

CITY COUNCIL MEETING
Tuesday, April 10, 2012
Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Thomas Armstrong on Tuesday, April 10, 2012 at 5:30 P.M. at the Grimes City Hall. The Pledge of Allegiance was lead by Brandon Risius, Boy Scout from Troop 171, Grimes, Iowa.

Roll Call: Present: Shatava, Evans, Tapper, Altringer. Absent: Patterson

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Evans, Seconded by Tapper; the agenda shall be approved moving Item E under Council actions to Item A.

Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0.

Approval of the Consent Agenda

Minutes from the March 27, 2012, Resolution 04-0112 Adoption of Resolution to Release Agreement between the City of Grimes, Cramer & Assoc. and United Contractors, Inc. Request from Greenland Homes, Inc. to waive building permit fees for a home that proceeds will be donated to Children's Cancer Connection. Pay Request #4 to Keller Excavating, Inc. for the Grimes Outfall Trunk Sewer and Drainage Channel Maintenance in the amount of \$245,059.54. Change Order #9 for the IA44 Paving Project by Reilly Construction decreasing contract \$1,086.63. Change Order #10 for the IA44 Paving Project by Reilly Construction decreasing the contract by \$900. Change Order #11 for the IA44 Paving Project by Reilly Construction decreasing the contract by \$12,723.50. Change Order #12 for the IA44 Paving Project by Reilly Construction decreasing the contract by \$1,260.8. Liquidated Damages – Reilly Construction. Claims report dated 4/10/12 in the amount of \$483,420.994

Moved by Shatava, Seconded by Evans; the consent agenda shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

Fire Chief Report

Fire Chief Krohse advised that the month of March was an all time high for calls totaling 75 of which 61% were EMS.

Patrol Report

Deputy Ballinger from the Polk County Sheriff's department was present. He stated that for the time frame of March 14, 2012 to April 10, 2012 there were 158 traffic stops, 275 calls for service for a total of 433 calls for service of which there were 54 cases made.

PUBLIC AGENDA ITEMS Council may consider and potentially act on the following Public Agenda Items.

A. Outdoor Service for Alcohol – Fat Boyz 4/19,5/12, 5/26, 6/3, 6/10, 6/23, 7/14, 7/28, 8/11, 8/25

Tim Crank was in attendance representing Fat Boyz.

Moved by Shatava, seconded by Evans: the Outdoor Service Permit for Fat Boyz; shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

B. Public Hearing for the 2009 International Residential Code

Mayor Armstrong opening the Public Hearing at 5:43p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 5:44 p.m.

C. First Reading of Ordinance #596 An Ordinance amending the Grimes Ordinances Chapter 156.01 to add the adoption of the 2009 International Residential code in addition to the 2009 International Building Code.

Mayor Armstrong asked Scott Clyce, Building Official, to give an overview of this Ordinance. He stated that this ordinance contains language in the 2009 Code that requires all single family residential homes to be sprinkled and this ordinance would contain an amendment that that would strike this requirement unless the home is 8,000 square feet or larger. The Council discussed the amendment requiring accessory structures that are 10 feet from a dwelling and/or another structure shall be provided with two layers of 5/8" Type X sheetrock or equivalent in the areas of the structure that encroaches the 10 feet. Council Member Tapper stated that he felt that he would like smaller sheds exempt from this clause. Tapper clarified that smaller sheds would be equivalent to 100 square feet. Mayor Armstrong asks City Attorney Fisk to add this language to Ordinance #596 and they will come back to it later in the meeting.

Mayor Armstrong asked the Council to Table items D-O and the Public Forum in order to address item E under the Council Actions.

Moved by Evans, Seconded by Tapper; items D-O and the Public Forum shall be tabled in order to address item E under the Council Actions.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

COUNCIL ACTIONS

E. Lots 13-14 Grimes Industrial Park Site Plan

Brad Overturf of Cooper Crawford and Associates was present to seek an approval for a building in the Grimes Industrial Park which would be approximately 3,700 square feet. He advised that it matches color and style of all the surround buildings in the area. City Engineer Gade advised that this plan was originally part of a master plan in which one building has been built. Gade stated that the Planning and Zoning Commission had waived the requirement for trees along the west side of the building.

