



ANKENY CITY COUNCIL

Regular Meeting

Monday, October 16, 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: none

B. APPROVAL OF AGENDA:

1. Approval of the October 16, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the October 16, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-57 Proposed 80/20 Voluntary Urbanized Annexation of certain territory located adjacent to the northeast quadrant of Ankeny and 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# C1-1. Consider motion to close Public Hearing 2023-57.

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 2, 2023, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Receive and file minutes of the Human Rights Commission meeting of August 24, 2023
- CA - 3** Receive and file minutes of the Plan and Zoning Commission meeting of September 19, 2023.
- CA - 4** Receive and file minutes of the Zoning Board of Adjustment meeting of September 19, 2023.
- CA - 5** Receive and file minutes of the Library Board of Trustee meeting of August 17, 2023.

- **Licenses and Permits**

- CA - 6** Consider motion to approve the issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

- **Finance/Budget**

- CA - 7** Consider motion to receive and file Financial Reports for September 2023.
- CA - 8** Consider motion to receive and file Building Permit Report for September 2023.
- CA - 9** Consider motion to receive and file Utility Billing Report for September 2023.
- CA - 10** Consider motion to approve Change Order #6 increasing the contract amount by \$87,010.50 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive project.
- CA - 11** Consider motion to approve Change Order #3 increasing the contract amount by \$3,750.00 to Alliance Construction Group, LLC, for construction services on the

2023 PCC Reconstruction Program - SE Creekview Drive.

- CA - 12** Consider motion to approve Change Order #1 increasing the contract amount by \$1,650.00 to All-Star Concrete LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
- CA - 13** Consider motion to approve Change Order #1 increasing the contract amount by \$2,058.00 to Caliber Concrete LLC, for construction services on the Uptown Parking Improvements project.
- CA - 14** Consider motion to approve Payment #12 in the amount of \$551,604.11 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
- CA - 15** Consider motion to approve Payment #15 in the amount of \$251,679.60 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 16** Consider motion to approve Payment #5 in the amount of \$53,893.16 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
- CA - 17** Consider motion to approve Payment #4 in the amount of \$3,177.75 to All-Star Concrete, LLC, for construction services on the 2023 PCC Reconstruction Program - SE 8th St project.
- CA - 18** Consider motion to approve Payment #2 in the amount of \$42,851.90 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
- CA - 19** Consider motion to approve Payment #1 in the amount of \$160,126.03 to Caliber Concrete, LLC, for construction services on the Uptown Parking Improvements project.
- CA - 20** Consider motion to approve Payment #7 in the amount of \$18,874.50 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
- CA - 21** Consider motion to approve Payment #5 in the amount of \$8,096.50 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
- CA - 22** Consider motion to approve Payment #7 in the amount of \$346,662.08 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 23** Consider motion to approve Payment #7 in the amount of \$432,321.96 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 24** Consider motion to approve Payment #5 in the amount of \$146,493.61 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
- CA - 25** Consider motion to approve Payment #13 in the amount of \$4,620.00 to HDR Engineering, Inc., for engineering services on the NW Irvindale Elevated Storage Tank project.
- CA - 26** Consider motion to approve Payment #6 in the amount of \$4,231.30 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
- CA - 27** Consider motion to approve Payment #3 in the amount of \$359,094.57 to J&K

- Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 28** Consider motion to approve Payment #12 in the amount of \$412.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
- CA - 29** Consider motion to approve Payment #6 in the amount of \$29,206.25 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
- CA - 30** Consider motion to approve Payment #2 in the amount of \$9,035.00 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
- CA - 31** Consider motion to approve Payment #11 in the amount of \$18,082.64 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
- CA - 32** Consider motion to approve Payment #18 in the amount of \$28,785.56 to McClure Engineering Company, for construction engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 33** Consider motion to approve Payment #6 in the amount of \$118,277.85 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
- CA - 34** Consider motion to approve Payment #4 in the amount of \$109,612.00 to Romtech Companies for construction services on the restroom facility at the Midway Park.
- CA - 35** Consider motion to approve Payment #33 in the amount of \$1,213.00 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
- CA - 36** Consider motion to approve Payment #6 in the amount of \$27,341.73 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
- CA - 37** Consider motion to approve the October 16, 2023 Accounts Payable.
- CA - 38** Consider motion to adopt **RESOLUTION** naming depositories for the City of Ankeny.
- CA - 39** Consider motion to adopt **RESOLUTION** establishing a schedule of fees and charges for urban chickens as authorized by the City of Ankeny, Iowa Municipal Code.

- **Personnel Items**

- CA - 40** Consider motion to authorize a temporary side-by-side position in the public works department, operations division, which will increase the authorized FTE count by one.

- **Community Development Items**

- CA - 41** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa regarding the voluntary urbanized annexation of certain territory adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC (date of hrg: 11/20/23 at 5:30 p.m.)

- **Engineering Items**

- CA - 42** Consider motion to adopt **RESOLUTION** accepting public improvements for

utilities in Aspen Ridge Commercial Plat 2.

- CA - 43** Consider motion to adopt **RESOLUTION** accepting public improvements for paving in Aspen Ridge Commercial Plat 2.
- CA - 44** Consider motion to adopt **RESOLUTION** accepting public improvements for subgrade prep in Aspen Ridge Commercial Plat 2.
- CA - 45** Consider motion to adopt a **RESOLUTION** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of paving, utilities, and subgrade prep for Kum & Go (965 SE Corporate Woods Dr.) Public Improvements project.

- **Capital Improvement Projects**

- CA - 46** **School Walkability Improvements:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$15,237.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with JC Construction, Inc. in the amount of \$145,939.00; and d) Final Payment #2 in the amount of \$85,211.91; and Retainage Payment in the amount of \$7,296.95.
- CA - 47** **Northwest Irvinedale Drive Trailhead Public Art Project:** Consider motion to approve a) Certificate of Completion; b) **RESOLUTION** accepting the public improvement with Group Creative Services, LLC in the amount of \$350,000.00; and c) Final Payment #4 in the amount of \$135,000.00.
- CA - 48** Consider motion to adopt **RESOLUTION** ordering construction on the NW Northlawn Area Utility Improvements - Phase 3 project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 11/14/23 @ 10:30 A.M. / date of hearing: 11/20/23 @ 5:30 P.M.)

- **Administrative Items**

- CA - 49** Consider motion to adopt **RESOLUTION** authorizing the first amendment to the 28E Agreement between the City of Ankeny and the Board of Water Works Trustees of the City of Des Moines (DMWW).

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-49

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-49.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2156 An Ordinance amending the Ankeny Municipal Code by adding a new Chapter 58, Urban Chickens, pertaining to the keeping of chickens within the City of Ankeny.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2156, sending it on its final passage and publication as required by law.

2. Ord 2157 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone certain property owned by 98

Investments, LLC.

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2157.

Action# H2-2. 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 2157, sending it on its final passage and publication as required by law.

3. Ord 2158 An Ordinance vacating a drainage easement on Lot 1 of Aspen Ridge Commercial Plat 3.

Action# H3-1. Consider motion to accept second consideration of ORDINANCE 2158.

4. 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.

Action# H4-1. Consider motion to accept second consideration of ORDINANCE 2159.

I. OLD BUSINESS: none

J. 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 2023-57)

Action# J1-1. Consider motion to receive and file the August 24, 2023 Consultation Meeting Report.

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

Action# J1-3. 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., DRA Properties, LLC, and Gene C. Hildreth, Jr. (Hope Kimberley 2.0)

2. Proposed Magazine Ground Storage Tank Painting Professional Services Agreement with Dixon Engineering

Action# J2-1. Consider a motion to approve the Professional Services Agreement with Dixon Engineering, for the design engineering and bidding phase services on the Magazine Ground Storage Tank Painting Project in an amount not to exceed \$8,175.00 and the Mayor to execute said agreement.

3. Resolution of Intent - Central Iowa Water Works

Action# J3-1. Consider motion to adopt RESOLUTION indicating intent to participate and authorizing the inclusion of the City of Ankeny in the final draft agreement establishing the Central Iowa Water Works.

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 - SE Delaware Ave & SE 54th St Traffic Signal - 11/6/23 @ 5:30 p.m.***
- ***Public Hearing - Annexation - Legacy Housby, LLC - 11/20/23 @ 5:30 p.m.***
- ***Public Hearing - NW Northlawn Area Utility Improvements - Phase 3 - 11/20/23 @ 5:30 p.m.***
- ***Regular Council Meeting - 12/4/23 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment

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