

CITY COUNCIL MEETING
Tuesday, May 24, 2022

*Please note the regular City Council Meeting was held as an electronic and in person meeting. The meeting was called to order by Mayor Mikkelsen Tuesday May 24, 2022 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: Eric Johansen, David Gisch, Andrew Borcharding, Ryan Burger, Laurie DePhillips

AGENDA ITEMS

APPROVAL OF THE AGENDA

Mayor Mikkelsen asked for approval of the agenda.

Moved by Borcharding, Second by Johansen, approving the agenda.

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

CONSENT AGENDA

A. Minutes from previous meetings B. Resolution 05-0122 Authorizing Entering into A Consent Order with DNR Regarding the Grimes Waste Water Treatment Plant C. Request for Street Closures 1. Request for Street Closures along NW Morningside Drive for Block Party 2. Request for Street Closure NW 3rd Court for Block Party D. ABD License Renewals: a .Aldi: 2055 E. 1st Street: Class B Wine, Class C. Beer, & Sunday Sales b. Kum & Go: 1880 SE Princeton: Class E Liquor, Class C Beer, Class B Wine & Sunday Sales c. Kum & Go: 801 N. 1st St.: Class E Liquor, Class C Beer, Class B Wine & Sunday Sales E. Resolution 05-3022 Approving Purchase Agreement – 309 East 1st Street F. Resolution 05-3122 Approving Consent and Agreement for Improvements Within Overland Flowage Easement for Lot 58 in Brentwood Estates – 2901 NE Cherry Court G. Resolution 05-3222 Consent and Agreement for Improvements for Lot 37 of Heritage at Grimes Plat 3 – 705 NE 21st Street H. Resolution 05-2922 Approving Consent for Improvements for Lot 19 in Brooke Ridge Plat 1 2411 NW Springbrooke Dr. I. Resolution 05-4822 Approving Consent for Improvements for Lot 20, Autumn Park West Plat 1 - 1712 NW 8th St. J .Resolution 05-3322 Approving Entering into an Agreement with the Iowa Department of Transportation with Regard to RISE Grant K. Resolution 05-3522 Approving Employee Handbook Update L. Resolution 05-4422 To Extend the Contract for On-Call Electrical Services with Kline Electric M. Resolution 05-4522 Authorizing the Placement of a Stop Sign on Westbound NE 27th Street at James Street N. Resolution 05-4622 Approving Quotes and Bills Over \$10,000. O. Pay Requests: 1. Pay Request 1 Graphite Construction Group for the New Grimes Library \$55,408.86 2. Pay Request 2 Ideal Floors for the New Grimes Library \$11,946.25 3. Pay Request #2 Van Maanen for the New Grimes Library \$10,974.72 4. Pay Request #2 AMC Mechanical for the New Grimes Library \$60,667.95 5. Pay Request #5 to RD McKinney Plumbing and Excavating, Inc for the Grimes Water Main Improvement (ASR to Standpipe) retainage payment \$4,000.00 6. Pay Request #6 to Synergy Contracting, LLC for the SE Jacob Street Water Main \$9,572.53 P. Change Orders: 1. Change Order # 6 to Synergy Contracting, LLC for the SE Jacob Street Water Main increasing contract \$6,681.00

Q. Professional Services Pay Requests: 1. Pay Request #3 to Weitz Company, LLC for the New Grimes Library \$10,701.05 2. Pay Request #1 to Civil Design Advantage for the Grimes Plex \$12,171.27

3. Pay Request #11 to Foth Infrastructure & Environment, LLC for the James Street Corridor Study North 27th Street to South 37th Street \$997.00 R. Resolution 05-4922 Accepting the Grimes Water Main Improvement Project (ASR to Standpipe) S. Resolution 05-5022 Professional Services Agreement for Sports Facilities Development T. Resolution 05-5222 Agreeing to Settlement of Benefit Claim U. Resolution 05-5322 To Approve The Installation of Power Feeds At The South Sports Complex for Community Events V. Resolution 05-5422 Approving A Public Art and Culture Plan W. Filing and Receiving of Correspondence and Reports X. Finance Report for April 2022 Y. Claims Report \$869,316.92

Motion by Borcharding, Second by DePhillips, to approve the Consent Agenda.

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

PUBLIC FORUM

Nancy Baker Curtis, 513 SE 14th Street, Grimes addressed the Council thanking them for their proactive stance in providing equitable access to Grimes residents with disabilities.

