



ANKENY CITY COUNCIL

Regular Meeting

**Monday, September 19, 2022
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 Whiting

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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 September 19, 2022 Agenda

Action# B1-1. Consider motion to approve and accept the September 19, 2022 agenda, with/without amendment.

C. PUBLIC HEARING(S):

1. PH 2022-59 Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard
Public Hearing to Authorize the Acquisition of Property and Property Interests

Action# C1-1. Consider motion to close Public Hearing 2022-59.

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 September 6, 2022, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Receive and file minutes of the Plan and Zoning Commission meeting of August 16, 2022.
- CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of August 16, 2022.

- **Licenses and Permits**

- CA - 4** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

- CA - 5** Consider motion to receive and file Financial Reports for August 2022.
- CA - 6** Consider motion to receive and file Building Permit Report for August 2022.
- CA - 7** Consider motion to receive and file Utility Billing Report for August 2022.
- CA - 8** Consider motion to approve Change Order #1 increasing the contract amount by \$12,964.80 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
- CA - 9** Consider motion to approve Change Order #2 increasing the contract amount by \$7,200.00 to Absolute Concrete, for construction services on the PCC Reconstruction Program - NW 5th Street project.
- CA - 10** Consider motion to approve Change Order #2 decreasing the contract amount by \$770.00 to Con-struct Inc., for construction services on the NW 36th Street and NW State Street Interim Improvements project.
- CA - 11** Consider motion to approve Change Order #1 decreasing the contract amount by \$6,657.50 to Gus Construction, for construction services on the NE Four Mile Drive Over Deer Creek project.

- CA - 12** Consider motion to approve Change Order No. 3, increasing the contract amount by \$0.00 to RedBud LLC for native vegetation maintenance as part of the 2022 Native Vegetation Maintenance project.
- CA - 13** Consider motion to approve Payment #5 in the amount of \$623,729.53 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
- CA - 14** Consider motion to approve Payment #3 in the amount of \$380,979.57 to Absolute Concrete, for construction services on the 2022 PCC Reconstruction Program - NW 5th Street project.
- CA - 15** Consider motion to approve Payment #4 in the amount of \$109,410.36 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 #3 in the amount of \$26,184.94 to Construct, Inc., for construction services on the NW 36th Street and NW State Street Interim Improvements project.
- CA - 17** Consider motion to approve Payment #4 in the amount of \$110,221.14 to Construct, Inc., for construction services on the 2022 PCC Reconstruction Program - SE Peachtree Drive project.
- CA - 18** Consider motion to approve Payment #13 in the amount of \$106,982.50 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
- CA - 19** Consider motion to approve Payment #6 in the amount of \$42,797.73 to Gus Construction, for construction services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
- CA - 20** Consider motion to approve Payment #3 in the amount of \$55,440.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
- CA - 21** Consider motion to approve Payment #1 in the amount of \$52,701.25 to Howrey Construction Inc., for construction services on the Bellagio Park Improvements project.
- CA - 22** Consider motion to approve Payment #1 in the amount of \$232,049.19 to Iowa Civil Contracting, Inc., for construction services on the 2022 PCC Pavement Preservation Program project.
- CA - 23** Consider motion to approve Payment #3 in the amount of \$427,603.53 to Iowa Civil Contracting, Inc., for construction services on the 2022 PCC Street Patching Program project.
- CA - 24** Consider motion to approve Payment #22 in the amount of \$2,483.41 to McClure Engineering Company, for engineering services on the Irvinedale Drive Water Main Improvements - Phase 3 project.
- CA - 25** Consider motion to approve Payment #6 in the amount of \$38,946.51 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
- CA - 26** Consider motion to approve Payment #2 in the amount of \$13,860.00 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 27** Consider motion to approve Payment #2 in the amount of \$173,735.83 to OnTrack Construction LLC for construction services on the Diamond Hills Greenway Stream Repairs project.

- CA - 28** Consider motion to approve Payment #4 in the amount of \$4,524.37 to RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
- CA - 29** Consider motion to approve Payment #10 in the amount of \$4,607.50 to RedBud Landscaping, LLC for construction services on the SW Des Moines Street - Prairie Trail to Magazine Native Planting project.
- CA - 30** Consider motion to approve Payment #14 in the amount of \$472,124.04 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
- CA - 31** Consider motion to approve Payment #5 in the amount of \$727,387.87 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE - Phase 2 project.
- CA - 32** Consider motion to approve Payment #1 in the amount of \$279,932.94 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 - Well Pump and Control Building project.
- CA - 33** Consider motion to approve the September 19, 2022 Accounts Payable. (Finance Committee: J. Perry, Chp, J. Ruddy, T. Shafer)
- CA - 34** Consider motion to adopt a **RESOLUTION** authorizing the purchase of traffic signal pole assemblies for installation with the NW 18th Street Reconstruction - NW Ash Drive through N Ankeny Boulevard.
- CA - 35** Consider motion to adopt a **RESOLUTION** authorizing the purchase of traffic signal cabinets for installation with the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard, and with the NE Delaware Avenue Reconstruction - NE 5th Street to NE 18th Street.
- CA - 36** Consider motion to adopt **RESOLUTION** naming depositories for the City of Ankeny.

