

CITY COUNCIL MEETING
Tuesday, April 26, 2011
Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Thomas M. Armstrong on Tuesday, April 26, 2011 at 5:30 P.M. at the Grimes City Hall. Mayor Armstrong asked to take a moment of silence to remember Staff Sergeant James Justice who died while serving in Afghanistan.

Roll Call: Present: Evans, Shatava, Altringer, Tapper and Patterson

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Tapper, Seconded by Patterson; the agenda shall be approved with the moving of item D under the Public Agenda after item J.

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

Mayor Armstrong asked to have the Council appoint Deb Gallagher to the position of City Treasurer for the City.

Moved by Shatava, Seconded by Patterson; Deb Gallagher shall be appointed as City Treasurer of the City of Grimes.

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

Mayor Armstrong administered the Oath of Office for Deb Gallagher.

Approval of the Consent Agenda

A. Minutes from the April 12, 2011 B. Street Sweeper Lease Purchase with Trans Iowa Equipment - \$235,425 C. Roofing Bid for City Hall to Right Roofing and Siding in the amount of \$12,687 D. Skid Steer Attachments from Bobcat Capital City Equipment in the amount of \$10,234.08 for payment July 1, 2011 E. Grimes Community Complex Locker Room/Jazzercise Roof Replacement to Brockway Mechanical - \$19,366 F. Grimes Community Complex Meeting Rooms #106 and #107 Roof Replacement to Brockway Mechanical - \$12,600 G. Pay Request #20 to Reilly Construction Co. for the IA44 Improvements in the amount of \$74,656.02 H. Hwy 141 and SE 37th Street Intersection I. Grant Agreement Between City of Grimes and Friends of Grimes IOOF Building, LLC J. Start lease proceedings for the purchase of the end loader in the amount of \$115,000. K. Start lease proceedings for the purchase of the street sweeper in the amount of \$240,000 L. Claims dated April 26, 2011 in the amount of 217,466.41

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

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

Fire Chief Report

Fire Chief Krohse wanted to remind everyone that on behalf of the Fire Fighter's Association they would be hosting their first annual pancake breakfast on May 7, 2011 from 7 am to 11 am at the fire station. Krohse advised that the money would be used to purchase public education materials and not this year but at some point towards building a safety house.

PeopleService Report

Steve Robinette of PeopleService and Grimes Water and Wastewater advised that they were working on the ASR, the underground water reservoir, getting ready to do the new casing on the well. He advised that crews were working on restoring yards from water main breaks and on the grounds at the water plant. They are also checking on curb stop that are not working. He also advised that they would be working on their every 3 years sewer cleaning plan.

PUBLIC AGENDA ITEMS AND COUNCIL ACTION

A. Presentation on Behalf of Kennybrook South Development

Erin Ollendike, of Civil Design Advantage, LLC was present representing the owner and developer Kim Rutter. Ollendike advised that what they were requesting was a rezone of the entire Kennybrook Development.

B. Request for Consideration from Kennybrook South Development to Enter Into an Agreement Allowing for a Reduction in Parkland

C. Request from Kennybrook South Development for an Economic Development Loan in an Amount not to Exceed \$145,000

Erin Ollendike, of Civil Design Advantage, LLC advised that in order to get Brookside Drive access into this development a 12 x 6 box culvert needs to be installed which would cost around \$145,000. The developer is asking if the City would be interested in financing the money for the box culvert and then the developer would pay back this cost over the next five years.

Ollendike stated that the original developer's agreement between the City of Grimes and Kennybrook Development Company, LC states that this development satisfy the parkland dedication requirements for the entire Kennybrook Estates project which was 3.56 acres. The developer is asking if that amount could be reduced to 2.76 acres that would include an area to meet the detention and water quality requirements for this development. She advised that to help offset the cost of the land lost for the park development they would propose donating \$17,000 for improvements within the park. The Council was in agreement that they wanted to see the park land still close to the 3.56 acres. Brian Buehe, Grimes Chamber and Economic Development spoke to the Council regarding this development. Buehe advised that the original developer of this project had used most of the proceeds towards the north part of the development causing it to be difficult financially to open the south part. Buehe stated that he was a huge proponent of park land but feels that some of this is out of the developers hands due to the past owner of the property. Council Member Altringer stated that she still would like to see park land close to the 3.56 acres. Council Members Tapper and Evans stated again that the park land is very important. Council Member Shatava asked to be shown the trail system in this area. Council Member asked about taking out a couple lots and making them part of the park area. Mayor Armstrong asked for consideration by the Council, for the City to participate in the cost of the culvert in exchange for the developer donating several lots towards park land. Council Member Altringer advised that the Council would like to see this project go forward. Council Member Tapper stated that he was in favor of having discussion with the developer. The developer will work with City Administrator Brown to define the terms of this contract and bring it back to Council for consideration. Ollendike asked if the Council could move forward with the rezoning. Mayor Armstrong advised that rezoning could be referred to the Planning and Zoning Commission for consideration.

D. Appeal Hearing for Tadayon Dog Violation

Moved to later in the meeting.

E. Public Hearing for Ordinance 589 Amending The Grimes Code Of Ordinance Chapter 55, Protection And Control.

Mayor Armstrong opened the Public Hearing at 6:10 pm. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 6:10 p.m. Public Works Director Joe McAreavy clarified some definitions that were changed in the Ordinance. The Ordinances are available for the public to view on the City's website.

