

**CITY COUNCIL MEETING**  
Tuesday, October 11, 2011  
**Grimes City Hall 5:30 P.M.**

The regular meeting of the Grimes City Council was called to order by Mayor Thomas Armstrong on Tuesday October 11, 2011 at 5:30 P.M. at the Grimes City Hall.

The Pledge of Allegiance was recited.

Roll Call: Patterson, Shatava, and Evans. Absent: Tapper and Altringer

**GENERAL AGENDA ITEMS.**

**APPROVAL OF THE AGENDA**

Moved by Evans, Seconded by Patterson; the agenda shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes: 3 to 0.

**Approval of the Consent Agenda**

A.Minutes from the September 27, 2011 B.Sanitary sewer, water main, and temporary construction easement C. Water main easement and payment \$1,400 D. Development Agreement for turn lane in west bound lane of SE 11<sup>th</sup> Street in Grimes, Iowa E. Request for temporary grading easement, public sanitary sewer and water main easement, and public utility easement in Autumn Park by Newblood Development H. Certificate of Substantial Completion for the 2011 Grimes Maintenance Facility Parking Lot Reconstruction I. Pay Request #1 to Grimes Asphalt and Paving for the 2011 HMA Improvements - \$316,060.63 J. Pay Application #1 to Elder Corporation for the North Grimes Recreation Park - \$17,759.54 K. Pay Request #31 to Reilly Construction for the IA 44 Improvements - \$82,947.77 L. Claims – date 10/04/11 in the amount of \$19,924.21, 10/06/11 in the amount of \$691.15 and 10/11/11 in the amount of \$721,758.31

Addition: support of grayfield for Brownfield/Grayfield tax credit program.

Moved by Evans, Seconded by Patterson; the Consent agenda with the addition of the support letter for the grayfield for Brownfield/Grayfield tax credit program and with that addition shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes: 3 to 0.

**Fire Chief Report**

Chief Krohse advised that the month of September there were 47 runs with 57% of them being EMS calls. He stated that year to date calls are 422 for the department. Krohse reminded the Council that this was Fire Prevention Week statewide and as a part of this they had been visiting the schools and the schools had been visiting the fire station.

**Patrol Report**

Deputy Ballinger was present and advised the Council for the period of September 14 through October 11, 2011, there 319 calls with 252 of them as traffic stops. He also introduced Captain Tim Krum who would be working in Grimes.

**PUBLIC AGENDA ITEMS**

\*Council Member Altringer arrives at 5:40 p.m.

**A.Request for Consideration of Alley Closure – Julie Engstrom**

Julie Engstrom, of 300 NE Jacob Street, Grimes, was present to address the Council over her request for consideration of an alley closure between 300 NE Jacob Street and 308 NE Jacob Street and continuing between 305 N Main Street and 309 N Main Street. Engstrom cited her request for the closure due to safety concerns for children living in the area. Engstrom stated that she, along with her neighbors at 308

NE Jacob Street, are requesting the closure of this section of the alley and request to landscape it and install a swinging gate so that utility trucks would be able to access this area. Public Works Director Joe McAreavy stated that he had visited with Engstroms and understood their concerns. He advised that his concern was that properties to the west did need this alley for access to their garages. Mayor Armstrong advised that this request was only to close half of the alleyway as the other half was used by the homeowners to access their garages. Mayor Armstrong explained that it does create an issue when it comes to removal of snow and explained the issue on a map. Julie Engstrom stated that the neighbors on the other half of the alley do their own removal of the snow. Mayor Armstrong stated that he felt in order to proceed with this request they would need the approval from all four property owners that they would be in favor this section of the alley being closed and would agree to maintenance of the alley by each property owner. City Administrator Brown advised that any request for a street or alley closure needs to come to Council and then it is referred by the Council on to the Planning and Zoning Board. Brown stated that the Planning and Zoning Board would make a recommendation to the Council. She added that at that point there would be a public hearing to give anyone time to comment on the closure. Council Member Shatava asked about placing a sign that stated that it was for local traffic only. Deputy Ballinger stated that it was only enforceable if it was an ordinance. Engstrom advised that she would talk with the other three property owners and come back to the Council with the request to close the alley.

#### **B. Public Hearing for the Grimes Tennis and Volleyball Lighting Project**

Mayor Armstrong opened the Public Hearing at 5:55 p.m. for the Grimes Tennis and Volleyball Lighting Project. City Engineer Gade advised that three bids were received for the project which included 8 new light poles that would light the tennis and volleyball areas at the south recreational complex. Gade stated that the bids ranged from a high of \$98,335 to a low bid submitted by All Pro Electrical Technology at \$74,500. Gade advised that he would recommend awarding the bid to All Pro Electrical Technology at the low bid of \$74,500. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:57 p.m.

#### **C. Consideration of Award of Contract for the Grimes Tennis and Volleyball Lighting Project**

Council Member Evans asked how the lights would be accessed. Gade stated that the lights would be on a timer which would work during certain hours for anyone to use the lights. Gade added that you would be able to turn on the lights at the facility with no key.

Moved by Shatava, Seconded by Patterson; the bid for the Grimes Tennis and Volleyball Lighting Project subject to Fox Engineering letter dated October 6, 2011 to All Pro Electrical Technology for \$74,500; shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

#### **D. Public Hearing for the Grimes Outfall Trunk Sewer and Drainage Channel Improvements Project**

Mayor Armstrong opened the Public Hearing at 5:57 p.m. City Engineer Gade stated that this project consists of the installation of approximately 4,800 linear feet of 48 and 36 inch sanitary sewer from Lions Park to the sewage treatment plant and re-grading the existing drainage channel from IA 44 to North Main Street. He added that this work includes several new manholes, tree removal, rip rap, new trail and seeding. Gade stated that nine bids were received on the project ranging from a high of \$1,787,895.50 to a low bid submitted by Keller Excavating of \$1,357,572. Gade recommend the bid be awarded to Keller Excavating. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 6:03 p.m.

#### **E. Consideration of Award of Contract for the Grimes Outfall Trunk Sewer and Drainage Channel Improvement Project**

Moved by Patterson, Seconded by Evans, to award the bid for the Grimes Outfall Trunk Sewer and Drainage Channel Improvement Project subject to Fox Engineering letter dated October 11, 2011 to Keller Excavating in the amount of \$1,357,572; shall be approved.  
Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

#### **F. Public Hearing for the ASR (Aquifer Storage Recovery) Well #1 Re-Casing Project**

Mayor Armstrong opened the Public Hearing at 6:04 p.m. City Engineer Gade advised that this project was for the re-casing of the ASR Well. Gade stated that one bid was received from The Northway Corporation in the amount of \$237,765 and recommend the award to them. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 6:08 p.m.

#### **G. Consideration of Award of Contract for the ASR Well #1 Re-Casing Project**

Moved by Evans, Seconded by Altringer; the contract for the ASR Well #1 Re-Casing Project, subject to Fox Engineering letter dated October 7, 2011, shall be approved.  
Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

#### **H. DHS-ICE (Department of Homeland Security - Immigration & Customs Enforcement) Site Plan at 3100 SE Enterprise Drive**

Dan Carr from the US Federal Properties Co., located at 4706 Broadway, #240 Kansas City, MO 64112, addressed the board regarding the Department of Homeland Security – Immigration and Customs Enforcement, DHS-ICE, site plan for the expansion of the building located at 3100 SE Enterprise Dr, Grimes, IA 50111. Carr stated that even though this is a government building it is privately owned and that would allow it to stay on the tax rolls. Carr stated that this would bring approximately 30 to 35 jobs to Grimes. The addition to the existing building would be approximately 10,000 square feet making the building 25,000 square feet. The building material used will be similar to existing materials. Carr indicated it is their intention to match existing materials as closely as possible. Carr added that they are requesting an addition to the site plan of an access road that would go around the back of the building that would access a sally port for bus usage. He also stated that there would be an addition of a secure lot for government vehicles. City Engineer Gade stated that this plan had been reviewed by the Planning and Zoning Board and they had approved the site plan subject to the Fox Engineering letter dated September 29, 2011. Council Member Evans asked if the only fencing would be around the government employee vehicles in the south lot. Carr advised that this would be the only fencing and it is a very attractive fence. Mayor Armstrong stated and Carr affirmed that there are no overnight stays at the facility. Carr stated that about 10% of the building would be used for detention and the balance of the building would be for administrative offices and conference areas. Carr stated again that this is mainly an office building where processing can be done for up to two detainees for up to 2 to 3 hours and then they are moved out to another facility, so there are no overnight stays. He stated that normal hours of operation would be Monday through Friday from 6 a.m. to 5 p.m. with an occasional weekend. Council Member Evans asked if this would be a regional building. Carr advised that this site is currently located in downtown Des Moines which is a regional facility for Home Land Security. Council Member Shatava asked what the normal usage would be. Carr stated that it would depend on the day how many detainees would be processed but normally two to five at any given time. Carr stated that it is an ICE policy at all their buildings that the length of stay can not exceed 12 hours but the average is 2 to 3 hours. Carr advised that the building will be used as a processing center and administrative offices. There will not be any overnight detention at this location. Council Member Evans asked what the level of the jobs would be at the facility. Carr stated that it would range from officers to receptionists with a range of salaries. Council Member Shatava asked if there would ever be an expansion on the number of jobs offered. Carr stated that an expansion would probably be 5 or 10 employees at the most. He stated that a 15 year lease will be signed so they are looking at this as their home. Mayor Armstrong asked Carr to speak to some other site plans that have been voted down. He advised that some of the other projects were approved by the City but then were voted down due to a covenant and one was too close to another type of building, such as a

church or school. City Engineer Gade provided a map showing the location of the building in Grimes which is in an industrial area.

Mayor Armstrong opens up the discussion regarding the site plan to the audience. John Stanley of 200 NW 11<sup>th</sup> Street, Grimes Iowa addressed the Council regarding his opposition to this plan. Stanley thanked the Council for their work on this project. Stanley stated that his main opposition to the plan was the treatment by ICE of the illegal aliens and he spoke to that issue. He also voiced concerns over the way Grimes would be viewed with this association to this business. He asked the Council to give the community more time to respond to this issue. He thanked the Council for their time.

Chrystal Stanley of 200 NW 11<sup>th</sup> Street, Grimes, Iowa, addressed the Council. She stated that John had very eloquently stated what she wanted to say. Stanley stated that she worried about what our image will be to the rest of the country. She stated that rather than Grimes being the wonderful welcoming place that it is, we would be viewed as a city that creates bigotry and exclusion. She thanked the Council for the chance to speak and stated that she was in opposition to the project.

No one else asked to address the Council. Mayor Armstrong stated that the facility is very nice looking and meets zoning requirements and would not speak to policy. He stated that he felt we had limited ability to deny this site plan based on policy. City Attorney Henderson stated that the site plan met the building and zoning requirement and was not illegal use and they were not asking for any special consideration such as a zoning change. Henderson stated that this building was previously used as an office complex and that is what it will be used for. He referred to City Engineer Gade if that was all true and Gade affirmed those statements. Attorney Henderson stated that those who spoke were referring to political issues and they were very well presented, but that it was not an issue for this council. Mayor Armstrong stated that City Administrator Brown had received email regarding this site plan and he asked her to address those. Brown stated that she received 6 emails regarding this site plan. She stated that she received emails from the following people: Chrystal Stanley, Tina McClearey, Jennie Loning, Kent Sailes, Sandra Sanchez who represented the AFSC Immigrations Voice Programs Director, and Jim Thomas. Brown stated in the spirit of not repeating what has been already said by Mr. Stanley she would not read them all. She did add that one letter from Jim Thomas had some issues that could be under consideration. Brown read from the letter stating that since there would limited access by the public to the building it would be difficult to verify that detainees are not held at this facility overnight. The letter from Thomas also voiced concerns of the public witnessing armored vehicles transporting individuals in shackles and prisoner garb which is not necessarily an attraction in a small community. Thomas's letter also went on to state that the City could expect demonstrations from protest groups who oppose the practices of ICE. He stated that although they would be non-violent they would bring law officers to the area and that all this may not be worth the extra taxes from a group who is there just to make money from their investment. Mayor Armstrong asked Dan Carr to respond to the statement regarding the public witnessing detainees in shackles. Carr stated that the transport vehicle would drive up to the sally port, the garage door would open and the vehicle would drive in and the door would go down. Carr stated this would not be open to the public or be witnessed by the public. Council Member Shatava thanked everyone who came forward to speak on the issue. He stated that he sees a lot of pluses to this facility with it adding jobs, bring more people to the area to possibly shop in the city and feels it is the right location.

