



ANKENY CITY COUNCIL

Regular Meeting

Monday, November 21, 2022

5:30 PM

Ankeny Kirkendall Public Library - City Council Chambers

1250 SW District Drive, Ankeny, Iowa

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro-Tem

Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Stearns

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ELECTRONIC MEETING INFORMATION

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9Pd09>

Meeting ID: 973 1299 2966

Passcode: 1234

Dial in: +1 312 626 6799; Meeting ID: 973 1299 2966; Passcode: 1234

PROCEDURAL ACTIONS:

CALL TO ORDER:	Mark Holm, Mayor
ROLL CALL:	Michelle Yuska, City Clerk
PLEDGE OF ALLEGIANCE:	Mark Holm, Mayor

CEREMONY: none

A. PUBLIC FORUM: none

B. APPROVAL OF AGENDA:

1. Approval of the November 21, 2022 Agenda

Action# B1-1. Consider motion to approve and accept the November 21, 2022 agenda, with/without amendment.

C. PUBLIC HEARING(S):

1. PH 2022-67 Proposed voluntary urbanized annexation of certain territory owned by NGR, Inc.

Action# C1-1. Consider motion to close Public Hearing 2022-67.

2. PH 2022-68 Proposed voluntary non-urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by DRA Properties, LC.

Action# C2-1. Consider motion to close Public Hearing 2022-68.

3. PH 2022-69 Proposed Cherry Glen Ballfield Development

Action# C3-1. Consider motion to close Public Hearing 2022-69.

4. PH 2022-70 Proposed Issuance of Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes

Action# C4-1. Consider motion to close Public Hearing 2022-70.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Library Board of Trustees

E. APPROVAL OF CONSENT AGENDA:

• **Minutes**

- | | |
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| CA - 1 | Approval of official council actions of the regular meeting of November 7, 2022, as published, subject to correction, as recommended by the City Clerk. |
| CA - 2 | Receive and file minutes of the Plan and Zoning Commission meeting of October 4, 2022. |
| CA - 3 | Receive and file minutes of the Zoning Board of Adjustment meeting of September 7, 2022. |
| CA - 4 | Receive and file minutes of the Ankeny Economic Development Council from April 22, 2022. |
| CA - 5 | Receive and file minutes of the Civil Service Commission meeting of October 10, 2022. |

• **Licenses and Permits**

- | | |
|---------------|---|
| CA - 6 | Consider motion to approve the issuance of liquor license(s) and/or beer / wine |
|---------------|---|

permit(s) in the City of Ankeny.

- **Finance/Budget**

- CA - 7** Consider motion to receive and file Financial Reports for October 2022.
- CA - 8** Consider motion to receive and file Building Permit Report for October 2022.
- CA - 9** Consider motion to receive and file Utility Billing Report for October 2022.
- CA - 10** Consider motion to approve Change Order #1 decreasing the contract amount by \$75.00 to Communication Data Link for construction services on the N Ankeny Blvd Fiber Optic Upgrade project.
- CA - 11** Consider motion to approve Change Order #1 increasing the contract amount by \$18,287.50 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 12** Consider motion to approve Change Order #1 increasing the contract amount by \$9,115.30 to Howrey Construction, Inc., for construction services on the Bellagio Park Improvements project.
- CA - 13** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$15,444.52 with Kirkham Michael & Associates Inc. for design engineering services on the Westwinds Storm Sewer Extension - SW Westwinds Drive project.
- CA - 14** Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$255,300.00 with Snyder & Associates for construction services on the High Trestle Trail Transmission Water Main and Drainage Improvements project.
- CA - 15** Consider motion to approve Payment #7 in the amount of \$304,390.02 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
- CA - 16** Consider motion to approve Payment #6 in the amount of \$62,994.02 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 17** Consider motion to approve Payment #30 in the amount of \$17,293.25 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
- CA - 18** Consider motion to approve Payment #1 in the amount of \$97,584.95 to Communication Data Link, for construction services on the N Ankeny Blvd Fiber Optic Upgrade project.
- CA - 19** Consider motion to approve Payment #7 in the amount of \$4,324.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 20** Consider motion to approve Payment #2 in the amount of \$286,943.93 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 21** Consider motion to approve Payment #3 in the amount of \$2,160.00 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
- CA - 22** Consider motion to approve Payment #2 in the amount of \$229,510.79 to Howrey Construction, Inc., for construction services on the Bellagio Park Improvements project.

