

CITY COUNCIL MEETING

Tuesday, August 14, 2012

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Armstrong on Tuesday, August 14, 2012 at 5:30 P.M. at the Grimes City Hall.

The Pledge of Allegiance was lead by Mayor Armstrong

Roll Call: Present: Tapper, Patterson, Evans, Shatava, Altringer

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

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

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

Approval of the Consent Agenda

A. Minutes from the July 10, 2012 Meetings B. Lime Removal by Melvin Marsh \$45,000 C. Proposed HMA Resurfacing of NW 82nd Avenue (NE 27th Street) in 2013 D. Resolution 08-0112 A Resolution authorizing the City of Grimes to submit an application for Funding from the Federal Surface Transportation Program (STP) to the Des Moines Area Metropolitan Organization (MPO) E. Resolution 08-0212 A Resolution authorizing the City of Grimes to submit an application for Funding from the Federal Surface Transportation Program (STP) to the Des Moines Area Metropolitan Organization (MPO) for the partial funding of the reconstruction of North James Street from North 3rd Street to North 7th Street in Grimes and further approving the application which obligates the City of Grimes to matching funds for the construction of said project F. Resolution 08-0312 A Resolution authorizing the City of Grimes to submit an application for funding from the Federal Surface Transportation Program (STP) to the Des Moines Area Metropolitan Organization (MPO) for the partial funding of the reconstruction of South James Street from South 2nd Street to South 6th Street in Grimes and further approving the application which obligates the City of Grimes to matching funds for the construction of said project. G. Resolution 08-0412 A Resolution authorizing the City of Grimes to submit an application for funding from the Federal Surface Transportation Program (STP) to the Des Moines Area Metropolitan Organization (MPO) for the partial funding of the reconstruction of South East 37th Street and IA 141 Intersection and traffic signal modifications in Grimes and further approving the application which obligates the City of Grimes to matching funds for the construction of said project H. Municipal Supply Inc. meters for apartments \$5,945.50 I. Mississippi Lime Co for Quicklime \$3,346.65 J. Resolution 08-0612 Amending and Substituted Meadowlark Place Apartments Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement K. Water Main Easement (Lot 2 Grimes Business Park Plat 2) L. Sanitary Sewer Easement (Lot 2 Grimes Business Park Plat 2) M. Meadowlark Place 1 Multi-Family Project Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement (Lot 2 Grimes Business Park Plat 2) N. Pay Request #2 to All Pro Electrical Technology for the Grimes Community Complex Generator - \$32,300 O. Casey's General Store Alcohol License Renewal Class C Beer Permit with Sunday Sales 10/1/12 P. Fareway Store Alcohol License Renewal Class E Liquor License (LE) 10/1/12 Q. Resolution 08-0712 Resolution of Support for Local Government Collaboration R. Municipal Supply Inc. for meters \$11,340.25 S. Temporary Street Closure for block party NW 10th Circle on August 25, 2012 T. Request from Classic Builder & Greystone Homes for relief on sewer bill at 2505 NE Ewing U. Grimes Asphalt and Paving Corp for HMA Overlay N Little Beaver Drive \$33,306 V. Pay Request #7 to Elder Corp for the North Grimes Recreation Park - \$24,111 W. Polk County Emergency Management Adoption of Bylaws X. Request for Outdoor Service on 8/26/12 for Charity Event for Fat Boyz Saloon Y. Claims dated August 14, 2012 \$486,733.32.

Moved by Patterson, Seconded by Tapper; the consent agenda shall be approved.
Roll Call: Ayes: All. Nays: None. Motion passes: 5 to 0.

Fire Chief Report

Chief Krohse stated that they received 68 calls for the month of July giving them a year- to- date today of 416 calls compared to 319 at this time last year.

Patrol Report

Polk County Deputy Ballinger was present to give an update for the time frame of July 11 – Aug. 14 in which there were 425 calls for service, 251 traffic stops for a total of 676 contacts of which 78 cases were made. Deputy Ballinger provided an update on the attempted abduction earlier in the week in Grimes at the Council's request.

PUBLIC AGENDA ITEMS Council may consider and potentially act on the following Public Agenda Items.

