MINUTES OF THE ANKENY CITY COUNCIL
Monday, December 19, 2022 5:30 p.m.
Ankeny Kirkendall Library - City Council Chambers
Mark Holm, Mayor
Bobbi Bentz, Mayor Pro tem
Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Stearns

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Mayor Mark Holm called the meeting to order at 5:30 p.m. Council Members Jeff Perry, Joe Ruddy, Todd Shafer, and Kelly Stearns were in attendance. Council Member Bobbi Bentz was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Wanda Williams, 3301 NW Westwood St, Ankeny, emailed concerns regarding snow removal on December 15 and 16, 2022.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Stearns seconded, to approve and accept the December 19, 2022 agenda as presented. Ayes: 4.

PUBLIC HEARING

1. PH 2022-72. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2127 vacating a portion of a public storm sewer easement located on Lot 1, John Deere Place Plat 4. Notice of this hearing was published in the Des Moines Register on the 9th day of December, 2022.

   Eric Jensen, Director of Community Development, reported William Doyle, the property owner, has requested the vacation of a portion of a Public Storm Sewer Easement located on Lot 1, John Deere Place Plat 4 to facilitate future development of the site. A subsequent storm sewer easement is proposed in a different location on the property to replace the vacated easement.

   Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Shafer seconded, to close public hearing 2022-72. Ayes: 4.

2. PH 2022-73. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2128 vacating a portion of a public ingress/egress easement located on Lot 1, John Deere Place Plat 4. Notice of this hearing was published in the Des Moines Register on the 9th day of December, 2022.

   Eric Jensen, Director of Community Development, reported William Doyle, the property owner, has requested the vacation of a portion of a Public Ingress/Egress Easement located on Lot 1, John Deere Place Plat 4 to facilitate future development of the site. All public purpose served by said easement is no longer necessary.

   Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Shafer seconded, to close public hearing 2022-73. Ayes: 4.

3. PH 2022-74. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory owned by DRA Properties, LC. Layman's Description: Approximately 62.43 acres (+/-) of land in the northeast quadrant generally located east of I-35, north of NE 102nd Avenue (NE 18th Street) and west of NE 29th Street (NE Four Mile Drive) and approximately 12.38 acres (+/-) acres of land adjacent to petitioning parcels. Notices were mailed to affected property owners as required by law and notice of this hearing was published in the Des Moines Register on the 25th day of November, 2022.

   Correspondence dated December 13, 2022, which included a petition from residents in the proposed annexation area was entered into record. Eric Jensen, Director of Community Development, reported the owners of 4 parcels are requesting 62.43 (+/-) acres of land be voluntarily annexed into the City of Ankeny. The land currently petitioned for annexation is 77.75 acres. There are 8 non-consenting parcels that make up the remaining 12.38 acres of the annexation and 2.94 acres of public road right-of-way. The proposed annexation is located in the northeast portion of the City and generally located north of NE 102nd Avenue (NE 18th Street) and west of NE 29th Street (NE Four Mile Drive).

   Mayor Holm then asked for any public comment regarding the proposed project. Voicing concerns and opposition regarding the voluntary urbanized annexation of property requested by DRA Properties, LC were: Jesse Baldwin, 2680 NE 102nd Ave, Ankeny; Martin Vogel, 2298 NW 102nd Ave, Ankeny; Scott Campbell, 2480 NE 102nd Ave, Ankeny; Wallace Shea, 2662 NE 102nd Ave, Ankeny; and Lana Shae, 2662 NE 102nd Ave, Ankeny. Adam Schoeppner, Nilles Associates, Inc., representing DRA Properties LC, spoke about project plans. Council Member Perry moved, Shafer seconded, to close public hearing 2022-74. Ayes: 4.

4. PH 2022-75. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed 2023-2027 Capital Improvement Program. A notice of hearing was published in the Des Moines Register on December 9, 2022.

   Mike Schrock, Assistant City Manager, reported that for 2023-2027, the capital improvement program totals $200,022,000. Of this total, 57% is identified for transportation projects, 33% for municipal utilities projects, 5% for park facilities, 4% for municipal buildings and 1% for sidewalks/trails.

   Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2022-75. Ayes: 4.

5. PH 2022-76. Mayor Holm announced this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract, estimate of cost and enhancement of payment for construction of certain public improvements described in general as construction of the NW 18th Street Reconstruction – NW Ash Drive to North Ankeny Boulevard project. Notice of this hearing was published in the Des Moines Register on the 2nd day of December, 2022.

   Mark Mueller, Public Works Director, reported the NW 18th Street Reconstruction – NW Ash Drive to North Ankeny Boulevard project includes reconstructing NW 18th Street from a 2-lane urban roadway to a 2-lane urban roadway with a median and designated left and right turn lanes from approximately 400 feet west of NW Ash Drive to North Ankeny Boulevard. The project also includes reconstructing NW Ash Drive with designated left and right turn lanes

from approximately 200 feet south of NW 18th Street to approximately 300 feet north of NW 18th Street.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Stearns seconded, to close public hearing 2022-76. Ayes: 4.