- CA - 23** Consider motion to approve Payment #16 in the amount of \$30,205.00 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
- CA - 24** Consider motion to approve Payment #8 in the amount of \$91,841.25 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
- CA - 25** Consider motion to approve Payment #4 in the amount of \$21,080.25 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 26** Consider motion to approve Payment #2 in the amount of \$9,910.40 to Priority Excavating LLC, for construction services on the N Ankeny Blvd Water Main project.
- CA - 27** Consider motion to approve Payment #8 in the amount of \$6,887.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
- CA - 28** Consider motion to approve Payment #6 in the amount of \$1,933.25 to RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
- CA - 29** Consider motion to approve Payment #16 in the amount of \$284,168.06 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
- CA - 30** Consider motion to approve Payment #7 in the amount of \$247.56 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
- CA - 31** Consider motion to approve Payment #4 in the amount of \$21,603.75 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 32** Consider motion to approve Payment #23 in the amount of \$26,221.65 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
- CA - 33** Consider motion to approve Payment #7 in the amount of \$191,883.32 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE - Phase 2 project.
- CA - 34** Consider motion to approve Payment #2 in the amount of \$561,483.67 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 - Well Pump and Control Building project.
- CA - 35** Consider motion to approve the November 21, 2022 Accounts Payable. (Finance Committee: J. Perry, Chp, J. Ruddy, T. Shafer)
- CA - 36** Consider motion to adopt **RESOLUTION** approving the Annual Urban Renewal Report for Urban Renewal Areas within the City of Ankeny.
- CA - 37** Consider motion to adopt **RESOLUTION** approving debt certification forms, appropriating funds and directing filing of certifications.
- CA - 38** Consider motion to receive and file Street Finance Report for the Iowa Department of Transportation for fiscal year 2022 - July 1, 2021 through June 30, 2022.

- **Personnel Items**

- CA - 39** Consider motion to accept the Civil Service Commission certified list for appointment to Fire Department Office Manager, subject to passing any further

departmental requirements.

- **Community Development Items**

- CA - 40** Consider motion to adopt **RESOLUTION** accepting final plat, platted easements, parkland dedication agreement, and authorizing cost-participation for upsizing of public water main for First Street Commons Plat 2.
- CA - 41** Consider motion to adopt **RESOLUTION** accepting the final plat for Christian Juon Estates Plat 3, subject to applicable Polk County Subdivision requirements in lieu of City of Ankeny Subdivision Regulations.

- **Engineering Items**

- CA - 42** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in Ankeny, Iowa. (Riordan Partners, LLC)
- CA - 43** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in Ankeny, Iowa. (William B. and Kirsten Goble)
- CA - 44** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in Ankeny, Iowa. (James McNamara and Kelli Rae Powell)
- CA - 45** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of permanent storm sewer easement and temporary construction easement for the Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project in Ankeny, Iowa. (Community State Bank NA)
- CA - 46** Consider motion to adopt a **RESOLUTION** authorizing the execution of a Cooperative Agreement For Primary Road Project funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa for the sharing of project costs for the proposed Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 47** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a hold harmless agreement allowing Scott and Shasta Gamble to place a pool, walkway, pool shed, and fence in a portion of the City's Storm Sewer, Pond Access, and Drainage Easement on a part of Lot 32, The Grove Plat 6.
- CA - 48** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main in the Prairie Trail Sports Complex-The Diamond project.
- CA - 49** Consider motion to adopt **RESOLUTION** accepting public improvements in Ryan Warehouse II (Chapman Brothers Plat 3) for utilities and subgrade prep.
- CA - 50** Consider motion to adopt **RESOLUTION** accepting public improvements in Ryan Warehouse II (Chapman Brothers Plat 3) for paving.
- CA - 51** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of storm sewer in the Pine Lake Estates Interim Grading Improvements project.

- **Capital Improvement Projects**

- CA - 52** **2022 PCC Pavement Preservation Program:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$10,986.08; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Iowa Civil Contracting, Inc. in the amount of \$367,035.28; and d) Final Payment #3 in the amount of \$627.00; and Retainage Payment in the amount of \$18,351.77.
- CA - 53** **2022 Pedestrian Ramp Improvements Program - Briarwood:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$5,985.51; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Shekar Engineering, PLC in the amount of \$131,502.47; and d) Final Payment #2 in the amount of \$90,180.68 / Release of Retainage in the amount of \$6,575.12.
- CA - 54** **SW Des Moines Street - Prairie Trail to magazine Native Planting:** Consider motion to: a) accept the Certificate of Completion; b) **RESOLUTION** accepting the public improvement with Redbud Landscaping, LLC in the amount of \$79,596.00; and c) approve Final Payment #11 in the amount of \$4,797.50; and Retainage Payment in the amount of \$3,979.80.
- CA - 55** **Diamond Hills Greenway - Stream Repairs:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$1,747.12; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with On Track Construction LLC in the amount of \$299,747.12; and d) Final Payment #3 in the amount of \$56,525.94; and Retainage Payment in the amount of \$14,987.36.
- CA - 56** **2022 Shade Canopy Assembly and Installation Project:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with Brothers Cleaning Corporation in the amount of \$56,330.00; c) Change Order #1 for \$2,200.00; d) Final Payment #1 in the amount of \$53,513.50 / Release of Retainage in the amount of \$2,816.50.
- CA - 57** **Rock Creek Greenway Trail Improvements:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with Brothers Cleaning Corporation in the amount of \$117,430.00; c) Final Payment #2 in the amount of \$5,890.00 / Release of Retainage in the amount of \$5,871.50.

