

CITY COUNCIL MEETING
Tuesday, January 24, 2023

The regular City Council Meeting was held as an in-person meeting with Zoom available. The meeting was called to order by Mayor Scott Mikkelsen, January 24, 2023, at 5:34 p.m. at the Grimes Community Complex, 410 SE Main Street, Grimes, Iowa. The Pledge of Allegiance was led by Mayor Mikkelsen.

ROLL CALL

Present: Mayor Scott Mikkelsen, Council Members: Andrew Borcharding, Eric Johansen, Laurie DePhillips, Ryan Burger, and David Gisch.

AGENDA ITEMS

APPROVAL OF THE AGENDA

Mayor Mikkelsen asked for approval of the agenda.

Moved by Gisch, Second by DePhillips, to approve the agenda.

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

CONSENT AGENDA

A. Resolution 01-0123 Minutes approval from previous meeting B. Resolution 01-0223 Claims Report for 12-27-22 through 1-24-23 \$8,319,031.20 C. Resolution 01-0323 Approving Bills and Quotes over \$10,000 D. Resolution 01-0423 Approving ABD Licenses: Pancheros Grill, Pour Choices, and Ownership Updates for Hy-Vee Inc. and Kwik Star. E. Resolution 01-0523 Professional Services Payments: 1. Pay Request #4 McClure Engineering Company – Phase 1A Water Systems Improvements \$42,120.02 2. Pay Request #10 Nilles Associates, Inc – Kennybrook South Detention Basin Improvements \$2,232.50 3. Pay Request #1 Van Maanen Electric – City Traffic Signal Communication Network \$481,620.08 4. Pay Request #1 Foth Infrastructure & Environment, LLC – Temporary Traffic Signal South James Street and South 19th Street \$4,708.00 5. Pay Request #14 ISG – Water Works Park Splash Pad \$8,524.29 6. Pay Request #2 McClure Engineering Company – North Jordan Well Repairs \$48,883.76 7. Pay Request #3 McClure Engineering Company – North Jordan Well Repairs \$32,874.65 8. Pay Request #7 Nilles Associates, Inc – Grimes Existing Basins Enhancements \$5,000.00 9. Pay Request #1 Snyder & Associates, Inc – Streets Master Plan/Design Guide \$7,826.88 10. Pay Request #1 McClure Engineering Company – Grimes South Jordan Well Improvements \$16,549.94 11. Dorsey & Whitney LLP – legal fees for Sewer Revenue Bond - \$17,550 12. Pay Request #4 Foth Infrastructure & Environment, LLC – SE 11th Street & S James Street \$65,878.59 13. Pay Request #49 Veenstra & Kimm, Inc – WRA Connector \$66,133.54 14. Pay Request #2 Veenstra & Kimm, Inc – West Area Trunk Sewer Conceptual Study \$1,665.63 15. Denman & Company, LLP – Audit for Year End June 30, 2022, \$6,000.00 16. Pay Request # The Weitz Company, LLC – New Grimes Public Library \$47,906.24 17. Pay Request #33 McClure Engineering Company – Reverse Osmosis Water Treatment Plant – Phase 1 \$3,400.00 18. Pay Request #3 Snyder & Associate, Inc for NE Destination Drive & NE Beaverbrooke Blvd \$13,411.00 19. Pay Request #6 Civil Design Advantage – GrimesPlex \$41,333.65 20. Pay Request #5 McClure Engineering Company – Phase 1A Water System Improvements \$69,644.61 21. Pay Request #1 Snyder & Associates – IA Hwy 44 Trail Extension Project \$9,714.38 22. Pay Request #33 Bolton & Menk, Inc – Highway 44 & SW County Line Road Intersection Improvements \$4,600.00 23. Pay Request #2 McClure Engineering Company – Grimes South Jordan Well Improvements \$202.50 24. Whitfield & Eddy Law – legal \$22,736.75 25. Invision – City of Grimes Public Library \$7,502.87 F. Resolution 01-0623 Pay Requests: 1. Pay Request #4 Halbrook Excavating – SE Jacob Street Reconstruction and Storm Sewer \$249,809.15 2. Pay Request MidAmerican Energy – NW Territory Lift Station \$142,033.66 3. Pay