F. First Reading of Ordinance 589 Amending The Grimes Code Of Ordinance Chapter 55 Protection and Control

Moved by Altringer, Seconded by Tapper; that the first reading of Ordinance 589 Amending The Grimes Code of Ordinance Chapter 55, Protection and Control; shall be approved.

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

G. Public Hearing for Ordinance 590 Amending the Grimes Code of Ordinance Chapter 56 Dog and Cat License Required.

Mayor Armstrong opened the Public Hearing at 6:25 pm. Mayor Armstrong asked for any oral communication and there was none. Mayor Armstrong then asked for any written communication and City Administrator Brown read a letter received from Bruce Schmiedlin, 522 NW 6th Street, Grimes, Iowa regarding Ordinances 590 and 591. Public Works Director Joe McAreavy clarified some definition changes in this Ordinance and cost associated with licensing. Mayor Armstrong closes the Public Hearing at 6:36 pm.

H. First Reading of Ordinance 590 Amending the Grimes Code of Ordinance Chapter 56 Dog and Cat License Required

Moved by Patterson, Seconded by Altringer; that the First Reading of Ordinance 590 Amending the Grimes Code of Ordinance Chapter 56 Dog and Cat License Required; shall be approved.

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

I. Public Hearing for Ordinance 591 Amending the Grimes Code of Ordinance Chapter 57 Vicious Dogs and Deleting Chapter 58, Dangerous and Vicious Animals

Mayor Armstrong opens the Public Hearing at 6:36 pm. Mayor Armstrong asked for any oral communication and there was none. Mayor Armstrong then asked for any written communication and City Administrator Brown read another section of the letter to the Council from Bruce Schmiedling, 522 NW 6th Street, Grimes. The Council reviewed the sections addressed by Schmiedling. Mayor Armstrong closed the Public Hearing at 6:45 pm.

J. First Reading of Ordinance 591 Amending the Grimes Code of Ordinance Chapter 57 Vicious Dogs and Deleting Chapter 58, Dangerous and Vicious Animals -

Moved by Altringer, Seconded by Tapper; that the First Reading of Ordinance 591 Amending the Grimes Code of Ordinance Chapter 57 Vicious Dogs and Deleting Chapter 58, Dangerous and Vicious Animals; shall be approved.

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

Mayor Armstrong asked the Council to recess for a few minutes 6:55 pm

Mayor Armstrong reconvened the meeting at 7:10 pm.

D. Appeal Hearing for Tadayon Dog Violation

City Attorney Erik Fisk conducted the hearing regarding the violation. Attorney Fisk advised that an incident report had been prepared by Public Works Director Joe McAreavy. McAreavy read the incident report to the Council. The report stated that the 10 year old child of Dawn Wood of 301 NE 11th Street was taken down by four dogs as she reached the end of her home driveway. The dogs were owned by Kimberly Tadayon and Matthew Klippi of 213 NE 11th Street. The backpack held by the child had been torn and the incident was verified by the child. Bill King from the Polk County Animal Control was with McAreavy to advise the owners of the dogs of the seriousness of the incident. McAreavy advised the owners that they were not here to take the dogs but the City of Grimes plans were for enforcement of the situation. Kimberly Tadayon advised that she would give up three of the dogs that were involved in the incident as they stated they could not afford to meet the terms of a vicious dog. McAreavy then advised that the City of Grimes would hold a hearing to consider if the remaining dog should be classified as vicious. The Council discussed at length the terms of having a vicious dog.

Moved by Shatava, Seconded by Tapper; to have the vicious dog designation upheld with the remaining dog owned by Tadayon referred to as “Patches” , as according to the Grimes Code of Ordinances; shall be approved.

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

K. Public Forum

Steve Wilson of 1213 NE Frances, asked in the event a dog owner had a dog removed could they at some point bring in a new dog to the home. The Council advised that they could.

COUNCIL DISCUSSIONS

K. Governors Days Request From Grimes Chamber and Economic Development

Brian Buethe of Grimes Chamber and Economic Development provided the Council with the upcoming events scheduled for Governors Days. Buethe advised the Council that formally this event was called Funtastic Days but has been renamed for 2011 to “Governors Days, A Funtastic Event”. He stated that they would be increasing the entertainment. Buethe asked the Council for some additional funds for fireworks for the celebration and some increased needs from the City staff. Routing of traffic due to the construction on Hwy 44 was also a concern but Brian will meet with City Engineer John Gade and review the best options.

Moved by Tapper, Seconded by Patterson; that up to \$10,000 but not less than \$7,500 shall be budgeted towards the fireworks for Governors Days along with the requests in the letter of April 21, 2011 from Brian Buethe; shall be approved.

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

Council Member Patterson complimented Dini Anderlik and Brian Buethe on the success of the Easter Eggstravaganza on behalf of the Council. Buethe thanked the Council and stated that it was a success due to all the volunteers and the board.

1. Mayor’s Report

Mayor Armstrong advised that the City is working to have banners made in honor of Staff Sergeant James Justice to place in the City.

2. City Attorney’s Report

City Attorney Fisk had nothing new to report

3. City Engineer's Report

Fox Engineer Mitch Holtz has nothing new to report.

4. City Staff Report

City Staff has nothing new to report.

5. Old Business

6. New Business

Moved by Altringer, Seconded by Shatava; there being no further business, this meeting shall be adjourned at 8:24 p.m.

ATTEST:

Rochelle Williams, City Clerk

Thomas M. Armstrong, Mayor