

CITY COUNCIL MEETING
Tuesday, August 9, 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 August 9, 2022, at 5:32 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, Eric Johansen, Laurie DePhillips

AGENDA ITEMS

APPROVAL OF THE AGENDA

Mayor Mikkelsen asked for approval of the agenda.

Moved by Johansen, Second by Gisch to approve the agenda with the removal of Items 2 and 4 on the Public Agenda.

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

CONSENT AGENDA

A. Minutes from previous meeting B. Resolution 08-0122 Authorizing Intergovernmental Agreement for the Funding and Operation of a Joint Fire and EMS Records Management System by the Cities of Clive, Grimes, Johnston, Norwalk, Urbandale, Waukee, and Windsor Heights C. Request for Street Closure for Block Party D. New ABD License: McDivot's Sports Pub 3390 SE Crossroads Dr.: Class C Liquor; Outdoor Service & Sunday Sales E. Pay Applications: 1. New Grimes Public Library a. Pay Application #5 to Weitz for the New Grimes Public Library \$2,924.55 b. Pay Application #2 to Graphite Group for New Grimes Public Library \$9,500.00 c. Pay Application #3 to Graphite Group for New Grimes Public Library \$9,927.50 d. Pay Application #1 to Performance Contracting Inc for New Grimes Public Library \$19,159.75 e. Pay Application #3 to Van Maanen Electric for the New Grimes Public Library \$2,077.63 f. Pay Application #1 to Kone for the New Grimes Public Library \$34,374.80 g. Pay Application #2 to Forman Ford for New Grimes Public Library \$10,450.00 2. Pay Application #1 to Synergy Contracting, LLC for SE Trail Ridge Road Water Main \$249,022.94 3. Pay Application #4 to Van Maanen Electric, Inc for Highway 44 at County Line Road Temporary \$2,280.00 4. Pay Application #5 to S.J. Louis Construction, Inc for WRA Grimes Connector – Contract 1 \$1,356,953.99 5. Pay Application #5 to Shank Constructors, Inc for WRA Grimes Connector – Contract 4 \$756,106.14 6. Pay Application #11 to On Track Construction, LLC for Northwest Territory Lift Station and Force Main \$9,134.11 7. Pay Application #2 to InRoads for 2022 Asphalt Overlay Project \$32,457.70 F. Change Orders: 1. Change Order #1 to Synergy Contracting, LLC for SE Trail Ridge Road Water Main increasing contract \$6,336.00 2. Change Order #4 to On Track Construction, LLC for Northwest Territory Lift Station and Force Main increasing contract \$930.60 3. Change Order #2 to InRoads for 2022 Asphalt Overlay Project decreasing contract \$26,905.41 4. Change Order #1 to Edge Commercial, LLC for Waterworks Park Improvements increasing contract \$16,992.20 5. Change Order #3 Absolute Concrete for County Line Road Intersection Improvements increasing contract \$25,080.00 6. Change Order #1 to Graphite Group for the New Grimes Library \$6,582.77 G. Professional Services Payments: 1. Whitfield & Eddy Law \$17,888.99 2. Pay Application #29 Bolton & Menk, Inc for Highway 44 & SW County Line Road Intersection Improvements \$4,483.50 3. Pay Application #17 to Bolton & Menk, Inc for Highway 44 Corridor Study \$791.90 4. Pay Application #8 to Bolton & Menk, Inc for 2021 Asphalt Overlay Project \$12,511.00 5. Pay Application #9 to ISG for Water Works Park Splash Pad