Request Millerbernd Mfg. – County Line Road Traffic Signal Improvements \$59,376.00 4. Pay Request #10 Shank Constructors, Inc. – WRA Grimes Connector – Contract 4 \$133,038.53 5. Pay Request #5 S.M. Hentges & Sons, Inc – WRA Grimes Connector – Contract 2 \$1,017,464.75 6. Pay Request #6 Rognes Corporation – WRA Grimes Connector – Contract 3 \$152,903.81 7. Pay Request #2 Edge Commercial, LLC – GrimesPlex \$766,370.40 8. Pay Request #5 Edge Commercial, LLC – Waterworks Park Improvements \$512,447.01 9. Pay Request #10 S.J. Louis Construction, Inc – WRA Grimes Connector – Contract 1 \$819,078.72 10. Pay Request #2 Performance Contracting, Inc - New Grimes Public Library \$87,029.50 11. Pay Request #9 Van Maanen Electric Inc – New Grimes Public Library \$17,562.75 12. Pay Request #9 Graphite Construction Group – New Grimes Public Library \$132,831.74 13. Pay Request #8 Absolute Concrete - County Line Road Intersection Improvements \$34,768.89 14. Pay Request #5 Halbrook Excavating – SE Jacob Street Reconstruction and Storm Sewer \$6,935.00 15. Pay Request #2 Van Maanen Electric – City Traffic Signal Communication Network \$43,616.87 16. Pay Request #4 Edge Commercial, LLC – Waterworks Park Improvements \$227,543.61 G. Change Orders: 1. Change Order #2 Halbrook Excavating for SE Jacob Street Reconstruction and Storm Sewer increasing contract \$7,300.00. 2. Change Order #4 Absolute Concrete for County Line Road Intersection Improvements \$6,317.03 3. Change Order #2 S.J. Louis Construction, Inc for WRA Grimes Connector-Contract 1 \$276,896.19 H. Resolution 01-0723 Renewal of General Property and Liability Insurance Coverage with Iowa Communities Insurance Pool I. Resolution 01-0823 Accepting Public Improvements in Walmart Site Improvements 2022 Grant Applications and Services: a. Resolution 01-0923 Approving an Agreement with the City of Grimes for Obtaining Funding Through the Iowa Department of Transportation’s “Revitalize Iowa’s Sound Economy” (R.I.S.E.) Program for the SE 40th Street and SE Park Drive Extension Project b. Resolution 01-1023 Recognizing Dedication of Property and Authorizing Fund Dispersal c. Resolution 01-1123 To Enter into Grant Writing Agreement with Impact7G, Inc. d. Resolution 01-1223 Authorizing the City of Grimes to Submit an Application for Funding from the Federal Surface Transportation Block Grant Program to the Des Moines Area Metropolitan Planning Organization for the Partial Funding of the Construction of a Portion of Southeast 37th Street and Further Approving the Application Which Obligates the City of Grimes to Matching Funds for the Construction of Said Project e. Resolution 01-1323 Approving an Enhance Iowa Community Attraction and Tourism Grant Application for the GrimesPlex Project K. Resolution 01-1423 Accepting a Proposal from MidAmerican Energy Company in the Amount of \$77,832,96 for the Installation of Two Electric Services for the GrimesPlex Project L. Resolution 01-1523 Approving Utility Connection Agreements – 2425 NW County Line Road M. Resolution 01-1623 Approving Water/Sewer Adjustment Policy N. Resolution 01-1723 Approving Personnel Transactions O. Resolution 01-1823 Extending the Certification of the Johnston-Grimes Metropolitan Fire Department Promotional List for Lieutenants Originally Established January 27, 2021 P. Resolution 01-1923 Approving Purchase of New Fire Engine Q. Development Services Annual Report R. Receiving and Filing of Reports S. Finance Report for December 2022 Motion by Gisch, Second by DePhillips, to approve the Consent Agenda.
Roll Call: Ayes: All; Nays: None Motion passes 5 - 0

PUBLIC FORUM - None

PUBLIC AND COUNCIL AGENDA ITEMS

1. Audit Presentation – Denman & Company LLP – David Ellis

Dave Ellis, CPA with Denman & Company addressed the Council stating that this is the second year that Denman & Company had performed the annual audit of City finances and practices. Upon reviewing the schedule of expenditures, federal awards and revolving funds, Ellis said he found everything to be in compliance with no material weakness in the reports or with the internal controls in

place. Council Member Johansen complemented the financial department and staff with their thoroughness in keeping the City finances moving in a positive direction.

a. Resolution 01-2023 Receiving and Filing of Audit for Fiscal Year 2021-2022 by Denman & Co. Moved by Johansen, Second by Borcharding, to approve Resolution 01-2023 Receiving and Filing of Audit for Fiscal Year 2021-2022 by Denman & Company, LLP

