



*101 North Hawkey, Grimes, Iowa 50111 515.986.3036 Fax 515.986.3846*

**CITY COUNCIL MEETING**

Tuesday, March 10, 2009

**Grimes City Hall 5:30 P.M.**

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, March 10, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Long, Altringer, Grove, Patterson, Evans

**GENERAL AGENDA ITEMS.**

**APPROVAL OF THE AGENDA**

Moved by Long, Seconded by Altringer; the Agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes 5-0.

**APPROVAL OF CONSENT AGENDA**

Minutes from the February 24, 2009 Council Meeting, Resolution 03-0209 fixing the date, time and place of the meeting at which it is proposed to hold the hearings and take action to enter into the Loan Agreements March 24, 2009, 1.Loan Agreement in a principal amount not to exceed \$9,199,000, 2.Loan Agreement in a principal amount not to exceed \$301,000 3. Loan Agreement in a principal amount not to exceed \$500,000, Resolution 03-0309 Authorizing and Approving a Loan Agreement and Providing for Issuance of a Special Assessment Bond, Bid from Covers Construction LLC for soffit, fascia and siding at Sport Complex Concession Stand and Rest Rooms in the amount of \$5,785.00, Purchase of a new document handler and maintenance agreement for City Hall from Koch Brothers \$9,074 and maintenance \$1,290. Technical Service Support Agreement with Physio-Control, Inc. in the amount of \$6,924. for the period of 3/1/09 – 2/29/12, Pay request to Concrete Technologies, Inc. for E. 1<sup>st</sup> St. Paving Project in the amount of \$33,820., Setting of Public Information Open House Meeting on South James Street Improvement Project for March 23, 2009 from 5:00 to 6:30 p.m., Finance Report for February Claims Report Dated March 10, 2009 in the amount of \$298,085.78.

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

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

**FIRE CHIEF REPORT**

Chief Krohse was present to give a report on EMS runs for February.

**PATROL REPORT**

Brian Johnson from the Polk County Sheriff's department was present to answer any questions from the Council. Johnson advised that Ltd. Simmons, who is the liaison officer for Grimes, was e-mailing out patrol reports to the Council and asked if everyone was getting them. The Council advised that they were receiving them.

**PUBLIC AGENDA ITEMS.**

**A. Public Hearing and Action on Nuisance Abatement – 308 S. Main Street**

Joyce Kern co-owner of the property at 308 S. Main Street was present to address the Council. City Attorney Erick Fisk began the hearing at 5:35 p.m. by providing the Council with a copy of Grimes City Ordinance Chapter 50 and 51 on nuisance abatement and the Grimes City Ordinance Chapter 145 dealing with dangerous buildings.



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Owners of the property have received notice regarding the abatement and have asked for a hearing on the abatement before Council. City Attorney Fisk advised that the purpose of the hearing is for the owners to prove why the building should not be abated. City Attorney Fisk referred to City of Grimes staff Joe McAreavy to give details of the property. McAreavy provided pictures of the property to the Council. He advised that the property has several areas that have rotted and decayed. McAreavy stated that windows are broken leaving the house exposed to the elements. He also stated that there is a hole in the foundation in the southeast corner of the structure which leaves degradation to the mortar joints and allows vermin into the building. McAreavy stated that the building is in a state of disrepair. Mayor Armstrong verified that this property is at 308 S. Main Street. City Attorney Fisk advised that the purpose of this hearing was for the Council to make and record findings and place and issue an order, which would make it a quasi-judicial proceeding. The property owner was given the opportunity to present. Council reserved the right to ask questions after Joyce Kern presented. City Attorney Fisk verified to Kern that she had requested a hearing on the abatement and that by her presence here, did she agree that she had received proper notice of the hearing and waive any objections thereto? After clarification to Kern on the question by City Attorney Fisk, Kern agreed that she had requested the hearing and had received proper notification. Mayor Armstrong asked for the record for Joyce Kern to identify herself and her relationship to Mark Kern who the notice of abatement had been addressed to. Kern advised that she was the wife of 38 years to Mark Kern. Kern advised that her husband was unable to attend the meeting. Kern stated that she and her husband owned the property at 313 S. Jacob, Grimes, Iowa but were currently living with their daughter at 651 S. Ewing, P.O. Box 606, Grimes, Iowa. Kern stated that at the time when McAreavy spoke with her regarding the house, they did not have the funds to fix it. Kern stated that she now had received 403B Funds and would have the money to fix the house. City Attorney Fisk advised that according to the notice that Kern received, the house would be abated in 90 days if requested repairs are not commenced within 14 days from the date of the notice. City Attorney Fisk stated that under the statute, 90 days was the mandatory amount of days that Kern's would have to complete all the work, but the Council could make a stipulation to allow an additional time or make other arrangements. City Attorney Fisk stated that the Council could not make the time frame any less than 90 days but other agreements could be made. Council Member Evans asked Kern if she now had the money to fix the building. Kern advised that she did have the money. Kern stated that a renter had been in the house and had trashed the house and left. Kern advised the Council that she now has 403B funds and had someone to help her do the work in the house. The person helping her would be able to do it at a reduced price. Council Member Evans asked if we were still in the 90 day time frame. City Attorney Fisk stated that we were still in the 90 day time frame which began when Kern's received notice of the abatement on January 30, 2009. The 90 days would be up the end of April first of May. When asked by Council Member Evans if the work could be completed in that amount of time, Kerns stated that she planned to. Council Member Altringer asked if a list had been supplied to Kern on what needed to be repaired? City Attorney Fisk advised that although the letter was not itemized as to the repairs needed, the deficiencies were noted. City Attorney Fisk asked if the Council would want to direct Mr. McAreavy to provide an itemized list to the owners. Council Member Grove stated that he was concerned that even though Kerns have acquired some money for the house repairs, it might not be enough to bring the house into compliance. Council Member Grove went on to ask Kern if she had a good idea of what it was going to cost to repair the house. Kerns stated that she did not for sure. Kern advised that her son would be available to help her along with another friend. Kern did state again that she had received her 403B funds and that she did feel she would be able to bring it up to compliance. Council Member Grove reaffirmed with McAreavy that Kern would need to take out a building permit and have the work inspected to do these projects. McAreavy advised that was correct. Council Member Grove also affirmed that any plumbing or electrical work would need to be done by a licensed contractor in the City of Grimes. Council Member Grove stated that his biggest concern at this point is the scope of the work that is going to need to be done. Council Member Grove advised that he didn't want to see repairs done to the house but not enough to meet compliance and then still need to be considered for demolition. Mayor Armstrong asked McAreavy if he would work with the Kern and come up with list of the repairs that need



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to be done so that a cost estimate can be established for the home owners. Council Member Grove stated that he was in favor of waiving the 14 day commencing of work from the date of notice but still stay in the 90 days time frame to finish the work. City Attorney Fisk advised that this was acceptable from a legal standpoint. Attorney Erik Fisk advised that the Council submit a written finding with an additional component that in a designated amount of days, the building official meets with the Kerns. Council Member Long asked if the 90 days could be extended. Council Member Grove asked if another hearing could be requested at the end of 90 days with the possibility of an extension of another 30 days. Attorney Fisk advised that was possible. Mayor Armstrong asked that the building official meet with Kern in one week to review the scope of the work. Kern advised that she did not have a dollar value for the work that needed to be completed.

Moved by Grove, Seconded by Long; the Council shall issue an order that City staff meet with the owners of the property, or their representative, within the week to provide to the owners a written list of things that need to be accomplished in order to make the house not an nuisance abatement and that the Council adhere to the 90 day time frame as stated in the letter shall be approved. City Attorney Fisk advised that the Council would need to have a recorded finding of fact that would need to be signed off by the Council. This would be ratified at another meeting. It could be issued pending ratification which would facilitate moving the issue along. City Attorney Fisk went on to verify for the record the following: the Council found violations, they have been demonstrated, the property owners have presented their availability of funds to move forward with the renovations, the Council believes that the property owners have made that representation in good faith, with all intentions and with understanding of dating issues. Council Member Grove stated that the City Attorney would provide the proceedings to continue the process.

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

#### **B. Public Hearing and Approval of Resolution 03-0109 Amending the current budget for the fiscal year ending June 30, 2009 for the City of Grimes.**

Mayor Armstrong opened the Public Hearing at 5:50 p.m. There being no one present to address council, nor any written communication, Mayor Armstrong closed the Public Hearing at 5:51 p.m.

City Administrator Kelley Brown provided the following information on the amendment. The Public Works increase was due to the purchase of the elevator ground and buildings to facilitate the Highway 44 project and parking restructuring as well as downtown revitalization. Culture and recreation increase due to programming at the Grimes Community Center. Community and Economic Development increase was due to a loan given to facilitate development. General government increases were due to assessment costs and legal fees. Brown stated that there will be no increase in tax levies to be paid in the current fiscal year. Any increase in expenditures will be met from the increased non-property tax revenues and cash balanced not budgeted or considered in this current budget.

Moved by Patterson, Seconded by Evans; Resolution 03-0109 amending the current budget for the fiscal year ending June 30, 2009 for the City of Grimes shall be approved.

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

#### **C. Public Hearing and Approval of the 2009-2010 Fiscal Budget for the City of Grimes**

Mayor Armstrong opened the Public Hearing at 5:52 p.m. There being no one present to address council, nor any written communication, Mayor Armstrong closed the Public hearing at 5:52 p.m.

City Administrator Kelley Brown advised that the tax rate for the upcoming year would remain the same. The City had realized an increase in property valuation in the amount of \$99 million dollars which resulted in a \$500,000 revenue increase to the general fund. Brown advised that the City was running a balanced budget.

Moved by Patterson, Seconded by Altringer; the 2009-2010 Fiscal Budget for the City of Grimes shall now pass.

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



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**D. Third Reading of Ordinance #572 amending the Grimes Code of Ordinances Chapter 150 to provide for the adoption of a standard addressing system across the City of Grimes.**

Moved by Altringer, Seconded by Grove; the third reading of Ordinance #572 amending the Grimes Code of Ordinance Chapter 150 to provide for the adoption of a standard addressing system across the City of Grimes shall be approved.

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

Moved by Grove, Seconded by Altringer; Ordinance #572 shall now be pass..

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

**E. Public Hearing and First Reading of Ordinance #573 amending the Grimes Code of Ordinances Chapter 96.02 to provide for a change in the explanation of the usage of sewer tapping fees**

Mayor Armstrong opened the Public Hearing at 5:56 p.m. There being no one present to address council, nor any written communication, Mayor Armstrong closed the Public Hearing at 5:56 p.m.

Moved by Evans, Seconded by Patterson; the first reading of Ordinance #573 amending the Grimes Code of Ordinance Chapter 96.02 to provide for a change in the explanation of the usage of sewer tapping fees shall now pass.

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

Moved by Patterson, Seconded by Evans; the second and third readings be waived and that Ordinance #573 shall now pass.

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

**COUNCIL ACTIONS.**

**1. PUBLIC FORUM**

No one asked to address the Council.

**COUNCIL DISCUSSIONS.**

**1. Mayor's Report**

Mayor Armstrong welcomed Den 9, Pack 171 who were in attendance as part of their Citizenship Badge.

**2. City Attorney's Report**

City Attorney had nothing new to report

**3. City Engineer's Report**

City Engineer John Gade advised the Council that an open house had been held at City Hall on Monday, March 9, 2009 regarding the N.W. 54 Avenue Project. Approximately 8 people attended the open house. Gade advised that a similar open house will be held on March 23, 2009 at City Hall for the South James Street Project.

**4. City Staff Report**



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City Administrator, Kelley Brown had nothing new to report

**5. Old Business**

**6. New Business**

**ADJOURNMENT**

Moved by Long, seconded by Altringer: there being no further business, this meeting shall be adjourned at 6:04 p.m.

ATTEST:

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Rochelle Williams, City Clerk

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Tom Armstrong, Mayor