

**CITY COUNCIL MEETING**  
**Tuesday, May 23, 2023**

The regular Grimes City Council Meeting was held as an in-person meeting with Zoom available. The meeting was called to order by Mayor Scott Mikkelsen, via Zoom, May 23, 2023, at 5:33 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 via Zoom: Mayor Scott Mikkelsen, Eric Johansen, Present in Person: Council Members: Ryan Burger, Andrew Borcharding, David Gisch, Absent: Laurie DePhillips

**AGENDA ITEMS**

**APPROVAL OF THE AGENDA**

Mayor Mikkelsen asked for approval of the agenda.

Moved by Borcharding, Second by Burger, to approve the agenda.

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

**CONSENT AGENDA**

A. Resolution 05-2123 Minutes approval from previous meeting B. Resolution 05-2223 Claims Report \$5,733,752.89 C. Resolution 05-2323 Approving Bills and Quotes over \$10,000 D. Resolution 05-2423 Approving ABD Renewal- Walmart # 5748: 2150 E. 1st Street: Class E Retail Alcohol License E. Resolution 05-2523 Approving the Purchase of Parks and Recreation Reservation and Program Management Software System F. Resolution 05-2623 Consent and Agreement for Improvements for Lot 6 of Chevalia Valley- 209 NE 22nd Circle. G. Resolution 05-2723 Consent and Agreement for Improvements on lot 24 of Willow Hills Plat 1-2962 NW Brookside Dr. H. Resolution 05-2823 Consent and Agreement for Improvements Within Storm Sewer Easement and Overland Flowage Easement for Lot 43 of Autumn Park Plat 5 -304 NW Beechwood Dr. I. Resolution 05-2923 Consent and Agreement for Improvements Within Overland Flowage Easement for Lot 64 of Beaverbrooke Pointe Plat 3 – 1500 NE Heritage Drive J. Resolution 05-3023 Consent an Agreement for Improvements within Surface Water Flowage Easement for Lot 61 of Beaverbrooke West Plat 4 – 1908 NW Norton Court K. Resolution 05-3123 Consent and Agreement for Improvements Within Overland Flowage Easement and Landscape Buffer Easement for Lot 4 of Heritage at Grimes Plat 3 – 1912 NE Park Drive L. Resolution 05-3223 Consent and Agreement for Improvements Within Surface Water Flowage Easement for Lot 20 in Bridge Creek Plat 3 – 601 NE Bridge Creek Crossing M. City Clerk Annual Report N. Resolution 05-3323 Approving Professional Services Payments: 1. Whitfield Law – legal fees \$34,215.00 2. Pay Request #37 Bolton & Menk, Inc. – Highway 44 & SW County Line Road Intersection Improvements \$5,707.50 3. Pay Request #9 McClure Engineering Company – Phase 1A Water System Improvements \$45,750.47 4. Pay Request #9 Civil Design Advantage – Grimes Plex \$49,688.87 5. Pay Request #8 Snyder & Associates, Inc – Traffic Signal Network Communication Project \$5,571.00 6. Pay Request #7 McClure Engineering Company – North Jordan Well Repairs \$641.25 (to be paid by city’s insurance as part of claim) O. Resolution 05-3423 Approving Pay Requests 1. Pay Request #4 Edge Commercial, LLC – GrimesPlex \$1,978,044.94 2. Pay Request # 6 Van Maanen Electric – City Traffic Signal Communication Network \$25,222.50 3. Pay Request #10 (Retainage) Absolute Concrete – County Line Road Intersection Improvements \$9,570.18 (to be held for 30 days) 4. Pay Request #6 Halbrook Excavating – SE Jacob Street Reconstruction and Storm Sewer \$177,611.05 5. Pay Request #9 Absolute Concrete – County Line Road Intersection Improvements \$198.00 P. Resolution 05-3523 Approving Change Orders 1. Change Order #2 Sternquist Construction, Inc – SE Trail Ridge Road Reconstruction increasing contract