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

2. An Ordinance Amending the Grimes Code of Ordinances Chapter 12-5 to Specify New Regulations for the General Regulations and Amending Chapter 12-4 Definitions and Amending Section 5-3-4 to Delete Regulations Regarding Transient Merchants

Development Services Director Alex Pfaltzgraff provided an overview of the amendments to the Grimes Code of Ordinances Chapter 12-5 to specify new regulations for the General Regulations and amending Chapter 12-4 definitions and amending Section 5-3-4 to delete regulations regarding transient merchants Pfaltzgraff stated that the General Regulations is a section within the zoning ordinance that covers topics, such as pools, decks, accessory buildings, and home-based businesses. Pfaltzgraff said the Planning and Zoning Commission has reviewed the Ordinance in detail. Their recommendations have been incorporated into the regulations presented.

a. Public Hearing on an Ordinance Amending the Code of Ordinances of the City of Grimes, Iowa by Amending the Grimes Code of Ordinances Chapter 12-5 to Specify New Regulations for the General Regulations and Amending Chapter 12-4 Definitions and Amending Section 5-3-4 to Delete Regulations Regarding Transient Merchants

Mayor Mikkelsen opened the Public Hearing at 5:57 p.m. Being no oral or written comments, the Public Hearing was closed at 5:57 p.m.

b. First Reading of Ordinance 774 Amending the Code of Ordinances Chapter 12-5 to Specify New Regulations for the General Regulations and Amending Chapter 12-4 Definitions and Amending Section 5-3-4 to Delete Regulations Regarding Transient Merchants

Moved by Johansen, Second by Burger, to approve First Reading of Ordinance 774 Amending the Code of Ordinances Chapter 12-5 to Specify New Regulations for the General Regulations and Amending Chapter 12-4 Definitions and Amending Section 5-3-4 to Delete Regulations Regarding Transient Merchants

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

3. 80/20 Voluntary Annexation of Property into the City of Grimes, Polk County, and Dallas County, Iowa

Development Services Director Alex Pfaltzgraff notified Council that the City of Grimes is in receipt of applications for voluntary annexation for properties generally located along NW and SW County Line Road. Pfaltzgraff said the area encompasses approximately 706 acres with a range of land uses supported. He said for the City to process the applications, a property west of NW County Line Road and north of Highway 44 would need to be included in the annexations. Pfaltzgraff said while they have not had any success in obtaining a voluntary application from one portion of the property included the state allows for the annexation of non-consenting properties of up to 20% of the overall annexation area. Pfaltzgraff said this proposal would result in about 10.7% of the annexation area being non-consenting. Pfaltzgraff said all of the necessary notices, consultations, hearings and proceedings have been filed, and to date there have been no objections. Pfaltzgraff added that he had met with several property owners who had property that adjoins the territory to be annexed into the city.

a. Public Hearing on Proposed 80/20 Voluntary Annexation of Property into the City of Grimes, Polk and Dallas County, Iowa.

Mayor Mikkelsen opened the Public Hearing at 6:04 p.m. The Mayor asked if there had been any oral or written comments received. The City Clerk Rochelle Williams stated only as previously stated by Development Services Director Alex Pfaltzgraff. Public Hearing was closed at 6:05 p.m. Moved by Johansen, Second by DePhillips, to approve the 80/20 Annexation of Property into the City of Grimes, Polk County, and Dallas County, Iowa.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 - 0.

4. Property at 309 East 1st Street

Development Services Director Alex Pfaltzgraff addressed the Council stating letters of intent have been received from four applicants wishing to lease the city owned building at 309 1st Street. Pfaltzgraff said the terms are identical, and staff is looking for recommendations as to which tenant should be selected.

a. Public Hearing to Consider Entering into A Lease Agreement at 309 1st Street, Grimes Iowa

Mayor Mikkelsen opened the Public Hearing at 6:09 p.m. Being no oral or written comments, the Public Hearing was closed at 6:09 p.m.

General discussion among Mayor Mikkelsen and Council Members concluded that while it would be advantageous to lease the space, more time and marketing should be allowed for additional potential lessees would be advisable.

5. Presentation on Disposal of Portion of Enterprise Tower Property

Development Services Director Alex Pfaltzgraff informed the Council that in 2017, the City entered an agreement with the developer of the light industrial area just west of Highway 141 and north of SE 28th Street to construct the Enterprise Tower. Pfaltzgraff said that project was completed in 2021.

