

MINUTES OF THE ANKENY CITY COUNCIL

Monday, November 6, 2023 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 Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Mark Felderman, Faith Baptist Bible College, shared information about the recent homecoming activities and thanked the Mayor and Council for their support.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Stearns seconded, to approve and accept the November 6, 2023 agenda without amendment. Ayes: 5.

PUBLIC HEARING

1. PH 2023-58. Mayor Holm announced this is the time and place for a public hearing on the matter of 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. Layman's Description: Approximately 345.1 acres (+/-) of land adjacent to the northeast quadrant of Ankeny and generally located north of NE 126th Avenue, west of NE Delaware Avenue and East of N Ankeny Boulevard, and approximately 77.06 (+/-) acres of land adjacent to the northeast quadrant of Ankeny and generally located north of NE 126th Avenue, west of NE Delaware Avenue and East of N Ankeny Boulevard. 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 20th day of October, 2023.

Eric Jensen, Director of Community Development, reported that the annexation area is located within two miles of the City of Alleman, which per Iowa Code, classifies the request as an urbanized annexation. The annexation territory encompasses approximately 422.16 acres (+/-), 345.10 acres (+/-) of which are owned by property owners who have signed a petition consenting to the annexation, while 77.06 acres (+/-) are owned by property owners who have not signed a petition consenting to the annexation. The non-consenting properties are included in the annexation request to avoid the creation of islands and to provide for uniform boundaries, which is required by Iowa Code. Approximately 12.51 acres (+/-) of public road right-of-way are included in the annexation as well, as the City is required to incorporate any and all county road right-of-way to the centerline of the adjacent road.

At this time, 10 of the 19 properties included in the proposed annexation have provided petitions consenting to the request. If petitions are not received for all 19 properties, the Code of Iowa allows cities to annex up to 20% of the total land area to be annexed from non-consenting owners to avoid the creation of islands and to create uniform boundaries. The current petitioned land area equals 81.75% of the total calculated acres, excluding Polk

County road right-of-way. The land area of the nine non-petitioned properties total equals 18.25% of the calculated land area, excluding Polk County road right-of-way.

The annexation area is identified in The Ankeny Plan 2040 Comprehensive Plan as being suitable for Low-Density Residential, Medium Density Residential and Neighborhood Mixed Use. If the annexation request is approved by the City Development Board, it will be initially zoned R-1, One-Family Residence District, consistent with all newly incorporated properties into the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed annexation. Speaking in opposition of the proposed annexation were: Linda Wattonville, Jason Wattonville, Emily Huss, and Teresa Nefzger. Byron Gustafson addressed the council, asking questions about land use, easement, and taxation changes that will occur if the annexation is approved. Council Member Shafer moved, Bentz seconded, to close public hearing 2023-58. Ayes: 5.

2. PH 2023-59. 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 SE Delaware Avenue & SE 54th Street Traffic Signal project. Notice of this hearing was published in the Des Moines Register on the 20th day of October, 2023.

Mark Mueller, Public Works Director, reported that the project includes the construction of a traffic signal at the intersection of SE Delaware Avenue & SE 54th Street, with medians, sidewalks, bus stops, and pedestrian ramps upgraded to ADA compliance. Pushbuttons will be provided for pedestrian crossings to and from all corners. The City will furnish the combination traffic signal/ lighting pole and mast arm assemblies, low-voltage ATC signal cabinet and controller, fiber optic cable, and overhead street name signs for contractor installation.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Stearns seconded, to close public hearing 2023-59. Ayes: 5.

REPORTS OF ADVISORY BOARDS AND COMMISSION

1. Library Board of Trustees - Gene Lucht updated the Council on happenings at the Ankeny Kirkendall Public Library.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of October 16, 2023, as published.
2. Receive and file minutes of the Human Rights Commission meeting of September 28, 2023
3. Receive and file minutes of the Park Board meeting of August 28, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of September 21, 2023.

Licenses and Permits

5. Issuance of a special permit to David A. Yount for the purpose of bow hunting of deer for the hunting season effective October 1, 2023 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
6. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

7. Amendment #3 to the Professional Services Agreement increasing the contract amount by \$10,500.00 with Snyder & Associates, Inc. for construction engineering services on the N Ankeny Boulevard Fiber Optic Upgrade phase of the N Ankeny Boulevard Landscape Improvements.
8. Payment #4, \$68,356.52 to Absolute Concrete Construction, Inc. for construction services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
9. Payment #7, \$3,839.00 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
10. Payment #3, \$7,264.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
11. Payment #3, \$4,050.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
12. Payment #1, \$8,946.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
13. Payment #18, \$9,245.40 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
14. Payment #7, \$72,962.10 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
15. Payment #30, \$2,574.00 to FOX Strand, for engineering services on the Ankeny ASR project.
16. Payment #6, \$36,237.50 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
17. Payment #7, \$7,029.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
18. Payment #11, \$74,065.26 to HR Green, Inc., for construction engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
19. Payment #25, \$1,761.25 to JEO Consulting Group, Inc. for construction engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
20. Payment #13, \$1,453.75 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
21. Payment #14, \$4,806.30 to McClure Engineering Company, for construction engineering services on the SW State Street Reconstruction - Southbound Lanes project.
22. Payment #8, \$3,503.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
23. Payment #2, \$46,421.62 to Olsson, Inc., for engineering services on the Fiber Optic Network Upgrade project.
24. Payment #34, \$881.00 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
25. Payment #15, \$30,627.26 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
26. Payment #32, \$13,307.82 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
27. Payment #1, \$76,679.45 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
28. Payment #27, \$61,524.42 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.

29. Payment #18, \$1,579.55 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
30. Payment #5, \$8,366.20 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
31. Payment #6, \$60,080.29 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
32. Payment #44, \$2,639.25 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
33. Payment #6, \$6,292.28 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
34. Payment #7, \$11,282.09 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
35. Payment #11, \$41,857.34 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
36. November 6, 2023 Accounts Payable by fund: General \$464,334; Hotel Motel Tax \$4,156; Parks Improvements \$507; Road Use Tax \$104,117; Library Foundation \$905; Solid Waste \$105,700; Water \$102,378; Sewer \$25,393; Storm Water \$6,115; Golf Course \$24,726; Enterprise Project \$163,747; Revolving \$74,907; Risk Management \$36,087; Health Insurance \$182; Capital Projects \$856,165; Payroll Totals \$1,944,605; Transfers/ACH (\$207,517); Grand Total \$3,706,507.
37. **RESOLUTION 2023-410** 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.
38. **RESOLUTION 2023-411** naming depositories for the City of Ankeny.

Community Development

39. **RESOLUTION 2023-412** accepting final plat, warranty deed to streets, platted easements, sewer connection fee, and authorizing cost-participation for sidewalk oversizing and truncated domes for Centennial Ridge Plat 3.

Engineering

40. **RESOLUTION 2023-413** authorizing the purchase of combination traffic signal/ lighting pole assemblies from Millerbernd Manufacturing Company, in the amount of \$73,031.00, for contractor installation with the SE Delaware Avenue & SE 54th Street Traffic Signal.
41. **RESOLUTION 2023-414** accepting maintenance bond for water main, sanitary sewer, and storm sewer in Centennial Ridge Plat 3.
42. **RESOLUTION 2023-415** accepting maintenance bond for paving in Centennial Ridge Plat 3.
43. **RESOLUTION 2023-416** accepting maintenance bond for subgrade in Centennial Ridge Plat 3.
44. **RESOLUTION 2023-417** accepting public improvements in Park Sight Office Park at Prairie Trail Plat 4 for utilities.

Capital Improvement Projects

45. **RESOLUTION 2023-418** approving construction contract and bond with CB&I Storage Tank Solutions, LLC, in the amount of \$9,751,758.59 for the NW Irvinedale Drive - Elevated Water Storage Tank project.
46. **N Ankeny Boulevard Fiber Optic Upgrade:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION 2023-419** accepting the public improvement with Communication Data Link in the amount of \$161,073.50; and c) Final Payment #3 in the amount of \$651.84; and Retainage Payment in the amount of \$4,026.84.

47. **RESOLUTION 2023-420** ordering construction on the North Four Mile Creek Trunk Sewer - Phase 2 project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 11/28/23 @ 10:30 a.m./date of hrg: 12/4/23 @ 5:30 p.m.)

Administrative Items

48. Approve certification to the Treasurer of State the population of the Hope K Farms, LLC annexed territory as determined by the last certified federal census of said territory.
49. Approve 2024 Parks & Recreation Department fees.
50. Approve a Master Service Agreement with NextRequest for a public records request management software and authorize the Mayor to sign Agreement.
51. **RESOLUTION 2023-421** fixing date for a public hearing on the proposition to authorize 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, and providing for publication of notice thereof (date of hrg: 11/20/23 @ 5:30 p.m.).

Approval of Consent Agenda Items

1. Council Member Stearns moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-51. Ayes: Stearns, Shafer, Bentz, Perry, Ruddy.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2158** An Ordinance vacating a drainage easement on Lot 1 of Aspen Ridge Commercial Plat 3. Council Member Stearns moved, Bentz seconded, to accept third consideration of ORDINANCE 2158, sending it on its final passage and publication as required by law. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer. Council Member Stearns moved, Shafer seconded, to adopt **RESOLUTION 2023-422** authorizing the sale of property vacated by the City of Ankeny, Iowa, to Mike Murphy, Murphy Commercial Properties, LLC. Ayes: Stearns, Shafer, Bentz, Perry, Ruddy.
2. **Ord 2159** An Ordinance creating Chapter 49 of the Code of Ordinances of the City of Ankeny, Iowa, by creating provisions pertaining to camping within city limits. Council Member Stearns moved, Bentz seconded, to accept third consideration of ORDINANCE 2159, sending it on its final passage and publication as required by law. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
3. **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). Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2160. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.

NEW BUSINESS

1. 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) (PH 2023-58) Council Member Bentz moved, Stearns seconded, to receive and file correspondence. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer. Council Member Bentz moved, Shafer seconded, to defer adopting **RESOLUTION 2023-423** 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) until the next regularly scheduled meeting, November 20, 2023. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

2. Proposed SE Delaware Avenue and SE 54th Street Traffic Signal (PH 2023-59) Council Member Stearns moved, Bentz seconded, to adopt 1) **RESOLUTION 2023-424** adopting plans, specifications, form of contract and estimate of cost \$625,446.00; 2) receive and file report of bids received October 31, 2023; 3) adopt **RESOLUTION 2023-425** making award of construction contract with Jasper Construction Services in the amount of \$436,109.00; and 4) adopt **RESOLUTION 2023-426** approving contract and bonds with Jasper Construction Services in the amount of \$436,109.00. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:46 p.m. and was immediately followed by a Council Action Planning Session.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 11/17/23.