

MINUTES OF THE ANKENY CITY COUNCIL

Monday, September 18, 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

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 Erin Clanton were also present. Mayor Holm led in the Pledge of Allegiance.

APPROVAL OF AGENDA

1. Council Member Stearns moved, Shafer seconded, to approve and accept the September 18, 2023 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2023-53. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2156 amending the Ankeny Municipal Code by adding a new Chapter 58 thereto entitled "Urban Chickens" relating to the keeping of chickens within the City of Ankeny. Notice of this hearing was published in the Des Moines Register on the 8th day of September, 2023.

Mayor Holm asked for any written correspondence regarding the proposed ordinance. Correspondence from Kerry Walter-Ashby and Heather Tamminga was received and filed.

Eric Jensen, Director of Community Development, reported that City Council have received requests from community members to consider the keeping of chickens in the City of Ankeny. Presentations were provided to the Council on June 5 2023, and August 21, 2023 regarding chickens and proposed recommendations by City staff. Changes requested by City Council have been incorporated into a draft ordinance.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Speaking in favor of the proposed ordinance and requesting less restrictions were: Ruth Nguyen, Vu Nguyen, Nicolette Jenkins, Heather Christensen, and Michele Davis. Council Member Perry moved, Bentz seconded, to close public hearing 2023-53. Ayes: 5.

2. PH 2023-54. Mayor Holm announced this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for construction of certain public improvements described in general as construction of the NW Irvinedale Drive – Elevated Water Storage Tank. Notice of this hearing was published in the Des Moines Register on the 1st day of September, 2023.

Don Clark, Municipal Utilities Director, reported that the project will include the construction of a 2.5-million-gallon elevated water storage tank and related improvements on a City-owned parcel near the intersection of NW 36th Street and NW Irvinedale Drive within City limits.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Perry seconded, to close public hearing 2023-54. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of September 5, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of August 22, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of August 22, 2023.
4. Receive and file minutes of the minutes of the Civil Service Commission meeting of August 14, 2023.

Licenses and Permits

5. Issuance of tobacco/vapor permit in the City of Ankeny.
6. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

7. Receive and file Financial Reports for August 2023.
8. Receive and file Building Permit Report for August 2023.
9. Receive and file Utility Billing Report for August 2023.
10. 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.
11. 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.
12. 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.
13. Payment #15, \$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.
14. Payment #14, \$220,198.75 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
15. Payment #4, \$132,212.93 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
16. Payment #3, \$279,580.87 to Alliance Construction Group, LLC, for construction services on the SW State Street Reconstruction Project - Southbound Lanes.
17. Payment #3, \$60,164.69 to All-Star Concrete, LLC, for construction services on the 2023 PCC Reconstruction Program - SE 8th St project.
18. Payment #3, \$66,196.61 to All-Star Concrete, LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.
19. Payment #1, \$147,174.82 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
20. Payment #6, \$7,552.50 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
21. Payment #2, \$4,247.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
22. Payment #4, \$14,921.00 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
23. Payment #6, \$968,257.85 to Elder Corporation, for construction services on the NW 18th Street Reconstruction – NW Ash Dr. to N Ankeny Blvd. project.
24. Payment #6, \$1,322,169.38 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
25. Payment #4, \$255,304.85 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.

26. Payment #12, \$13,860.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
27. Payment #1, \$83,620.60 to Howrey Construction, Inc. for construction services on the Creekside Park Improvements project.
28. Payment #20, \$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.
29. Payment #5, \$14,444.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
30. Payment #9, \$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.
31. Payment #2, \$148,592.38 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
32. Payment #24, \$17,664.05 to JEO Consulting Group, Inc. for construction engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
33. Payment #21, \$3,525.00 to JEO Consulting Group, Inc., for construction engineering services on the SE Delaware Avenue HMA Widening project.
34. Payment #17, \$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.
35. Payment #13, \$3,724.00 to McClure Engineering Company, for construction engineering services on the SW State Street Reconstruction - Southbound Lanes project.
36. Payment #5, \$31,955.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
37. Payment #1, \$37,777.25 to Nilles Associates, Inc., for engineering services on the Vintage Business Park North Lake and Saylor Creek Repairs project.
38. Payment #5, \$213,542.42 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
39. Payment #3, \$43,222.22 to Romtech Companies for construction services on the restroom facility at Midway Park.
40. Payment #5, \$30,988.98 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
41. September 18, 2023 Accounts Payable by fund: General \$273,545; Hotel Motel Tax \$35,000; Road Use Tax \$264,943; Seizure \$11,206; Police/Fire Pension \$717; Library Foundation \$450; Water \$819,455; Sewer \$592,817; Storm Water \$14,182; Golf Course \$27,814; Enterprise Project \$887,527; Revolving \$40,166; Risk Management \$6,609; Special Assessments \$67,531; Capital Projects \$3,895,216; Payroll Totals \$1,419,925; Transfers/ACH (\$202,923); Agenda Payments approved separately (\$4,518,825); Grand Total \$3,635,355.
42. Sign Memorandum of Understanding for participation in the Setoff Program with the Iowa Department of Revenue.