Pfaltzgraff noted the tower itself is on the west half of the property, leaving approximately 1 acre of undeveloped property which is landlocked by the Enterprise Tower site and properties to the north, east and south. Pfaltzgraff said in late 2022, the property owner to the east and south of that site, expressed interest in acquiring the excess Enterprise Tower property. Pfaltzgraff said the current concept indicates that if sold, the owner would use the site for open space and vehicle circulation. He said staff evaluated the request and determined that there was no future need for the excess property and that there would be no future municipal water value to the property. Pfaltzgraff said an appraisal determined that the value of property is \$216,000.00 and recommended the property be disposed of to the interested party. Mayor Mikkelsen and Council Members determined that further review into other possible uses or interested buyers or lessees should be held before the final direction is chosen.

6. Presentation on South James Street Improvements

Development Services Director Alex Pfaltzgraff stated that a corridor study of South James Street, from 37th Street to 27th Street was complete. He added that the City Council prioritized funding for the design and property acquisition of the first phase of the improvement project. Pfaltzgraff offered two options to consider for conducting the first phase of construction. He said Phase 1 includes the extension of SE 11th Street, from its western termination just east of the Norfolk Southern Railway, to South James Street, and at the future intersection of South James Street and 11th Street, where a dual lane roundabout would be constructed. Pfaltzgraff said that north of the roundabout, South James Street would be reconstructed and widened to 3-lanes, and the project is estimated to be completed in the fall of 2025. Pfaltzgraff said Option 1 would keep South James Street open as much as possible during the construction project, but to do so would likely increase both the construction schedule and the budget. He added these increase would be due to the temporary pavement installation and remobilization by the contractor. Pfaltzgraff said Option 2 would close South James Street for construction of the roundabout at the intersection of South James and 11th Street. He said the closure would be planned during the summer of 2024. Pfaltzgraff said it is estimated that the closure would be for 10-12 weeks. Pfaltzgraff

stressed that with either option, there would still be closures during the project that are un-avoidable, however there would be several detour options available to local traffic and commuters. Mayor Mikkelsen and Council Members agreed that further discussion and options should be reviewed before proceeding.

7. Presentation Update to City Code Section 9 Water Service System and City Code Section 10 Stormwater Management Utility

Public Works Director Kevin Hensley advised the Council that staff has been working to update City Code Section 9 Water Service System and City Code Section 10 to align with current practice and State Code. Hensley stated that Title 9 and 10 are sections within the City code that address public utilities and stormwater management. He said the updates largely address curb stops and meter installations as well as clarifying the responsibilities of both homeowners and city staff. Hensley said due to the number of changes being proposed, staff would address feedback and questions prior to a public hearing to be set at the February 14, 2023 Council meeting.

8. Appointments to Boards and Commissions – Mayor Mikkelsen

Mayor Mikkelsen made the following recommendations for appointment to various Boards for the City of Grimes subject to Council approval:

Planning and Zoning Board: Adam Bunge, and Reappointing Craig Patterson both for 5-year terms.

Park and Recreation: Reappointing Renee Johnson for a 3-year term.

Tree Board: Reappointing Lee Goldsmith and Mark Dungan for a 4-year term.

Public Health and Safety: Reappointing Kathy Leinenkugel for a 3-year term

Fire Advisory Board Liaisons: Council Members David Gisch and Council Member Laurie DePhillips

Metro Waste Authority Board: Council Member David Gisch

BRAVO: Council Member Eric Johansen and Cheryl Heid as Alternate

Metro Advisory Committee: Council Member Eric Johansen,

Convention and Visitors Bureau: Primary Council Member Ryan Burger and Alternate Brian Becker,

Des Moines Area MPO Representatives:

MPO Primary Representative – Mayor Scott Mikkelsen

MPO Alternate Representative- City Administrator Jake Anderson

MPO TTC Primary Representative – City Engineer Matt Ahrens

MPT TTC Alternate Representative- Development Services Director Alex Pfaltzgraff

DART Task Force Liaison: Council Member Borcharding

W.R.A. Board: Council Member DePhillips, and City Administrator Jake Anderson

W.R.A. Technical Committee: Primary- City Engineer Matt Ahrens and Alternate Kevin Hensley Public Works Director

MIPA Board Representative: Alex Pfaltzgraff Development Services Director

Mayor Mikkelsen thanked Dani Smid for her years of service on the Planning and Zoning Board.

Council Member Johansen also thanked the many residents that contribute their time in serving on the various boards.

Motion by Johansen, Second by Gisch to approve the appointments as proposed.

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

ADJOURN

There being no further business the meeting was adjourned at 7:15p.m.

Motion by Gisch, Second by Johansen, to adjourn.

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

ATTEST:

Rochelle Williams, City Clerk

Scott Mikkelsen, Mayor