CITY COUNCIL MEETING
Tuesday February 25, 2020
Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order on Tuesday February 25, 2020 at 5:30 P.M. at the Grimes City Hall. The Pledge of Allegiance was led by Mayor Mikkelsen.
Roll Call: Present: Altringer, Johannsen, Gisch, Burger, Borcherding

AGENDA ITEMS
Approval of the Agenda
Mayor Mikkelsen asked for approval of the agenda.
Moved by Gisch, Second by Borcherding, to approve the agenda.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0.

CONSENT AGENDA
A. Minutes from previous meeting B. GCC Rates for DCG PTO Sponsorship C. Kleener Image, Inc $9,971.71 D. Municipal Supply, Inc $8,777.00 E. Municipal Supply, Inc $4,617.00 F. Resolution 02-0620 Setting a Public Hearing for a Request to Rezone 18.6 acres from A-1 to C-2 for Hope Commercial for March 24, 2020 at 5:30 pm. G. Resolution 02-1320 Setting a Public Hearing for a Request to Rezone 3.28 acres from A-1 to R-1 for Kasperbauer Property for March 24, 2020 at 5:30 pm. H. Resolution 02-0720 Setting the Date for Public Hearing on Proposals to Enter Into General Obligation Loan Agreements I. Resolution 02-1220 Personnel Transactions J. Set a Public Hearing for a Proposed Property Maximum Tax Levy for Fiscal Year July 1, 2020 – June 30, 2021 for March 10, 2020 at 5:30 pm. K. Write Off of Uncollectable Utility Accounts L. Professional Services a. HR Green, Inc for the SE 37th Street @ Highway 141 Reconstruction $10,591.90 b. Whitfield and Eddy Law $17,058.10 M. Pay Requests: a. Pay Request #2 to Shank Constructors for the Reverse Osmosis Water Treatment Phase 1 $278,825.00 N. SE 37th Street @ Highway 141 Reconstruction – Project Update a. PSA Amendment to HR Green Contract $73,040. b. Approval to move forward with Change Orders increasing contract $435,671.75 O. Finance Report for January 2020 P. Claims Report #1,312,053.51
Moved by Borcherding, Second by Johansen, to approve the Consent Agenda.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

PUBLIC FORUM
Robert Gill 4705 NE 22nd Street Des Moines addressed the Council on behalf of Waste Connections. Gill stated that phone calls are an effective mode of communication between the City and Waste Connections. He adds that Waste Connections has always been very responsive to the City. Gill expressed disappointment that the City was seeking new bids for collection services for the city.

Sandy Miller, 604 SE 2nd Street addressed the Council to state that she has concerns about the decline of insects and birds. She recommended that the City focus on using more native plants in public areas to reduce maintenance costs and encourage non-chemical methods of treating and fertilizing green spaces.

PUBLIC AND COUNCIL AGENDA ITEMS
A. Voluntary Annexation at 13376 NW 82nd Avenue
a. Public Hearing on Voluntary Annexation of Certain Property into the City of Grimes known as Kasperbauer Property.

