

**CITY COUNCIL MEETING**  
Tuesday, October 26, 2010  
**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, October 26, 2010 at 5:30 P.M. at the Grimes City Hall.  
Roll Call: Present: Evans, Patterson, Tapper, Shatava and Altringer

**GENERAL AGENDA ITEMS.**

**APPROVAL OF THE AGENDA**

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

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

**Approval of the Consent Agenda**

A. Minutes from the October 12, 2010 B. Pay Request to Burns Electric for Residential Electric Service Relocation in the amount of \$31,439.93 C. Pay Request to A & W Electrical Contractors for Electric Service at Water Tower Site - \$5337.24 D. Pay Request to A & W Electrical Contractors for Relocating Civil Defense Sirens - \$4,245.03 E. Pay Request to A & W Electrical Contractors for Service to Water Pump Bldg and Removal of Shrubs and Debris - \$500 F. Pay Request to A & W Electrical Contractors for Electric Service to Fire Station Material and Labor - \$1,225.96 G. Pay Request #10 to Reilly Construction for the IA 44 Improvement - \$206,920.06 H. Change Order # 3 to Alliance Construction Group for the Grimes Business Park RISE Improvement Division II – SE 11<sup>th</sup> and Hwy 141 and Division III = SE Gateway Drive Improvements Reducing Retainage on Contract to .00 and Reduction in Contract Due to Quantity Changes Decreasing Contract Price -\$3,622.26 I. Certificate of Substantial Completion for the Grimes Business Park RISE Improvements – Division II and Division III J. Engineer's Statement of Completion for the Grimes Business Park RISE Improvements – Division II and Division III K. Pay Request # 4 to Alliance Construction Group for the Grimes Business Park RISE Improvement Division II – SE 11<sup>th</sup> and Hwy 141 and Division III = SE Gateway Drive Improvements - \$24,034.06 L. Pay Request to Mr. Electric of Central Iowa for Relocation of Electrical Services - \$5,698.23 M. Quote from Mississippi Valley Pump to Rebuild Two Pumps - \$10,882 N. Quote from Melvin Marsh for Cleaning Reed Beds - \$30,000 O. Change Order #1 for Covers Constructions LLC for the Water Plant Storage Building Increasing Contract \$780 P. Pay Request #1 to Covers Construction LLC for the Water Plant Storage Building - \$2,315 Q. Pay Request #2 to Grimes Asphalt & Paving for the Grimes Cemetery Expansion - \$62,661.95 R. Road Construction Project Not to Exceed \$95,000 S. Grimes Community Center Shingled Roof Replacement Not To Exceed \$15,000 T. Grimes Community Center Window and Door Project – Holly Smith Glass and Door Company \$19,788.62 U. Claims – Report dated October 26, 2010 in the amount of \$514,847.42

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

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

**Fire Chief Report**

Fire Chief Krohse had nothing new to report

**PeopleService Report**

Mark Devine of PeopleService and Grimes Water and Wastewater was present to update the Council on their activity. Devine stated that they were finishing hydrant flushing and fixing approximately six hydrants that were damaged under various circumstances. He stated that the

Maplewood and Hwy 44 water loop was complete. Devine stated that the dirt work was completed on the new storage building for the plant.

### **PUBLIC AGENDA ITEMS AND COUNCIL ACTION**

#### **A. Presentation of Eagle Scout Project by Stephen Prohaska – Troop 111**

Stephen Prohaska of 812 SE Little Beaver Dr. and Scout Troop 111 presented to the Council a public service project he would like to do for an Eagle Scout award. Prohaska advised that he would like to put in a veteran's memorial in the Sunny Hill Cemetery. He provided the Council with blue prints and possible locations of the memorial. Prohaska stated that the memorial would have plaque with each soldier's name who have been buried in Sunny Hill Cemetery. He added that a mosaic would be added at the site that would be made by an architectural firm in Des Moines at no cost. Prohaska stated that he was not asking for any funding from the Council as he had received a donation of \$1,000 for the project. Joe McAreavy, Public Works Director stated that the location that Prohaska was looking at was just east of the trail in the cemetery. Council Member Evans asked if there would be any landscaping around the project for ease in mowing. Prohaska advised that there would be some type of landscaping. Council Member Shatava stated that he thought this was a great project and the Legion would be willing to work with him to continue this project. Mayor Armstrong asked Prohaska to work with City staff on the project location. Council Members Evans and Patterson advised that they felt this was a great project.

Moved by Evans, Seconded by Patterson; that the memorial project presented by Stephen Prohaska shall be approved.

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

#### **A. Public Forum**

Jill Ellsworth of 713 NE Park Street was present on behalf of National Massage Therapy Awareness week. She advised that this Saturday at the United Methodist Church she would be doing free massages for cash donations which would be given to anyone who was a flood victim who needed assistance. Ellsworth provided contact numbers to the Council for anyone who would be interested.