PUBLIC AND COUNCIL AGENDA ITEMS

A. Waterworks Park Improvements

Development Services Director Alex Pfaltzgraff address the Council regarding the project. He advised that two bids were received. Pfaltzgraff added that both base bids were over the engineer's estimate. He added that the low bid was from Edge Commercial in the amount of (base bid) \$3,150,557.14, Alternates A, B and C bring the total to \$3,731,765.39. Pfaltzgraff stated that funding could come from park improvement funds, splash pad CIP, enterprise accounts, LOSST cash and fund raising. He suggested to delay making a decision and to get a recommendation from the Parks and Recreation Board on funding the gap with utilizing park improvement funds.

1. Public Hearing on Waterworks Park Improvements

Mayor Mikkelsen opened the Public Hearing at 5:47 pm. There being no oral or written comments the Public Hearing was closed at 5:47 pm.

(The following actions were delayed)

2. Resolution 05-3622 Adopting Plans, Specifications, Form of Contract and Estimate of Cost for the Waterworks Park Improvements

3. Resolution 05-3722 Making Award of Construction Contract for Waterworks Park Improvements

4. Resolution 05-3822 Authorizing Construction Contract and Bond for Waterworks Park Improvements

B. Third Reading on Ordinance 761 Amending Grimes Section 9-5-2 (1) With Regard to Water Service Rates, Section 9-10.4 (2) With Regard to Sewer Service Rates, Section 9-15-6 (1B) For Collection of Recyclable Materials and Section 9-13-9 (1) Solid Waste.

Finance Director Marcia Woodke said there will be a 5-year rate increase for sewer services at 7 ½ % for each year effective on the first billing in August. Woodke said this is a reduction from the previous year's rate recommendation of 15%. She added this will be an increase of .57 cents on the base usage rate. Woodke said for water rates, the increase is 2 ½ % for each of the 5 years, which is a reduction from the prior year's recommendation of 12%. Woodke said this increase will equal .26 cents per each 1,000 gallons. She advised the Council there is no proposed increase for stormwater charges at this time. Woodke stated that for solid waste the input costs have increased to 15.05 per resident for the combined solid waste and recycling due to the Metro Waste recent request for proposals. Woodke stated the ordinance would increase recycling to meet the cities cost of 4.32, and an increase for solid

waste to \$9.59 for the first container, and \$10.73 for the second container per resident. Woodke said the combined bill for residents with single cans will be \$13.91 with the city still subsidizing the utility at the current level. Woodke stated that for the whole comparison, the monthly increase for combined bill on an average residence using 4,000 gallons will be \$6.53 a month.

Motion by Gisch, Second by DePhillips, to approve the Second Reading of Ordinance 761 amending Grimes Section 9-5-2 (1) With Regard to Water Service Rates, Section 9-10.4 (2) With Regard to Sewer Service Rates, Section 9-15-6 (1B) For Collection of Recyclable Materials and Section 9-13-9 (1) Solid Waste.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

Moved by Gisch, Seconded by DePhillips to approve final passage of Ordinance 761.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

C. Third Reading of Ordinance 762 Proposed Rezoning of Property Generally Located at the Northwest Corner of SE 28th Street and Highway 141 from A-1 Agricultural District to M-1A Commercial and Limited Light Industrial District for Rezone – generally referred to as MKEDS
Development Services Director Pfaltzgraff stated that this rezone would allow for three lots to be zoned M-1A Commercial and Limited Light Industrial District. He advised that this project would include the completion of Gateway Drive. Pfaltzgraff said the Planning and Zoning Board had reviewed the plans and recommended approval along with staff.

Motion by Johansen, Second by Borcharding, to approve the Third Reading of Ordinance 762.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

Moved by Johansen, Seconded by Borcharding to approve final passage of Ordinance 762.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

D. Proposed Rezoning of Property Generally Located East of Highway 141 and South of NE Beaverbrooke Blvd from A-1 Agricultural District to R-4 Planned Residential Development District and R-3 Medium Density Two or More Family Dwelling District – Fagen Property
Development Services Director Alex Pfaltzgraff advised that the applicant is requesting approval of a rezone from A-1 to R-4 and R-3 Medium for approximately 31.64 acres generally located east of Highway 141 and south of NE Beaverbrooke Blvd. The R-4 zoning will allow for commercial and high density residential where the R-3 Medium will allow for medium density residential.

1. Public Hearing on Proposed Rezoning of Property Generally Located East of Highway 141 and South of NE Beaverbrook Blvd from A-1 Agricultural District to R-4 Planned Residential Development District and R-3 Medium Density Two or More Family Dwelling District – Fagen Property

Mayor Mikkelsen opened the Public Hearing at 5:57 pm. There being no oral or written comments the hearing was closed at 5:57 pm.

