

CITY COUNCIL MEETING

Tuesday, September 8, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Pro Tem Michael Grove on Tuesday, September 8, 2009 at 5:30 P.M. at the Grimes City Hall.

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

Mayor Armstrong arrives and Mayor Pro Tem Grove turns the meeting back over to the Mayor.

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Altringer, Seconded by Evans; the Agenda shall be approved with a change that Public Agenda item D. Award of the contract to ABC Crane for the demolition be discussed first during Public Agenda.

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

APPROVAL OF CONSENT AGENDA

A. Minutes from the August 25, 2009 B. Value Finding Appraisal for property as part of the Hwy. 44 Improvement Project 1. Alan and Julie Willemsen, 613 1st Street, Grimes, Iowa \$1,200 2. Casey's Marketing Company P O Box 3001, Ankeny, Iowa property located at 204 East 1st Street, Grimes, Iowa \$2,700 3. Charles L. & Carolyn Preuninger, 10819 N W 103rd Court, Granger, Iowa located at 306 – 312 1st Street, Grimes, Iowa \$2,200 4. Grimes Park II, Limited Partnership, 12289 Stratford Drive, Clive, Iowa located at 155 S W Maplewood Drive, Grimes, Iowa \$2,250 C. Pay Request #2 to Eco-Tech for the SE Capitol Circle – PCC Paving Grade & Replace - \$36,179.71 D. Request for Write Off for EMS E. Renewal of Class C Liquor License, Sunday Sales - The Corn Patch F. Lime Removal & Disposal for Water Treatment Plant-Melvin Marsh - \$22,000 G. Pay Request #1 for A & W Electrical Contractors, Inc. for E 1st Street Roadway Lighting in the amount of \$73,594 H. Approval of Financial Advisory Agreement Services with Piper Jaffray & Co I. Approval of Permission for Piper Jaffray & Co to be Authorized to Potentially Submit a Bid at the Sealed Competitive Bid for the Purchase of City Bonds J. Resolution No. 09-0109 Making Provision for and Setting Date for the Sale of General Obligation Corporate Purpose Bonds and authorizing the use of an Official Statement in connection therewith K. Approve Reduction in Sewer Bill for Steve Curtis, 214 N W Valleyview Dr. L. Work for Emergency Storm Sewer Repair by Synergy Contracting, LLC - \$23,760 M. Grimes Community Center Locker Room Project approval for use of the old lockers and revitalization in an amount not to exceed \$3000 N. Request for Money by Park and Recreation Board for Concession Stand/Restroom at Grimes Community Complex up to \$188,000 O. Request from Park and Recreation Board for Bid for Grading of the North Sports Complex up to \$225,000 P. Change Order # 1 from Reilly Construction Company for the South James Street Improvement increase in the amount of \$1,859 Q. Pay Request #1 to Reilly Construction Co. for the South James Street Improvement in the amount of \$63,718.18 R. Approve

Parade Route for Dallas Center Grimes Homecoming Parade Sept. 25, 2009 S. Finance Report for August T. Claims Date September 8, 2009 in the amount of \$490,039.04. Moved by Long, Seconded by Evans; the Consent Agenda shall be approved. Roll call: Ayes: All Nays: None. Motion passes: 5-0.

Aug-09				
Funds	Beg Balance	Receipts	Expenses	Ending Balance
General Fund	2,102,431.28	62,442.59	261,458.55	1,903,415.32
Special Revenue Fund	534,113.51	62,454.41	46,231.97	550,335.95
Debt Service	1,223,678.55	0.42	14,999.99	1,208,678.98
	-			-
Capital Improvements	1,318,964.22	3,570.00	324,517.64	1,639,911.86
Enterprise Fund	2,402,309.60	250,855.13	113,935.85	2,539,228.88
Total	4,943,568.72	379,322.55	761,144.00	4,561,747.27

FIRE CHIEF REPORT

Fire Chief Krohse was unable to attend the meeting

PATROL REPORT

Liaison Officer Knight and Officer Haik advised that 4 people have been arrested in the car prowls in Grimes. Officer stated that water bills contained a message on them stating that a Neighborhood Watch Program was starting in Grimes. He stated that recently 10 officers had been brought into the area and worked from 10:00 p.m to 6:00 a.m. all in unmarked cars and made a variety of traffic stops and they will continue to do that from time to time.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

D. Award of the contract to ABC Crane for the demolition of the elevator, associated buildings and concrete structures, building on the southeast corner of Highway 44 and James Street and the old water tower garage