A. Public Hearing and Action on the Request from Beaverbrooke Development Company that the land generally located west of Beaverbrooke West Plats 3 and 4, consisting of 41.78 acres be rezoned from agricultural to R2-70

Mayor Armstrong opened the Public Hearing on the request for zoning from Beaverbrooke Development at 5:37 pm. David Bentz of Bishop Engineering, 3501 104th Street, Urbandale addressed the Council. Bentz stated they were seeking the rezoning of approximately 41.78 acres from A1 Agricultural to R270. Jolene Nolte of 501 NW 13th Street, Grimes address the Council regarding drainage in the area adjacent to her home from a field tile that had a splice in it that was leaking. Nolte stated that water from this at one point was running down the street where she lives. She asked that this be looked at to be moved or capped to avoid erosion or damage to the street. There being no further oral or written comments the Public Hearing was closed at 5:55 pm.

B. First Reading of Ordinance #607 An Ordinance Amending the Grimes Official Zoning Map, Pursuant To The Code Of Ordinances Section 165.05 By Changing The Zoning Of The Below Described Property Known As Beaverbrooke West Plats 3 and 4, This Ordinance Shall Rezone Approximately 41.78 Acres From A1 Agricultural District To R2-70 Planned Residential Development District.

City Engineer Gade stated that this request is in agreement with the land use policy and he recommended approval of the rezoning. Council Member Altringer asked Gade about the issue brought forth by Jolene Nolte. Gade advised that this is outside the zoning area but that when areas are developed these are located and rerouted as part of the storm sewer system. Jared Rosenbeck of 504 NW 13th Street asked to address the Council. He stated that the splice that Nolte was referring to was just adjacent to his back yard.

Moved by Tapper, Seconded by Evans; the First Reading of Ordinance #607 an Ordinance amending the Grimes Official Zoning Map by changing the zoning of Beaverbrook West Plats 3 and 4, this ordinance shall rezone approximately 41.78 acres from A1 Agricultural District to R2-70 Planned Residential Development District and that City Engineer Gade will address the issue brought forth by Nolte shall now pass.

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

C. Beaverbrook West Plat 8 – Preliminary Plat

David Bentz of Bishop Engineering, 3501 104th Street, Urbandale, Iowa addressed the Council representing Beaverbrooke Development, 4545 Merle Hay Road, Des Moines, Iowa. Bentz stated that this would be similar to the previous Beaverbrooke West Plats 1, 2, 3 and 4 with similar lot sizes. Bentz stated the all over development consists of 69 acres with 129 lots. He advised that phase 1 would be the construction of Gabus Drive and also Prairie Creek Drive down to 17th Street. He added that it was their desire to have most of lots be walk outs where ever possible. He stated that the parkland dedication for this development would consist of 93,649 sf. with an 8' public trail on the north end that will connect across the creek to the North Sports Complex. He added that the trail will also extend to the west and connect to future developments. Bentz stated that a trail would be constructed along Beaverbrooke Blvd. Bentz discussed several options for maintenance of the detention pond on this plat. He also added that 50% of these lots would be 80 ft or greater so they would be requesting reduced side yard setbacks. City Engineer Gade stated that all the streets in the area are the minimum 29 ft wide as required in the ordinance except Beaverbrook Blvd. which matches up with the existing street that is out there today. He stated that they are a little short on the parkland dedication but have agreed to more parkland when the east side of James Street is developed. He added that the sanitary sewer would need to be extended. Gade stated that the City did need to decide who was going to maintain the detention area. He advised that during construction in the area these detention ponds tend to fill up with silt and he recommended that when 80% of the lots are developed that this detention pond is reconstructed before turning it over to the City to maintain. Council Member Evans asked with the number of walk outs in this area could this detention pond fill up and cause water issues in these homes. Bentz stated that the storm sewer in this area would be sized for a 100 year storm event instead of the standard 10 year storm so it should not be an issue. Gade added that he would also like to see a detailed plan on the landscaping by this detention pond. Council Member Patterson stated that he really appreciate the water retention component to this development as this has been an issue with stormwater in the City and particularly to the southeast of this area.

Moved by Shatava, Seconded by Patterson; Beaverbrook West Plat 8 Preliminary Plat per Fox Engineering letter dated August 1, 2012 shall be approved.

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

Bentz asked for clarification on who would maintain the detention pond. Mayor Armstrong advised that when approximately 80% of the development is complete the developer would need to reconstruct the detention pond according to standards and then turn it over to the City to be maintained.

D. Public Hearing and Action on the Notice of Intention to Issue Revenue Bonds or Notes (Walnut Ridge Project)

Mayor Armstrong opened the Public Hearing at 6:07 pm. . There being no oral or written comments; the Hearing was closed at 6:08 pm.

E.Resolution 08-0812 Resolution Authorizing And Providing For the Issuance Of Not To Exceed \$3,500,000 Aggregate Principal Amount Of Revenue Notes Of the City Of Grimes, Iowa, For The Purpose Of Lending The Proceeds Thereof To PHS Walnut Ridge, LLC (The “Borrower”); The Execution And Delivery Of A Loan Agreement Providing For The

Repayment Of The Loan Of The Proceeds Of Said Notes And The Said Notes; The Execution Of A Servicing Agreement And A Supplement Thereto; And The Execution Of Other Documents Related Thereto.

City Administrator Brown advised that the City has 10 million dollars of tax exempt bonds that they can bond against annually. She stated that we can let other entities borrow our tax exempt status and that is what this is. The City can lend against this and does not go against our bonding capacity. Brown stated that this is using the City as a conduit to borrow against that tax exempt status. Mayor Armstrong clarified that this does not indebt the City in any way.

Moved by Patterson, Seconded by Evans; Resolution 08-0812 authorizing and providing for the issuance of not to exceed \$3,500,00 aggregate principal amount of revenue not of the City of Grimes, Iowa, for the purpose of lending the proceeds thereof to PHS Walnut Ridge, LLC (the borrower) the execution and delivery of a loan agreement providing for the repayment of the loan of the proceeds of said notes and the said notes; the execution of a servicing agreement and a supplement thereto; and the execution of other documents related thereto, shall be approved.

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

F. ServPro – Site Plan

Keith Weggen of Civil Design Advantage, 3405 SE Crossroads Drive, Suite G, Grimes, Iowa, addressed the board on behalf of the owner, Brian Burkle. Weggen advised that this would be an office and warehouse space located at 3600 SE Destination Drive in Grimes. He stated that the site is 1.86 acres, zoned for light industrial and is not within Zone 2 of the Hwy 141 Mixed Use Corridor. Weggen advised that the proposed project is a 12,000 sq ft building with a future addition approximately 5,000 sq ft. He stated that there a future sidewalk on the plan that would be installed when improvements are completed along SE 37th Street. Planning and Zoning had recommended the approval of this site plan.

Moved by Evans, Seconded by Tapper; the ServPro site plan shall be approved.

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

G. Mueller-Yurgae – Building Addition – Site Plan

Charlie Dunn of Jensen Builders at 2182 23rd Lane, Ames Iowa addressed the Council on behalf of Muller-Yurgae Associated. Dunn advised that the site plan is for an 11,135 sq ft addition to their existing building located at 1055 SE 28th Street in Grimes. He added that there would be no additional landscaping to the site and the exterior would match the existing building. Dunn advised that this was a distribution building for food products for HyVee, Casey's and Fareway.

Moved by Patterson, Seconded by Evans; the building addition site plan subject to Fox Engineering letter dated August 1, 2012 shall be approved.

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

H. Public Hearing on the Proposed Vacation of Certain Easement Areas Granted To the City of Grimes, Iowa in Grimes Business Park Plat 1 and Grimes Business Park Plat 2

Mayor Armstrong opened the Public Hearing at 6:25 pm. Michael Hayes of Belin McCormick, 666 Walnut Street, Suite 2000, Des Moines, Iowa who had prepared the notice was present. He stated that these easements are part of the Grimes Business Park Plat 2 and provided background on these requests. There being no oral or written comments the Hearing was closed at 6:30 pm.

I. Resolution 08-0512 Closing Hearing On The Proposed Vacation Of Certain Sanitary Sewer Easements, Certain Storm Water Detention and Surface Water Flowage Easements, And Certain Ingress-Egress Easements Granted To The City Of Grimes, Iowa In Portions Of Land Now Platted As Grimes Business Park Plat 1 And Grimes Business Park Plat 2

Moved by Patterson, Seconded by Evans; Resolution 08-0512 closing the hearing on the proposed vacation shall be approved.

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

J. First Reading of Ordinance #606 An Ordinance vacating certain sanitary sewer easements, certain stormwater detention and surface water flowage easements, and certain ingress-egress easements granted to the City of Grimes, Iowa in portions of land now platted as Grimes Business Park Plat 1 and Grimes Business Park Plat 2

Moved by Patterson, Seconded by Evans; the First Reading of Ordinance #606 shall now pass.

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

Moved by Patterson, Seconded by Evans; the Second and Third readings of Ordinance 606 shall be waived.

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

Moved by Patterson, Seconded by Evans; the Final Passage for Ordinance #606 shall be approved.

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

K. Receiving Report of Bids and Delaying Award or Rejecting Bids Award for the Chevalia Valley Subdivision Sidewalk, Trail and Pedestrian Bridge Assessment Project.

Jerry Byg of Fox Engineering advised the Council that bids were received on this project. The project was broken up into three Divisions. Byg stated that the entire bid for all three divisions came in well over the engineer's estimate of \$250,750. Byg advised that the Division 1 bid was for the pedestrian bridge came in under the engineer's bid and he recommended that they award that portion of the bid to the low bidder who was Herberger Construction at \$258,850. Byg advised that Peoples Trust and Savings Bank and JBTT advised indicated they would locate their own contractor to do the rest of this work and advised to reject the other Division bids.

Moved by Patterson, Seconded by Shatava; Division II and Division III bids shall be rejected and the award of the Division 1 bid to Herberger Construction in the amount of \$258,850 shall be approved.

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

L. Resolution 08-0912 to fix a date of meeting at which it is proposed to approve a Development Agreement with SERVPRO of Des Moines NW, including tax increment payments in an amount Not to exceed \$175,000 for September 11, 2012.

Brian Buehe of Grimes Chamber and Economic Development addressed the Council regarding the development agreement. Buehe stated that it was his understanding that SERVPRO was asking for this amount not to exceed \$200,000. City Administrator Brown stated that it would not be a problem to increase it to that amount if she was advised to do so by the Council.

Moved by Shatava, Seconded by Patterson; Resolution 08-0912 to fix a date on a proposed Development Agreement for SERVPRO in an amount not to exceed \$200,000 shall be approved.

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

M. Resolution 08-1012 Set Public Hearing on Urban Renewal Plan Amendment for September 11, 2012

Moved by Patterson, Seconded by Tapper; Public Hearing on a Urban Renewal Plan shall be set for September 11, 2012.

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

N. Public Hearing and First Reading for Ordinance #608 amending Chapter 165 to provide for the issuance of Special Permits based on legal non-conforming uses

Mayor Armstrong opened up the Public Hearing at 6:43 pm. There being no written or oral comments the Hearing was closed at 6:44 p.m. Michael Hayes of Belen McCormick PC, 666 Walnut Street, Suite 2000, Des Moines, Iowa addressed the Council regarding the Ryko building that is a non- conforming use in the overlay district. Hayes stated that in order for Ryko to obtain financing or expanding they would need to obtain a Special Use permit. He stated this could also be an issue for other businesses in overlay districts. Mayor Armstrong clarified that once this ordinance is adopted then any business needing a special permit for non-conforming uses would need to have it approved by the Board of Adjustments first.

Moved by Evans, Seconded by Altringer; the First Reading of Ordinance #608 amending Chapter 165 to provide for the issuance of special permits based on legal con-conforming uses shall be approved.

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

PUBLIC FORUM

Bruce Schmiedlin of 522 NW 6th Street addressed the Council with concerns over some of the regulations in the ordinance. He asked them to review some of the regulations as they related to riding on and off of trails and streets as well as rules between jurisdictions. The Council thanked him for his input.

COUNCIL ACTIONS

A. Set the Public Hearing for the Storm Water Ordinance for September 11, 2012.

The Council discussed more time to get information out to the public on the storm water utility ordinance.

After discussion by the Council it was decided to delay the Hearing until September 25, 2012 in order to provide more time for information to be distributed.

Moved by Patterson, Seconded by Shatava; the Public Hearing on the Storm Water Ordinance shall be set for September 25, 2012.

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

B. Public Hearing on Ordinance #605 Providing for Bicycle Regulations

Mayor Armstrong opened the Public Hearing at 6:55 pm. Bruce Schmiedlin of 522 NW 6th Street stated that he wished the Council to think of the avid bicycler who would be riding at 15 to 30 mph and do you want them on the trail with children and dogs and possibly sometimes on substandard trails. There being no further oral or written communication the Hearing was closed at 6:57 pm.

C. First Reading of Ordinance #605 Providing for Bicycle Regulations

The Council reviewed the ordinance for bicycle regulations with amendments. Council Member Altringer reviewed the ordinance with the Council.

Moved by Altringer, Seconded by Tapper; the First Reading of Ordinance #605 providing for bicycle regulations shall now pass.

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

COUNCIL ACTIONS

1. Mayor’s Report

Mayor Armstrong reminded everyone about the State Fair.

2. City Attorney’s Report

City Attorney Henderson had nothing new to report.

3. City Engineer’s Report

City Engineer Gade had nothing new to report.

4. City Staff Report

Staff had nothing new to report.

5. Old Business

None.

6. New Business

None

Adjournment

Moved by Altringer, Seconded by Shatava; there being no further business, this meeting shall be adjourned at 7:15 p.m.

ATTEST:

Rochelle Williams, City Clerk

Thomas M. Armstrong, Mayor