

## **MINUTES OF THE ANKENY CITY COUNCIL**

Monday, October 2, 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. Ted Corrigan, Des Moines Water Works CEO and General Manager provided an update on Central Iowa Water Works.
2. Mike Aastrup, 1202 NW Maple St, expressed concerns regarding the proposed urban chicken ordinance.
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 Bentz moved, Shafer seconded, to approve and accept the October 2, 2023 agenda as presented. Ayes: 5.

### **PUBLIC HEARING**

1. PH 2023-55. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2157 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by 98 Investments, LLC. From: C-2, General Retail, Highway-Oriented, and Central Business Commercial District to C-2A, Central Business Commercial District. Layman's Description – approximately .29 acres (+/-) located south W 1st Street, north of SW 3rd Street and adjacent to the Ankeny Market & Pavilion. Notice of this hearing was published in the Des Moines Register on the 22nd day of September, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the area subject to the proposed rezoning consists of one parcel. The subject property is currently zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District. The neighboring property to the north and east is zoned the same, while properties to the south are zoned C-2A, Central Business Commercial District, and properties to the west are zoned R-2, One-Family and Two-Family Residence District. The proposed rezoning aligns with The Ankeny Plan 2040 Comprehensive Plan.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Brent Culp, Snyder & Associates, Inc. spoke on behalf of 98 Investments, LLC to request the rezoning. Council Member Shafer moved, Stearns seconded, to close public hearing 2023-55. Ayes: 5.

2. PH 2023-56. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2158 vacating a portion of a public drainage easement

located on Lot 1, Aspen Ridge Commercial Plat 3. Notice of this hearing was published in the Des Moines Register on the 22nd day of September, 2023.

Don Clark, Municipal Utilities Director, reported that McDonald's Corporation is proposing to vacate an existing drainage easement across property they are acquiring, which is currently owned by Murphy Commercial Properties, LLC. The drainage easement is no longer necessary, as the proposed site layout no longer drains to that location.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2023-56. Ayes: 5.

## **APPROVAL OF CONSENT AGENDA**

### Minutes

1. Official council actions of the regular meeting of September 18, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of September 6, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of September 6, 2023.

### Licenses and Permits

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

### Finance/Budget

5. Amendment #1 to the Professional Services Agreement increasing the contract amount by \$12,500.00 with SVPA Architects for design services associated with the Fire Station No. 4 project.
6. Payment #3, \$286,373.28 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.
7. Payment #1, \$46,513.90 to Concrete Connection, LLC for construction services on the Midway Park - Phase 2 Improvements project.
8. Payment #17, \$20,966.22 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
9. Payment #6, \$60,553.50 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
10. Payment #29, \$1,485.00 to FOX Strand, for engineering services on the Ankeny ASR project.
11. Payment #5, \$27,331.25 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
12. Payment #5, \$7,231.02 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
13. Payment #6, \$4,511.00 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
14. Payment #10, \$26,102.28 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.
15. Payment #7, \$6,097.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
16. Payment #14, \$37,082.15 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.

17. Payment #31, \$12,205.74 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
18. Payment #32, \$14,025.70 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
19. Payment #26, \$31,342.35 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
20. Payment #17, \$3,919.96 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
21. Payment #4, \$7,558.75 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
22. Payment #5, \$49,460.12 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
23. Payment #5, \$9,365.96 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
24. Payment #6, \$9,318.02 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
25. Payment #10, \$104,532.26 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
26. October 2, 2023 Accounts Payable by fund: General \$861,256; Hotel Motel Tax (\$15); Road Use Tax \$141,592; Library Foundation \$3,344; Solid Waste \$104,701; Water \$94,097; Sewer \$34,909; Storm Water \$3,369; Golf Course \$94,517; Enterprise Project \$211,800; Revolving \$106,364; Risk Management \$9,941; Special Assessments \$110,014; Capital Projects \$1,194,679; Payroll Totals \$2,187,576; Transfers/ACH (\$203,227); Agenda Payments approved separately (\$765,975); Grand Total \$4,188,942.

#### Community Development

27. **RESOLUTION 2023-388** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, performance and maintenance bonds for public improvements, sewer connection fee, platted easements, parkland dedication, and authorizing cost participation for sidewalk oversizing and 15-inch sanitary sewer for Pine Lake Estates Plat 1.
28. **RESOLUTION 2023-389** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of sanitary sewer, storm sewer and water main in Pine Lake Estates Plat 1.
29. **RESOLUTION 2023-390** approving plans and specifications, and accepting contracts, and performance and maintenance bonds for the construction of subgrade in Pine Lake Estates Plat 1.
30. **RESOLUTION 2023-391** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Pine Lake Estates Plat 1.
31. **RESOLUTION 2023-392** authorizing the Mayor to sign a Development Agreement with DRA Properties, LC regarding traffic improvement items identified in the September 13, 2023 traffic study associated with the development of Pine Lake Estates Plat 1.
32. Approve the Trestle Ridge Estates Phase 2 Preliminary Plat; and accept street names NW Newhaven Drive, NW Woodmoor Drive, NW Fairfield Drive, and NW Fairfield Court.
33. **RESOLUTION 2023-393** authorizing the Mayor of the City of Ankeny to request a cost estimate for a special census.
34. **RESOLUTION 2023-394** accepting final plat and platted easements for Ankeny Northwest Water Tower Plat 1.

#### Engineering

35. **RESOLUTION 2023-395** authorizing the execution of a Predesign Agreement for Primary Road Project between the Iowa Department of Transportation (DOT) and the City of Ankeny,

Iowa for the sharing of responsibilities for the proposed North Ankeny Boulevard Improvements-1st Street to 11th Street.

#### Capital Improvement Projects

36. **RESOLUTION 2023-396** authorizing the Mayor to sign Iowa DOT Certificate of Completion forms for both SE Crosswinds Drive RISE - Phase 1 and SE Crosswinds Drive RISE - Phase 2 projects.
37. **RESOLUTION 2023-397** ordering construction of the SE Delaware Avenue & SE 54th Street Traffic Signal and fixing a date for public hearing thereon and taking of bids therefor. (date of bid opening: 10/31/23 @ 10:30 A.M. / date of hrg: 11/6/23 @ 5:30 P.M.)

#### Approval of Consent Agenda Items

1. Council Member Perry moved, second by Stearns, to approve the recommendations for Consent Agenda Items CA-1 through CA-37. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.

### LEGISLATIVE BUSINESS

#### Approval of Ordinances

1. **Ord 2150.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3 Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area A). Council Member Bentz moved, Shafer seconded, to accept third consideration of ORDINANCE 2150, sending it on its final passage and publication as required by law. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.
2. **Ord 2151.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to C-2, General Retail, Highway Oriented and Central Business Commercial District (Rezoning Area F). Council Member Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2151, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
3. **Ord 2152.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to Planned Unit Development, PUD (Rezoning Area B and E). Council Member Stearns moved, Shafer seconded, to accept third consideration of ORDINANCE 2152, sending it on its final passage and publication as required by law. Ayes: Stearns, Shafer, Bentz, Ruddy, Perry.
4. **Ord 2153.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3, Multiple Family Residence District, Restricted to Single Family (Rezoning Area D). Council Member Bentz moved, Stearns seconded, to accept third consideration of ORDINANCE 2153, sending it on its final passage and publication as required by law. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
5. **Ord 2154.** An ordinance amending Chapter 82 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions to match current standards and practices for use of Multi-Use Recreational Trails. Council Member Ruddy moved, Perry seconded, to accept third consideration of ORDINANCE 2154, sending it on its final passage and publication as required by law. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
6. **Ord 2155.** An ordinance amending Chapter 132 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions to match current standards and practices for use of Multi-Use Recreational Trails. Council Member Ruddy moved, Stearns seconded, to accept

third consideration of ORDINANCE 2155, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

7. **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 Bentz moved, Shafer seconded, to accept second consideration of ORDINANCE 2156. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.
8. **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. (PH 2023-55) Council Member Shafer moved, Ruddy seconded, to accept first consideration of ORDINANCE 2157. Ayes: Shafer, Ruddy, Bentz, Perry, Stearns.
9. **Ord 2158** An Ordinance vacating a drainage easement on Lot 1 of Aspen Ridge Commercial Plat 3. (PH 2023-56). Council Member Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2158. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
10. **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 Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2159. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.

## **NEW BUSINESS**

1. Proposed North Ankeny Boulevard Improvements - 1st Street to 11th Street Professional Services Agreement with Snyder & Associates, Inc.) Council Member Perry moved, Stearns seconded, to approve the Professional Services Agreement with Snyder & Associates, Inc. for the preliminary design engineering services on the North Ankeny Boulevard Improvements - 1st Street to 11th Street project in an amount not to exceed \$282,300.00 and authorize the Mayor to execute said agreement. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.

## **ADJOURNMENT**

1. Meeting was adjourned at 6:13 p.m. and was immediately followed by a Council Action Planning Session.

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Michelle Yuska, City Clerk

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Mark Holm, Mayor

Published in the Des Moines Register on 10/13/23.