

MINUTES OF THE ANKENY CITY COUNCIL

Monday, October 17, 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 Whiting

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 Whiting 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 Bentz moved, Shafer seconded, to approve and accept the October 17, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2022-62. Mayor Holm announced this is the time and place for a public hearing on the matter of the adoption of Ordinance 2122 to establish a benefited district and connection fees in the NW Weigel Drive Water Connection District 2. Notice of this hearing was published in the Des Moines Register on the 23rd day of September, 2022.

Don Clark, Municipal Utilities Director, reported the connection fee is established based on the project costs associated with the NW 36th Street and NW Weigel Drive Water Main project. The proposed connection fee for the NW Weigel Drive Water Connection District 2 starts at \$2,975.18 per acre or \$85.57 per frontage foot. The fee increases annually by 2.69% for the next 10 years based on current rates.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-62. Ayes: 5.

2. PH 2022-63. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2123 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. FROM: its current R-1, One-Family Residence District TO: M-1, Light Industrial District. Layman's Description – approximately 67.10 acres (+/-) of land located along the east side of SE Four Mile Drive and one-half mile south of SE Oralabor Road. Notice of this hearing was published in the Des Moines Register on the 7th 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, DRA Properties, LC, is requesting to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District. The two parcels subject to the rezoning were annexed into the City of Ankeny as part of the recently approved Ankeny RMJ Annexation. Many of the surrounding properties in the area are zoned either R-1, M-1, Light Industrial District, or U-1, Conservation and Public Utility District (Ankeny Regional Airport). The properties to the immediate south of the proposed rezoning are not within Ankeny's Corporate Limits.

The proposed rezoning aligns with the Ankeny Plan 2040 Future Land Use Map which identifies the subject area as being appropriate for Airport Business Park uses and Open Space. The M-1, Light Industrial District is listed as being a compatible zoning district within the Airport Business Park future land use classification.

Mayor Holm then asked for any public comment regarding the proposed project. . Hearing no comments, Council Member Whiting moved, Bentz seconded, to close public hearing 2022-63. Ayes: 5.

3. PH 2022-64. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2124 vacating a 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 within Heritage Park at Prairie Trail. Notice of this hearing was published in the Des Moines Register on the 7th day of October, 2022

Eric Jensen, Director of Community Development, reported the City has received a request to vacate 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. The purpose of the proposed right-of-way vacation is to prepare for an amendment to the existing neighborhood plan, which changes the entrance from a public street to a private drive entrance. The portion of right-of-way to be vacated is a small portion around the east extension of this drive; therefore, the subject portion of right-of-way is unnecessary for municipal use.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Ruddy seconded, to close public hearing 2022-64. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of October 3, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of September 20, 2022.
3. Receive and file minutes of the Civil Service Commission meeting of August 8, 2022.

Licenses and Permits

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

Finance/Budget

5. Receive and file Financial Reports for September 2022.
6. Receive and file Building Permit Report for September 2022.
7. Receive and file Utility Billing Report for September 2022.
8. Amendment No.1, Professional Services Agreement increasing the contract amount by \$11,500.00 with Foth Infrastructure and Environment, LLC for additional design services on the North Four Mile Creek Trunk Sewer Project.
9. Change Order #2, Absolute Concrete Construction, Inc. increasing the contract amount by \$2,220.00 for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Blvd project.
10. Change Order #2, Iowa Civil Contracting, Inc. decreasing the contract amount by \$13,837.20 for construction services on the 2022 PCC Street Patching Program project.
11. Change Order #4, RedBud LLC increasing the contract amount by \$0.00 for native vegetation maintenance as part of the 2022 Native Vegetation Maintenance project.