- **Administrative Items**

- CA - 58** Consider motion to authorize the Mayor to sign an amended Automatic Aid Agreement with Polk City.
- CA - 59** Consider motion to approve an Intergovernmental Transfer of Public Funds Agreement between the Iowa Department of Human Services and the Ankeny Fire Department.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-59

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-59

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2122 An Ordinance amending Chapter 94.05 of the Municipal Code of the City of Ankeny, Water Connection Districts Established.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2122, sending it on its final passage and publication as required by law.

2. Ord 2123 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by DRA Properties, LC.

Action# H2-1. Consider motion to accept third consideration of ORDINANCE 2123, sending it on its final passage and publication as required by law.

3. Ord 2124 An Ordinance vacating a portion of City owned right-of-way located in Part of Lot B, Prairie Trail Park Plat 1, east of SW School Street at the SW 18th Street intersection.

Action# H3-1. Consider motion to accept third consideration of ORDINANCE 2124, sending it on its final passage and publication as required by law.

Action# H3-2. Consider motion to adopt RESOLUTION authorizing the sale of real estate vacated by the City of Ankeny to Prairie Trail Commercial, LLC.

4. Ord 2125 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC from R-1, One-Family Residence District, to R-3 Multiple-Family Residence District restricted to 10 units per acre.

Action# H4-1. Consider motion to accept second consideration of ORDINANCE 2125.

5. Ord 2126 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope K. Farms, LLC.

Action# H5-1. Consider motion to accept second consideration of ORDINANCE 2126.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed voluntary urbanized annexation of certain territory owned by NGR Inc. (PH 2022-67)

Action# J1-1. Consider motion to receive and file the September 26, 2022 Consultation Meeting Report.

Action# J1-2. Consider motion to adopt RESOLUTION annexing certain territory owned by NGR. Inc.

2. Proposed Cherry Glen Ballfield Development (PH 2022-69)

Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$588,941.50; 2) receive and file report of bids received November 15, 2022; 3) adopt RESOLUTION making award of construction contract with

Musco Lighting dba Iowa Sports Turf in the amount of \$588,029.01; and 4) adopt RESOLUTION approving contract and bonds with Musco Lighting dba Iowa Sports Turf in the amount of \$588,029.01.

3. Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard
Initiate Proceedings

Action# J3-1. Consider motion to adopt RESOLUTION ordering construction on the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 12/13/22 @ 10:30 A.M. / date of hrg: 12/19/22 @ 5:30 P.M.)

4. Proposed NE Crestmoor Place Sanitary Sewer Replacement Project
Initiate Proceedings

Action# J4-1. Consider motion to adopt RESOLUTION ordering construction on the NE Crestmoor Place Sanitary Sewer Replacement Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 12/13/22 @ 10:30 a.m./date of hrg: 12/19/22 @ 5:30 p.m.)

5. Renewal of Ankeny's Targeted Industry Incentive Policy (previously called the Local Business Investment Policy)

Action# J5-1. Consider motion to adopt RESOLUTION approving a "Targeted Industry Incentive Policy" in the City of Ankeny, Iowa

6. Proposed application for a State Revolving Fund (SRF) loan and to make available to the public the contents of an environmental information document and the City's project plan.

Action# J6-1. Consider motion to set public hearing to review an application for a State Revolving Fund (SRF) loan and to make available to the public the contents of an environmental information document and the City's project plan and direct City Clerk to publish notice 30 days prior to hearing (date of hrg: 1/3/23 @ 5:30 p.m.).

7. Proposed Issuance of Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes (PH 2022-70)

Action# J7-1. Consider motion to adopt RESOLUTION instituting proceedings to take additional action for the authorization of a loan and disbursement agreement and the issuance of not to exceed \$3,000,000 Water Revenue Capital Loan Notes.

K. ADMINISTRATIVE BUSINESS:

- **Report of the City Staff:**

City Manager
City Attorney

- **Report of the Governing Body:**

Mayor

City Council Members:

*Council Member Bentz
Council Member Perry
Council Member Ruddy
Council Member Shafer
Council Member Stearns*

- **Future Council Agenda Items:**

- ***Public Hearing - NW Northlawn Area Utility Improvements - Phase 2 - 12/5/22 @ 5:30 p.m.***
- ***Public Hearing - NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd - 12/19/22 @ 5:30 p.m.***
- ***Public Hearing - NE Crestmoor Place Sanitary Sewer Replacement - 12/19/22 @ 5:30 p.m.***
- ***Public Hearing - Annexation - DRA Properties, LC - 12/19/22 @ 5:30 p.m.***
- ***Public Hearing - SRF Loan - 1/3/23***

L. ADJOURNMENT

1. Adjournment