DRAFT

Mayor Mikkelsen opened the Public Hearing at 5:36 pm. Diane Porter of 13396 NW 82nd Avenue addressed the Council. Porter advised that she had just sent an email outlining her concerns and requested to read it to the Council. I protest the proposed annexation of 13376 NW 82nd to the city of Grimes. My concerns are as follows: 1. property is currently zoned ER, is 3.28 acres, and meets the minimum requirement to build a single family dwelling a. The county will not rezone this land because it meets current requirements. Rezoning would be a deviation from the county land use plan
b. Xenia rural water is easily accessible and there is plenty of room for a private septic system
2. Polk county land use plan for our area is Low Density Residential. LDR states that "Development at these densities will not occur until public sewer is available. In the interim, these areas will remain in agricultural or other low-intensity use. 3 units per acre (gross)" a. City water is available at the front of the lot; however, there is no city sewer or plans to provide it any time soon b. Land should remain in agricultural status until sewer is available 3. This lot is currently part of Town and Country (lot 2). If the land remains part of T&C, then a. all lots must adhere to the covenants that run with the land b. It needs to remain zoned as ER with a minimum of 3 acres c. There are no other legally subdivided lots in T&C and no precedent to allow it now d. There is currently an easement of 40x40 across lot 1 for the benefit of lot 2. 40x40 does not meet the minimum common easement of 50 ft required for 2 dwellings. (Section 165.09 of city ordinance) e. There is a fire hydrant in the center of the easement that would need to be moved 4. If the land separates completely from T&C with annexation, rezoning, and a new plat, then a. It would void the current easement across lot 1 for the benefit of lot 2. The new property would require access directly to the street for each property b. OR a frontage road for both properties to the park entrance c. OR some sort of easement for both properties to access the street at one shared entrance.
5. Once this land is annexed, rezoned and platted, any number of subdivision scenarios could happen a. If the agreement with JRL would dissolve, a new developer could propose a multi-home subdivision b. JRL could change the proposed design 6. No other private lots adjoining the park are less than 1.59 acres (Pierce in James Point.) a. Lots smaller than 1.59 would be out of character with the current area design b. The proposed lots are both smaller than any other existing lot adjoining the park 7. The land being designated as parkland will probably require wetland mitigation 8. Rezoning request is already on the docket for March 24th. This seems premature since the annexation has not been approved yet, and is being disputed 9. Anything can be granted a variance, and it is concerning that so many variances would be required here. Doug & Diane Wilson of 13423 NW 82 Avenue, Grimes, Iowa addressed the Council. They stated that they had the same concerns as Porter. They noted that during events at the adjacent sports complex, homes located in that area would have significant traffic issues. Luke Wagner, 9960 NW 119th Ct. Granger, President of JRL Builders addressed the residents' concerns. He stated that one and a half acre lots proposed would not be under Polk County jurisdiction if annexed, and that size is consistent with estate lots in a City. Wagner also stated that the land being deeded to the city as part of this annexation would be a benefit for the adjacent sports complex and help with water mitigation. Mayor Mikkelsen asked if there had been any written communications on this item and City Clerk Rochelle Williams stated there were two written comments, one from Porter that had already been read for Council and the other from Michelle Zeliadt, 950 NW 37th Street that had been provided to the Council for review.

Mayor Mikkelsen closed the Public Hearing at 5: 46 pm.

b. Resolution 02-0520 Approving Voluntary Annexation of Certain Property into the City of Grimes

DRAFT

Development Director Alex Pfaltzgraff addressed the Council regarding an application the City had received for voluntary annexation for the property located at 13376 NW 82nd Avenue. Pfaltzgraff stated the property is approximately 3.5 acres and currently is a platted lot in Polk County, and is adjacent to the North Sports Complex. Pfaltzgraff said the buyer and developer of the property would like to subdivide the lot to allow for the construction of 2 single homes. Pfaltzgraff stated that the property is currently zoned ER, or Estate Residential, in Polk County and by their definition that would be appropriate for one single family home. Pfaltzgraff said that the buyer of the property, JRL Builders, wished to subdivide that lot and would not be able to do that if the annexation did not take place. Pfaltzgraff agreed that water is available along the south side of the lot, and sewer is not as yet, however, discussions have been ongoing for JRL to combine resources with the City to extend sewer service from the sports complex to this site. Pfaltzgraff advised that then it would also be available for future development as the city expands to the north and west. Pfaltzgraff noted that the builder has stated that he intends to adhere to the existing covenants and requirements for building in that area to ensure consistency. He noted that one of the two driveways would be able to open directly onto 27th Street, with the second lot having a drive that opened onto the existing park access road. Council Member Johansen clarified that the item before Council at this time is only to determine if the City was in approval of the annexation, and, if so, to set a hearing, but not to pursue development details until such time as the annexation is approved and recorded. Pfaltzgraff stated that all required notifications have been made per Iowa Code, and at this time, staff would recommend approval of the applications for voluntary annexation. He added that Staff will make the application to the City Development Board in March, with an anticipated hearing date in April for the final consideration. Pfaltzgraff concluded that if approved, the final documents will be executed by the Secretary of State, and recorded in Polk County, making the annexation official.
Motion by Altringer, Second by Gisch, to approve Resolution 02-0520 Approving Voluntary Annexation of Certain Property into the City of Grimes
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