\$12,457.95 6. Pay Application #44 to Veenstra & Kimm, Inc for WRA Connector \$47,079.48 7. Pay Application #3 to Civil Design Advantage for GrimesPlex \$26,447.25 H. Resolution 08-0522 Consent and Agreement for Improvements Lot 19th of Kennybrook South Plat 3 – 916 SW 9th Ct. I. Resolution 08-0622 Approving Grant Application for Resource Enhancement Protection Grant (REAP) Relating to the Acquisition of Land for Park Purposes J. Resolution 08-0922 Approving Early Access Agreement – HD LLC, Grimes WRA K. Resolution 08-0822 Approving Quotes and Bills Over \$10,000 L. Resolution 08-1022 Accepting Public Improvements in Dallas Center Grimes Middle School Plat 1 M. Resolution 08-1122 to Enter into Agreement Between the City of Grimes and Iowa Department of Transportation for Cooperative Action for Urban-State Traffic Engineering Program (U-STEP) Funding for County Line Road Traffic Signal Improvement Project N. Resolution 08-1322 To Enter into Contract for Professional Services with Snyder & Associates for the Development of a Street Master Plan/Design Guide O. Resolution 08-1422 Authorizing PFM Financial Advisors LLC to Provide Financial Advice Regarding Joining Central Iowa Water Works P. Resolution 08-1522 Approving Offer to Purchase and Agreement – WRA Bohrofen Dallas County Property Q. Resolution 08-1622 Approving Offer to Purchase and Agreement – WRA Bohrofen Polk County Property R. Resolution 08-1722 Approving Offer to Purchase and Agreement – WRA Homes By Advantage property S. Resolution 08-1822 To Enter into Contract for Professional Services with Allender Butzke Engineers, Inc for Independent Field and Laboratory Testing and Observation Services for the New Grimes Public Library T. Resolution 08-2022 Approving Personnel Transactions U. Resolution 08-2122 on Notice and Intent to Vacate and to Dispose of Public Property Located at 212 SE Main and Setting Public Hearing for August 23, 2022, at 5:30 pm V. Resolution 08-2222 on Notice and Intent to Vacate and to Dispose of Public Property in Peitzman's Subdivision and Setting a Public Hearing for August 23, 2022, at 5:30 pm W. Resolution 08-2322 on Notice and Intent to Vacate Public Property in Heritage at Grimes Plat 2 and Convey to Adjoining Property Owner and Setting a Public Hearing for August 23, 2022, at 5:30 pm. X. Receiving and Filing of Correspondence Y. Finance Report for June 2022 Z. Claims Report July 25, 2022 \$1,036,521.45 and August 9, 2022 \$3,209,863.36 z. Request for Street Closure for Block Party Motion by Borcharding, Second by Burger, to approve the Consent Agenda.
Roll Call: Ayes: All; Nays: None Motion passes 5 - 0

PUBLIC FORUM

Residents Bekka Maass, of 1400 NW 8th Street; Joe Herman, 308 NW 8th Street; Lauren Ropp, of 1309 NW 8th Street; Johnny Lochman, 1605 NW 8th Street, addressed Council with questions on traffic issues on NW 8th Street area and on park development.

PUBLIC AND COUNCIL AGENDA ITEMS

1. Voluntary Annexation

Development Services Director Alex Pfaltzgraff stated the City had received an application for voluntary annexation in the NW Territory located off 27th Street. Pfaltzgraff said the land is under contract by the same individuals that have been developing Willow Hills, and Willow Hills North, and this would be a continuation of that development. Pfaltzgraff said water and sewer would be connected through the existing Willow Hills North property and the proposed streets would extend off the earlier plats.

Mayor Mikkelsen opened the Public Hearing at 5:59 pm, being no written or oral comments, Mayor Mikkelsen closed the Public Hearing at 5:59 pm.

Motion by Gisch, Second by Johansen, to approve Resolution 08-0722 for Voluntary Annexation of certain property into the City of Grimes.

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

2. Resolution 08-0322 Adopting Schedule of Administrative Penalties for Violations of Industrial Pretreatment Ordinance Regulating Hauled Waste and Regulating Fat, Oil and Grease Discharge by Food Service Establishments in Chapter 9 of the Municipal Code of the City of Grimes – ITEM REMOVED FROM AGENDA

3. Ordinance 768 Amending Grimes Code of Ordinance Title 9 Relating to Regulation of Industrial and Commercial Wastewater

Public Works Director Kevin Hensley stated that this Ordinance will allow the Wastewater Reclamation Authority (WRA) to update language within the current Ordinance the City had recently adopted. Hensley said these changes would affect various fee schedules relating to licensing of waste haulers and restaurant establishments. Hensley noted that these changes would not take effect until October 1st of this year.

Mayor Mikkelsen opened the Public Hearing at 6:02 pm, being no written or oral comments, Mayor Mikkelsen closed the Public Hearing at 6:02 pm.