2. First Reading of Ordinance 763 Rezoning of Property Generally Located East of Highway 141 and South of NE Beaverbrook Blvd from A-1 Agricultural District to R-4 Planned Residential Development District and R-3 Medium Density Two or More Family Dwelling District – Fagen Property

Moved by Johansen, Seconded by Borcharding the First Reading of Ordinance 763 Rezoning of Property Generally Located East of Highway 141 and South of NE Beaverbrook Blvd from A-1 Agricultural District to R-4 Planned Residential Development.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

E. Resolution 05-3922 Authorizing Development Agreement Negotiation – NE Beaverbrooke/NE Destination Extension

Development Services Director Alex Pfaltzgraff advised that the City of Grimes was approached by Signature Real Estate regarding the development of 30 acres of property located east of Hwy 141 near the Beaverbrook Blvd intersection. He added the proposal is to construct a mixed-use development consisting of townhomes, multi-family residential and commercial retail/office space. Pfaltzgraff added it also calls for the extension of NE Beaverbrooke Blvd and NE Destination Drive. He stated that due to the anticipated infrastructure needs associated with the improvements Signature Real Estate has request assistance in the form of a Tax Increment Financing rebate.

Moved by Johansen, Seconded by Borchering, Resolution 05-3922 Authorizing a Development Agreement Negotiation for NE Beaverbrooke/NE Destination Extension; shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

F. Proposed Rezoning of Property Generally Located at the Northwest corner of SE 37th Street and South James Street from A-1 Agricultural District to M-1A Commercial and Limited Light Industrial District – Herndon Property

Development Services Director Alex Pfaltzgraff advised the applicant is requesting approval of a rezoning from A-1 to M-1A for approximately 77.52 acres located northwest of the corner of SE 37th Street and South James Street. He added this rezone will allow for commercial and light industrial uses and is consistent with the Business Park Land Use designation in the Future Land Use Plan. Pfaltzgraff advised the buildings would be similar in look to the Legacy Development. He added the Planning and Zoning approved the request for rezone along with staff.

1.Public Hearing on Proposed Rezoning of Property Generally Located at the Northwest Corner of SE 37th Street and South James Street from A-1 Agricultural District to M-1A Commercial and Limited Light Industrial District – Herndon Property

Mayor Mikkelsen opened the Public Hearing at 6:10 pm. There being no oral or written comments the Public Hearing was closed at 6:10 pm.

1.First Reading of Ordinance 764 Rezoning of Property Generally Located at the Northwest Corner of SE 37th Street and South James Street from A-1 Agricultural District to M-1A Commercial and Limited Light Industrial District – Herndon Property

Moved by Gisch, Seconded by Johansen the First Reading of Ordinance 764 rezoning of property generally located at the northwest corner of SE 37th Street and South James Street from A-1 Agricultural District to M-1A Commercial and Limited Light Industrial District – Herndon Property; shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

G. City of Grimes Budget Amendments for Fiscal Year 2021-22

Finance Director, Marcia Woodke reviewed with the Council the budget amendment. She stated that the city received a donation to the skatepark and is utilizing the fund for a previously unbudgeted project, and is receiving more funding for GEMT reimbursement, requiring more expenditure to pay the State share. She added the city paid for additional warning sirens approved in the prior fiscal year which were not included in this budget. Woodke advised there was additional expense for the communications manager hired mid-year and increased property/casualty insurance for the year. She stated the city receipted additional enterprise revenue and realized some additional expense for sales tax, locating fees, deposit refunds and two delayed invoices from the prior year for solid waste. Woodke stated the amendment was in the amount of \$1,214,673.00.

1.Public Hearing on Grimes Budget Amendments for Fiscal Year 2021-22

Mayor Mikkelsen opened the Public Hearing at 6:12 pm. There being no oral or written comments the Public Hearing was closed at 6:13 pm.

2.Resolution 05-2122 Approving the City of Grimes Budget Amendment for Fiscal Year 2021-22

Moved by Gisch, Seconded by Burger, Resolution 05-2122 Approving the City of Grimes Budget Amendment for Fiscal Year 2021-22.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

H. Rocket Car Wash Site Plan

Development Services Director Alex Pfaltzgraff stated the applicant is requesting approval of a site plan to build a car wash at 200 NE Destination Drive. He advised that the site is located within the C-2 Zoning District and Zone 2 of the Highway 141 Mixed Use Development Corridor District. Pfaltzgraff added that Planning and Zoning approved the site plan along with staff.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

I. Resolution 05-4022 Authorizing and Approving a Loan Agreement, providing for the Sale and Issuance of General Obligation Corporate Purpose Bonds, Series 2022A, and Providing for the Levy of Taxes to Pay the Same

Finance Director Marcia Woodke advised that a General Obligation Corporate Purpose Bond Sales Series 2022A in the amount of \$6,975,000 had been sold. She advised that six bids were received but one was removed due to bidder error. The bid award went to Baker Group of Oklahoma City, Oklahoma with a rate of 3.541974 percent

Moved by Borcharding, Seconded by Gisch Resolution 05-4022 Authorizing and Approving a Loan Agreement Providing for the Sale and Issuance of General Obligation Corporate Purpose Bonds, Series 2022A, and Providing for the Levy of Taxes to Pay the same; shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

J. Resolution 05-4722 Deleting Property from the Grimes Urban Renewal Area

Development Services Director Alex Pfaltzgraff stated that previous the Council approve a resolution authorizing staff to negotiate a development agreement with Rock Creek Investments and to initiate the necessary Urban Renewal Proceedings. He added the actions that would be necessary are to first delete the property from the Urban Renewal Area in order to reset the clock for incentives to be offered.

Pfaltzgraff stated that an Ordinance would be need to delete the property from the TIF Ordinance and then lastly set a hearing to consider adding this property and project to the Urban Renewal Plan and Urban Renewal Area.

Moved by Johansen, Seconded by Borcharding Resolution 05-4722 deleting property from the Grimes Urban Renewal Area; shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

K. An Ordinance 766 Deleting Property from the Tax Increment Financing District for the Grimes Urban Renewal Area of the City of Grimes, Iowa, Pursuant to Section 403.19 of the Code of Iowa

Moved by Johansen, Seconded Borcharding, the First Reading of Ordinance 766 deleting property from the Tax Increment Financing District for the Grimes Urban Renewal Area of the City of Grimes, Iowa pursuant to Section 403.19 of the Code of Iowa shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

L. Resolution 05-4122 Setting Date for Public Hearing on Designation of the Expanded Grimes Urban Renewal Area and on Urban Renewal Plan Amendment

Moved by Johansen, Seconded by Borcharding; Resolution 05-4122 setting a date for a Public Hearing on designation of the expanded Grimes Urban Renewal Area and on Urban Renewal Plan Amendment shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

M. Amending Grimes Code of Ordinance Title 9 With Regard to Regulation of Wastewater Sewer Usage by Deleting Current Section 9-1 In Its Entirety, and Adopting New Uniform Wastewater Sewer Regulations Consistent with Grimes WRA Agreement

Public Works Director Kevin Hensley stated this Ordinance is part of the amendments that are required by the WRA. He added this Ordinance is related to discharge requirements and limits, also limits for pollutants, pre-treatment standards and the regulations of fat, oil and greases. Hensley stated they are obligations as part of joining the WRA.

1.Public Hearing on Ordinance 765 Amending Grimes Code of Ordinance Title 9 With Regard to Regulation of Wastewater Sewer Usage by Deleting Current Section 9-1 In Its Entirety, and Adopting New Uniform Wastewater Sewer Regulations Consistent with Grimes WRA Agreement

Mayor Mikkelsen opened the Public Hearing at 6:30 pm. There being no oral or written comments the Public Hearing was closed at 6:31 pm.

2.First Reading of Ordinance 765 Amending Grimes Code of Ordinance Title 9 With Regard to Regulation of Wastewater Sewer Usage by Deleting Current Section 9-1 In Its Entirety, and Adopting New Uniform Wastewater Sewer Regulations Consistent with Grimes WRA Agreement

Moved by Gisch, Seconded by Johansen First Reading of Ordinance 765 amending Grimes Code of Ordinance Title 9 with regard to Regulation of Wastewater Sewer Usage by deleting current Section 9-1 in its entirety, and adopting new uniform wastewater sewer regulations consistent with Grimes WRA Agreement; shall be approved.

Roll Call: Ayes: All; Nays: None Motion passes 5 – 0

N. Resolution 05-4322 Approving GrimesPlex Monetary Gift Agreement

City Administrator Jake Anderson stated this is the second part of an agreement. He stated the Council approved a real estate agreement at the last meeting. Anderson stated this Resolution and agreement approves and authorized the Mayor to sign, established a commitment to donate \$12,000,000.00 to the City from Reza Kargarzadeh for the GrimesPlex. Mayor Mikkelsen thanked Reza Kargarzadeh for his generous gift to the City of Grimes.

ADJOURN

Motion by Gisch, Second by Johansen, to adjourn the meeting at 6:35p.m.

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

ATTEST:

Rochelle Williams, City Clerk

Scott Mikkelsen, Mayor