Moved by Shatava, Seconded by Evans; Lots 13-14 of The Grimes Industrial Park Site Plan with the waiving of the requirement for trees along the west side of the building as approved by Planning and Zoning Commission shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

Mayor Armstrong asked for a motion to pick up the tabled items.

Moved by Tapper, Seconded Evans; Items D-O shall be placed back on the table for consideration.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

BACK TO PUBLIC AGENDA

(still tabling item C to clarify wording)

D. Public Hearing for the 2009 Uniform Plumbing Code

Mayor Armstrong opening the Public Hearing at 6:00 p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:01 p.m.

E. First Reading of Ordinance #597 An Ordinance adopting the 2009 Uniform Plumbing Code.

Scott Clyce, Building Official, stated that the State requested that all Cities adopt the 2009 Uniform Plumbing Code but that it is optional.

Moved by Tapper, Seconded Evans; the First Reading of Ordinance #597 adopting the 2009 Uniform Plumbing Code shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

F. Public Hearing for the 2009 International Building Code

Mayor Armstrong opening the Public Hearing at 6:08 p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:09 p.m.

G. First Reading of Ordinance #598 An Ordinance amending the Grimes Ordinances Chapter 156.01 to add the Adoption of the 2009 International Building Code.

Moved by Evans, Seconded by Tapper; the First Reading of Ordinance #598 amending the Grimes Ordinances Chapter 156.01 to add the Adoption of the 2009 International Building Code shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

H. Public Hearing for the 2009 International Fire Code

Mayor Armstrong opening the Public Hearing at 6:10 p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:11 p.m.

I. First Reading of Ordinance #599 An Ordinance amending Chapter 154 (Fire Code) of the Grimes Municipal Code to adopt the 2009 International Fire code (IFC) and amendments

Chief Krohse advised that the sprinkling of buildings was tied back to the 2003 code. He advised that there are some changes to the 2009 Code in regard to CNG and intermediate bulk containers. He stated there were also some modifications in regard to change of use requirements.

Moved by Shatava, Seconded by Evans; the First Reading of Ordinance #599 amending Chapter 154 (Fire Code) of the Grimes Municipal Code to adopt the 2009 International Fire Code and (IFC) and amendments shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

Return to Ordinance #596

City Attorney Fisk reads the following change to Ordinance #596 156.02 Amendments, Section 7 Exterior Walls #1 – Any accessory structure with an area of 100 square feet or more located less than 10 feet from a dwelling and/or another structure shall be provided with two layers of 5/8 Type X sheetrock or equivalent in throughout the areas of the structure that encroaches the 10 feet.

Council Member Altringer asks to go back to an informational letter that was prepared by Scott Clyce on the various Code adoptions. She asks about #10 Window falls prevention. Clyce advised that is a requirement that if a window is a certain height and certain distance from the ground you need to install certain window fall protection. He stated that this is in line with the other metro areas.

Moved by Tapper, Seconded by Altringer; the First Reading of Ordinance 596 amending the Grimes Ordinances Chapter 156.01 to add the adoption of the 2009 International Residential Code and in addition to the 2009 International Building Code shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

J. Public Hearing for the 2009 International Mechanical Code

Mayor Armstrong opening the Public Hearing at 6:27p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:28 p.m.

K. First Reading of Ordinance #600 An Ordinance amending the Grimes Code of Ordinances Chapter 157 Mechanical Code to adopt the 2009 International Mechanical Code

Moved by Evans, Seconded by Tapper; the First Reading of Ordinance #600 amending the Grimes Code of Ordinance Chapter 157 Mechanical Code to adopt the 2009 International Mechanical Code shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

L. Public Hearing for the 2011 National Electrical Code

Mayor Armstrong opening the Public Hearing at 6:30p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:31 p.m.

M. First Reading of Ordinance #601 An Ordinance to amend the Grimes Code of Ordinances Chapter 158 Electrical Code to adopt the 2011 National Electrical Code.