Patrick Moran of 1505 NW Calista Street was present to file a formal complaint regarding a neighbor dog owned by Alan and Barb Morton of 301 NW 14<sup>th</sup> Street, who he felt has been trained as a guard dog. Moran stated that his concern is that there are approximately 25 children in the neighborhood and he feels it is a safety concern.

City Attorney Tom Henderson cited the Iowa Code in reference to a vicious dog and advised Moran that if he had concerns he can contact the Humane Officer and advise them of his concerns.

Mindy Morris of 408 NW 14<sup>th</sup> Street also addressed the Council and asked to also file a formal complaint regarding the same neighbor's dog. She stated that when the dog is outside many times it is not on a leash. Morris stated that she is concerned for her family and all the children in the neighborhood.

Todd McGuire of 305 NW 14<sup>th</sup> Street addressed the Council. McGuire stated that this same neighborhood dog was a concern to him and the neighborhood. He stated that he wished to find out how the dog was trained and was also concerned regarding the leash law.

City Administrator Brown advised that she along with other City personnel had talked with the Alan and Barb Morton of 301 NW 14<sup>th</sup> Street who own the dog in question. She stated that when speaking with the Morton's they advised that they had gone over the City Code regarding vicious dogs and felt that their dog does not violate any of these laws. Barb Moran advised City Administrator Brown during a telephone conversation that their dog had not gone through any attack training. Moran stated that their dog had only gone through advanced obedience training and is under complete control at all times and that they have no intention of doing any attack training. She also stated to City Administrator Brown that the dog is only a companion and their ears at night as she and her husband are both hard of hearing. City Administrator Brown stated she received from Morton's a letter from Broderick's Animal Clinic signed by John Broderick, D.V.M. City Administrator Brown read from the letter that stated that Broderick had never seen or witnessed any behavior that would be considered vicious, dangerous, or in any way negative from this dog. The letter stated that his staff and he have handled this dog on several occasions without the owner present, including grooming, surgical services, and office visits, without any issue or incident. City Administrator Brown also stated that she had a letter from Grimes Family Physicians that stated the benefits and peace of mind that this companion has given to Barbara Morton. She also read from a letter from the breeder of this dog, Susan Guenther. Guenther's letter advised that she sold the dog when it was eight weeks old to the Mortons. The letter also stated that she did not breed German Shepherds for viciousness or for attack dogs, but are selected and bred to be companions and for the psychological reduction of anxiety. Guenther's letter stated that other dogs in this litter are used and trained as therapy dogs in her psychological practice. City Administrator Brown stated that the Mortons were not able to be present tonight but had asked that these materials be read to the Council for their consideration.

Mayor Armstrong verified with the City Attorney that any formal complaints on this issue need to be filed with the Humane Officer as the City Council does not have the ability under the law to take formal action on this issue. City Attorney Henderson advised the residents who spoke regarding the leash law concerns that they would need to contact the Humane Officer. Henderson advised if an owner is found guilty of the dog at large complaint, the owner could be cited or the dog could be impounded.

## **COUNCIL DISCUSSIONS**

### **1. Mayor's Report**

Mayor Armstrong congratulated the City's Engineering firm, Fox Engineering for receiving an award for being one of the "25 Best Engineering Firms To Work For" in the nation.

### **2. City Attorney's Report**

City Attorney Henderson had nothing new to report.

### **3. City Engineer's Report**

City Engineer Gade stated that they had submitted to the Metropolitan Planning Organization a request for the NW 50<sup>th</sup> Connector when applying for federal monies.

Jerry Byg of Fox Engineering asked if the Council had any questions regarding the request for time extension on the IA44 Paving Project being done by Reilly Construction due to weather issues. Byg advised that a formal request would be coming on a work order for the Council to approve. Mayor Armstrong stated that he understood the need for the extension. Byg updated the Council on the Hwy 44 Project and would make this information available on the City's website.

### **4. City Staff Report**

City Administrator Brown had nothing new to report

**5. Old Business**

No old business

**6. New Business**

Council Member Shatava wanted to thank people in the community who are helping out families of service men who are currently serving.

**7. Recess Open Session at 6:13 pm**

**8. Reconvene Open Session at 6:20 pm.**

**9. Resolution 10-0210 providing for Closed Session ref 21.5 1c. Potential matters in litigation**

Moved by Evans, Seconded by Patterson; that Resolution 10-0210 providing for Closed Session shall be approved.

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

Council Member Patterson leaves closed session at 6:50 pm due to another obligation.

**10. Rise from Closed Session**

Moved by Evans, Seconded by Shatava; that Resolution 10-0210 to rise from closed session shall be approved.

**11. Reconvene Open Session**

**12. New Business - cont**

No further new business

Moved by Evans, Seconded by Tapper; there being no further business, this meeting shall be adjourned at 7:29 p.m.

ATTEST:

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Rochelle Williams, City Clerk

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Thomas M. Armstrong, Mayor