B. Urban Renewal Amendment and Golden Rule Development Agreement
a. Public Hearing on Proposed Amendment to the Grimes Urban Renewal Plan
Mayor Mikkelsen asked Pfaltzgraff to provide a summary of the item for discussion. Pfaltzgraff stated that, as directed by the Council, staff had prepared the necessary proceedings to enter into a development agreement with Golden Rule Plumbing and Heating. Pfaltzgraff stated that the first public hearing is related to the Urban Renewal Plan Amendment. He added that with any development agreement that has a TIF component, the Urban Renewal Plan must be amended to include the "project". Pfaltzgraff said this requires a public hearing. Following the public hearing, a resolution approving the amendment would be up for consideration. Pfaltzgraff added that the second public hearing is related to the development agreement with Golden Rule. Pfaltzgraff noted that the development agreement outlines the covenants of both Golden Rule and the City. He added the agreement for Golden Rule is to invest approximately $2,100,000 of building and site improvements as well as to rezone the property from M-3 Heavy Industrial to M-1A Commercial and Limited Industrial and dedication of certain ground adjacent to the project for incorporation into the City Park system. Pfaltzgraff added that there would be a contribution of up to $7,500 to be directed towards the legal and administrative costs associated with the development of this agreement and proceedings. In recognition of the above, the City is agrees to make 10, semi-annual payments to Golden Rule, not to exceed $90,000. The payments will be based upon the realized increment generated off of the improvements, over a 5-year sliding scale to be paid out of Urban Renewal funds. Pfaltzgraff said Staff recommended approval of both the

DRAFT

Resolution Approving the Urban Renewal Plan Amendment, and the Resolution Approving a Development Agreement with Golden Rule, Inc. Including Annual Appropriation Tax Increment Payments.

Mayor Mikkelsen opened the Public Hearing at 6:00 pm. Being no verbal or written communications, the Public Hearing was closed at 6:00 pm.

b. Resolution 02-0920 to Approve the Urban Renewal Plan Amendment for the Grimes Urban Renewal Area.
Motion by Gisch, Second by Altringer to approve Resolution 02-0920 to approve the Urban Renewal Plan Amendment for the Grimes Urban Renewal Area.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

c. Public Hearing on Proposed Development Agreement with Golden Rule, Inc.
Mayor Mikkelsen opened the Public Hearing at 6:01 pm. Being no verbal or written communications, the Public Hearing was closed at 6:01 pm.
Council Member Altringer expressed appreciation for the efforts from Staff and Golden Rule to produce this agreement. Council Members Borcherding, Gisch, and Mayor Mikkelsen also noted the positive effects of a well-crafted agreement and the benefit to the community to both retain and attract well-paying jobs and growing our community.

Resolution 02-1020 Approving a Development Agreement with Golden Rule Inc. Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
Motion by Johansen, Second by Altringer to Approve Resolution 02-1020 for a Development Agreement with Golden Rule Inc. Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

DRAFT

C. Destination Market Plat 4 – Preliminary Plat Approval
Pfaltzgraff stated that the application is requesting approval of a preliminary plat, which will allow for the future subdivision of the property.
Pfaltzgraff said the proposed preliminary plat will provide for 2 development lots, and one outlot. He stated that the outlot is intended to provide space for the regional detention pond and that staff recommend approval.
Motion by Johansen, Second by to Gisch, to approve the Destination Market Plat 4 Preliminary Plat Subject to the December 5, 2019 and the January 21, 2020 letters from the City of Grimes and any additional staff comments.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

D. Kindercare – Site Plan Approval
Pfaltzgraff stated that this site is for an 11,900 square foot child care facility located directly north of the Raccoon River Bank off of Highway 141 and NE Gateway Drive. Pfaltzgraff said there are two main play areas with separate areas within for various age groups. Pfaltzgraff noted that storm water detention was addressed by an underground detention basin. He added that the landscaping drawings are consistent with the Heritage PUD requirements. Pfaltzgraff stated the elevations show approximately 75% masonry or stone product with the balance provide by a Hardy Plank product as well

as glazing. He said there would be a 5 foot aluminum ornamental open rail fence. Pfaltzgraff noted that this project has been reviewed and passed by the Planning and Zoning Board.
Motion by Johansen, Second by Burger to approve the Kindercare Site Plan subject to the January 21’ 2020 letter from the City of Grimes and any remaining staff comments.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

E. Composite One – Site Plan Amendment Approval
Pfaltzgraff stated that this site is located just off of SE 37th and west of SE Gateway Drive. Pfaltzgraff said the applicant is requesting approval of a site plan amendment, which will allow for the construction of an addition to the existing building. The proposed addition consists of 36,000 square feet. The site plan also reserves area for another future expansion of 4,050 square feet. In total, the building additions will increase the square footage from 40,090 square feet to 80,140 square feet. Pfaltzgraff noted that the property is located within Zone 2 of the Highway 141 Corridor Overlay District and this project is meeting the minimum requirements for that area. Pfaltzgraff said as part of this expansion, there is a second entrance that will allow for greater traffic flow with less need for trucks to have to back up from SE Gateway Drive.
Motion by Gisch, Second by Altringer, to Approve the Composite One Site Plan subject to the letter dated January 21, 2020 and any staff comments.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

F. Metro Waste - Site Plan Approval
Pfaltzgraff advised the Council that the applicant is requesting approval of a site plan, which will allow for the construction of a Material Recovery Facility, to be operated by Metro Waste Authority. Pfaltzgraff said that a Material Recovery Facility receives; separates and prepares bulk recycles materials for marketing and distribution to end users and manufactures. He added that Metro Waste currently operates a transfer station directly northwest of the subject site. Pfaltzgraff said this site would also have office space and classroom space to allow students, as well as the public and Metro Waste employees to participate in educational and training purposes. He noted that there is also an interest and potential future endeavor to utilize a railroad spur along the east site of the property. Pfaltzgraff said this property is located within Zone 1 and Zone 2 of the Highway 141 Corridor Overlay. He stated that care was used to determine that the site would meet the zoning requirements and utilize a fair amount of landscaping and screening as well as a water feature to ensure the view from the highway would be as attractive as possible.
Motion by Gisch, Second by Johansen to approve the Metro Waste Authority Site Plan subject to the letter dated January 21st and staff comments.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

G. Resolution 02-0320 Authorizing and Approving the Des Moines Area Solid Waste Agency, Metro Waste Authority to Enter into a Loan Agreement and Providing for the Issuance and Securing the Pay of a Material Recovery Facility Solid Waste Disposal Revenue Note, Series 2020, In a Principal Amount not to Exceed $24,500,000 Refund Current Outstanding Indebtedness and Maintain Outstanding Indebtedness in an Aggregate Principal Amount Not to Exceed $50,000,000
City Administrator Anderson addressed the Council to explain that the Metro Waste Authority Board requires all members to sign off on any financial obligations and the resolution before them is the documentation for that consent.
Motion by Gisch, Second by Burger to Authorize and Approve the Des Moines Area Solid Waste

DRAFT

Agency d/b/a Metro Waste Authority to Enter into a Loan Agreement and Providing for the Issuance and Securing the Pay of a Material Recovery Facility Solid Waste Disposal Revenue Note, Series 2020, In a Principal Amount not to Exceed $24,500,000 Refund Current Outstanding Indebtedness and Maintain Outstanding Indebtedness in an Aggregate Principal Amount Not to Exceed $50,000,000
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

H. Resolution 02-1420 Memorandum of Understanding (MOU) By and Between the City of Grimes, Iowa and Metro Waste Authority

City Administrator Anderson explained that this is a Memorandum of Understanding between the City and Metro Waste Authority. He advised that the MOU states the City will coordinate with Metro Waste Authority to develop a proposal for the Council to consider a plan for solid waste removal and hauling contract. Anderson noted the current contract is up for renewal at the end of the fiscal year.
Motion by Gisch, Second by Altringer to approve Resolution 02-1420 Memorandum of Understanding By and Between the City of Grimes, Iowa and Metro Waste Authority
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

I. Resolution 02-1120 to Give Notice of Termination of Waste Collection Contract

City Administrator Anderson explained that if formal notice of termination is not provided, the contract in place automatically renews. Anderson said this termination now allows the City to review other options.
Motion by Johansen, Second by Altringer to approve Resolution 02-1120 to Give Notice of Termination of Waste Collection Contract.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

J. New 1.5 MG Water Tower

a. Logo design and Placement

City Engineer Matt Ahrens advised the Council that the new water tower is at the stage where the City needs to decide on what color to paint the tank and the style, color and placement of the logos. Ahrens stated the contract documents call for the placements of two City of Grimes logos on the tank. He said the current logo has removed the tree and staff proposes to also remove the "City Of" portion, leaving just the "GRIMES" lettering to put on the water tower as the logo. Ahrens noted that there may be an option to add an upper and lower banding to the water tower tank body too. He said the placement of the two logos for the best visibility would probably be north and south facing. Ahrens recommended the color selection of painting the tank white with dark gray color for the "GRIMES" lettering. General discussion regarding the color usage and band design continued. By consensus, it was determined that dark grey is the color of choice, using the banding, and the city name located on the north and south facing sides of the tower.

K. Resolution 02-0820 Approving and Authorizing Execution and Delivery of a Supplement to the Second Amendment and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), Consenting to the Issuance of Bonds by the Board of the WRA for the Purpose of Constructing Improvements Under the Terms of Said Agreement, and Related Matters.

City Administrator Anderson stated that discussion on the WRA membership agreement has been ongoing for about two years. Anderson said that once the Council approves this agreement, it will then

DRAFT

be sent to the Wastewater Reclamation Authority for their approval, signature and execution after which the process can then move forward. Anderson detailed the highlights from the Council workshop on this agreement. Anderson said if final approval is granted, this will be a firm commitment and the agreement will be permanent. Anderson noted that there would need to be an Ordinance drafted to address and set standards on sewer rates and fats, oil and grease management, specifications for the sewer line to be built. Anderson stated this would also impact future annexation processes and requirements with Urbandale. Anderson asked Development Services Director Pfaltzgraff to explain the details regarding the point of connection to the WRA from the treatment plant. Pfaltzgraff offered a diagram showing the proposed route of the connection extending from Grimes to Urbandale. Pfaltzgraff described the connection from the treatment plant through the NW section of the city, continuing southwesterly and aligning with the school property along SE Countyline Road proceeding south to the City boundary that abuts to Urbandale. Pfaltzgraff noted that this route will involve a partnership with Urbandale that also will be participating with this endeavor.
Motion by Johansen, Second by Gisch, to approve Resolution 02-0820 Approving and Authorizing Execution and Delivery of a Supplement to the Second Amendment and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), Consenting to the Issuance of Bonds by the Board of the WRA for the Purpose of Constructing Improvements Under the Terms of Said Agreement, and Related Matters.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

Mayor Recuses himself at 6:50 pm

Mayor Pro Tem Altringer presides at 6:50 pm.