Council Member Altringer asked that we not consider this Ordinance until more information is obtained. Moved by Altringer, Seconded by Shatava; the First Reading of Ordinance #601 shall be postponed to obtain further information on the State Code and shall be considered at a later meeting.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

N. Public Hearing to add Chapter 153 the 2009 International Energy Conservation Code and State of Iowa Energy Code

Mayor Armstrong opening the Public Hearing at 6:33 p.m. There being no written or oral comments; Mayor Armstrong closed the Public Hearing at 6:34 p.m.

O. First Reading of Ordinance #602 amending the Grimes Ordinances to add Chapter 153 International Energy Conservation Code and State of Iowa Energy Code to the Code of Ordinances

Moved by Evans, Seconded by Tapper; the First Reading of Ordinance #602 amending the Grimes Ordinances to add Chapter 153 International Energy Conservation Code and State of Iowa Energy Code to the Code of Ordinances shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

PUBLIC FORUM

No one was present to address the Council.

COUNCIL ACTIONS

A. Council Consideration and Potential Action for Plat Development Agreement between Scannell Properties #141 LLC and the City of Grimes (Option A or Option B)

City Attorney Gade reviewed the two options with the Council.

Moved by Altringer, Seconded by Shatava; Option B of a Plat Development Agreement between Scannell Properties #141 LLC and the City of Grimes shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

B. Grimes Industrial Park Plat 3 – Final Plat

Jerry Oliver of Civil Engineering Consultants, 2400 86th Street #12 in Des Moines was present to address the Council on behalf of the Developer Jill Marcotte of Scannell Properties. He advised they were seeking approval of a final plat. He stated that Planning and Zoning had reviewed this plat and have approved the plat. John Gade advised that they had met all requirements.

Moved by Shatava, Seconded by Tapper; the Grimes industrial Park Plat 3 – Final Plat according to the letter from Fox Engineering dated March 1, 2012 shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

C. Consideration of FedEx Site Plan

Jerry Oliver of Civil Engineering Consultants, 2400 86th Street #12 in Des Moines addressed the Council. He stated that this was a 21 acre site at 2900 SW Brookside Drive. He advised this would be an 186,000 square foot building for FedEx. Oliver stated that this building will be open 24 hours a day, 7 days a week but most activity will happen during the evening. He stated that this site had almost four times the amount of green space that is required. He advised that the Planning and Zoning Commission had approved the site plan with a couple of exceptions. He stated there was screening of the truck docks in the original site plan on the south east. Oliver stated that since that meeting it was discovered that the existing metal buildings to the south screened these truck docks. Planning and Zoning had approved the site with the change that the landscaping be redistributed along the future 28th Street. He went on to say that the Planning and Zoning Commission recommended to the Council that they waive the fence height requirement. Oliver stated they were requesting an 8' high fence with barbwire on the top of it. The ordinance states only 6' ft high. He showed a materials board of the building. John Gade asked what type of trees would be planted and Oliver stated they would be 6 ft evergreens. Gade also stated that the site plan did show the 8 ft. fence with the barbwire on it. The Council was advised that the barbwire could be allowed. Council Member Altringer asked about planting more trees. Oliver stated there are currently 30 trees in the site. Council Member Shatava stated that he wanted to leave it to their discretion on the trees. Oliver stated that all the trees were on the street side of the site. Jill Marcotte, Developer, stated that they would put in the five additional trees.

Moved by Shatava, Seconded by Evans; the FedEx Site Plan as approved by Planning and Zoning Commission with the addition of 5 additional trees; shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

D. Eagle Scout Project – Dallin Russell

Dallin Russell of Troop 4 out of Waukee was present to address the Council regarding an Eagle Scout project at the Grimes Community Complex. Russell was asking to paint two rooms in the complex along with sanding and polyurethane on the woodwork. He reviewed his project and the volunteers that would be used for the project. Russell advised that he was receiving \$350 from the Park and Recreation Board for supplies from the Home Depot for the project.

