MINUTES OF THE ANKENY CITY COUNCIL
Monday, October 16, 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

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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. Mike Aastrup, 1202 NW Maple St, expressed concerns regarding the proposed urban chicken ordinance.
2. Ivy, Southview student, spoke in favor of the proposed urban chicken ordinance, asking for more leniency.
3. Heather Christensen, 417 SE 5th St, spoke in favor of the proposed urban chicken ordinance, asking for more leniency.

APPROVAL OF AGENDA

1. Council Member Ruddy moved, Perry seconded, to approve and accept the October 16, 2023 agenda with amendment, removing 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., and Gene C. Hildreth, Jr. (Hope Kimberley 2.0). Ayes: 5.

PUBLIC HEARING

1. PH 2023-57. 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 22nd day of September, 2023.

   Mayor Holm asked for any written correspondence regarding the proposed annexation. Correspondence from the City of Alleman, Bobby Mason, Dennis Gibson, and Grant and Jodi Goldsberry were received and provided to council.

   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.

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 is approximately 345.10 acres (+/-), which equals 81.75% of the 422.16 (+/-) total calculated acres, excluding Polk County road right-of-way. The land area of the nine non-petitioned properties total 77.06 acres (+/-), equaling 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.

Notification of a second public hearing to be held on November 6, 2023 will be mailed to affected property owners and published in the Des Moines Register as required by law.

Mayor Holm then asked for any public comment regarding the proposed annexation. Speaking in opposition of the proposed annexation were: Linda Wattonville, Jason Wattonville, Kevin Huss, John Stinogel, and Jeremy Nefzger. Council Member Perry moved, Bentz seconded, to close public hearing 2023-57. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of October 2, 2023, as published.
2. Receive and file minutes of the Human Rights Commission meeting of August 24, 2023
3. Receive and file minutes of the Plan and Zoning Commission meeting of September 19, 2023.
4. Receive and file minutes of the Zoning Board of Adjustment meeting of September 19, 2023.
5. Receive and file minutes of the Library Board of Trustee meeting of August 17, 2023.

Licenses and Permits

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

Finance/Budget

7. Receive and file Financial Reports for September 2023.
8. Receive and file Building Permit Report for September 2023.
9. Receive and file Utility Billing Report for September 2023.
10. 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.

11. Change Order #3 increasing the contract amount by $3,750.00 to Alliance Construction Group, LLC, for construction services on the2023 PCC Reconstruction Program - SE Creekview Drive.
12. 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.
13. Change Order #1 increasing the contract amount by $2,058.00 to Caliber Concrete LLC, for construction services on the Uptown Parking Improvements project.
14. Payment #12, $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.
15. Payment #15, $251,679.60 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
16. Payment #5, $53,893.16 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
17. Payment #4, $3,177.75 to All-Star Concrete, LLC, for construction services on the 2023 PCC Reconstruction Program - SE 8th St project.
18. Payment #2, $42,851.90 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
19. Payment #1, $160,126.03 to Caliber Concrete, LLC, for construction services on the Uptown Parking Improvements project.
20. Payment #7, $18,874.50 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
21. Payment #5, $8,096.50 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension Phase 4 project.
22. Payment #7, $346,662.08 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction- NE 5th Street to Fourmile Creek project.
23. Payment #7, $432,321.96 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project
24. Payment #5, $146,493.61 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
25. Payment #13, $4,620.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
26. Payment #6, $4,231.30 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
27. Payment #3, $359,094.57 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
28. Payment #12, $412.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
29. Payment #6, $29,206.25 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
30. Payment #2, $9,035.00 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
31. Payment #11, $18,082.64 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
32. Payment #18, $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.
33. Payment #6, $118,277.85 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
34. Payment #4, $109,612.00 to Romtech Companies for construction services on the restroom facility at the Midway Park.
35. Payment #33, $1,213.00 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
36. Payment #6, $27,341.73 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.

37. October 16, 2023 Accounts Payable by fund: General $343,893; Road Use Tax $64,536; Seizure $10,743; Police/Fire Pension $975; Library Foundation $435; Solid Waste $104,701; Water $951,478; Sewer $620,509; Storm Water $16,805; Golf Course $37,495; Enterprise Project $888,682; Revolving $6,126; Risk Management $78,708; Health Insurance $1,419; Capital Projects $2,077,588; Payroll Totals $1,411,130; Transfers/ACH ($205,937); Agenda Payments approved separately ($2,953,202); Grand Total $3,456,084.
38. **RESOLUTION 2023-398** naming depositories for the City of Ankeny.
39. **RESOLUTION 2023-399** establishing a schedule of fees and charges for urban chickens as authorized by the City of Ankeny, Iowa Municipal Code.

Personnel

40. 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

41. **RESOLUTION 2023-400** 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

42. **RESOLUTION 2023-401** accepting public improvements for utilities in Aspen Ridge Commercial Plat 2.
43. **RESOLUTION 2023-402** accepting public improvements for paving in Aspen Ridge Commercial Plat 2.
44. **RESOLUTION 2023-403** accepting public improvements for subgrade prep in Aspen Ridge Commercial Plat 2.
45. **RESOLUTION 2023-404** 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

46. School Walkability Improvements: a) Final Change Order #1 increasing the contract amount by $15,237.00; b) Certificate of Completion; c) **RESOLUTION 2023-405** 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.
47. Northwest Irvinedale Drive Trailhead Public Art Project: a) Certificate of Completion; b) **RESOLUTION 2023-406** 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.
48. **RESOLUTION 2023-407** 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

49. **RESOLUTION 2023-408** 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. Council Member Ruddy moved, second by Stearns, to approve the recommendations for Consent Agenda Items CA-1 through CA-49. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

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. Council Member Perry moved, Bentz seconded, to accept third consideration of ORDINANCE 2156, sending it on its final passage and publication as required by law. Ayes: Perry, Bentz, Ruddy, Shafer, Stearns.
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. Council Member Ruddy moved, Perry seconded, to accept second consideration of ORDINANCE 2157. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns. Council Member Perry moved, Ruddy seconded, 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. Ayes: Perry, Ruddy, Bentz, Shafer, Stearns.
3. **Ord 2158** An Ordinance vacating a drainage easement on Lot 1 of Aspen Ridge Commercial Plat 3. Council Member Stearns moved, Ruddy seconded, to accept second consideration of ORDINANCE 2158**.** Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
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. Council Member Stearns moved, Ruddy seconded, to accept second consideration of ORDINANCE 2159. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

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)) Council Member Bentz moved, Stearns seconded, to receive and file the August 24, 2023 Consultation Meeting Report. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer. Council Member Stearns moved, Bentz seconded, to receive and file correspondence. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
2. Proposed Magazine Ground Storage Tank Painting Professional Services Agreement with Dixon Engineering Council Member Bentz moved, Stearns seconded, 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. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
3. Resolution of Intent - Central Iowa Water Works Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-409** indicating intent to participate and authorizing the inclusion of the City of Ankeny in the final draft agreement establishing the Central Iowa Water Works. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:15 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 10/27/23.