6. PH 2022-77. Mayor Holm announced this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for construction of certain public improvements described in general as construction of the NE Crestmoor Sanitary Sewer Replacement project. Notice of this hearing was published in the Des Moines Register on the 2nd day of December, 2022.

   Don Clark, Municipal Utilities Director, reported The NE Crestmoor Sanitary Sewer Replacement project includes the replacement of sanitary sewer between NE 7th Street and NE 9th Street, in Ankeny, Iowa.

   Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2022-77. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of December 5, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of November 22, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of November 22, 2022.

Licenses and Permits

4. Issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

Finance/Budget

5. Receive and file Financial Reports for November 2022.
6. Receive and file Building Permit Report for November 2022.
7. Receive and file Utility Billing Report for November 2022.
8. Change Order #3 increasing the contract amount by $9,940.48 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
9. Change Order #3 decreasing the contract amount by $80,144.83 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE - Phase 2 project.
10. Payment #8, $287,612.83 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
11. Payment #7, $170,950.60 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
12. Payment #4, $30,872.58 to Con-Struct, Inc., for construction services on the NW 36th Street and NW State Street Interim Improvements project.
13. Payment #30, $36,558.37 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
14. Payment #3, $263,466.71 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.

15. Payment #3, $50,000 to Group Creative Services for services on the Northwest Irvinedale Drive Trailhead Public Art Project.
16. Payment #6, $101,640.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
17. Payment #4, $1,515.00 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
18. Payment #18, $18,380.00 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
19. Payment #5, $15,661.25 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
20. Payment #26, $2,951.04 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
21. Payment #9, $2,900.00 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
22. Payment #5, $26,760.50 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
23. Payment #2, $17,240.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
24. Payment #17, $213,474.85 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
25. Payment #8, $69,512.89 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE – Phase 2 project.
26. Payment #1, $111,373.25 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
27. Payment #3, $231,477.42 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
28. December 19, 2022 Accounts Payable by fund: General 232,303; Hotel Motel Tax 389,750; Parks improvements 17,234; Police Gift 16; Road Use Tax 75,829; Seizure 2,170; Solid Waste 138,280; Water 790,442; Sewer 536,989; Storm Water 21,106; Golf Course 16,234; Enterprise Project 666,886; Revolving 44,790; Risk Management 58,555; Capital Projects 2,852,774; Payroll Totals 1,291,899; Transfers/ACH (196,878); Agenda Payments approved separately (1,817,982); Grand Total $ 5,120,397.
29. **RESOLUTION 2022-551** authorizing the purchase of a chassis for a Public Works Department Sign Truck (replace existing truck #275).

Personnel

30. Amendment to the labor agreement with the Ankeny Professional Firefighters Employees' Union dated July 1, 2022 - June 30, 2025.

Community Development

31. **RESOLUTION 2022-552** accepting the final plat and platted easements for Brakes Plus Plat 1.
32. **RESOLUTION 2022-553** waiving approval the Saylorville Casey's Final Plat.
33. **RESOLUTION 2022-554** accepting final plat, warranty deed to streets, sewer and water connection fees, platted easements, and park land dedication agreement; and authorizing cost participation for the extension of eight-foot sidewalk for Northgate Plat 6

Engineering

34. **RESOLUTION 2022-555** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project in Ankeny, Iowa. (Meridith Revocable Trust)

35. **RESOLUTION 2022-556** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of subgrade prep in the Nelson Senior Living (Turn Lane) project.
36. **RESOLUTION 2022-557** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of paving improvements in the Nelson Senior Living (Turn Lane) project.
37. **RESOLUTION 2022-558** authorizing the City of Ankeny to submit an application for Federal Surface Transportation Block Grant (STBG) Program funding to the Des Moines Area Metropolitan Planning Organization (MPO) for the partial funding of the West First Street Widening Improvement Phase 2 project - east of Greenwood Street to just west of State Street, and further approving the application which obligates the City of Ankeny to matching funds for the construction of said project.
38. **RESOLUTION 2022-559** accepting maintenance bond for water main, sanitary sewer, and storm sewer in Northgate Plat 6.
39. **RESOLUTION 2022-560** accepting maintenance bond for paving in Northgate Plat 6.
40. **RESOLUTION 2022-561** accepting maintenance bond for subgrade in Northgate Plat 6.
41. **RESOLUTION 2022-562** accepting public improvements in Canyon Landing Duplexes Plat 1 for utilities & subgrade prep.
42. **RESOLUTION 2022-563** accepting public improvements in Canyon Landing Duplexes Plat 1 for paving.
43. **RESOLUTION 2022-564**accepting public improvements in Canyon Landing Townhomes Plat 1 for utilities & subgrade prep.
44. **RESOLUTION 2022-565** accepting public improvements in Canyon Landing Townhomes Plat 1 for paving (PCC & HMA).
45. **RESOLUTION 2022-566** accepting traffic signal improvements and termination of associated development agreement for Casey's General Store- SE Corporate Woods Drive and SE Convenience Blvd.
46. **RESOLUTION 2022-567** accepting utilities and subgrade improvements at Casey's General Store-SE Corporate Woods Drive and SE Convenience Blvd.
47. **RESOLUTION 2022-568** accepting paving improvements at Casey's General Store-SE Corporate Woods Drive and SE Convenience Blvd.