Motion by Johansen, Second by Borcharding, to approve the First Reading of Ordinance 768 Amending Grimes Code of Ordinance Title 9 Relating to Regulation of Industrial and Commercial Wastewater

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

Motion by Johansen, Second by Borcharding, to wave the Second and Third Readings of Ordinance 768 Amending Grimes Code of Ordinance Title 9 relating to Regulation of Industrial and Commercial Wastewater

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

Motion by Johansen, Second by Borcharding, to approve Final Passage of Ordinance 768 Amending Grimes Code of Ordinance Title 9 relating to Regulation of Industrial and Commercial Wastewater

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

4. Resolution 08-0422 to Amending Schedule of Administrative Penalties for Violations of Industrial Pretreatment Ordinance Regulating Hauled Waste and Regulating Fat, Oil and Grease Discharge by Food Service Establishment in Chapter 9 of the Municipal Code of the City of Grimes effective October 1, 2022- ITEM REMOVED FROM AGENDA

5. Ordinance 770 Amending Section 6-7-1 of the Grimes Code of Ordinances to Provide that Sales and Use of Tobacco Products, Alternative Nicotine Products, Vapor Products and Cigarettes be Legal Only to Persons 21 Years and Older

City Administrator Jake Anderson advised the Council that this amendment is to update and align the City Codes with the current State Code of Iowa.

Mayor Mikkelsen opened the Public Hearing at 6:05 pm, being not written or oral comments, Mayor Mikkelsen closed the Public Hearing at 6:05 pm.

Motion by Gisch, Second by Johansen, to approve the First Reading of Ordinance 770 Amending Section 6-7-1 of the Grimes Code of Ordinances to Provide that Sales and Use of Tobacco Products, Alternative Nicotine Products, Vapor Products and Cigarettes be Legal Only to Persons 21 Years and Older

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

Motion by Gisch, Second by Johansen, to Waive the Second and Third Reading of Ordinance 770 Amending Section 6-7-1 of the Grimes Code of Ordinances to Provide that Sales and Use of Tobacco Products, Alternative Nicotine Products, Vapor Products and Cigarettes be Legal Only to Persons 21 Years and Older

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

Motion by Gisch, Second by Johansen, to approve Final Passage of Ordinance 770 Amending Section 6-7-1 of the Grimes Code of Ordinances to Provide that Sales and Use of Tobacco Products, Alternative Nicotine Products, Vapor Products and Cigarettes be Legal Only to Persons 21 Years and Older.

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

6. 3600 SE Mieke Drive – Building Elevation Modification

Development Services Director Pfaltzgraff advised the Council that this project, located at the northwest corner of SE 37th and SE Mieke Drive, had been approved by Council earlier this year. Pfaltzgraff noted that with the economic climate continuing to cause material and construction costs to significantly increase, the original plans that were approved had become cost prohibitive. Pfaltzgraff said the developer has since revised the elevation plans to allow construction to continue and still meets all the zoning requirements. Pfaltzgraff said with the modifications, staff determined it would be appropriate for Council to be aware of the changes and review if the project still met with Council approval. He added that the Planning and Zoning Board had reviewed the modification and recommended approval along with city staff.

Motion by Johansen, Second by Burger, to approve the 3600 SE Mieke Drive building elevation modification.

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

7. Resolution 08-1922 Approving Final Plat of Legacy at James Street Plat 1 and Certain Related Agreements and Easements

Development Services Director Pfaltzgraff said this property is located at the northwest corner of SW 37th and South James Street. He said this is the final plat for approximately 80 acres intended for flex industrial use. Pfaltzgraff said the final plat calls out the necessary easements and lot division for current and future phases of development. Pfaltzgraff said that Planning and Zoning had reviewed the plans and recommends approval along with city staff.

Motion by Gisch, Second by Johansen, to approve Resolution 08-1922 for the Final Plat of Legacy at James Street Plat 1 and Certain Related Agreements and Easements.

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

8. Appointment of Library Board Member

Mayor Mikkelsen expressed great appreciation and thanked Erin Leifker for her service on the Library Board. Mayor Mikkelsen proposed David Braun to succeed her in that position.

Motion by Borcharding, Second by Burger, to approve the appointment of David Braun to the Library Board. (fulfill remaining term of Erin Leifker until January of 2026)

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

ADJOURN

Motion by Gisch, Second by Johansen, to adjourn the meeting at 6:14 p.m.

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

ATTEST:

Rochelle Williams, City Clerk

Scott Mikkelsen, Mayor