #8B with the payment for the September/October newsletter to reflect the full price as stated on the invoice. Harms noted that the copyediting fee was removed by staff and that the math did not equal the reduction of the copyediting fee. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.

9. Old Business:

A. Update from Bolton and Menk on Project Punch Lists: Justin gave updates on the project punch lists and noted that the contractors have been more responsive and progress is being made. The Council held a discussion on the outstanding issues with Ernst.

B. Discussion and Appropriate Follow up on amendments to Section 2.06 of the Council Rules of Governance (Standard Operating Procedures): Loffredo presented the following proposed updates to the SOP: 1. Accurately reflect councils' comments on each agenda item (who, what); 2. Public Comments: Accurately reflect the intent of the speaker's remarks (who, what); 3. Motions: Restate motion, accurate representation of council comments (who, what), vote or withdraw, ayes and nays; 4. Summarize council reports and/or additional comments; 5. Two days prior to printing, drafts of minutes mailed to council and staff for editing; 6. Update the minutes based on edits received; 7. Thereafter, minutes have implied acceptance. Loffredo stated that his goal is to waste less time on minutes and improve accuracy. Clerk Cooke stated that Iowa Code required that the minutes be published no later than 15 days after the meeting and that does not give staff enough time to send out drafts to Council for additional editing before the publishing deadline and suggested that any edits be noted in the following meeting's minutes to save republishing expenses. Harms stated that clear guidance needed to be given to the Clerk and that if amending the SOP is how to do it then amend the SOP. Legal gave clarification on published minutes as official record. Cooke clarified Iowa code and that it would be difficult for Council to approve minutes before the publication deadline. Mayor Burgess asked Council for more time for the Clerk to implement his version of the minutes. Council came to the consensus to update the SOP. Motion by Harms to direct staff to draft changes to the SOP to reflect items # 1, 2, 3, 4, and 6 as stated above. Seconded by Loffredo. Motion passed unanimously on a roll call vote.

C. 2018 HMA Resurfacing - Grimes Asphalt and Paving Corporation

- i) **Approve Change Order No. 4 in the amount of \$780.90:** Motion by Harms to approve Change Order No. 4 in the amount of \$780.90. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.
- ii) **Approve Pay Request No. 5 in the amount of \$63,045.94:** Motion by Harms to approve Pay Request No. 5 in the amount of \$63,054.94. Seconded by Loffredo. Motion passed unanimously on a roll call vote.

D. Approve Pay Request No. 2 to Kingston Services for the PCC Patching Project in the amount of \$130,239.97: Motion by Loffredo to approve Pay Request No. 2 to Kingston Services for the PCC Patching Project in the amount of \$130,239.97. Seconded by Mike Jones. Motion passed unanimously on a roll call vote.

E. Second Reading of Ordinance No. 18-13, A new Ordinance Chapter 40.02.15 of the Code of Ordinances prohibiting Smoking and Tobacco Use at City Facilities: Motion by Harms to approve the second reading of Ordinance No.18-13, A new Ordinance Chapter 40.02.15 of the Code of Ordinances prohibiting Smoking and Tobacco Use at City Facilities. Seconded by Mike Jones. Motion carried unanimously on a roll call vote. Motion by Loffredo to waive the third and final reading of Ordinance No.18-13, A new Ordinance Chapter 40.02.15 of the Code of Ordinances prohibiting Smoking and Tobacco Use at City Facilities. Seconded by Joseph Jones. Motion carried unanimously on a roll call vote.

F. Discussion and Appropriate Follow-Up of Scope and Fee for 73rd Street Trail Connection Project: Ernst gave an overview of the project from Buffalo Road to Center Street. Mayor Burgess asked if West Des Moines was going to connect to the trail. Ernst explained that it is now a possibility. Harms stated that she and Bales-Henry requested that this item be brought back to the Council for reconsideration due to the need for safe pedestrian access along 73rd Street including safety and economic development. Harms also mentioned the time she witnessed someone in a wheelchair on 73rd Street last winter. Loffredo commented that it was voted on before and that it failed and asked how many times an item can be brought back up for discussion. Legal clarified the SOP. Motion by Harms to approve the Scope and Fee for 73rd Street Trail Connection Project. Seconded by Joseph Jones. Comments: Nicole Crain – 7022 Del Matro – projects should be completed before starting new ones. Against the feasibility study without knowing if the railroad will approve it. There are more immediate infrastructure needs. John Thompson - 6300 School St. #222 – is against the action. This is a bridge to nowhere. Mike Jones stated that he does not support the action noting that the City identified \$15.5 million in storm sewer needs earlier in the meeting and that this entire project if feasible would cost \$1.4 million. Roll call vote: Mike Jones – nay, Bales-Henry – aye, Joseph Jones – aye, Harms – aye, and Loffredo – nay. Motion passed 3-2.

10. New Business

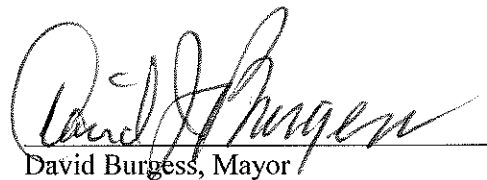
A. Discussion and Appropriate Follow Up on Fireworks Ordinances: Motion by Loffredo to set the public hearing for the proposed Fireworks Ordinance changes for October 15, 2018 at 6:00 PM. Seconded by Harms. Motion passed unanimously on a roll call vote.

B. Resolution No.18-1041, A Resolution Authorizing the City of Windsor Heights, Iowa, to Make an Application to the Iowa Department of Transportation Clean Air Attainment Program (ICAAP) for the Partial Funding of Traffic Improvements on University Avenue and Further Obligating the City to Assume Responsibility for any Additional Funds Necessary for Said Project: Motion by Bales-Henry to approve Resolution No.18-1041, A Resolution Authorizing the City of Windsor Heights, Iowa, to Make an Application to the Iowa Department of Transportation Clean Air Attainment Program (ICAAP) for the Partial Funding of Traffic Improvements on University Avenue and Further Obligating the City to Assume Responsibility for any Additional Funds Necessary for Said Project. Seconded by Harms. Comments: Administrator Hansen noted that the grant is for \$400,000 for traffic signals. Mike Jones asked Justin Ernst why the project estimates have increased to \$6.2 million. Ernst noted that the project now consists of 3 blocks of total reconstruction. Mike Jones asked if the resolution is going to bind the City to do the project and if it's the same plan that Mayor Burgess said he was going to veto. Loffredo asked why approve the resolution if the Mayor is going to veto the project. Legal noted that the Council can override a veto. Harms stated that she was in favor of the resolution and that University Avenue needs to be addressed. Loffredo sees the project as 4 independent components as part of the complete streets recommendation. Roll call vote: Mike Jones – nay, Harms – aye, Loffredo – nay, Joseph Jones – aye, and Bales-Henry – aye. Motion passed 3-2.

- 13. Closed Session:** Pursuant to Iowa Code Section 21.5 (1)(c) To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Motion by Loffredo to go into Closed Session at 7:59 PM. Seconded by Mike Jones. Motion passed unanimously on a roll call vote. Motion by Harms to leave Close Session at 8:21 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
- 11. Closed Session:** Pursuant to Iowa Code Section 21.5 (1)(j) To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Motion by Harms to go into Closed Session at 8:22 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote. Motion by Harms to leave Closed Session at 8:29 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote.
- 12. Reports: Mayor/Council/Staff/Board/Committee/Commission Updates:**
Mayor: DART proposal to increase property tax levy.
Bales-Henry: DART funding and proposed levy updates. Need to lobby the State and diversify funding. Purpose of DART is providing a needed service, organization runs lean and does not have the other forms of revenue that other cities across the nation have. Windsor Heights is the only community at the \$.95 levy and even if DART gets all cities in the Metro to the \$.95 levy DART would not be operational after 2024. LOST would have brought in more revenue. More formal meetings upcoming.
Joseph Jones: MPO updates are ongoing. Will be reducing the size of the policy committee from 53 to 36 members.
Mike Loffredo: Not having the crossing guard applicant information before the hire. Chief McCluskey clarified that nothing was hidden from the Council because the hire was still in process and that the Council was kept updated. Loffredo disputed this. Mayor Burgess said that if there's a question about a City hire he can come to Liz or himself.
Mike Jones: City staff should handle hiring process and that if certain City Council members show interest in a certain issue then in the future those members should be kept in the loop as much as possible.
Harms: Wants to revisit the 63rd Street crossing at Cowles Elementary and would like to see the history on the issue. Windsor Wonderland is set for December 8th from 9-11 AM. Looking for sponsors and volunteers. Asked for details on the employee rollout for the tobacco policy and what cessation benefits are available to employees.
- 13. Closed Session:** Pursuant to Iowa Code Section 21.5 (1) (i) To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary and that individual requests a closed session. Motion by Harms to go into Closed Session at 8:55 PM. Seconded by Bales-Henry. Motion passed unanimously on a roll call vote. Motion by Harms to leave Closed Session at 9:14 PM. Seconded by Joseph Jones. Motion carried unanimously on a roll call vote.
- 14. Adjourn to 6:00 PM on Monday, October 15, 2018 for a Regular Council Meeting at the Council Chambers:** Motion by Loffredo to adjourn the meeting at 9:15 PM. Seconded by Joseph Jones. Motion passed unanimously on a roll call vote.

ATTEST:

Travis Cooke, City Clerk



David Burgess, Mayor