Public Works Director, Joe McAreavy advised that this demolition included the remaining elevator building, Main Street Motors and carwash, the small house on the property, the water salesman building along with various concrete removal, seeding, and grading to bring it back to a green space. The cement pad west of Bankers Trust and the parking lot by the Corn Patch would remain. Council Member Evans stated that she was unaware that Main Street Motors was part of this demolition. Mayor Armstrong advised that all of the buildings that were acquired over the last two years were part of this project. Council Member Evans asked if the Main Street Motors needed to be removed due to the Hwy 44 project. Mayor Armstrong advised that this was correct. Council Member Evans asked if the Main Street Motors building could be moved as she thought it might have some historic value. Mayor Armstrong advised that without further investigation that could not be answered. Council Member Altringer asked if there had been any interest in the house and McAreavy stated there was some interest. Council Member Altringer asked when the project would start. Mayor Armstrong asked if ABC Crane, who was low bid on the project, would like to address the Council regarding this

question. Troy Barringer owner of ABC Crane of Rockwell City, Iowa stated that if his company was awarded the bid tonight, tomorrow he would put in a 10 day notice to the DNR on the asbestos abatement on the demolition of the project. McAreavy stated that ABC was willing to give an extension in the demolition to the person who is interested in the house. Council Member Evans asked if the demolition dust would have any effect on the painting of the water tower. Barringer stated that he did not feel that the dust would go that far. Barringer stated that they can keep the project watered down to hold the dust down or possibly do the project on a weekend when painting is not going on. McAreavy stated that the water salesman building would be taken down later as currently the painting contractors are using the water salesman. Council Member Altringer stated that she did remember that the Council gave general direction on this site but that this demotion was going farther than she or other Council Members remembered. Council Member Altringer stated that she was not aware that the elevator was going to be part of the demolition until the Council packet arrived. Council Member Altringer stated that she thought that she made it really clear that she wanted to look in other avenues with the elevator as she feels that the elevator is part of Grimes history. Council Member Altringer stated that Grimes is a small farm, grain, railroad towns. She understands that the bins needed to go but she feels that the elevator could be cleaned up and have other uses which she feels have not been explored. She stated that she feels the elevator is part of our history and that once it is gone, there is no getting back. Council Member Altringer asked for some time to explore some options for the elevator. Council Member Evans understood the position and would like to see if the elevator would be able to be renovated. Council Member Altringer stated that there is a society who is interested in preserving elevators. To date Iowa does not have any elevators on the historical list. Council Member Altringer stated that across the country old elevators have been made into hotels, climbing walls, art galleries, concert halls, office space, restaurants, and museums. Council Member Altringer stated they could look for developers or it could be cleaned up and used for a monument or a logo for the Governors District. Mayor Armstrong asked what effect postponing the bid would have on the contractor by waiting two weeks. Barringer stated that he would like to move forward as he had other bids out at this time. Barringer went on to state that a structural engineer would need to review the structure for stability. Council Member Altringer stated that the elevator had been operational up until a few months ago and that another party had been interested in buying it for use as an elevator. Council Member Evans asked again about the dust that would come from the demolition sticking to the water tower that is currently being painted. Barringer stated that it would take about a day to take the elevator down and he would work with the people painting the water tower. Barringer stated that he could possibly take the elevator down on a weekend or on a day that it is raining. Council Member Evans stated that she just wanted to be very conscious of dust issue as it has taken a long time to paint the water tower. Council Member Evans asked if it was possible to award a partial bid on this project and exclude the elevator. Mayor Armstrong advised this project was bid as an entire project so it could not be broke up. Four bids were received on the project ranging in price from \$172,290 to \$479,530. Council Member Long questioned to Barringer his opinion on whether the elevator structure is sound. Barringer stated that there were ½ inch cracks in middle of the cement of the elevator. Council Member Altringer reminded the Council that a building sold recently

downtown was also considered not sound and it has been rebuilt. Council Member Patterson stated that he was in favor of the elevator coming down but that he was aware that Council Member Altringer had discussions with one of the Iowa State Senators who is known for his work in rehabilitating old buildings in the downtown. Council Member Patterson stated that the Senator had looked at the building and tipped towards looking at some options for this structure rather than tear it down. Mayor Armstrong added that he had contacted the Senator and that he was not interested in purchasing this building as he has others in the past. Council Member Grove stated that short of having a buyer for the building he wasn't sure what to do. He stated he had viewed the building over the weekend and stated that he agreed with the contractor that the building looks unsafe. Council Member Grove stated that already money has been put into this project and if it was fixed up the asbestos would need to be removed. Roger Nielson of August Enterprises, who is the asbestos contractor who works with ABC Crane stated that the asbestos on the elevator is part of the coating on the exterior. He stated that if the exterior was not changed in any way the asbestos could remain. Nielson stated that if any work was done there would still be exterior clean up work that would need to take place. Council Member Altringer asked about painting the elevator and Nielson stated that could cause flaking of the asbestos. Council Member Altringer stated to the Council that she did not have potential buyer for the elevator but that she would like a chance to look further into this situation. Council Member Grove asked Barringer if the Council were to wait for two weeks to make a decision would he keep his bid in place. Barringer stated that he would. Council Member Altringer again stated that she did not understand when the decision was made to take down these buildings that the elevator was part of this project. She also stated that she felt other Council Members were also unaware. Council Member Evans stated that two weeks would give them time to find out from the community how they felt on the issue. She stated she was not committed either way but would give time to do more research. Mayor Armstrong advised the Council that in two weeks if the Council decided not to tear the elevator down, the entire bid would have to be thrown out and rebid as the bid was done as one project.

