MINUTES OF THE ANKENY CITY COUNCIL
Monday, September 19, 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

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Mayor Mark Holm called the meeting to order at 5:30 p.m. Council Members Jeff Perry, Joe Ruddy, and Todd Shafer were in attendance. Council Members Bobbi Bentz and Kelly Whiting joined the meeting electronically. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Christina Bohnet, 2601 NW 5th St, Ankeny requested replacement of rock removed during construction at NW 5th and NW Sturbridge Streets.

APPROVAL OF AGENDA

1. Council Member Perry moved, Shafer seconded, to approve and accept the September 19, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2022-59. Mayor Holm announced this is the time and place for a public hearing on the matter of the acquisition of property and property interests for the NW 18th Street Reconstruction – NW Ash Drive to N Ankeny Boulevard project. Notice of this hearing was published in the Des Moines Register on the 2nd day of September, 2022 and notices were mailed as required by law.

   Mark Mueller, Public Works Director, reported the action before the Council is to hold a Public Hearing to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of fee title, permanent easements, and temporary easements for the project.

   Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Shafer seconded, to close public hearing 2022-59. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes
1. Official council actions of the regular meeting of September 6, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of August 16, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of August 16, 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 August 2022.
6. Receive and file Building Permit Report for August 2022.
7. Receive and file Utility Billing Report for August 2022.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. Payment #3 in the amount of $26,184.94 to Con-Struct, Inc., for construction services on the NW 36th Street and NW State Street Interim Improvements project.
17. Payment #4 in the amount of $110,221.14 to Con-Struct, Inc., for construction services on the 2022 PCC Reconstruction Program - SE Peachtree Drive project.
18. 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.
19. 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.
20. Payment #3 in the amount of $55,440.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
21. Payment #1 in the amount of $52,701.25 to Howrey Construction Inc., for construction services on the Bellagio Park Improvements project.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. Payment #2 in the amount of $173,735.83 to OnTrack Construction LLC for construction services on the Diamond Hills Greenway Stream Repairs project.
28. Payment #4 in the amount of $4,524.37 to RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
29. 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.

30. 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.
31. Payment #5 in the amount of $727,387.87 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE – Phase 2 project.
32. Payment #1 in the amount of $279,932.94 to W RH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
33. September 19, 2022 Accounts Payable by Fund: General 221,556; Hotel Motel Tax 170; Road Use Tax 102,778; Police/Fire Pension 6,725; Library Foundation 2,820; Solid Waste 86,436; Water 680,172; Sewer 506,348; Storm Water 13,220; Golf Course 65,010; Enterprise Project 706,460; Revolving 77,032; Risk Management 49,475; Capital Projects 3,451,412; Payroll Totals 1,324,780; Transfers/ACH (193,467); Agenda Payments approved separately (4,141,348); Grand Total $ 2,959,579.
34. **RESOLUTION 2022-421** authorizing the purchase of traffic signal pole assemblies for installation with the NW 18th Street Reconstruction – NW Ash Drive through N Ankeny Boulevard.
35. **RESOLUTION 2022-422** 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.
36. **RESOLUTION 2022-423** naming depositories for the City of Ankeny.

Community Development

37. 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

38. **RESOLUTION 2022-424** 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).
39. **RESOLUTION 2022-425** 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).
40. **RESOLUTION 2022-426** 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.)
41. **RESOLUTION 2022-427** accepting public improvements in Georgetown Plat 11 for sanitary sewer.
42. **RESOLUTION 2022-428** accepting public improvements in Otter Creek Commercial Plat 3, for utilities.
43. **RESOLUTION 2022-429** accepting public improvements in Otter Creek Commercial Plat 3, for paving.

Capital Improvement Projects

44. **2022 Sidewalk Gaps and Trail Replacement Program**: approve: a) Final Change Order #1 increasing the contract amount by $970.50; b) Certificate of Completion; c) **RESOLUTION 2022-430** 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.
45. **2022 Pedestrian Ramp Improvements Program - Ashland Meadows:** approve: a) Final Change Order #1 increasing the contract amount by $4,308.88; b) Certificate of Completion; c) **RESOLUTION 2022-431** 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.
46. **NW Northlawn Area Utility Improvements - Phase 1:** approve: a) Final Change Order #3 decreasing the contract amount by $6,446.00; b) Certificate of Completion; c) **RESOLUTION 2022-432** 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

47. Approve the Order Accepting Acknowledgement/Settlement Agreement with Leaf Brothers Cigar.
48. Approve the Order of Dismissal of the First Violation of tobacco offense for Central Iowa Vapors.

Approval of Consent Agenda Items

1. Council Member Perry moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-48. Ayes: Perry, Ruddy, Bentz, Shafer, Whiting.

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. Council Member Ruddy moved, Shafer seconded, to accept second consideration of Ordinance 2118. Ayes: Ruddy, Shafer, Bentz, Perry, Whiting. Ruddy moved, Perry seconded 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. Ayes: Ruddy, Perry, Bentz, Shafer, Whiting.
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. Council Member Bentz moved, Shafer seconded, to accept second consideration of Ordinance 2119. Ayes: Bentz, Shafer, Perry, Ruddy, Whiting. Perry moved, Shafer seconded 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. Ayes: Perry, Shafer, Bentz, Ruddy, Whiting.
3. **Ord 2120.** An Ordinance amending Chapter 102, Regulation of Hauled Waste, of the Municipal Code of the City of Ankeny, Iowa. Council Member Perry moved, Shafer seconded, to accept second consideration of Ordinance 2120. Ayes: Perry, Shafer, Bentz, Ruddy, Whiting. Shafer moved, Perry seconded 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. Ayes: Shafer, Perry, Bentz, Ruddy, Whiting.

4. **Ord 2121.** An Ordinance amending the Municipal Code of the City of Ankeny, Iowa, by adding Chapter 103, Footing Drain Disconnection Program. Council Member Ruddy moved, Shafer seconded, to accept second consideration of Ordinance 2121. Ayes: Ruddy, Shafer, Bentz, Perry, Whiting.

NEW BUSINESS

1. Amend Schedule of Administrative Penalties Industrial Waste Chapters 101 and 102 Council Member Perry moved, Bentz seconded, to adopt **RESOLUTION 2022-433** 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. Ayes: Perry, Bentz, Ruddy, Shafer, Whiting.
2. Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard (PH 2022-59) Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2022-434** approving and authorizing the acquisition of property and property interests for the NW 18th Street Reconstruction – NW Ash Drive to N Ankeny Boulevard project. Ayes: Perry, Ruddy, Bentz, Shafer, Whiting.
3. Proposed Federal Railroad Administration (FRA) for Railroad Crossing Elimination Program funding - SE Corporate Woods Drive Overpass at Union Pacific Railroad Project Council Member Perry moved, Shafer seconded, to adopt **RESOLUTION 2022-435** 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. Ayes: Perry, Shafer, Bentz, Ruddy, Whiting.

ADJOURNMENT

1. Meeting was adjourned at 5:55 p.m.

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Michelle Yuska, City Clerk Mark Holm, Mayor

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