Moved by Tapper Seconded by Evans; the Eagle Scout Project by Dallin Russell shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

F. Autumn Park Final Development Plan Plat 1

Dean Roghair of Civil Design Advantage, 3405 SE Crossroads Drive Suite G was present representing Vista Development. He advised this was the first phase of the development with 43 single family lots on 17.3 acres. Roghair stated that they had agreed to the park in phase 1 as requested by City staff. He went on to say that the only outstanding issue at this time was the sidewalk connection. He stated that they were willing to make a sidewalk connection from lot 1 to Hwy 44 within a three year time frame of the final plat approval. Roghair stated that the two discussion points were: should the sidewalk be on the east or west side of Brookside and what the time frame should be for installation. He stated that their request is that they be given the time frame of 3 years and that the sidewalk on the east side not be a requirement by Vista.

Bruce Schmiedlin of 522 NW 6th Street, Grimes addressed the Council. He stated that he had asked the Planning and Zoning Commission to require that the bike trail be put in to the west as part of Phase I for the safety of all children.

Moved by Shatava Seconded by Tapper; the Autumn Park Final Development Plan Plat 1 subject to Fox Engineering letter dated March 30, 2012 and the developer will install the 8 ft trail as indicated on the construction plans; shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

G. Request for Appeal of Potentially Dangerous Dog Determination – Brad and Amy Brenizer, 1200 NW Morningside Ct, Grimes Iowa

Brad Brenizer of 1200 NW Morningside Court addressed the Council. He stated that his dog did leave his yard and bite a neighbor's dog but he did not witness it. Brenizer stated that their dog had never done anything like this before and wanted to know if there was any other action that could be taken. Public Works Director Joe McAreavy stated the events that led up to the request from Brenizer requesting an appeal of the potentially dangerous dog determination. City Attorney Fisk asked Brad Brenizer about the event. Brenizer stated that he knew that his dog did leave his yard and did bite a neighbor dog but had never had issues with the dog before this attack. Brenizer pointed out that the covenants in his area state that he could only have a 4 ft high fence and he was working on getting a taller fence and asked if that would change the determination. Matthew Elsberry of 1205 NW Norton, whose dog was attacked, addressed the Council. He stated that he witnessed the attack of the pit bull on his boxer in his yard. Elsberry stated that his four young children were in the yard at the time of the attack and he was thankful that the dog went for his dog and not one of the children. Elsberry stated that he has witnessed the dog not on a leash as required under the potentially dangerous dog determination. Attorney Fisk stated that Joe McAreavy had determined the dog as potential dangerous dog under the City Code and Brad and Amy Brenizer have appealed that decision. He advised that it was up to the Council to decide if they would overturn the decision of Joe McAreavy that the dog is considered potentially dangerous.

Moved by Tapper Seconded by Altringer; the determination of potentially dangerous dog shall be upheld.

Joe McAreavy stated that he will have discussion again with Brenizer as to what this determination will mean in the care of this dog.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

H. Street Lighting along S James Street

City Engineer reviewed lighting along S James Street and his recommendations.

Moved by Evans, Seconded by Tapper; the lighting along South James Street as recommended by Fox Engineering; shall be approved.

Roll call. Ayes: all. Nays: none. Motion passes 4 to 0

1. Mayor's Report

Mayor Armstrong had nothing new to report.

2. City Attorney's Report

Attorney Henderson had nothing new to report

3. City Engineer's Report

City Engineer Gade advised that he was looking for some direction from Council regarding traffic issues at South Prairie Elementary School. The Council addressed several issues in the area including that this is now a K-2 building so there are no walkers. The children are being dropped off at this building. Council also noted that since South James Street has been redone there is more traffic on this street. Gade will use this information to work on addressing this issue.

4. City Staff Report

Staff had nothing new to report.

5. Old Business

6. New Business

Adjournment

Moved by Altringer, Seconded by Shatava; there being no further business, this meeting shall be adjourned at 7:55 p.m.

ATTEST:

Rochelle Williams, City Clerk

Thomas M. Armstrong, Mayor