

MINUTES OF THE ANKENY CITY COUNCIL

Monday, December 4, 2023 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

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

PUBLIC FORUM

1. Joseph Pace introduced himself to council and expressed his interest in being appointed to the Board of Examiners and Appeals.

APPROVAL OF AGENDA

1. Council Member Ruddy moved, Perry seconded, to approve and accept the December 4, 2023 agenda without amendment. Ayes: 3.

PUBLIC HEARING

1. PH 2023-63. 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 North Four Mile Creek Trunk Sewer – Phase 2 project. Notice of this hearing was published in the Des Moines Register on the 17th day of November, 2023.

Mike Schrock, Assistant City Manager, reported that the North Four Mile Creek Trunk Sewer - Phase 2 project will extend a 30-inch diameter sanitary sewer north along N. Ankeny Blvd. for approximately 1250 lineal feet and then continue north with an 18-inch diameter sanitary sewer for another 700 lineal feet to the end of the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Ruddy seconded, to close public hearing 2023-63. Ayes: 3.

2. PH 2023-64. Mayor Holm announced this is the time and place for a public hearing on the approval of an amendment to Telecommunications & Ground Space Lease by the City of Ankeny and Cell Tower Lease Amendment by and through CCATT LLC. Notice of this hearing was published in the Des Moines Register on the 24th day of November, 2023.

Mike Schrock, Assistant City Manager, reported that the City and Crown Castle are parties to an existing lease agreement for the large stealth monopole cell tower located in the Prairie Ridge Park. The agreement was originally approved with AT&T in 2002. However, Crown Castle acquired portions of AT&T's tower portfolio, including this site and the lease agreement was assigned to them, or their successor (NCWPCS MPL 30 - Year Sites Tower Holding LLC, by and through CCATT LLC). Crown Castle has expressed interest in extending the existing contract with the City that would otherwise expire in 2027. The extension is requested now to help facilitate long term investment by Crown Castle and potential co-locator entities.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing

no comments, Council Member Shafer moved, Perry seconded, to close public hearing 2023-64. Ayes: 3.

3. PH 2023-65. Mayor Holm announced this is the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority and the issuance to the Iowa Finance Authority of not to exceed \$11,295,000 Water Revenue Capital Loan Notes, of the City of Ankeny, State of Iowa, to evidence the obligations of the City under the said Loan and Disbursement Agreement, in order to provide funds to pay the costs of: acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Water Utility, including those costs associated with the Northwest Water Tower project. Notice of this public hearing was published in the Des Moines Register on the 24th day of November 2023 pursuant to the provisions of Sections 384.24A and 384.83 of the Code of Iowa.

Jennifer Sease, Administrative Services Director, reported the not to exceed \$11,295,000 Water Revenue Capital Loan Notes are being proposed to fund the design and construction of the Northwest Water Tower in the 2024 Capital Improvement Program.

Mayor Holm then asked for any public comment regarding the proposed loan and disbursement agreement and capital loan note issuance. Hearing no comments, Council Member Shafer moved, Ruddy seconded, to close public hearing 2023-65. Ayes: 3.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of November 20, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of November 7, 2023.
3. Receive and file minutes of the Library Board of Trustee meeting of October 19, 2023.

Licenses and Permits

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

Finance/Budget

5. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$53,900.00 with Snyder & Associates, Inc. for construction engineering and property acquisition services associated with the SE Delaware Avenue & SE 54th Street Traffic Signal.
6. Payment #1 in the amount of \$123,636.45 to Ace Pipe Cleaning, Inc., for construction services on the Southern Interceptor Inspection project.
7. Payment #31 in the amount of \$2,766.00 to FOX Strand, for engineering services on the Ankeny ASR project.
8. Payment #7 in the amount of \$17,500.00 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
9. Payment #12 in the amount of \$26,000.65 to HR Green, Inc., for construction engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
10. Payment #7 in the amount of \$4,823.75 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
11. Payment #2 in the amount of \$15,053.50 to Nilles Associates, Inc., for engineering services on the Vintage Business Park North Lake and Saylor Creek Repairs project.

12. Payment #16 in the amount of \$43,223.44 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
13. Payment #31 in the amount of \$997.50 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
14. Payment #33 in the amount of \$8,492.66 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
15. Payment #2 in the amount of \$40,757.61 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
16. Payment #32 in the amount of \$51,000.00 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
17. Payment #28 in the amount of \$26,456.79 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
18. Payment #6 in the amount of \$5,541.66 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
19. Payment #7 in the amount of \$3,304.81 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
20. Payment #8 in the amount of \$13,585.92 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
21. Payment #7 in the amount of \$35,944.74 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
22. December 4, 2023 Accounts Payable by fund: General \$203,163; Hotel Motel Tax \$3,288; Parks Improvements \$6,332; Road Use Tax \$98,925; Tax Increment Financing \$100,904; Library Foundation \$305; Water \$89,055; Sewer \$134,073; Storm Water \$7,403; Golf Course \$12,265; Enterprise Project \$693,880; Revolving \$5,468; Risk Management \$56,505; Health Insurance \$9,925; Capital Projects \$423,980; Payroll Totals \$1,832,286; Transfers/ACH (\$206,208); Agenda Payments Approved Separately (\$548,029); Grand Total \$2,923,520.

Engineering

23. **RESOLUTION 2023-444** accepting public improvements for utilities in Reserve at The Grove Plat 1.
24. **RESOLUTION 2023-445** accepting public improvements for paving in Reserve at The Grove Plat 1.
25. **RESOLUTION 2023-446** accepting public improvements for subgrade prep. in Reserve at The Grove Plat 1.
26. **RESOLUTION 2023-447** accepting public improvements in 36th Street Centre Plat 1 for sanitary sewer and water main.
27. **RESOLUTION 2023-448** accepting public improvements in 36th Street Centre Plat 1 for paving & subgrade.

Capital Improvement Projects

28. **SW State Street Reconstruction - Southbound Lanes:** a) Final Change Order #1 decreasing the contract amount by \$28,170.00; b) Certificate of Completion; c) **RESOLUTION 2023-449** accepting the public improvements with Alliance Construction Group, LLC in the amount of \$1,379,423.05; and d) Final Payment #4 in the amount of \$59,147.00 / Release of Retainage in the amount of \$68,971.15.
29. **SE Quadrant Fiber Optic Upgrade:** a) Certificate of Completion; b) **RESOLUTION 2023-450** accepting the public improvement with Electric Conduit Construction Company in the amount of \$81,508.16; and c) Retainage Payment in the amount of \$825.41.

Administrative Items

30. **RESOLUTION 2023-451** approving a 28E Agreement between the City of Ankeny and the Iowa Department of Revenue ("IDR") for a tobacco, Alternative Nicotine and Vapor Product Enforcement Program in the City of Ankeny.
31. **RESOLUTION 2023-452** setting a time and place for a public hearing on the proposed 2024-2028 Capital Improvement Program (date of hrg: 12/18/23 @ 5:30 p.m.).

Approval of Consent Agenda Items

1. Council Member Shafer moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-31. Ayes: Shafer, Ruddy, Perry.

LEGISLATIVE BUSINESS

Boards/Commissions Appointments

1. Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2023-453** appointing council and staff to serve on various committees and boards for 2024. Ayes: Ruddy, Perry, Shafer. Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2023-454** appointing a member and alternate member to the Polk County 911 Service Board. Ayes: Perry, Ruddy, Shafer. Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2023-455** appointing representatives to the Des Moines Area MPO Committees. Ayes: Perry, Ruddy, Shafer.

NEW BUSINESS

1. Proposed North Four Mile Creek Trunk Sewer - Phase 2 (PH 2023-63) Council Member Ruddy moved, Shafer seconded, to adopt 1) **RESOLUTION 2023-456** adopting plans, specifications, form of contract and estimate of cost \$1,932,905.00; 2) receive and file report of bids received November 28, 2023; 3) adopt **RESOLUTION 2023-457** making award of construction contract with Rognes Corporation in the amount of \$2,076,232.00; and 4) adopt **RESOLUTION 2023-458** approving contract and bonds with Rognes Corporation in the amount of \$2,076,232.00. Ayes: Ruddy, Shafer, Perry.
2. Proposed Amendment to Telecommunications & Grounds Space Lease Agreement (PH 2023-64) Council Member Ruddy moved, Shafer seconded, to adopt **RESOLUTION 2023-459** approving Amendment to Telecommunications & Grounds Space Lease by the City of Ankeny and Cell Tower Lease Amendment with NCW PCS MPL 30 - Year Sites Tower Holding LLC, by and through CCATT LLC. Ayes: Ruddy, Shafer, Perry.
3. Proposed Issuance of Not to Exceed \$11,295,000 Water Revenue Capital Loan Notes (PH 2023-65) Council Member Ruddy moved, Shafer seconded, to adopt **RESOLUTION 2023-460** instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$11,295,000 Water Revenue Capital Loan Notes. Ayes: Ruddy, Shafer, Perry. Council Member Perry moved, Shafer seconded, to adopt **RESOLUTION 2023-461** approving and authorizing a form of Loan and Disbursement Agreement by and between the City of Ankeny and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$11,103,000 Water Revenue Capital Loan Notes, Series 2023D, of the City of Ankeny, State of Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of the Notes; approval of Tax Exemption Certificate. Ayes: Perry, Shafer, Ruddy.

ADJOURNMENT

1. Meeting was adjourned at 5:51 p.m. and was immediately followed by a Council Action Planning Session.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 12/15/23.