Personnel Items

43. 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

44. **RESOLUTION 2023-361** 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)
45. **RESOLUTION 2023-362** 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.

46. **RESOLUTION 2023-363** 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.
47. **RESOLUTION 2023-364** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Plat 3.
48. **RESOLUTION 2023-365** 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.
49. **RESOLUTION 2023-366** 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.
50. **RESOLUTION 2023-367** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Plat 4.
51. **RESOLUTION 2023-368** 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

52. **RESOLUTION 2023-369** 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.
53. **RESOLUTION 2023-370** 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.)
54. **RESOLUTION 2023-371** accepting public improvements for utilities in Grove Landing Plat 5.
55. **RESOLUTION 2023-372** accepting public improvements for paving and subgrade prep in Grove Landing Plat 5.
56. **RESOLUTION 2023-373** accepting public improvements for utilities QRS Investments Development Plat 1.
57. **RESOLUTION 2023-374** accepting public improvements for paving and subgrade prep in QRS Investments Development Plat 1.
58. **RESOLUTION 2023-375** accepting public improvements for subgrade prep in Nelson Senior Living.
59. **RESOLUTION 2023-376** accepting public improvements for paving in Nelson Senior Living.
60. **RESOLUTION 2023-377** accepting public improvements in NE Four Mile Drive Creek Crossing for utilities.
61. **RESOLUTION 2023-378** accepting public improvements in NE Four Mile Drive Creek Crossing for subgrade.
62. **RESOLUTION 2023-379** accepting public improvements in NE Four Mile Drive Creek Crossing for paving.

Capital Improvement Projects

63. **2023 Asphalt Street Resurfacing Program - SW Ordinance Road:** approve: a) Final Change Order #2 decreasing the contract amount by \$10,458.67; b) Certificate of Completion;

- c) **RESOLUTION 2023-380** 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.
64. **2023 PCC Street Patching Program:** approve: a) Final Change Order #2 in the amount of (\$3,512.50); b) Certificate of Completion; c) **RESOLUTION 2023-381** 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

65. Authorize 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. Council Member Stearns moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-65. Ayes: Stearns, Shafer, Bentz, Perry, Ruddy.

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. Council Member Stearns moved, Ruddy seconded, to accept third consideration of ORDINANCE 2149, sending it on its final passage and publication as required by law. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
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). Council Member Ruddy moved, Stearns seconded, to accept second consideration of ORDINANCE 2150. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
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). Council Member Stearns moved, Bentz seconded, to accept second consideration of ORDINANCE 2151. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
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). Council Member Ruddy moved, Perry seconded, to accept second consideration of ORDINANCE 2152. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
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). Council Member Stearns moved, Bentz seconded, to accept second consideration of ORDINANCE 2153. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
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. Council Member Stearns moved, Bentz seconded, to accept second consideration of ORDINANCE 2154. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

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. Council Member Stearns moved, Ruddy seconded, to accept second consideration of ORDINANCE 2155. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
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) Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2156. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.

NEW BUSINESS

1. Proposed NW Irvinedale Drive - Elevated Water Storage Tank (PH 2023-54) Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2023-382** 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 2023-383** making award of construction contract with CB&I Storage Tank Solutions, LLC in the amount of \$9,751,746.90. Correction: Award of construction contract with CB&I Storage Tank Solutions, LLC in the amount of \$9,751,758.59. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
2. Proposed 2023 Rally Complex Park Development Project Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2023-384** 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 2023-385** making award of construction contract with Brothers Cleaning Corporation in the amount of \$1,736,692.10; and 4) adopt **RESOLUTION 2023-386** approving contract and bonds with Brothers Cleaning Corporation in the amount of \$1,736,692.10. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
3. Proposed Rally Complex Park Lighting - Musco Sports Lighting LLC Council Member Shafer moved, Stearns seconded, to adopt **RESOLUTION 2023-387** authorizing the purchase of lighting materials from Musco Sports Lighting LLC for use at the Rally Complex. Ayes: Shafer, Stearns, Bentz, Perry, Ruddy.
4. Proposed SW Magazine Road & SW State Street Improvements - West Leg Professional Services Agreement with Nilles Associates, Inc. Council Member Stearns moved, Bentz seconded, 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. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
5. Proposed Agreement - Kick It Forward Council Member Stearns moved, Perry seconded, to approve agreement with Kick It Forward for the fundraising and construction of a Mini-Pitch System in Northcreek Park. Ayes: Stearns, Perry, Bentz, Ruddy, Shafer.

ADJOURNMENT

1. Meeting adjourned at 6:37 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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