- **Personnel Items - none**
- **Community Development Items**

- CA - 37** Consider a motion to receive and file correspondence from Nilles Associates on behalf of Accurate Development dated August 30, 2022, requesting 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; and refer to the Plan & Zoning Commission for its study and recommendation.

- **Engineering Items**

- CA - 38** Consider motion to adopt **RESOLUTION** authorizing the execution of an Urban-State Traffic Engineering Program (U-STEP) funding agreement between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa, for the sharing of construction costs for the proposed Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements (underpass).
- CA - 39** Consider motion to adopt **RESOLUTION** authorizing the execution of an Urban-State Traffic Engineering Program (U-STEP) funding agreement between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa, for the sharing of construction costs for the proposed Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements (intersection improvements).
- CA - 40** Consider motion to adopt **RESOLUTION** accepting a proposal from The

Underground Co. in the amount of \$79,390.00 for the construction of the Culvert Repair - 36 West Plat 1 project.

- CA - 41** Consider motion to adopt **RESOLUTION** setting a public hearing on the proposed adoption of an ordinance to establish a benefited district and connection fees for the NW Weigel Drive Water Connection District 2. (date of hrg: 10/17/2022 @ 5:30 p.m.)
- CA - 42** Consider motion to adopt **RESOLUTION** accepting public improvements in Georgetown Plat 11 for sanitary sewer.
- CA - 43** Consider motion to adopt **RESOLUTION** accepting public improvements in Otter Creek Commercial Plat 3, for utilities.
- CA - 44** Consider motion to adopt **RESOLUTION** accepting public improvements in Otter Creek Commercial Plat 3, for paving.

- **Capital Improvement Projects**

- CA - 45** **2022 Sidewalk Gaps and Trail Replacement Program:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$970.50; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Howrey Construction, Inc. in the amount of \$127,095.75; and d) Final Payment #2 in the amount of \$2,220.62; and Retainage Payment in the amount of \$6,354.79.
- CA - 46** **2022 Pedestrian Ramp Improvements Program - Ashland Meadows:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$4,308.88; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Shekar Engineering, PLC in the amount of \$131,037.83; and d) Final Payment #2 in the amount of \$112,331.98 / Release of Retainage in the amount of \$6,551.89.
- CA - 47** **NW Northlawn Area Utility Improvements - Phase 1:** Consider motion to approve: a) Final Change Order #3 decreasing the contract amount by \$6,446.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Spring Lake Construction, LLC in the amount of \$1,488,985.00; and d) Final Payment #11 in the amount of \$53,737.40 / Release of Retainage in the amount of \$74,449.25.

- **Administrative Items**

- CA - 48** Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Leaf Brothers Cigar.
- CA - 49** Consider motion to approve the Order of Dismissal of the First Violation of tobacco offense for Central Iowa Vapors.

- **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 2118 An Ordinance amending Chapter 100, Regulation of Industrial Wastewater, of the Municipal Code of the City of Ankeny, Iowa.

Action# H1-1. Consider motion to accept second consideration of ORDINANCE 2118.

Action# H1-2. 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 2118, sending it on its final passage and publication as required by law.

2. Ord 2119 An Ordinance amending Chapter 101, Regulations of Fat, Oil and Grease Discharge by Food Service Establishments, of the Municipal Code of the City of Ankeny, Iowa.

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2119.

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 2119, sending it on its final passage and publication as required by law.

3. Ord 2120 An Ordinance amending Chapter 102, Regulation of Hauled Waste, of the Municipal Code of the City of Ankeny, Iowa.

Action# H3-1. Consider motion to accept second consideration of ORDINANCE 2120.

Action# H3-2. 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 2120, sending it on its final passage and publication as required by law.

4. Ord 2121 An Ordinance amending the Municipal Code of the City of Ankeny, Iowa, by adding Chapter 103, Footing Drain Disconnection Program.

Action# H4-1. Consider motion to accept second consideration of ORDINANCE 2121.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Amend Schedule of Administrative Penalties
Industrial Waste Chapters 101 and 102

Action# J1-1. Consider a motion to adopt RESOLUTION amending Schedule of Administrative Penalties for violations of Industrial Pretreatment Ordinance regulating Hauled Waste and regulating Fat, Oil and Grease Discharge by Food Service Establishments in Chapters 101 and 102 of the Municipal Code of the City of Ankeny, Iowa.

2. Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard (PH 2022-59)

Action# J2-1. Consider motion to adopt RESOLUTION approving and authorizing the acquisition of property and property interests for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project.

3. Proposed Federal Railroad Administration (FRA) for Railroad Crossing Elimination Program funding - SE Corporate Woods Drive Overpass at Union Pacific Railroad Project

Action# J3-1. Consider motion to adopt RESOLUTION authorizing the City of Ankeny, Iowa to make an application to the Federal Railroad Administration (FRA) for Railroad Crossing Elimination Program funding for the SE Corporate Woods Drive Overpass at Union Pacific Railroad Project

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 Whiting

- **Future Council Agenda Items:**

- ***Public Hearing - HTT Water Transmission Main & Drainage Improvements - 10/3/22 @ 5:30 p.m.***
- ***Public Hearing - Rock Creek Greenbelt - Native Vegetation Improvements - 10/3/22 @ 5:30 p.m.***
- ***Public Hearing - NW Weigel Dr Water Connection District 2 - 10/17/22 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment

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