\$7,688.98. 2. Change Order #5 Absolute Concrete - County Line Road Intersection Improvement – decreasing contract \$83,992.50 reconciliation of contract quantities. 3. Change Order #2 Rognes Corporation – WRA Grimes Connector – Contract 3 increasing contract \$26,400.00. Q. Resolution 05-3623 Accepting Public Improvements in Legacy Park Lot 2 Phase 2 R. Resolution 05-3723 Approving Intergovernmental Agreement for the Funding and Operation of a Mobile Ventilation Unit by the Cities of Ankeny, Altoona, Clive, Grimes/Johnston Metropolitan Fire Department, Urbandale, Waukee, and West Des Moines S. Proclamation – Proclaiming National Public Works Week in the City of Grimes 5/21-5/27 T. Resolution 05-3823 Approving Amended Operation Services Agreement Between the City of Grimes and USW Utility Group U. Resolution 05-3923 Authorizing Entering an Agreement Between Polk County, Iowa and City of Grimes for Road Maintenance V. Resolution 05-4023 Approving Furniture, Fixtures, and Equipment Pay Request \$399,159.14 W. Resolution 05-4123 Approving Repairs of 2016 Rescue Engine - \$17,290.40 X. Resolution 05-4223 Approving Personnel Transactions Y. Resolution 05-4323 Mayors’ Letter of Support for the Census CQR Process Z. Resolution 05-4423 Accepting the County Line Road Intersection Improvements and Certificate of Completion a. Resolution 05-4523 to Amend Contract for Professional Services – Foth Infrastructure and Environment, LLC Consulting Services for Temp. Traffic Signal S James Street & S 19th St b. Resolution 05-4623 To Enter into Contract for Professional Services – Kirkham Michael & Associates for Design of Parking Lot – Glenstone Multi-Golf Course c. Resolution 05-5123 to Enter into Contract for Professional Services – Foth Infrastructure and Environment, LLC – Speed Studies on Portions of NW 8th Street and NE Park Dr. d. Resolution 05-4723 Approving Annual Home Base Iowa 4th of July Fireworks Display e. Resolution 05-4823 Approving Fiscal Year 2022-2023 Transfers f. Resolution 05-5023 Approving Sports Facility Equipment Transactions Pursuant to FY23 Budget g. Resolution 05-5223 To Adjust Utility Charges h. Resolution 05-4923 On Notice and Intent to Vacate Certain Public Utility Easement in Hope Commercial Plat 4 and Setting Public Hearing for June 27, 2023, at 5:30 pm. i. Resolution 05-5623 Approving Request for Block Party j. Resolution 05-5723 Approving Equipment Transactions Pursuant to FY23 Budget for Park and Recreation k. Finance Report for April 2023 l. Filing of Reports and Correspondence

Motion by Borcharding, Second by Burger, to approve the Consent Agenda.

Roll Call: Ayes: All; Nays: None Motion passes 4- 0

## **PUBLIC FORUM** -None

## **PUBLIC AND COUNCIL AGENDA ITEMS**

### **1. Second Reading of Ordinance #779 Amending the Grimes Official Zoning Map, Pursuant to the Code of Ordinances Section 12-3-5 to Prove for the Following rezoning Request for Hope Timber and Associated Zoning change and Development Agreement**

Alex Pfaltzgraff, Development Services Director, addressed Council stating this 67-acre parcel is located at the NE corner of Highway 44 and NW County Line Road and currently zoned A-1. Pfaltzgraff said the applicant is proposing to rezone the property to R-4 (PUD) and C-2. Pfaltzgraff said the zoning is consistent with the Future Land Use Plan, noting that the R-4 zoning will allow for medium and high density residential, while the C-2 zoning will allow for general commercial development on the southern portion of the property that borders along Highway 44. Pfaltzgraff stated the concept plan will continue to be refined through the rezoning process and this is only the initial step in the process.

Moved by Gisch, Second by Borcharding, to Approve the Second Reading of Ordinance #779 Amending the Grimes Official Zoning Map, Pursuant to the Code of Ordinances Section 12-3-5 for the following rezoning Request for Hope Timber and Associated Zoning change and Development Agreement

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

## **2. Second Reading of Ordinance #780 Amending Grimes Code of Ordinances Chapter 12-15 Off-Street Parking, Circulation, and Loading Requirements**

Alex Pfaltzgraff, Development Services Director, addressed the Council stating the purpose of the amendment is to clarify and clean up some of the parking calculations. He said since the parking regulations were re-written in 2020, staff had determined that a few of the parking calculations did not reflect real-world parking needs or were difficult to calculate. Pfaltzgraff said there were no changes since the First Reading and would recommend waiving the Third Reading of the ordinance and adopting it.

Moved by Gisch, Second by Borcharding, to approve the Second Reading of Ordinance #780 Amending Grimes Code of Ordinances Chapter 12-15 Off-Street Parking, Circulation, and Loading Requirements.  
Roll Call: Ayes: All. Nays: None. Motion passes: 4 - 0.

Moved by Gisch, Second by Borcharding, to waive the Third Reading of Ordinance #780 Amending Grimes Code of Ordinances Chapter 12-15 Off-Street Parking, Circulation, and Loading Requirements  
Roll Call: Ayes: All. Nays: None. Motion passes: 4 - 0.

Council Member Laurie DePhillips joins via Zoom at 5:42 pm.

Moved by Gisch, Second by Borcharding, to approve Final Passage of Ordinance #780 Amending Grimes Code of Ordinances Chapter 12-15 Off-Street Parking, Circulation, and Loading Requirements  
Roll Call: Ayes: All. Nays: None. Motion passes: 5 - 0.

## **3. Second Reading of Ordinance #781 Amending the Hope Commercial Planned Unit Development**

Alex Pfaltzgraff, Development Services Director, addressed Council to say that the original development agreement needed to be amended to remove old code references, remove references to NE 5th Street extension, and to clarify development details regarding the Grimes Plex. Pfaltzgraff said that since the Hope Commercial PUD was established in 2020, the City had taken over the construction of the Grimes Plex and no longer requires the developer to construct the facility as a public improvement. He noted some of the Grimes Plex standards within the development agreement will be updated to reflect the actual number of sport fields, increase the minimum parking space requirement, and clarify signage requirements due to the anticipated sponsorships associated with the complex. Pfaltzgraff said in addition to those changes, the developer has submitted a request to adjust the ratio of residential vs. commercial acreage within the mixed-use portion of the development to construct a multi-family and townhome area. He stated that the current PUD requires 50% commercial acreage within the mixed-use area, and the proposed amendment would adjust the acreage ratio to require a minimum of 35% commercial acreage. Pfaltzgraff said the developer has provided a revised PUD concept, conceptual elevations for the multi-family and townhome buildings, and provided market justification from their broker as supporting materials for the PUD amendment request. Pfaltzgraff stated that the concept for the mixed-use area has been revised based on feedback from the Council at the March 28th meeting to increase the neighborhood feel and improve viewpoints from NE Beaverbrooke Blvd.

Moved by Gisch, Second by Borcharding to Approve the Second Reading of Ordinance #781 Amending the Hope Commercial Planned Unit Development.  
Roll Call: Ayes: All. Nays: None. Motion passes: 5 - 0.

## **4. Second Reading of Ordinance 782 Amending Grimes Code of Ordinance Chapter 11-3 Provision of the Building and Property Regulations of the City of Grimes, Iowa, Regarding the Adoption of the Grimes Rental Program**

Alex Pfaltzgraff, Development Services Director, addressed the Council to offer details on the Rental Housing Program. Pfaltzgraff said staff have reviewed the registration and inspection process as well as making studies of other similar programs in the metro area. He said the feedback from the informational meetings held for property owners and managers was generally positive and well received. Pfaltzgraff noted there had not been any changes since the initial public hearing and that Staff would recommend approval.

Moved by Borcharding, Second by Burger, to approve the Second Reading of Ordinance 782 Amending Grimes Code of Ordinance Chapter 11-3 Provisions of the Building and Property Regulations of the City of Grimes, Iowa, Regarding the Adoption of the Grimes Rental Program

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

### **5. Proposed Rezoning of Property Referred to as Grimes Crossing Generally Located at West of SE Gateway Drive and North of SE 8th Street from C-2 General and Highway Service Commercial District to R-3 Medium Density Two or More Family Dwelling District**

Alex Pfaltzgraff, Development Services Director, addressed Council to say the applicant, Sanav Venture, LLC, has submitted the necessary petition documents to initiate the Rezoning Process for property generally located west of SE Gateway Drive and north of SE 8th Street. Pfaltzgraff said the applicant is requesting to rezone the property from General and Highway Service Commercial District (C-2) to Medium Density Two or More Family Dwelling District (R-3 Medium). He said this will allow for medium density residential at a maximum density of 8 dwelling units per acre. Pfaltzgraff said the applicant has provided a conceptual plan for the site showing twelve townhome units along with the associated private street, parking, and landscaping. Pfaltzgraff added that the Planning and Zoning Commission recommended approval at their May 2<sup>nd</sup>, 2023, meeting. He stated that the property owners within 200 feet of the rezoning have obtained enough signatures to trigger the protest petition process and he asked that the Council make a motion to receive and file the protest.

Mayor Mikkelsen opened the Public Hearing at 5:58 p.m.

Residents Liz Hoyt, 701 Dovetail #12, and Larry Satterlee 651 SE Dovetail #4, addressed Council with concerns with potential increased traffic levels as well as ongoing waste disposal issues from a neighboring multi-family development. Mayor Mikkelsen closed the Public Hearing at 6:12 p.m. The Mayor and Council thanked the residents for taking time to voice their concerns.

Moved by Gisch, Second by Borcharding, to approve the First Reading of Ordinance 783 on Proposed Rezoning of Property Referred to as Grimes Crossing Generally Located at West of SE Gateway Drive and North of SE 8th Street from C-2 General and Highway Service Commercial District to R-3 Medium Density Two or More Family Dwelling District

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

Motion by Borcharding, Second by Gisch to Receive and File the Protest Petition.

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

### **6. Amendment to the Fiscal Year 2022-2023 Budget**

City Administrator Jake Anderson addressed the Council stating the proposed amendment for the fiscal year 2022-2023 budget will provide for the expenditure of additional funds for property and casualty insurance, legal expense, new capital projects, the 28E with the Grimes Chamber, additional bond principal and interest, tree plantings, equipment purchases and two Life Pak units for the ambulance. Anderson explained these expenses were realized after the approval of the budget in March 2022. He

stated the City will also be making additional transfers from reserve funds to capital projects to close out completed project funds.

Mayor Pro-Tem Burger opened the Public Hearing at 6:26 p.m. Being no written or oral comments, Mayor Pro Tem Burger closed the Hearing at 6:26 p.m.

Moved by Gisch, Second by Borcharding, to Approve Resolution 05-5323 Approving City of Grimes Budget Amendment for Fiscal Year 2022-2023

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

#### **7. Green State Credit Union – Site Plan**

Alex Pfaltzgraff, Development Services Director, stated the applicant is requesting approval of a site plan for GreenState Credit Union to allow for the construction of a 4,850 square foot bank. Pfaltzgraff said the site is located at the NW corner of E. 1<sup>st</sup> Street and NE Gateway drive and will share an access driveway with Arby's off NE 2<sup>nd</sup> Court. Pfaltzgraff said the site is zoned C-2 and falls within the Transportation Corridor Mixed Use Development Overlay District. Pfaltzgraff noted that the Planning and Zoning Commission recommended approval at their May 2, 2023 meeting.

Moved by Borcharding, Second by Gisch, to Approve the GreenState Credit Union Site Plan

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

#### **8. Resolution 05-5423 Approving Final Plat of Rider Logistics Center Plat 1 and Certain Related Agreements and Easements**

Alex Pfaltzgraff, Development Services Director, addressed Council to say the applicant is requesting approval of a final plat for Rider Logistics Center Plat 1, which will subdivide the 78-acres property into one lot for industrial development and one outlot for future development. Pfaltzgraff said two public street lots will be dedicated to the city for portions of SE Park Drive and SE 41<sup>st</sup> Street. Pfaltzgraff said the Planning and Zoning Commission had reviewed the plan and recommended approval on December 6, 2022 Planning and Zoning meeting.

Moved by Gisch, Second by Borcharding, to Approve Resolution 05-5423 For Final Plat of Rider Logistics Center Plat 1 and Certain Related Agreements and Easements

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

#### **9. Resolution 05-5523 Directing City Staff To Finalize A New 28E Agreement Wit The City Of Johnston, Iowa For the Provision Of Fire And Emergency Medical Services And Approving A Contingent Extension Of Up To 90 Days On The Existing 28E Fire And Emergency Services Agreement**

City Administrator Jake Anderson advised the Council that the proposed resolution will direct City staff to finalize a new 28E Agreement with the City of Johnston for the provision of fire and emergency medical services as well as approving a contingent extension of up to 90 days on the existing 28E Fire and Emergency Services Agreement. Anderson said most of the details have been reviewed by both cities, and we are awaiting legal review for the finalized documentation.

Moved by Gisch, Second by Borcharding, to Approve Resolution 05-5523 Directing City Staff to Finalize a New 28E Agreement With the City of Johnston, Iowa for the Provision of Fire and Emergency Medical Services and Approving a Contingent Extension of up to 90 days on the Existing 28E Fire and Emergency Services Agreement.

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

**ADJOURN**

There being no further business the meeting was adjourned at 6:38 p.m.  
Motion by Gisch, Second by Borcharding to adjourn.  
Roll Call: Ayes: All; Nays: None Motion passes 5 - 0

**ATTEST:**

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Rochelle Williams, City Clerk

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Scott Mikkelsen, Mayor