



ANKENY CITY COUNCIL

Regular Meeting

Monday, September 18, 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

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ELECTRONIC MEETING INFORMATION

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9Pd09>

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 18, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the September 18, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-53 Proposed amendment to the code of ordinances of the City of Ankeny, Iowa, by adding Chapter 58 - provisions pertaining to the keeping of chickens within the City of Ankeny, Iowa

Action# C1-1. Consider motion to close Public Hearing 2023-53.

2. PH 2023-54 Proposed NW Irvinedale Drive - Elevated Water Storage Tank

Action# C2-1. Consider motion to close Public Hearing 2023-54.

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 5, 2023, 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 22, 2023.
- CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of August 22, 2023.
- CA - 4** Receive and file minutes of the Civil Service Commission meeting of August 14, 2023.

- **Licenses and Permits**

- CA - 5** Consider motion to approve tobacco/vapor permit in the City of Ankeny.
- 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 August 2023.
- CA - 8** Consider motion to receive and file Building Permit Report for August 2023.
- CA - 9** Consider motion to receive and file Utility Billing Report for August 2023.
- CA - 10** Consider motion to approve Change Order #3 increasing the contract amount by \$3,645.50 to All-Star Concrete LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.

- CA - 11** Consider motion to approve Change Order #4 decreasing the contract amount by \$1,042.50 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 12** Consider motion to approve Change Order #1 increasing the contract amount by \$7,500.00 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 13** Consider motion to approve Payment #15 in the amount of \$169,407.33 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 #14 in the amount of \$220,198.75 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 15** Consider motion to approve Payment #4 in the amount of \$132,212.93 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
- CA - 16** Consider motion to approve Payment #3 in the amount of \$279,580.87 to Alliance Construction Group, LLC, for construction services on the SW State Street Reconstruction Project - Southbound Lanes.
- CA - 17** Consider motion to approve Payment #3 in the amount of \$60,164.69 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 #3 in the amount of \$66,196.61 to All-Star Concrete, LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.
- CA - 19** Consider motion to approve Payment #1 in the amount of \$147,174.82 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
- CA - 20** Consider motion to approve Payment #6 in the amount of \$7,552.50 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
- CA - 21** Consider motion to approve Payment #2 in the amount of \$4,247.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
- CA - 22** Consider motion to approve Payment #4 in the amount of \$14,921.00 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
- CA - 23** Consider motion to approve Payment #6 in the amount of \$968,257.85 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 #6 in the amount of \$1,322,169.38 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 25** Consider motion to approve Payment #4 in the amount of \$255,304.85 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
- CA - 26** Consider motion to approve Payment #12 in the amount of \$13,860.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.

- CA - 27** Consider motion to approve Payment #1 in the amount of \$83,620.60 to Howrey Construction, Inc. for construction services on the Creekside Park Improvements project.
- CA - 28** Consider motion to approve Payment #20 in the amount of \$20,060.96 to HR Green, Inc., for construction administration and construction inspection services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
- CA - 29** Consider motion to approve Payment #5 in the amount of \$14,444.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
- CA - 30** Consider motion to approve Payment #9 in the amount of \$40,890.60 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.
- CA - 31** Consider motion to approve Payment #2 in the amount of \$148,592.38 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 32** Consider motion to approve Payment #24 in the amount of \$17,664.05 to JEO Consulting Group, Inc. for construction engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
- CA - 33** Consider motion to approve Payment #21 in the amount of \$3,525.00 to JEO Consulting Group, Inc., for construction engineering services on the SE Delaware Avenue HMA Widening project.
- CA - 34** Consider motion to approve Payment #17 in the amount of \$68,843.39 to McClure Engineering Company, for construction engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 35** Consider motion to approve Payment #13 in the amount of \$3,724.00 to McClure Engineering Company, for construction engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 36** Consider motion to approve Payment #5 in the amount of \$31,955.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
- CA - 37** Consider motion to approve Payment #1 in the amount of \$37,777.25 to Nilles Associates, Inc., for engineering services on the Vintage Business Park North Lake and Saylor Creek Repairs project.
- CA - 38** Consider motion to approve Payment #5 in the amount of \$213,542.42 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
- CA - 39** Consider motion to approve Payment #3 in the amount of \$43,222.22 to Romtech Companies for construction services on the restroom facility at Midway Park.
- CA - 40** Consider motion to approve Payment #5 in the amount of \$30,988.98 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
- CA - 41** Consider motion to approve the September 18, 2023 Accounts Payable.
- CA - 42** Consider motion to sign Memorandum of Understanding for participation in the Setoff Program with the Iowa Department of Revenue.

