



ANKENY CITY COUNCIL

Regular Meeting

Monday, November 7, 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=OEFocWZGS0NYUmtNVDhNxcWZFak9Pd09>

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 7, 2022 Agenda

Action# B1-1. Consider motion to approve and accept the November 7, 2022 agenda, with/without amendment.

C. PUBLIC HEARING(S):

1. PH 2022-65 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hardship Land LLC, from the current R-1, One-Family Residence District, to R-3 Multiple-Family Residence District restricted to 10 units per acre.

Action# C1-1. Consider motion to close Public Hearing 2022-65.

2. PH 2022-66 Proposed amendment to 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 from R-1 to R-2 and PUD.

Action# C2-1. Consider motion to close Public Hearing 2022-66.

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 October 17, 2022, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Library Board of Trustee meeting of September 15, 2022.

- **Licenses and Permits**

CA - 3 Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

CA - 4 Consider motion to approve Change Order #3 increasing the contract amount by \$305,180.70 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive project.

CA - 5 Consider motion to approve Change Order #14 increasing the contract amount by \$6,336.00 to Graphite Construction Group for additional construction services on the Ankeny Senior Community Center project.

CA - 6 Consider motion to approve Payment #8 in the amount of \$1,810,935.60 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.

CA - 7 Consider motion to approve Payment #6 in the amount of \$14,746.20 to Foth Infrastructure and Environment, LLC for engineering services on the North Four

Mile Creek Trunk Sewer project.

- CA - 8** Consider motion to approve Payment #28 in the amount of \$49,614.78 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
- CA - 9** Consider motion to approve Payment #18 in the amount of \$34,660.59 to FOX Strand, for engineering services on the Ankeny ASR project.
- CA - 10** Consider motion to approve Payment #5 in the amount of \$46,200.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
- CA - 11** Consider motion to approve Payment #14 in the amount of \$44,786.13 to HR Green, Inc., for construction administration and construction inspection services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
- CA - 12** Consider motion to approve Payment #6 in the amount of \$66,482.50 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 13** Consider motion to approve Payment #3 in the amount of \$2,940.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
- CA - 14** Consider motion to approve Payment #6 in the amount of \$1,366.50 to I & S Group, Inc., for engineering services on the Saylor Creek Repairs and Restoration project.
- CA - 15** Consider motion to approve Payment #17 in the amount of \$24,341.25 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
- CA - 16** Consider motion to approve Payment #4 in the amount of \$22,783.75 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
- CA - 17** Consider motion to approve Payment #15 in the amount of \$13,566.25 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
- CA - 18** Consider motion to approve Payment #25 in the amount of \$1,365.42 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
- CA - 19** Consider motion to approve Payment #18 in the amount of \$5,115.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
- CA - 20** Consider motion to approve Payment #3 in the amount of \$18,245.00 to Nilles Associates, Inc., for engineering services on the Diamond Hills Greenway Stream Repairs project.
- CA - 21** Consider motion to approve Payment #2 in the amount of \$32,483.00 to Olsson, Inc., for engineering services on the Fiber Optic Network Master Plan project.
- CA - 22** Consider motion to approve Payment #7 in the amount of \$20,663.25 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
- CA - 23** Consider motion to approve Payment #26 in the amount of \$4,255.40 to Shive Hattery for development services on the Ankeny Senior Community Center.

- CA - 24** Consider motion to approve Payment #6 in the amount of \$6,750.92 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
- CA - 25** Consider motion to approve Payment #3 in the amount of \$24,938.29 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 26** Consider motion to approve Payment #16 in the amount of \$1,257.00 to Snyder & Associates, Inc., for engineering services on the 2021 Pavement Management Study and Master Plan project.
- CA - 27** Consider motion to approve Payment #27 in the amount of \$1,622.75 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
- CA - 28** Consider motion to approve Payment #20 in the amount of \$9,243.47 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
- CA - 29** Consider motion to approve Payment #8 in the amount of \$2,952.13 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development Project.
- CA - 30** Consider motion to approve Payment #21 in the amount of \$9,953.50 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
- CA - 31** Consider motion to approve Payment #15 in the amount of \$24,744.69 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 32** Consider motion to approve Payment #24 in the amount of \$5,769.66 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 1 project.
- CA - 33** Consider motion to approve Payment #7 in the amount of \$7,579.00 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
- CA - 34** Consider motion to approve Payment #34 in the amount of \$14,589.73 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.
- CA - 35** Consider motion to approve Payment #26 in the amount of \$1,783.13 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
- CA - 36** Consider motion to approve the November 7, 2022 Accounts Payable. (Finance Committee: B. Bentz, Chp, J. Perry, J. Ruddy)
- CA - 37** Consider motion to adopt **RESOLUTION** declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

- **Personnel Items**

- CA - 38** Consider motion to adopt **RESOLUTION** increasing the Full-Time Equivalent (FTE) positions authorized for fiscal year 2023 from 355.78 to 357.78.

- **Community Development Items**

- CA - 39** Consider motion to adopt **RESOLUTION** accepting a Public Sanitary Sewer

Easement and Temporary Construction Easement from Michael L. and Heidi L. Wintermote, for the construction of a future public sanitary sewer main extension project (3225 NE 78th Ave).

CA - 40 Consider motion to adopt **RESOLUTION** accepting a Public Sanitary Sewer Easement and Temporary Construction Easement from DRA Properties, LC, for the construction of a future public sanitary sewer main extension project (DRA Properties, LC).

CA - 41 Consider motion to adopt **RESOLUTION** accepting a Public Sanitary Sewer Easement and Temporary Construction Easement from Jeremy Brandt, for the construction of a future public sanitary sewer main extension project (7630 NE Berwick Dr.).

CA - 42 Consider motion to adopt **RESOLUTION** accepting final plat, warranty deed to streets, water connection fee, and platted easements for Northgate East Plat 3.

- **Engineering Items**

CA - 43 Proposed U.S. Highway 69 Asphalt Resurfacing Project - Preconstruction Agreement with Polk County

CA - 44 Consider motion to adopt **RESOLUTION** accepting traffic signal improvements and termination of associated development agreement for NE Otterview Circle and NE 36th Street Intersection Improvements.

CA - 45 Consider motion to adopt **RESOLUTION** accepting roadway improvements and related public improvements for storm sewer and subgrade prep at NE Otterview Circle and NE 36th Street Intersection Improvements.

CA - 46 Consider motion to adopt **RESOLUTION** accepting roadway improvements and related public improvements for paving at NE Otterview Circle and NE 36th Street Intersection Improvements.

CA - 47 Consider motion to adopt **RESOLUTION** accepting a modified maintenance bond for flowable fill in 36 West Plat 1.

CA - 48 Consider motion to adopt **RESOLUTION** accepting public improvements in Kimberley Crossing Plat 1 for utilities.

CA - 49 Consider motion to adopt **RESOLUTION** accepting public improvements in Kimberley Crossing Plat 1 for paving.

CA - 50 Consider motion to adopt **RESOLUTION** accepting maintenance bond for water main, sanitary sewer, and storm sewer in Northgate East Plat 3.

CA - 51 Consider motion to adopt **RESOLUTION** accepting maintenance bond for paving in Northgate East Plat 3

CA - 52 Consider motion to adopt **RESOLUTION** accepting maintenance bond for subgrade in Northgate East Plat 3.

- **Capital Improvement Projects**

CA - 53 **Fiber Optic Connection to Ankeny Senior Center:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvement with Precision Underground Utilities, LLC in the amount of \$50,528.00; and c) Final Payment #2 in the amount of \$356.25; and Retainage Payment in the amount of \$2,526.40.

CA - 54 **2022 PCC Street Patching Program:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvement with Iowa Civil Contracting, Inc. in the amount of \$982,995.32; and d) Final Payment #5 in the

amount of \$0.00; and Retainage Payment in the amount of \$38,649.77.

- CA - 55** **NE Four Mile Drive RCB for Deer Creek:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with Gus Construction in the amount of \$1,030,883.08; c) Change Order #2 for \$9,569.90; d) Final Payment #7 in the amount of \$19,185.59 / Release of Retainage in the amount of \$51,544.15.

- **Administrative Items**

- CA - 56** Consider motion to adopt **RESOLUTION** establishing policies for the expenditure of funds for public purposes.
- CA - 57** Consider motion to adopt Amended and Substituted **RESOLUTION** ordering preparation of final plat and schedule of assessments for nuisance abatement within the City of Ankeny, Iowa.
- CA - 58** Consider motion to adopt **RESOLUTION** approving an Event Sponsorship and Participation Policy for the City of Ankeny, Iowa.
- CA - 59** Consider motion to adopt **RESOLUTION** authorizing the execution of an agreement between the Greater Des Moines Partnership and City of Ankeny for coordination of economic development services
- CA - 60** Consider motion to adopt **RESOLUTION** authorizing the execution of an agreement between Uptown Association, Inc. and City of Ankeny for the betterment of the Ankeny community.
- CA - 61** Consider motion to adopt **RESOLUTION** authorizing the execution of an agreement between the Ankeny Area Chamber of Commerce and City of Ankeny for economic development and community services.
- CA - 62** Consider motion to adopt **RESOLUTION** approving a 28E Agreement between the City of Ankeny and the Iowa Alcoholic Beverages Division ("ABD") for a tobacco, Alternative Nicotine and Vapor Product Enforcement Program in the City of Ankeny.
- CA - 63** Consider motion to approve an official City of Ankeny position statement objecting to the proposed 80/20 Annexation by the City of Alleman, Iowa.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-63

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-63

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 second consideration of ORDINANCE 2122.

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 second consideration of ORDINANCE 2123.

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 second consideration of ORDINANCE 2124.

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 (PH 2022-65)

Action# H4-1. Consider motion to accept first 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. (PH 2022-66)

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

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed NW Northlawn Area Utility Improvements - Phase 2
Initiate Proceedings

Action# J1-1. Consider motion to adopt RESOLUTION ordering construction on the NW Northlawn Area Utility Improvements - Phase 2 project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 11/29/22 @ 10:30 A.M. / date of hearing: 12/5/22 @ 5:30 P.M.)

2. Proposed Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes
Initiate Proceedings

Action# J2-1. 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 \$3,000,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date of hrg: 11/21/22 @ 5:30 p.m.).

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 - DRA Properties, Annexation - 11/21/22 @ 5:30 p.m.***
- ***Public Hearing - NGR Four Mile Dr, Annexation - 11/21/22 @ 5:30 p.m.***
- ***Public Hearing - Cherry Glen Ballfield Development - 11/21/22 @ 5:30 p.m.***
- ***Public Hearing - Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes - 11/21/22 @ 5:30 p.m.***
- ***Public Hearing - NW Northlawn Area Utility Improvements - Phase 2 - 12/5/22 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment

Council Action Planning Session will commence following adjournment of regular meeting.