

MINUTES OF THE ANKENY CITY COUNCIL

Monday, November 21, 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

Mayor Mark Holm called the meeting to order at 5:31 p.m. Council Members Bobbi Bentz, Jeff Perry, Joe Ruddy, Todd Shafer, and Kelly Stearns were in attendance. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Stearns seconded, to approve and accept the November 21, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2022-67. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory owned by NGR, Inc. Layman's Description: Approximately 32.40 acres (+/-) of land contiguous to the southeast quadrant of the Ankeny corporate limits, generally located east of SE Four Mile Drive and 3/4 - mile north of SE Corporate Woods Drive. 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 28th day of October, 2022.

Eric Jensen, Director of Community Development, reported NGR Inc., the owners of the subject area have requested to be voluntarily annexed into the City of Ankeny. The annexation area consists of one parcel approximately 31.23 acres (+/-) in size and approximately 1.17 acres (+/-) of County right-of-way. The proposed annexation is contiguous with the corporate boundary of Ankeny and includes all adjacent road right-of-way to the centerline of the adjacent road right-of-way. The Ankeny Plan 2040 Future Land Use Map identifies the subject area as being suitable for Airport Business Park (APB) uses and Open Space (OS). Should the annexation be approved, the subject area will be assigned the R-1, One-Family Residence District zoning classification, as is the standard procedure for all newly annexed properties into Ankeny.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Bentz seconded, to close public hearing 2022-67. Ayes: 5.

2. PH 2022-68. Mayor Holm announced that Eric Jensen, Director of Community Development, will make an announcement as to why we are not holding the public hearing at this meeting.

Eric Jensen, Director of Community Development, announced the public hearing has been postponed due to a notification error. It is rescheduled for December 19, 2022.

3. PH 2022-69. 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 Cherry Glen Ballfield Development project. Notice of this hearing was published in the Des Moines Register on the 4th day of November, 2022.

Nick Lenox, Parks and Recreation Director, reported the project improvements include, grading, utilities, installation of PCC paving, site amenities, and permanent seeding. Other associated improvements include clearing of existing vegetation, subgrade preparation, subdrain, water service, drinking fountain installation, pea gravel, open shelter structure (ADD ALT NO. 1), erosion control, storm piping, temporary traffic control, pavement markings, batting cages, baseball field, landscaping, and miscellaneous associated work necessary to complete the project.

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 2022-69. Ayes: 5.

4. PH 2022-70. Mayor Holm announced this is the time and place for a public hearing 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 \$3,000,000 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 High Trestle Trail Transmission Main. Notice of this public hearing was published in the Des Moines Register on the 11th day of November 2022 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 \$3,000,000 Water Revenue Capital Loan Notes are being proposed to fund the construction of the High Trestle Trail Transmission Main project in the 2022 and 2023 Capital Improvement Program. On February 21, 2022, the City Council held a public hearing on the issuance of Water Revenue Capital Loan Notes in the amount not to exceed \$3,000,000 to fund the construction of the High Trestle Trail Transmission Main - Phase 1 project. Since that time the project has been combined from a two-phase project to a one-phase project and the bid pricing was higher than expected requiring an additional \$3,000,000 in borrowing authority to provide the necessary funds to complete the project. The additional \$3,000,000 in borrowing authority, brings the total to \$6,000,000.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2022-70. Ayes: 5.

REPORTS OF ADVISORY BOARDS AND COMMISSION

1. Tamara Fujinaka, Library Board of Trustees, gave an update to the Council regarding happenings at the Ankeny Kirkendall Public Library.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of November 7, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of October 4, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of September 7, 2022.

4. Receive and file minutes of the Ankeny Economic Development Council from April 22, 2022.
5. Receive and file minutes of the Civil Service Commission meeting of October 10, 2022.

Licenses and Permits

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

Finance/Budget

7. Receive and file Financial Reports for October 2022.
8. Receive and file Building Permit Report for October 2022.
9. Receive and file Utility Billing Report for October 2022.
10. Change Order #1, Communication Data Link, decreasing the contract amount by \$75.00 for construction services on the N Ankeny Blvd Fiber Optic Upgrade project.
11. Change Order #1, Grimes Asphalt and Paving Corporation, increasing the contract amount by \$18,287.50 for construction services on the SE Delaware Ave HMA Widening project.
12. Change Order #1, Howrey Construction, Inc., increasing the contract amount by \$9,115.30 for construction services on the Bellagio Park Improvements project.
13. 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.
14. 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.
15. Payment #7, \$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.
16. Payment #6, \$62,994.02 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
17. Payment #30, \$17,293.25 to Civil Design Advantage for engineering services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
18. Payment #1, \$97,584.95 to Communication Data Link, for construction services on the N Ankeny Blvd Fiber Optic Upgrade project.
19. Payment #7, \$4,324.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
20. Payment #2, \$286,943.93 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
21. Payment #3, \$2,160.00 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
22. Payment #2, \$229,510.79 to Howrey Construction, Inc., for construction services on the Bellagio Park Improvements project.
23. Payment #16, \$30,205.00 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
24. Payment #8, \$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.
25. Payment #4, \$21,080.25 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
26. Payment #2, \$9,910.40 to Priority Excavating LLC, for construction services on the N Ankeny Blvd Water Main project.
27. Payment #8, \$6,887.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.

28. Payment #6, \$1,933.25 to RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
29. Payment #16, \$284,168.06 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
30. Payment #7, \$247.56 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
31. Payment #4, \$21,603.75 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
32. Payment #23, \$26,221.65 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
33. Payment #7, \$191,883.32 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE – Phase 2 project.
34. Payment #2, \$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.
35. November 21, 2022 Accounts Payable by Fund: General 181,178; Hotel Motel Tax 7,183; Road Use Tax 25,507; Police/Fire Pension 2,116; Water 729,745; Sewer 1,073,540; Storm Water 10,197; Golf Course 9,379; Enterprise Project 740,864; Revolving 29,200; Risk Management 73,914; Health Insurance 3,155; Capital Projects 1,869,423; Payroll Totals 1,291,561; Transfers/ACH (195,040); Agenda Payments approved separately (2,516,784); Grand Total \$ 3,335,138.
36. **RESOLUTION 2022-507** approving the Annual Urban Renewal Report for Urban Renewal Areas within the City of Ankeny.
37. **RESOLUTION 2022-508** approving debt certification forms, appropriating funds and directing filing of certifications.
38. Receive and file Street Finance Report for the Iowa Department of Transportation for fiscal year 2022 - July 1, 2021 through June 30, 2022.

Personnel

39. Accept the Civil Service Commission certified list for appointment to Fire Department Office Manager, subject to passing any further departmental requirements.

Community Development

40. **RESOLUTION 2022-509** accepting final plat, platted easements, parkland dedication agreement, and authorizing cost-participation for upsizing of public water main for First Street Commons Plat 2.
41. **RESOLUTION 2022-510** 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

42. **RESOLUTION 2022-511** 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)
43. **RESOLUTION 2022-512** 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)

44. **RESOLUTION 2022-513** 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)
45. **RESOLUTION 2022-514** 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)
46. **RESOLUTION 2022-515** 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.
47. **RESOLUTION 2022-516** 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.
48. **RESOLUTION 2022-517** 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.
49. **RESOLUTION 2022-518** accepting public improvements in Ryan Warehouse II (Chapman Brothers Plat 3) for utilities and subgrade prep.
50. **RESOLUTION 2022-519** accepting public improvements in Ryan Warehouse II (Chapman Brothers Plat 3) for paving.
51. **RESOLUTION 2022-520** 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

52. **2022 PCC Pavement Preservation Program**: a) Final Change Order #1 increasing the contract amount by \$10,986.08; b) Certificate of Completion; c) **RESOLUTION 2022-521** 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.
53. **Pedestrian Ramp Improvements Program - Briarwood**: a) Final Change Order #1 increasing the contract amount by \$5,985.51; b) Certificate of Completion; c) **RESOLUTION 2022-522** 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.
54. **SW Des Moines Street - Prairie Trail to magazine Native Planting**: a) Certificate of Completion; b) **RESOLUTION 2022-523** 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.
55. **Diamond Hills Greenway - Stream Repairs**: a) Final Change Order #1 increasing the contract amount by \$1,747.12; b) Certificate of Completion; c) **RESOLUTION 2022-524** 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.
56. **2022 Shade Canopy Assembly and Installation Project**: a) Certificate of Completion; b) **RESOLUTION 2022-525** 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.

57. **Rock Creek Greenway Trail Improvements:** a) Certificate of Completion; b) **RESOLUTION 2022-526** 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

58. Authorize the Mayor to sign an amended Automatic Aid Agreement with Polk City.
59. Intergovernmental Transfer of Public Funds Agreement between the Iowa Department of Human Services and the Ankeny Fire Department.

Approval of Consent Agenda Items

1. Council Member Ruddy moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-59. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.

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. Council Member Bentz moved, Stearns seconded, to accept third consideration of ORDINANCE 2122, sending it on its final passage and publication as required by law. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
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. Council Member Stearns moved, Bentz seconded, to accept third consideration of Ordinance 2123, sending it on its final passage and publication as required by law. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
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. Council Member Ruddy moved, Stearns seconded, to accept third consideration of Ordinance 2124, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer. Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2022-527** authorizing the sale of real estate vacated by the City of Ankeny to Prairie Trail Commercial, LLC. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
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. Council Member Bentz moved, Stearns seconded, to accept second consideration of Ordinance 2125. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
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. Council Member Stearns moved, Ruddy seconded, to accept second consideration of Ordinance 2126. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

NEW BUSINESS

1. Voluntary urbanized annexation of certain territory owned by NGR Inc. (PH 2022-67). Council Member Perry moved, Bentz seconded, to receive and file the September 26, 2022 Consultation Meeting Report. Ayes: Perry, Bentz, Ruddy, Shafer, Stearns. Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2022-528** annexing certain territory owned by NGR. Inc. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
2. Propose Cherry Glen Ballfield Development (PH 2022-69). Council Member Bentz moved, Stearns seconded, to adopt 1) **RESOLUTION 2022-529** 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 2022-530** making award of construction contract with Musco Lighting dba Iowa Sports Turf in the amount of \$588,029.01; and 4) adopt **RESOLUTION 2022-531** approving contract and bonds with Musco Lighting dba Iowa Sports Turf in the amount of \$588,029.01. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
3. Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard Initiate Proceedings. Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2022-532** 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.) Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
4. Proposed NE Crestmoor Place Sanitary Sewer Replacement Project Initiate Proceedings Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2022-533** 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.) Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
5. Renewal of Ankeny's Targeted Industry Incentive Policy (previously called the Local Business Investment Policy) Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2022-534** approving a "Targeted Industry Incentive Policy" in the City of Ankeny, Iowa. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
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. Council Member Ruddy moved, Stearns seconded, 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.). Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
7. Proposed Issuance of Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes (PH 2022- 70) Council Member Bentz moved, Stearns seconded, to adopt **RESOLUTION 2022-535** 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. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

ADMINISTRATIVE BUSINESS

Report of City Staff

David Jones, City Manager, discussed the City of Ankeny's 2023-2027 Capital Improvement Program.

Report of Governing Body

Mayor Holm discussed upcoming annual Mayor's appointments and reappointments to city subcommittees.

ADJOURNMENT

1. Meeting was adjourned at 6:21 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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