Moved by Shatava, Seconded by Altringer; the DHS-ICE (Department of Homeland Security - Immigration & Customs Enforcement) Site Plan at 3100 SE Enterprise Drive, subject to Fox Engineering's letter dated September 29, 2011, shall be approved.

Council Member Patterson also thanked those who spoke and he agreed with them that he feels that there is a lot that needs to be done at the federal level in regards to immigration. He stated that from a Council standpoint if we can affect that at the federal level by passing a resolution that says that the federal government needs to take action, and we can help that, by all means he would be interested in moving

that on. Council Member Patterson stated that in regards to the facility that he did see a lot of up side to it. Council Member Evans stated that she agreed with Patterson. Council Member Altringer stated that she also agreed and stated that the site plan meets all our requirements.

Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

Mayor Armstrong thanked Dan Carr for project and thanked John and Chrystal Stanley for their input and added that it is a tough policy statement. Council Member Evans stated that she was happy for the input that was received.

### **Public Forum**

No one addressed the Council

## **COUNCIL ACTIONS**

### **A. Sunny Hill Cemetery - interment services discussion**

Rochelle Williams, City Clerk advised that the City currently uses Joel Godwin for the interment services at Sunny Hill Cemetery. She advised that recently the City was contacted by another service owned by John Stefani to provide services for the cemetery. Williams stated that in order to be fair to both parties they had been asked to come before the Council with some information regarding their services and let the Council make a decision on whom to continue to use. Williams and City Administrator Brown stated that Joel Godwin has done a great job for the City since 1998 without any issues. The Council listened to both parties presentations and thanked them for coming in.

Moved by Shatava, Seconded by Evans; Joel Godwin perform the interment services at Sunny Hill Cemetery.

Roll Call: Ayes: All. Nays: None. Motion passes: 4 to 0.

## **COUNCIL DISCUSSIONS**

### **1. Mayor's Report**

Mayor Armstrong had nothing new to report

### **2. City Attorney's Report**

City Attorney Henderson had nothing new to report.

### **3. City Engineer's Report**

City Engineer Gade provided an update on the Hwy 44 and SE 19<sup>th</sup> Street Projects. Council Member Evans asked if some additional markings could be placed on the street where people traveling west and turning left into the new Kennybrook Village to aid in getting vehicles in the correct lane. Gade advised that they could add this. Council Member Patterson asked to have the pavement to the west of Banker's Trust be looked at as it has a peak to the road. Gade advised it would be looked at but not sure there is a solution at this time.

### **4. City Staff Report**

Nothing new to report

### **5. Old Business**

### **6. New Business**

Council Member Altringer asked that the City workshop the Model Bike Ordinance in the near future. She also advised that there has been a sub committee formed to deal with the property tax issue for

reform. She stated that there have been sub committee meetings that discussed the issues between the smaller and larger communities and how changes would affect each. She advised that she was trying to stay actively involved in those conversations.

**Adjournment.**

Moved by Altringer, Seconded by Shatava; there being no further business, this meeting shall be adjourned at 7:40 p.m.

ATTEST:

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Rochelle Williams, City Clerk

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Thomas M. Armstrong, Mayor