Capital Improvement Projects

48. **Flashing Beacon & RRFB Installations**: a) Certificate of Completion; b) **RESOLUTION 2022-569** accepting the public improvement with Iowa Signal, Inc. in the amount of $56,080.00; and c) Final Payment #1 in the amount of $53,276.00; and Retainage Payment in the amount of $2,804.00.
49. **SW Des Moines Street Parks Phase 1**: a) Certificate of Completion; b) **RESOLUTION 2022-570** accepting the public improvements with JAS Construction, LLC, in the amount of $338,198.44; c) Change Order #3 decreasing the contract amount $13,555.75; d) Final Payment #2 in the amount of $92,645.23 / Release of Retainage in the amount of $16,909.92.

Administrative

50. Certification to the Treasurer of State the population of the Hope Kimberley, LLC annexed territory as determined by the last certified federal census of said territory.

Approval of Consent Agenda Items

1. Council Member Perry moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-50. Ayes: Perry, Ruddy, Shafer, Stearns.

LEGISLATIVE BUSINESS

Boards and Commissions

1. Council Member Stearns moved, Ruddy seconded, to approving Mayor appointments to Board and Commission Members as presented. Ayes: Stearns, Ruddy, Perry, Shafer.

Approval of Ordinances

1. **Ord 2127.** An Ordinance vacating a portion of a Public Storm Sewer Easement located on Lot 1, John Deere Place Plat 4 (PH: 2022-72). Council Member Ruddy moved, Perry seconded, to accept first consideration of Ordinance 2127. Ayes: Ruddy, Perry, Shafer, Stearns.
2. **Ord 2128.** An Ordinance vacating a portion of a Public Ingress/Egress Easement located on Lot 1, John Deere Place Plat 4 (PH: 2022-73) Council Member Stearns moved, Ruddy seconded, to accept first consideration of Ordinance 2128. Ayes: Stearns, Ruddy, Perry, Shafer.
3. **Ord 2129.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by modifying provisions pertaining to liquor license and wine and beer permits. Council Member Stearns moved, Ruddy seconded, to accept first consideration of Ordinance 2129. Ayes: Stearns, Ruddy, Perry, Shafer.

NEW BUSINESS

1. Voluntary non-urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by DRA Properties, LC. (PH 2022-74) Council Member Stearns moved, Ruddy seconded, to receive and file correspondence received from Scott and Suzanne Campbell, dated November 9, 2022. Ayes: Stearns, Ruddy, Perry, Shafer. Council Member Perry moved, Ruddy seconded, to receive and file the September 26, 2022 Consultation Meeting Report. Ayes: Perry, Ruddy, Shafer, Stearns. Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2022-571** annexing certain territory located adjacent to the northeast quadrant of Ankeny requested by DRA Properties, LC. Ayes: Ruddy, Stearns, Perry, Shafer.
2. 2023-2027 Capital Improvement Program (PH 2022-75) Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2022-572** approving the 2023-2027 Capital Improvement Program. Ayes: Stearns, Ruddy, Perry, Shafer.
3. NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard (PH 2022-76) Council Member Perry moved, Shafer seconded, to adopt 1) **RESOLUTION 2022-573** adopting plans, specifications, form of contract. estimate of cost $4,988,357.25 and enhancement of payment; 2) receive and file report of bids received December 13, 2022; 3) adopt **RESOLUTION 2022-574** making award of construction contract with Elder Corporation in the amount of $4,355,000.00; and 4) adopt **RESOLUTION 2022-575** approving contract and bonds with Elder Corporation in the amount of $4,355,000.00. Ayes: Perry, Shafer, Ruddy, Stearns.
4. NE Crestmoor Sanitary Sewer Replacement (PH 2022-77) Council Member Shafer moved, Stearns seconded, to adopt 1) **RESOLUTION 2022-576** adopting plans, specifications, form of contract and estimate of cost $452,474.00; 2) receive and file report of bids received December 13, 2022; 3) adopt **RESOLUTION 2022-577** making award of construction contract with Absolute Concrete Construction in the amount of $402,605.00; and 4) adopt **RESOLUTION 2022-578** approving contract and bonds with Absolute Concrete Construction in the amount of $402,605.00. Ayes: Shafer, Stearns, Perry, Ruddy.
5. 2023 State Legislative Priorities Council Member Stearns moved, Shafer seconded, to adopt **RESOLUTION 2022-579** establishing the City of Ankeny's 2023 State Legislative Priorities. Ayes: Stearns, Shafer, Perry, Ruddy.
6. SW State Street Reconstruction - Southbound Lanes Initiate Proceedings Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2022-580** ordering construction on

the SW State Street Reconstruction - Southbound Lanes project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 1/10/23 @ 10:30 A.M. / date of hearing: 1/17/23 @ 5:30 P.M.) Ayes: Ruddy, Stearns, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:53 p.m.

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Michelle Yuska, City Clerk Mark Holm, Mayor

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