L. Heritage Town Center – Site Plan Approval
Pfaltzgraff addressed the Council stating the applicant is requesting approval of a site plan, which will allow for the construction of a single, two- story, office and retail space, totaling approximately 45,000 square feet. Pfaltzgraff stated that the property is located within the Heritage at Grimes Planned Unit Development. He added that the building also has space reserved for 22,800 square feet of sports training that will house a turf field for sports training. He said it is important to note that this is the first phase of the town center, and while a conceptual rendering of the entire town center development is included in the site plan, Pfaltzgraff stated that concept is not up for approval at this time. He noted that Heritage Drive bounds the property to the east, Station Crossing to the north with diagonal parking, and two new drive and parking extensions will be installed along the west and south. Pfaltzgraff said a significant amount of detail on patio and outdoor areas was included with this plan. He added that there are not any exceptions or variances or public funding involved with this project. Council Member Gisch asked for additional detail on the proposed exterior surface of the building. Matt Brown, of Formation Group, 5530 West Parkway, Johnston, addressed the Council stating that initially they wanted to propose metal panels, but recently determined that precast panel exterior, with a sanded finish in two tones would be a better quality, longer lasting product for that area.
Motion by Borcherding, Second by Burger to approve the Heritage Town Center Site Plan per the letter dated January 21, 2020.
Roll Call: Borcherding, Burger, Gisch, Altringer Aye; Johansen: Abstain. Motion passes 4-0

M. Heritage Park – Site Plan Approval

DRAFT

Pfaltzgraff addressed the Council to discuss the park proposal regarding the park within the proposed town center. Pfaltzgraff stated this park consists of approximately 2.15 acres and is located within the Heritage at Grimes Planned Unit Development. Pfaltzgraff noted that this project is not being constructed by either the city or the adjoining property owner, but rather it is being developed by the Gabus Family Foundation. He added the Foundation will ultimately deed it over to the City. Pfaltzgraff stated that this park would be more of a plaza concept with open space for gatherings, concerts, or farmer's market style events. Pfaltzgraff noted that there were trails and a memorial garden area along the northwest corner of the site and a clock tower located on the southwest corner. Michael Gaunt with Bishop Engineering, 3501 104th Street explained that the Greater Outdoors Foundation is contributing their expertise in planning, design and potential fund raising for this project.
Motion by Johansen, Second by Gisch to approve the Heritage Park Site Plan Subject to the July 25, 2019 letter and working with staff on tree selection and placement.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0

Mayor Mikklesen returns to chair the meeting at 7:18 pm.

COUNCIL DISCUSSIONS

1. Mayor's Report

Mayor Mikkelsen stated that the newly formed Grimes Community Foundation held their first fundraising gala recently. He stated they were able to raise $140,000 to go towards the new Lions Park. Mayor Mikkelsen wanted to recognize the Board members and people that volunteered so much time and effort to make that event possible. Board President Laura McConnell, Vice President Andy Grove, Secretary Allison Kleis, Co-Treasurers Dan Koestner and Tyler Eason, Erik Johansen, Ross Junge, Amber Mikkelsen, and Ruth Wallace along with special event chairs: Kristi Carpenter, Deb Menke and Julie Quandt. Mayor Mikkelsen added that numerous civic and business community members have contributed as well such as: Bankers Trust, Beisser Lumber, Brite Line Custom Shades, Charter Bank, City State Bank, Concrete Technologies, CTI, Dreamscape Home Builders, Earl May, Flooring America, Hampton Homes, Grimes Lions Club, Grove & Platt Dental, Modern Woodmen, Fraternal Financial, Mann Orthodontics, McGill Junge, Raccoon Valley Bank, Royal Flooring, Tag Development and Walmart. Mayor Mikkelsen extended gratitude and appreciate for all the efforts and contributions to make this an outstanding event and the anticipation of more events to come.

2. City Staff's Report

Human Resources Director Erik Fisk addressed the Council to make them aware that the new rates for employee benefits were in and he anticipated making a presentation to the Council regarding benefits at the new meeting.

ADJOURNMENT

Motion by Altringer, Second by Johansen, to Adjourn at 7:25pm
Roll Call: Ayes: All, Nays: None, Motion passes: 5 to 0

ATTEST:

Rochelle Williams, City Clerk

Scott Mikkelsen, Mayor

DRAFT