

MINUTES OF THE ANKENY CITY COUNCIL

Monday, November 7, 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 5:30 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 Matt O'Hollearn were also present. Mayor Holm led in the Pledge of Allegiance.

APPROVAL OF AGENDA

1. Council Member Stearns moved, Bentz seconded, to approve and accept the November 7, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2022-65. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2125 amending 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: its current R-1, One-Family Residence District TO: R-3, Multiple-Family Residence District restricted to 10 units per acre. Notice of this hearing was published in the Des Moines Register on the 28th day of October, 2022 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported the applicant, Hardship Land LLC is requesting to rezone property from R-1, One-Family Residence District to R-3 Multiple Family Residence District restricted to 10 units per acre. The area subject to the proposed rezoning consists of three parcels totaling 30 acres (+/-), and is located north of NW 18th Street and east of NW Weigel Drive.

Mayor Holm then asked for any public comment regarding the proposed project. Erin Ollendike, Civil Design Advantage, 4121 NW Urbandale Drive, Urbandale on behalf of Hardship Land, LLC offered to answer questions regarding the request. Allan Smith, 3418 NW 22nd Circle, questioned the unusable land and the density of the proposed area. Council Member Stearns moved, Ruddy seconded, to close public hearing 2022-65. Ayes: 5.

2. PH 2022-66. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2126 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. FROM: its current R-1, One-Family Residence District TO: R-2, One -Family and Two-Family Residence District and PUD, Planned Unit Development. Notice of this hearing was published in the Des Moines Register on the 28th day of October, 2022 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported the applicant, Hope K. Farms, LLC is requesting to rezone property from R-1, One-Family Residence District to R-2, One-Family and Two-Family Residence District and PUD, Planned Unit Development. The area subject to the proposed rezoning consist of an approximant 91.98-acre (+/-) parcel of land located south of NW 54th Street and east of NW Irvinedale Drive within the northwestern quadrant of Ankeny. The subject property is surrounded by properties to the west that are

zoned PUD (Moeckley PUD) and properties to the south that are zoned R-2, One-Family and Two-Family Residence District. The areas to the north and east of the subject property are not within Ankeny's Corporate Limits.

The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map identifies the subject area as being suitable for low density residential land uses. The zoning compatibility matrix lists the R-2 and PUD zoning classifications as being partially compatible with the low density residential future land use classification.

Mayor Holm then asked for any public comment regarding the proposed project. Jared Murray, Civil Design Advantage, 4121 NW Urbandale Drive, on behalf of Hope K. Farms, LLC offered to answer questions about the project. Council Member Stearns moved, Shafer seconded, to close public hearing 2022-66. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of October 17, 2022, as published.
2. Receive and file minutes of the Library Board of Trustee meeting of September 15, 2022.

Licenses and Permits

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

Finance/Budget

4. Change Order #3, Absolute Concrete Construction, Inc. increasing the contract amount by \$305,180.70 for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive project.
5. Change Order #14, Graphite Construction Group increasing the contract amount by \$6,336.00 for additional construction services on the Ankeny Senior Community Center project.
6. Payment #8, \$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.
7. Payment #6, \$14,746.20 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
8. Payment #28, \$49,614.78 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
9. Payment #18, \$34,660.59 to FOX Strand, for engineering services on the Ankeny ASR project.
10. Payment #5, \$46,200.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
11. Payment #14, \$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.
12. Payment #6, \$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.
13. Payment #3, \$2,940.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
14. Payment #6, \$1,366.50 to I & S Group, Inc., for engineering services on the Saylor Creek Repairs and Restoration project.

15. Payment #17, \$24,341.25 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
16. Payment #4, \$22,783.75 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
17. Payment #15, \$13,566.25 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
18. Payment #25, \$1,365.42 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
19. Payment #18, \$5,115.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
20. Payment #3, \$18,245.00 to Nilles Associates, Inc., for engineering services on the Diamond Hills Greenway Stream Repairs project.
21. Payment #2, \$32,483.00 to Olsson, Inc., for engineering services on the Fiber Optic Network Master Plan project.
22. Payment #7, \$20,663.25 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
23. Payment #26, \$4,255.40 to Shive Hattery for development services on the Ankeny Senior Community Center.
24. Payment #6, \$6,750.92 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
25. Payment #3, \$24,938.29 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
26. Payment #16, \$1,257.00 to Snyder & Associates, Inc., for engineering services on the 2021 Pavement Management Study and Master Plan project.
27. Payment #27, \$1,622.75 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
28. Payment #20, \$9,243.47 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
29. Payment #8, \$2,952.13 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development Project.
30. Payment #21, \$9,953.50 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
31. Payment #15, \$24,744.69 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
32. Payment #24, \$5,769.66 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 1 project.
33. Payment #7, \$7,579.00 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
34. Payment #34, \$14,589.73 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
35. Payment #26, \$1,783.13 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
36. November 7, 2022 Accounts Payable by Fund: General 866,831; Hotel Motel Tax 41,615; Road Use Tax 271,892; Library Foundation 2,827; Miracle Park 320; Solid Waste 195,903; Water 183,733; Sewer 544,223; Storm Water 14,997; Golf Course 28,332; Enterprise Project 260,808; Revolving 100,850; Risk Management 41,907; Health Insurance 314; Capital Projects 2,215,839; Payroll Totals 1,803,970; Transfers/ACH (195,040); Agenda Payments approved separately (2,437,997); Grand Total \$ 3,941,324.
37. **RESOLUTION 2022-480** 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

38. **RESOLUTION 2022-481** increasing the Full-Time Equivalent (FTE) positions authorized for fiscal year 2023 from 355.78 to 357.78.

Community Development

39. **RESOLUTION 2022-482** 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).
40. **RESOLUTION 2022-483** 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).
41. **RESOLUTION 2022-484** 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.).
42. **RESOLUTION 2022-485** accepting final plat, warranty deed to streets, water connection fee, and platted easements for Northgate East Plat 3.

Engineering

43. **RESOLUTION 2022-506** authorizing the execution of U.S. Highway 69 Asphalt Resurfacing Project – Preconstruction Agreement with Polk County.
44. **RESOLUTION 2022-486** accepting traffic signal improvements and termination of associated development agreement for NE Otterview Circle and NE 36th Street Intersection Improvements.
45. **RESOLUTION 2022-487** accepting roadway improvements and related public improvements for storm sewer and subgrade prep at NE Otterview Circle and NE 36th Street Intersection Improvements.
46. **RESOLUTION 2022-488** accepting roadway improvements and related public improvements for paving at NE Otterview Circle and NE 36th Street Intersection Improvements.
47. **RESOLUTION 2022-489** accepting a modified maintenance bond for flowable fill in 36 West Plat 1.
48. **RESOLUTION 2022-490** accepting public improvements in Kimberley Crossing Plat 1 for utilities.
49. **RESOLUTION 2022-491** accepting public improvements in Kimberley Crossing Plat 1 for paving.
50. **RESOLUTION 2022-492** accepting maintenance bond for water main, sanitary sewer, and storm sewer in Northgate East Plat 3.
51. **RESOLUTION 2022-493** accepting maintenance bond for paving in Northgate East Plat 3.
52. **RESOLUTION 2022-494** accepting maintenance bond for subgrade in Northgate East Plat 3.

Capital Improvement Projects

53. **Fiber Optic Connection to Ankeny Senior Center:** a) Certificate of Completion; b) **RESOLUTION 2022-495** 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.
54. **2022 PCC Street Patching Program:** a) Certificate of Completion; b) **RESOLUTION 2022-496** 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.

55. **NE Four Mile Drive RCB for Deer Creek:** a) Certificate of Completion; b) **RESOLUTION 2022-497** 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

56. **RESOLUTION 2022-498** establishing policies for the expenditure of funds for public purposes.
57. Amended and Substituted **RESOLUTION 2022-445** ordering preparation of final plat and schedule of assessments for nuisance abatement within the City of Ankeny, Iowa.
58. **RESOLUTION 2022-499** approving an Event Sponsorship and Participation Policy for the City of Ankeny, Iowa.
59. **RESOLUTION 2022-500** authorizing the execution of an agreement between the Greater Des Moines Partnership and City of Ankeny for coordination of economic development services
60. **RESOLUTION 2022-501** authorizing the execution of an agreement between Uptown Association, Inc. and City of Ankeny for the betterment of the Ankeny community.
61. **RESOLUTION 2022-502** authorizing the execution of an agreement between the Ankeny Area Chamber of Commerce and City of Ankeny for economic development and community services.
62. **RESOLUTION 2022-503** 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.
63. 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. Council Member Stearns moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-63. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

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 Ruddy moved, Stearns seconded, to accept second consideration of Ordinance 2122. Ayes: Ruddy, Stearns, Bentz, Perry, 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, Ruddy seconded, to accept second consideration of Ordinance 2123. Ayes: Stearns, Ruddy, Bentz, Perry, 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 Bentz moved, Perry seconded, to accept second consideration of Ordinance 2124. Ayes: Bentz, Perry, Ruddy, Shafer, Stearns.
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). Council Member Ruddy moved, Stearns seconded, to accept first consideration of Ordinance 2125. Ayes: Ruddy, Stearns, Bentz, Perry, 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. (PH 2022-66) Council Member Perry moved, Ruddy seconded, to accept first consideration of Ordinance 2126. Ayes: Perry, Ruddy, Bentz, Shafer, Stearns.

NEW BUSINESS

1. NW Northlawn Area Utility Improvements - Phase 2 Initiate Proceedings. Council Member Bentz moved, Stearns seconded, to adopt **RESOLUTION 2022-504** 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.) Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
2. Proposed Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes – Initiate Proceedings. Council Member Bentz moved, Shafer seconded, to adopt **RESOLUTION 2022-505** 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.). Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

ADJOURNMENT

1. Meeting was adjourned at 5:49 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 11/18/22.