12. Change Order #4, Reilly Construction Co., Inc., increasing the contract amount by \$19,301.00 for construction services on the West First St Widening & Improvements-Phase 1 project.
13. Payment #6, \$546,415.68, Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
14. Payment #5, \$55,354.09, Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
15. Payment #5, \$13,143.00, Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
16. Payment #1, \$111,456.85, Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
17. Payment #4, \$73,920.00, HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
18. Payment #5, \$65,290.75, 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.
19. Payment #2, \$80,157.06 (for invoice #2-080206) to Hydro-Klean, LLC for construction services on the 2022 CIPP Lining project.
20. Payment #2, \$116,007.32, Iowa Civil Contracting, Inc., for construction services on the 2022 PCC Pavement Preservation Program project.
21. Payment #4, \$12,172.54, Iowa Civil Contracting, Inc., for construction services on the 2022 PCC Street Patching Program project.
22. Payment #1, \$95,665.00, Iowa Signal, Inc., for construction services on the SE Delaware Ave Fiber Optic Connection project.
23. Payment #24, \$6,036.98, Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
24. Payment #7, \$38,657.50, McClure Engineering Company, for engineering services on the NW 18th St Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
25. Payment #3, \$23,008.75, McClure Engineering Company, for engineering services on the SW State St Reconstruction - Southbound Lanes project.
26. Payment #6, \$7,989.25, RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
27. Payment #5, \$5,036.52, RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
28. Payment #15, \$294,391.33, Reilly Construction Company Inc., for construction services on the West First St Widening and Improvements - Phase 1 project.
29. Payment #1, \$140,449.90, Splash Pool & Spa Builders, LLC, for construction services on the 2022 Prairie Ridge Aquatic Center - Resurfacing Project.
30. Payment #6, \$53,602.95, Sternquist Construction, for construction services on the SE Crosswinds Drive RISE – Phase 2 project.
31. October 17, 2022 Accounts Payable by Fund: General 427,027; Hotel Motel Tax 340; Police Gift 15; Road Use Tax 59,997; Police/Fire Pension 1,040; Library Foundation 200; Water 745,891; Sewer 33,918; Storm Water 14,834; Golf Course 30,113; Enterprise Project 299,279; Revolving 77,443; Risk Management 10,738; Health Insurance 3,779; BAN/Bond Activity 7,000; Capital Projects 1,702,255; Payroll Totals 1,298,216; Transfers/ACH (194,432); Agenda Payments approved separately (2,014,351); Grand Total \$ 2,503,302.

Personnel

32. Civil Service Commission certified lists for appointment to Equipment Operator-Public Works Department and Police Officer-Police Department, subject to passing any further departmental requirements.

Community Development

33. **RESOLUTION 2022-452** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on Lot D, Cherry Glen Estates Plat 6; and associated with the development of 5325 NW 8th Street, Cherry Glen Ballpark Development Project site plan.
34. **RESOLUTION 2022-453** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa regarding the voluntary non-urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by DRA Properties, LC. (date of hrg: 11/21/22 @ 5:30 p.m.)
35. **RESOLUTION 2022-454** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider the voluntary urbanized annexation of certain territory owned by NGR, Inc. (date of hrg: 11/21/22 @ 5:30 p.m.)
36. Christian Juon Estates Plat 3 Preliminary Plat, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
37. **RESOLUTION 2022-455** authorizing cost participation for the extension of eight-foot sidewalk; and accepting platted easements located on Lot 65, The Grove Plat 3, and associated with the development of 5001 NW 18th Street, Ankeny Elementary #12.
38. **RESOLUTION 2022-456** authorizing the Mayor to sign a development agreement by and between the City of Ankeny, Iowa, and the Ankeny Community School District for the installation of a potential future traffic signal at the intersection of NW 18th Street and NW Spruce Drive, and associated with the development of 5001 NW 18th Street, Ankeny Elementary #12.
39. **RESOLUTION 2022-457** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in The Grove Plat 3, and associated with the development of 5001 NW 18th Street, Ankeny Elementary #12.
40. **RESOLUTION 2022-458** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of subgrade in The Grove Plat 3, and associated with the development of 5001 NW 18th Street, Ankeny Elementary #12.
41. **RESOLUTION 2022-459** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hope K. Farms, LLC located south of NW 54th Street and east of NW Irvinedale Drive. (date of hrg: 11/7/22 @ 5:30 p.m.)
42. **RESOLUTION 2022-460** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC., and located north of NW 18th Street and east of NW Weigel Drive. (date of hrg: 11/7/22 @ 5:30 p.m.)
43. **RESOLUTION 2022-461** accepting Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on Outlot Z, 4 Mile Drive Industrial Park Plat 1 and associated with the development of the Purefoods-West Office Addition Site Plan at 3210 SE Corporate Woods Drive.

Engineering

44. **RESOLUTION 2022-462** accepting maintenance bond for water main and sanitary sewer in First Street Commons Plat 2.
45. **RESOLUTION 2022-463** accepting public improvements in Ankeny Market Village for utilities (sanitary sewer).
46. **RESOLUTION 2022-464** accepting public improvements in Greystones at Prairie Trail Plat 1 for utilities.
47. **RESOLUTION 2022-465** accepting public improvements in Grove Landing Plat 1 for utilities.
48. **RESOLUTION 2022-466** accepting public improvements in Grove Landing Plat 1, for paving.
49. **RESOLUTION 2022-467** accepting public improvements in Grove Landing Plat 2 for utilities.
50. **RESOLUTION 2022-468** accepting public improvements in Grove Landing Plat 2, for paving.
51. **RESOLUTION 2022-469** accepting public improvements in Grove Landing Plat 3 for utilities.
52. **RESOLUTION 2022-470** accepting public improvements in Grove Landing Plat 3, for paving.

Capital Improvements

53. **2022 PCC Reconstruction Program - SE Peachtree Drive:** approve: a) Final Change Order #1 increasing the contract amount by \$4,950.00; b) Certificate of Completion; c) **RESOLUTION 2022-471** accepting the public improvement with Con-Struct, Inc. in the amount of \$810,505.00; and d) Final Payment #5 in the amount of \$6,583.50; and Retainage Payment in the amount of \$40,525.25.
54. **SW Oralabor Road & SW Irvinedale Drive Interim Signal Modifications:** approve: a) Certificate of Completion; b) **RESOLUTION 2022-472** accepting the public improvement with Iowa Signal, Inc. in the amount of \$27,581.50; and c) Final Payment #1 in the amount of \$26,202.42; and Retainage Payment in the amount of \$1,379.08.
55. **Northwest Elementary School Traffic Signal Replacement:** approve: a) Final Change Order #1 increasing the contract amount by \$1,190.00; b) Certificate of Completion; c) **RESOLUTION 2022-473** accepting the public improvement with Iowa Signal, Inc. in the amount of \$54,420.00; and d) Final Payment #1 in the amount of \$51,699.00; and Retainage Payment in the amount of \$2,721.00.
56. **2022 PCC Reconstruction Program - NW 5th Street Project:** approve: a) Final Change Order #3 increasing the contract amount by \$5,183.38; b) Certificate of Completion; c) **RESOLUTION 2022-474** accepting the public improvement with Absolute Concrete Construction in the amount of \$697,313.88; and d) Final Payment #4 in the amount of \$43,009.06; and Retainage Payment in the amount of \$34,865.70.
57. **NW 36th Street and NW Weigel Drive Water Main:** approve: a) Certificate of Completion; b) **RESOLUTION 2022-475** accepting the public improvements with On Track Construction, LLC in the amount of \$1,319,476.89.00; c) Change Order #3 for (\$3,885.00); d) Final Payment #6 in the amount of \$2,636.25 / Release of Retainage in the amount of \$65,973.84.

Administrative Items

58. **RESOLUTION 2022-476** approving construction contract and bond with Synergy Contracting, LLC of Des Moines, Iowa, in the amount of \$5,778,405.00 for the HTT Water Transmission Main & Drainage Improvements project.
59. Medical Director Contract effective January 1, 2023 through December 31, 2024.
60. **RESOLUTION 2022-477** approving the City of Urbandale as a member of the Metropolitan Sister Cities Commission.

Approval of Consent Agenda Items

1. Council Member Whiting moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-60. Ayes: Whiting, Ruddy, Bentz, Perry, 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. (PH 2022-62). Council Member Bentz moved, Whiting seconded, to accept first consideration of Ordinance 2122. Ayes: Bentz, Whiting, 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. (PH 2022-63)). Council Member Ruddy moved, Whiting seconded, to accept first consideration of Ordinance 2123. Ayes: Ruddy, Whiting, 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. (PH 2022-64) Council Member Whiting moved, Ruddy seconded, to accept first consideration of Ordinance 2124. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

NEW BUSINESS

1. Final plat and schedule for levying assessments for Nuisance Abatement. Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2022-478** approving final plat and schedule for levying assessments for Nuisance Abatement. Ayes: Ruddy, Bentz, Perry, Shafer, Whiting.
2. Proposed Cherry Glen Ballfield Development - Initiate Proceedings Council Member Whiting moved, Bentz seconded, to adopt **RESOLUTION 2022-479** ordering construction on the Cherry Glen Ballfield Development project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 11/15/22 @ 10:30 a.m./date of hrg: 11/21/22 @ 5:30 p.m.) Ayes: Whiting, Bentz, Perry, Ruddy, Shafer.
3. Ankeny Strategic Plan 2022 Amendment Council Member Whiting moved, Bentz seconded, to adopt Ankeny Strategic Plan 2022 Amendment. Ayes: Whiting, Bentz, Perry, Ruddy, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 5:48 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 10/28/22.