Moved by Altringer, Seconded by Evans; the award shall be postponed until the next Council Meeting.

Roll call: Ayes: Altringer, Evans, Long Nays: Patterson, Grove Motion passes: 3-2.

A. Public Hearing on the Resolution of Necessity Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the SE 37th Street Paving Improvement Assessment Project.

Mayor Armstrong opened the Public Hearing at 6:03 p.m. Mayor Armstrong opened the Hearing up to anyone who wished to speak regarding the SE 37th Street Paving Improvement Assessment Project. Gene Gabus representing the Gabus Family Trust which includes three Parcels affected by the assessment addressed the Council. These include; Des Moines Imports, the entrance to Des Moines Imports and Parcel #25. Gabus stated that they have been aware of the potential of this project when they built in this site. He stated that he is in favor of a road project but is not in favor of putting a band aid on the road. Gabus stated that the taxes that he pays at this time he felt should take care of road improvements. Gabus stated that the road improvement coming into Des Moines Imports from Hwy. 141 were done by the State. He stated that most of his traffic comes off of Hwy 141 and turns into their property. Gabus stated that he has noticed a

considerable amount of traffic that uses this road are coming from James Street, turning onto SE 37th Street and then onto Hwy 141 to reach the Interstate. Gabus stated that his main concern was property 25 which consisted of 14 acres and is a corn field and has no access to any of the roads and is landlocked. He stated that he did not feel that this parcel had any value received from this road. Gabus stated that he would like to see the three lane road done. He stated that a portion of the road in front of his property was patched last year and has already broken up again. Gabus stated that he was concerned with doing a patch again that may need to be done again and soon the cost of patching would equal the amount to replace the road. Gabus stated that he did not have problem paying for a new road, but did have a problem paying for it just to be repaired. Next to address the Council was Greg Spenner of Associated Builders and Contractors, Inc. (ABC). Spenner stated that he had filed a letter of objection to the SE 37th Street Paving Project Assessment with the City of Grimes on behalf of ABC. Spenner stated that ABC of Iowa owns Parcel #6 which is vacant and has access to SE Gateway Drive from Hwy 141. He went to state that this road is in good condition and therefore the proposed improvement does not benefit the value of their property in any manner. Next to address the Council was Attorney Jim Wine, of Nyemaster Goode representing the property owners on the south side of SE 37th Street. He stated that his owners did favor this project over the full road improvement project and appreciated the Council's change and felt this was more appropriate. Wine did state that the owners would have been more in favor of just the patching but felt this was a much more tolerable assessment than for the complete road construction assessment. Wine stated that the owner he represented felt that the 96% that was being assessed was too high. He asked the City Council to consider a higher City contribution rate as there is fair amount of general traffic on this road. He stated that if this project does move forward they ask that the owners are given a reasonable amount of time to repay the assessment, possibly a ten year assessment with a low interest rate would be appreciated. Wine stated that a letter was also filed from Beisser Lumber regarding the project. Joel Templeman of Connolly Law Firm addressed the Council regarding property owners on the north side of SE 37th Street. Templeman stated that he filed a letter of objection on behalf of the property owners in this area. Mayor Armstrong stated that a letter of objection had also been filed by Iowa Interstate Railroad Ltd. City Administrator, Brown stated that letters were filed by Beisser Lumber, Connolly Law Firm on behalf of Hawkeye Commodities, Collective Investment Management, Ready Mix, ABC Contractors and Iowa Interstate Railroad Ltd. There being no further oral or written communication, Mayor Armstrong closed the Public Hearing at 6:12 p.m.

B. Award of Contract on the 09-0209 Resolution of Necessity Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the SE 37th Street Paving Improvement Assessment Project to Grimes Asphalt & Paving Corp.

City Engineer Gade gave an overview of assessments on this project. Gade advised that all this work will be done at night or on a Sunday. Gade further explained that those parcels that did not have a comparable assessor's value were then based on a sale and appraisal value in the same area and were based at \$1.00 per square or \$2.00 per square foot. He also explained that two lots, including one from the Gabus trust and the other from Hawkeye Commodities could be classified as agricultural. No values were

arbitrarily assigned they were all consistent with the agreed upon methodology and were assigned by the City Council.

Moved by Patterson, Seconded by Evans; that the 09-0209 Resolution of Necessity, proposed plans, specifications, form of contract and estimate of cost for the SE 37th Street Paving Improvement Assessment Project to Grimes Asphalt & Paving Corp. in the amount of \$351,548.24 shall be approved.

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

Council Member Evans leaves meeting at 6:30 p.m.

C. Eagle Scout Project – Matthew Karamanlis Presentation

Matthew Karamanlis of Troop 111 presented his Boy Scout Eagle Project to the Council. Karamanlis stated that he had presented his project to the Park and Recreation Board earlier and had received their approval. His project would be to do improvements to the current Taekwondo room at the Grimes Community Center. Karamanlis stated that this room after the improvements could also then be used for a multi-purpose room. His renovation costs came to a total of \$4,675.

Moved, by Patterson, Seconded by Long; the Eagle Scout project presented by Karamanlis and the expenditure of funds recommended by the Park and Recreation Board shall be approved.

Roll call: All: Nays: None Motion passes: 4-0.

E. Grimes Industrial Park Plat 2 Preliminary Plat

Bart Turk of Civil Engineer Consultants, Inc. of Des Moines, Iowa representing United Contractors addressed the Council. Turk stated that on June 23, 2009 they had appeared before the Council to discuss a permanent site plan on Outlot Y of Grimes Industrial Park Plat 2. The Council had addressed some nuisances on this project. Turk stated that will be referred to as Lot 1- Grimes Industrial Park – Plat 2. He stated some trees for a screening will be planted. City Engineer Gade stated that surface that is being requested is dust free surface not a hard surface and the City is waiting on documentation on this as it goes against current code. Gade stated that a variance could be obtained for this request. He also stated that a more detailed storm water management plan needs to be submitted which has been agreed on by Turk. Gade stated that a developer agreement for Lot A & D regarding future street development. Council Member Altringer asked about the height of the stock piles at the location. Turk stated that the request had been that the piles not be higher than 30 feet and evaluations were on the site plan so they would provide a base mark.

Moved by Grove, Seconded by Patterson; the Grimes Industrial Park Plat Preliminary Plat shall be approved.

Roll call: All: Nays: None Motion passes: 4-0.

F. Grimes Industrial Park Plat 2 Final Plat

Moved by Grove, Seconded by Patterson; the Grimes Industrial Park Plat 2 Final Plat shall be approved subject to a Developers Agreement that will be filed with the State of Iowa.

Roll call: All: Nays: None Motion passes: 4-0.

G. Lot 1 Grimes Industrial Park Plat 2 Site Plan (Outlet Y of Grimes Industrial Park Plat 1)

Moved by Patterson, Seconded Grove; Lot 1 Grimes Industrial Park Plat 2 Site Plan (Outlet Y of Grimes Industrial Park Plat 1) shall be approved subject to Planning and Zonings requests, hard surface be established, add seeding line, no employee parking on site, state the type of equipment that will stored on site.

Roll call: All: Nays: None Motion passes: 4-0.

H. Sign Request Permit and Building Facade from Hicklin Power Sport

John Gade provided the Council with an overview of the sign request and building façade request from Hicklin Power Sport for the building they lease at 5708 Gateway Drive. Gade advised the Planning and Zoning had reviewed this plan at length and did approve the request. Council Members stated they liked the look of the building.

Moved by Long, Seconded Altringer; the sign request permit and building façade from Hicklin Power Sport shall be approved.

Roll call: All: Nays: None Motion passes: 4-0.

C. PUBLIC FORUM

Joe Pietrusinski and Steve Naber Hubbell Realty addressed the Council regarding a tax abatement being offered by the City of Ankeny. The Council advised that they would study options that would make Grimes more competitive with this abatement being offered by Ankeny.

COUNCIL DISCUSSIONS.

1. Mayor's Report

The Mayor had nothing new to report.

2. City Attorney's Report

The City Attorney had nothing new to report.

3. City Engineer's Report

City Engineer Gade that a sign is up on Meredith Dr. to move people around the S. James Street Project. Gade also advised that a progress meeting would be held with the contractor on the S James Street Project and discussion will be held on closing S. James on the south to the church. Gade also advised that the light at Destination Drive is now flashing red both directions for a week and then will be turned onto regular light cycle.

4. City Staff Report

City Administrator Brown advised that at the next Council meeting there will be a Resolution to rebate back the taxes to the six residential property owners who were

annexed in. Brown stated that they working through it with Dorsey and Whitney and Dallas County.

5. Old Business

6. New Business

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, the meeting is adjourned at 7:12 p.m.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor