



ANKENY CITY COUNCIL

Regular Meeting

Monday, November 20, 2023

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

All City Council meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing. To request information in an alternative format or request an accommodation to participate in a City Council meeting, contact the Office of the City Clerk at 965-6405.

Anyone seeking assistance in communicating with the City should contact Relay Iowa at 1-800-735-2942 (TDY), or 1-800-735-2943 (Voice).

ELECTRONIC MEETING INFORMATION

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9PdZ09>

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:

1. Special Presentation: Update on Des Moines Area Regional Transit Authority (DART) - Amanda Wanke, DART CEO

B. APPROVAL OF AGENDA:

1. Approval of the November 20, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the November 20, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-60 Proposed 80/20 voluntary urbanized annexation of certain territory adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC

Action# C1-1. Consider motion to close Public Hearing 2023-60.

2. PH 2023-61 Proposed NW Northlawn Area Utility Improvements - Phase 3

Action# C2-1. Consider motion to close Public Hearing 2023-61.

3. PH 2023-62 \$200,000 Master Services and Purchasing Agreement (Police Department - Tasers)

Action# C3-1. Consider motion to close Public Hearing 2023-62.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION: none

E. APPROVAL OF CONSENT AGENDA:

• **Minutes**

- CA - 1** Approval of official council actions of the regular meeting of November 6, 2023, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Receive and file minutes of the Zoning Board of Adjustment meeting of October 3, 2023.
- CA - 3** Receive and file minutes of the Plan and Zoning Commission meeting of October 3, 2023.
- CA - 4** Receive and file the minutes of the Civil Service Commission meeting of September 11, 2023.

• **Licenses and Permits**

- CA - 5** Consider motion to approve the issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

• **Finance/Budget**

- CA - 6** Consider motion to receive and file Financial Reports for October 2023.
- CA - 7** Consider motion to receive and file Building Permit Report for October 2023.

- CA - 8** Consider motion to receive and file Utility Billing Report for October 2023.
- CA - 9** Consider motion to approve Change Order #1 increasing the contract amount by \$3,969.60 to Caliber Concrete, LLC, for construction services on the Aspen Ridge Trail project.
- CA - 10** Consider motion to approve Change Order #2 increasing the contract amount by \$3,500.00 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 11** Consider motion to approve Change Order #1 decreasing the contract amount by \$26,210.40 to J&K Contracting, for construction services on the The Westwinds, Plat 9, Storm Sewer Extension project.
- CA - 12** Consider a motion to approve Amendment No. 11 to the Professional Services Agreement increasing the contract amount by \$7,500.00 with Shive-Hattery for construction administration services associated with the Albaugh Senior Community Center project.
- CA - 13** Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$51,000.00 with Snyder & Associates, Inc. for additional construction engineering services on the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project.
- CA - 14** Consider motion to approve Payment #3 in the amount of \$64,645.17 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
- CA - 15** Consider motion to approve Payment #1 in the amount of \$63,656.71 to Caliber Concrete, LLC, for construction services on the Aspen Ridge Trail project.
- CA - 16** Consider motion to approve Payment #6 in the amount of \$2,216.00 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
- CA - 17** Consider motion to approve Payment #2 in the amount of \$8,742.50 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
- CA - 18** Consider motion to approve Payment #19 in the amount of \$8,828.03 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 19** Consider motion to approve Payment #8 in the amount of \$54,071.50 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
- CA - 20** Consider motion to approve Payment #6 in the amount of \$330,892.32 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
- CA - 21** Consider motion to approve Payment #2 in the amount of \$162,017.75 to Howrey Construction Inc., for construction services on the Creekside Park Improvements project.
- CA - 22** Consider motion to approve Payment #8 in the amount of \$2,040.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
- CA - 23** Consider motion to approve Payment #4 in the amount of \$257,584.49 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.

- CA - 24** Consider motion to approve Payment #1 in the amount of \$119,018.94 to J&K Contracting, for construction services on the The Westwinds, Plat 9, Storm Sewer Extension project.
- CA - 25** Consider motion to approve Payment #3 in the amount of \$15,797.50 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
- CA - 26** Consider motion to approve Payment #12 in the amount of \$8,938.49 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
- CA - 27** Consider motion to approve Payment #5 in the amount of \$41,250.00 to Romtech Companies, for construction services on the restroom facility at Midway Park.
- CA - 28** Consider motion to approve Payment #7 in the amount of \$25,211.41 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
- CA - 29** Consider motion to approve Payment #1 in the amount of \$221,445.00 to Tanksco Inc., for construction services on the Delaware Ground Storage Reservoir Rehabilitation project.
- CA - 30** Consider motion to approve the November 20, 2023 Accounts Payable.

- **Personnel Items**

- CA - 31** Consider motion to approve the side letter agreement with the Ankeny Police Department Teamsters Local Union #238 and to authorize the City Manager to execute the agreement.
- CA - 32** Consider motion to approve the revisions to the Drug and Alcohol Policy and Testing Program for Individuals Not Required to Possess a Commercial Drivers License.
- CA - 33** Consider motion to approve the revisions to the Drug and Alcohol Testing Policy for positions requiring a Commercial Drivers License.
- CA - 34** Consider motion to accept the Civil Service Commission certified lists for appointment to: Fire Engineer and Traffic Technician, subject to passing any further departmental requirements.

- **Community Development Items**

- CA - 35** Consider motion to adopt **RESOLUTION** accepting a Public Sanitary Sewer Easement located on Lots 1 & 2, Delaware Centre Plat 2; and associated with the development of 2012 SE Delaware Avenue, Chase Bank site plan.
- CA - 36** Consider motion to approve correction of the legal description in Ordinance 2131, originally approved on February 20, 2023.

- **Engineering Items - none**

- **Capital Improvement Projects**

- CA - 37** **2023 PCC Reconstruction Program - SE Creekview Drive:** Consider motion to approve: a) Final Change Order #4 decreasing the contract amount by \$5,587.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Alliance Construction Group, LLC in the amount of \$503,670.50; and d) Final Payment #6 in the amount of \$11,349.85 and Release of Retainage in the amount of \$25,183.53.

CA - 38 **NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard:**
Consider motion to approve: a) Final Change Order #6 decreasing the contract amount by \$25,077.95; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Absolute Concrete Construction, Inc. in the amount of \$4,022,885.08; and d) Final Payment #16 in the amount of \$944.30; and Retainage Payment in the amount of \$144,144.25.

CA - 39 **Uptown Parking Improvements:** Consider motion to approve: a) Final Change Order #2 decreasing the contract amount by \$12,011.62; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Caliber Concrete, LLC in the amount of \$179,014.17; and d) Final Payment #2 in the amount of \$9,937.43 and Release of Retainage in the amount of \$8,950.71.

CA - 40 Consider motion to adopt **RESOLUTION** ordering construction on the 2024 PCC Reconstruction Program - NW Ash Drive project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 12/12/23 @ 10:30 A.M. / date of hrg: 12/18/23 @ 5:30 P.M.)

- **Administrative Items**

CA - 41 Consider motion to adopt **RESOLUTION** fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$11,295,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date of hrg: 12/4/23 @ 5:30 p.m.).

CA - 42 Consider motion to approve an Intergovernmental Transfer of Public Funds Agreement between the Department of Human Services and the Ankeny Fire Department.

CA - 43 Consider motion to adopt **RESOLUTION** approving the Annual Urban Renewal Report for Urban Renewal Areas within the City of Ankeny.

CA - 44 Consider motion to adopt **RESOLUTION** approving debt certification forms, appropriating funds and directing filing of certifications.

CA - 45 Consider motion to adopt **RESOLUTION** approving supplement to 2023 Senior Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community.

CA - 46 Consider motion to adopt **RESOLUTION** setting a public hearing on the Amendment to Telecommunications & Grounds Space Lease by the City of Ankeny and Cell Tower Lease Amendment with CCATT LLC. (date of hrg: 12/4/23 @ 5:30 p.m.)

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-46

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-46.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2160 An Ordinance Amending Ordinance Nos. 1039, 1189, 1423, 1446, 1741, 1943, 1947, 1965, 2038, and 2072, and providing that general property taxes shall no longer be divided on certain property located within the Amended 1989 Ankeny Economic Development Urban Renewal Area, in City of Ankeny, County of Polk, State of Iowa (Removing "Amendment No. 1 Area", "Amendment No. 2 Area", and "Amendment No. 3 Area" from division of taxes only)

Action# H1-1. Consider motion to accept second consideration of ORDINANCE 2160.

Action# H1-2. Consider motion to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2160, sending it on its final passage and publication as required by law.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed 80/20 voluntary urbanized annexation of certain territory adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC. (PH 2023-60)

Action# J1-1. Consider motion to receive and file the September 25, 2023 Consultation Meeting Report.

Action# J1-2. Consider motion to file correspondence.

Action# J1-3. Consider motion to adopt RESOLUTION annexing certain territory located adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC.

2. Proposed NW Northlawn Area Utility Improvements - Phase 3 (PH 2023-61)

Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract, estimate of cost \$1,727,593.00 and enhancement of payment; 2) receive and file report of bids received November 14, 2023; 3) adopt RESOLUTION making award of construction contract with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$1,122,982.75; and 4) adopt RESOLUTION approving contract and bonds with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$1,122,982.75.

3. \$200,000 Master Services and Purchasing Agreement (Police Department - Tasers) (PH 2023-62)

Action# J3-1. Consider motion to adopt RESOLUTION instituting proceedings to take additional action for the authorization and issuance of a Master Services and Purchasing Agreement payable from the general fund in the principal amount of not to exceed \$200,000 for personal property for use by the City.

Action# J3-2. Consider motion to adopt RESOLUTION authorizing action for a Master Services and Purchasing Agreement payable from the General Fund in the principal amount of \$192,467.06 for personal property for use by the City.

4. Proposed 80/20 Voluntary Urbanized Annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC, BK Linnemeyer Trust, Brian K. and Kelli K. Linnemeyer, Richard R. and Stacey Martin, A. Byron Gustafson, Northstar, LTD., and Gene C. Hildreth, Jr. (Hope Kimberley 2.0)

Action# J4-1. Consider motion to adopt RESOLUTION annexing certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC, BK Linnemeyer Trust, Brian K. and Kelli K. Linnemeyer, Richard R. and Stacey Martin, A. Byron Gustafson, Northstar, LTD., and Gene C. Hildreth, Jr. (Hope Kimberley 2.0).

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 - North Four Mile Creek Trunk Sewer - Phase 2 - 12/4/23 @ 5:30 p.m.***
- ***Public Hearing - Cell Tower Lease - 12/4/23 @ 5:30 p.m.***
- ***Public Hearing - Not to exceed \$11,295,000 Water Revenue Capital Loan Notes - 12/4/23 @ 5:30 p.m.***
- ***Public Hearing - 2024 PCC Reconstruction Program - NW Ash Drive - 12/18/23 @ 5:30 p.m.***
- ***Regular City Council Meeting - 1/2/24 @ 5:30 p.m.***

L. **ADJOURNMENT**

1. Adjournment