- **Personnel Items**

- CA - 43** Consider motion to accept the Civil Service Commission certified lists for appointment to: Traffic Technician, Civil Engineering Technician, and Police Officer; subject to passing any further departmental requirements.

- **Community Development Items**

- CA - 44** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by 98 Investments, LLC, located adjacent to the Ankeny Market & Pavilion (date of hrg: 10/2/23 @ 5:30 pm)
- CA - 45** Consider motion to adopt **RESOLUTION** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for paving and underground improvements, platted easements, parkland dedication agreement, and sewer connection fee for Canyon Landing Plat 3 Final Plat.
- CA - 46** Consider motion to adopt **RESOLUTION** approving plans and specifications, and accepting contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, storm sewer, and subgrade in Canyon Landing Plat 3 Final Plat.
- CA - 47** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Plat 3.
- CA - 48** Consider motion to adopt **RESOLUTION** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for underground improvements, platted easements, parkland dedication agreement, and sewer connection fee for Canyon Landing Plat 4 Final Plat.
- CA - 49** Consider motion to adopt **RESOLUTION** approving plans and specifications, and accepting contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, storm sewer, and subgrade in Canyon Landing Plat 4 Final Plat.
- CA - 50** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Plat 4.
- CA - 51** 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 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) (date of hrg: 10/16/23 @ 5:30 p.m.)

- **Engineering Items**

- CA - 52** Consider motion to adopt **RESOLUTION** authorizing the City of Ankeny, Iowa, to make an application to the Iowa Department of Transportation's (Iowa DOT) Iowa's Clean Air Attainment Program (ICAAP) for the partial funding of a project for safety and capacity improvements on the N Ankeny Boulevard Improvements - 1st Street to 11th Street project.
- CA - 53** Consider motion to adopt **RESOLUTION** setting a public hearing on a proposal to vacate a drainage easement located across lots 1 of Aspen Ridge Commercial Plat 3. (date of hrg: 10/2/23 @ 5:30 p.m.)
- CA - 54** Consider motion to adopt **RESOLUTION** accepting public improvements for utilities in Grove Landing Plat 5.

- CA - 55** Consider motion to adopt **RESOLUTION** accepting public improvements for paving and subgrade prep. in Grove Landing Plat 5.
- CA - 56** Consider motion to adopt **RESOLUTION** accepting public improvements for utilities QRS Investments Development Plat 1.
- CA - 57** Consider motion to adopt **RESOLUTION** accepting public improvements for paving and subgrade prep. in QRS Investments Development Plat 1.
- CA - 58** Consider motion to adopt **RESOLUTION** accepting public improvements for subgrade prep in Nelson Senior Living.
- CA - 59** Consider motion to adopt **RESOLUTION** accepting public improvements for paving in Nelson Senior Living.
- CA - 60** Consider motion to adopt **RESOLUTION** accepting public improvements in NE Four Mile Drive Creek Crossing for utilities.
- CA - 61** Consider motion to adopt **RESOLUTION** accepting public improvements in NE Four Mile Drive Creek Crossing for subgrade.
- CA - 62** Consider motion to adopt **RESOLUTION** accepting public improvements in NE Four Mile Drive Creek Crossing for paving.

- **Capital Improvement Projects**

- CA - 63** **2023 Asphalt Street Resurfacing Program - SW Ordinance Road:** Consider motion to approve: a) Final Change Order #2 decreasing the contract amount by \$10,458.67; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with OMG Midwest DBA Des Moines Asphalt and Paving in the amount of \$279,768.28; and d) Final Payment #3 in the amount of \$2,034.90; Retainage Payment in the amount of \$13,988.41.
- CA - 64** **2023 PCC Street Patching Program:** Consider motion to approve: a) Final Change Order #2 in the amount of (\$3,512.50); b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with TK Concrete, Inc. in the amount of \$851,622.50; and d) Final Payment #5 in the amount of \$40,119.92; and Retainage Payment in the amount of \$42,581.13.

- **Administrative Items**

- CA - 65** Consider motion authorizing the City of Ankeny Iowa to enter into an agreement with the United States Immigration and Customs Enforcement's Homeland Security Investigations (HSI), formalizing a strategic partnership to govern the use of HSI designations by certain employees of the Ankeny Police Department.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-65.

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-65.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2149 An Ordinance amending Chapter 94.06 of the Municipal Code of the City of Ankeny, Sewer Connection Districts Established.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2149, sending it on its final passage and publication as required by law.

2. 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).

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2150.

3. 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).

Action# H3-1. Consider motion to accept second consideration of ORDINANCE 2151.

4. 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).

Action# H4-1. Consider motion to accept second consideration of ORDINANCE 2152.

5. 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).

Action# H5-1. Consider motion to accept second consideration of ORDINANCE 2153.

6. 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.

Action# H6-1. Consider motion to accept second consideration of ORDINANCE 2154.

7. 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.

Action# H7-1. Consider motion to accept second consideration of ORDINANCE 2155.

8. 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 (PH 2023-53)

Action# H8-1. Consider motion to accept first consideration of ORDINANCE 2156.

I. **OLD BUSINESS: none**

J. NEW BUSINESS:

1. Proposed NW Irvinedale Drive - Elevated Water Storage Tank (PH 2023-54)

Action# J1-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$8,885,000.00; 2) receive and file report of bids received September 12, 2023; 3) adopt RESOLUTION making award of construction contract with CB&I Storage Tank Solutions, LLC in the amount of \$9,751,746.90.

2. Proposed 2023 Rally Complex Park Development Project

Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$1,805,959.42; 2) receive and file report of bids received August 29, 2023; 3) adopt RESOLUTION making award of construction contract with Brothers Cleaning Corporation in the amount of \$1,736,692.10; and 4) adopt RESOLUTION approving contract and bonds with Brothers Cleaning Corporation in the amount of \$1,736,692.10.

3. Proposed Rally Complex Park Lighting - Musco Sports Lighting LLC

Action# J3-1. Consider motion to adopt RESOLUTION authorizing the purchase of lighting materials from Musco Sports Lighting LLC for use at the Rally Complex.

4. Proposed SW Magazine Road & SW State Street Improvements - West Leg Professional Services Agreement with Nilles Associates, Inc.

Action# J4-1. Consider motion to approve the Professional Services Agreement with Nilles Associates, Inc. for the design engineering services on the SW Magazine Road & SW State Street Improvements - West Leg project in an amount not to exceed \$56,400 and authorize the Mayor to execute said agreement.

5. Proposed Agreement - Kick It Forward

Action# J5-1. Consider motion to approve agreement with Kick It Forward for the fundraising and construction of a Mini-Pitch System in Northcreek Park.

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 - rezone 98 Investments LLC - 10/2/23 @ 5:30 p.m.***
 - ***Public Hearing - vacate easement - Aspen Ridge Commercial Plat 3 - 10/2/23 @ 5:30 p.m.***
 - ***Public Hearing - annexation - Hope Kimberley 2.0 - 10/16/23 @ 5:30 p.m.***
 - ***Regular Council Meeting - 11/6/23 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment