

MINUTES OF THE ANKENY CITY COUNCIL

Tuesday, September 6, 2022 5:30 PM

Ankeny Kirkendall Library - City Council Chambers

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro tem

Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Whiting

Mayor Mark Holm called the meeting to order at 5:30 PM. Council Members Bobbi Bentz, Joe Ruddy, and Kelly Whiting were in attendance. Council Member Todd Shafer joined the meeting at 5:33 p.m. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Tracy L. Deutmeyer, Ankeny Girl Scout Troop 861 Leader, and Girls Scouts presented a request for a crosswalk and reduced speed zone at NW Weigel Dr and NW 10th St.
2. Melisa Cox, Ankeny Area Chamber of Commerce, spoke about the Chamber and SummerFest.
3. Renee Potts, Ankeny Community Network, shared a flyer for the Back in School Bash.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Ruddy seconded, to approve and accept the September 6, 2022 agenda as presented. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of August 15, 2022, as published.
2. Receive and file minutes of the Library Board of Trustee meeting of July 21, 2022.
3. Receive and file minutes of the Plan and Zoning Commission meeting of August 2, 2022.
4. Receive and file minutes of the Zoning Board of Adjustment meeting of June 7, 2022.
5. Receive and file minutes of the Zoning Board of Adjustment meeting of June 21, 2022.

Licenses and Permits

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

Finance/Budget

7. Amendment #1 to the Professional Services Agreement increasing the contract amount by \$11,500.00 with Snyder & Associates, Inc., for additional engineering services on the Cherry Glen Ballfield Improvements due to additional trail improvements.
8. Amendment #1 to Professional Services Agreement increasing the contract amount by \$10,000.00 with Snyder & Associates, Inc. for additional engineering services for the 2021 Pavement Management Study and Master Plan.
9. Change Order #1 increasing the contract by \$11,975.40 with JAS Construction, LLC, for construction services on the SW Des Moines Street Parks Phase 1 project.
10. Change Order #2 decreasing the contract amount by \$24,713.90 to OnTrack Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
11. Change Order #4 increasing the contract amount by \$2,250.00 to Redbud Landscaping, LLC, for construction services on the SW Des Moines Street - Prairie Trail to Magazine Native Planting project.

12. Change Order #7 increasing the contract amount by \$1,500.00 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
13. Payment #6 in the amount of \$501,647.50 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
14. Payment #3 in the amount of \$126,710.14 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
15. Payment #28 in the amount of \$21,351.50 to Civil Design Advantage for engineering services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
16. Payment #4 in the amount of \$19,132.80 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
17. Payment #26 in the amount of \$39,430.14 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
18. Payment #16 in the amount of \$35,640.96 to FOX Strand, for engineering services on the Ankeny ASR project.
19. Payment #1 in the amount of \$2,565.00 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
20. Payment #2 in the amount of \$10,686.04 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
21. Payment #1 in the amount of \$228,643.29 to JAS Construction, LLC, for construction services on the SW Des Moines Street Park Phase 1 project.
22. Payment #15 in the amount of \$23,732.50 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
23. Payment #2 in the amount of \$17,092.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
24. Payment #13 in the amount of \$1,813.75 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
25. Payment #23 in the amount of \$19,993.52 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
26. Payment #7 in the amount of \$1,934.52 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
27. Payment #17 in the amount of \$16,931.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
28. Payment #2 in the amount of \$11,095.00 to Nilles Associates, Inc., for engineering service on the SW Des Moines Street Park Phase 1 Improvements.
29. Payment #2 in the amount of \$6,277.50 to Nilles Associates, Inc., for engineering services on the Diamond Hills Greenway Stream Repairs project.
30. Payment #1 in the amount of \$16,997.50 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
31. Payment #1 in the amount of \$49,017.04 to Olsson, Inc., for engineering services on the Fiber Optic Network Master Plan project.
32. Payment #5 in the amount of \$2,924.20 to On Track Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
33. Payment #5 in the amount of \$57,348.00 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
34. Payment #3 in the amount of \$12,045.43 to RedBud LLC for work on the 2022 Native Vegetation Maintenance project.
35. Payment #13 in the amount of \$575,099.51 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
36. Payment #4 in the amount of \$1,376.32 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
37. Payment #1 in the amount of \$107,390.36 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.

38. Payment #6 in the amount of \$11,985.41 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development Project.
39. Payment #25 in the amount of \$12,963.77 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
40. Payment #18 in the amount of \$22,644.25 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
41. Payment #19 in the amount of \$3,265.38 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
42. Payment #13 in the amount of \$96,981.13 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
43. Payment #17 in the amount of \$7,838.14 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
44. Payment #21 in the amount of \$30,580.51 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
45. Payment #22 in the amount of \$2,448.13 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 1 project.
46. Payment #32 in the amount of \$17,139.09 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
47. Payment #14 in the amount of \$210,282.74 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
48. September 6, 2022 Accounts Payable by Fund: General 884,814; Hotel Motel Tax 335,970; Police Gift 94; Road Use Tax 133,403; Water 327,615; Sewer 29,340; Storm Water 20,808; Golf Course 70,180; Enterprise Project 459,245; Revolving 2,423; Risk Management 44,447; Capital Projects Funds 1,910,205; Payroll Totals 3,187,207; Transfers/ACH (383,034); Agenda Payments approved separately (2,344,760); Grand Total \$ 4,677,957.
49. **RESOLUTION 2022-400** accepting a proposal from Brothers Cleaning Corporation, in the amount of \$54,130.00 for the construction of the 2022 Shade Canopy Assembly and Installation project.

Personnel

50. **RESOLUTION 2022-401** relating to the implementation of a Cybersecurity Training Policy in the Standard and Administrative Policy and Procedures Manual of the City of Ankeny, Iowa.

Community Development

51. **RESOLUTION 2022-402** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement located on Lot 1, Corporate Woods Business Park Plat 3; and associated with the development of 1600 SE Corporate Woods Drive, Baker Group Parking Lot Expansion Site Plan.
52. **RESOLUTION 2022-403** accepting final plat, platted easements, warranty deed to streets and park, subdivision bond for seeding and erosion control, performance and maintenance bonds for paving and underground improvements and authorizing cost participation for sidewalk widening for Heritage Park at Prairie Trail Plat 3.
53. **RESOLUTION 2022-404** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Heritage Park at Prairie Trail Plat 3.
54. **RESOLUTION 2022-405** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Heritage Park at Prairie Trail Plat 3.
55. **RESOLUTION 2022-406** receiving and filing application for the annexation of, and providing for the giving of notice for annexation of certain territory located adjacent to the southeast quadrant of Ankeny for property owned by NGR Inc.

56. **RESOLUTION 2022-407** receiving and filing application for the annexation of, and providing for the giving of notice for annexation of certain territory located adjacent to the Northeast Quadrant of Ankeny.
57. **RESOLUTION 2022-408** approving the final plat for 7AZU Development Plat 2, subject to applicable Polk County subdivision requirements in lieu of City of Ankeny subdivision regulations.
58. Preliminary approval of Centennial Ridge Plat 3; and authorize cost-participation request for sidewalk oversizing and truncated domes along NW Reinhart Drive in the amount estimated to be \$4,327.00.
59. **RESOLUTION 2022-409** accepting a public sidewalk easement associated with the development of Canyon Landing Plat 1.

Engineering

60. **RESOLUTION 2022-410** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent sidewalk easement, and temporary construction easement for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project in Ankeny, Iowa. (The Condos at Delaware Park)
61. **RESOLUTION 2022-411** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project in Ankeny, Iowa. (The Townhouses at Delaware Park)
62. **RESOLUTION 2022-412** authorizing the Mayor to sign a development agreement with DRA Properties, L.C., concerning the construction of a traffic signal and related improvements at the intersection of SW Vintage Parkway and SW Magazine Road in the City of Ankeny, Iowa.
63. **RESOLUTION 2022-413** approving and authorizing the acquisition of property and property interests for the Westwinds Storm Sewer Extension project.
64. **RESOLUTION 2022-414** accepting a purchase agreement and approving documents for the acquisition of a permanent water main easement and a temporary construction easement from Gateway of High Trestle Crossing Association for the High Trestle Trail (HTT) Transmission Main and Drainage Improvements Project in Ankeny, Iowa. (Gateway of High Trestle Crossing Association)
65. **RESOLUTION 2022-415** accepting a purchase agreement and approving documents for the acquisition of a permanent water main easement from Rock Equity Holdings, LLC for the High Trestle Trail (HTT) Transmission Main and Drainage Improvements Project in Ankeny, Iowa. (Rock Equity Holdings, LLC)
66. **RESOLUTION 2022-416** authorizing the Mayor to sign a hold harmless agreement allowing Zack and Nicole Mundy to place an above ground pool in a portion of the City's Storm Sewer and Drainage Easement on a part of Lot 10, Creekside Plat 4.
67. **RESOLUTION 2022-417** accepting public improvements in Trestle Corner Plat 1, for traffic signal modifications.

Capital Improvement Projects

68. **2022 Asphalt Street Resurfacing Program - SW Ordinance Road:** a) Final Change Order #2 increasing the contract amount by \$3,630.00; b) Certificate of Completion; c) **RESOLUTION 2022-418** accepting the public improvement with OMG Midwest, Inc. DBA Des Moines Asphalt & Paving in the amount of \$297,745.33; and d) Final Payment #2 in the amount of \$6,868.50; and Retainage Payment in the amount of \$14,887.27.

Administrative Items

69. Receive and file the Ankeny Summerfest 2022 Report.

70. Approve Orders of Dismissal of the first violation of tobacco offense for Tobacco Permit Holders.
71. Approve Orders Accepting Acknowledgement/Settlement Agreement with Tobacco Permit Holders.

Approval of Consent Agenda Items

1. Council Member Bentz moved, second by Whiting, to approve the recommendations for Consent Agenda Items CA-1 through CA-71. Ayes: Bentz, Whiting, Perry, Shafer, Ruddy.

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 Whiting moved, Ruddy seconded, to accept first consideration of Ordinance 2118. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
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 Ruddy moved, Perry seconded, to accept first consideration of Ordinance 2119. Ayes: Ruddy, Perry, Bentz, Shafer, 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 Ruddy moved, Whiting seconded, to accept first consideration of Ordinance 2120. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
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 Whiting moved, Bentz seconded, to accept first consideration of Ordinance 2121. Ayes: Whiting, Bentz, Perry, Ruddy, Shafer.

NEW BUSINESS

1. High Trestle Trail Transmission Main and Drainage Improvements Project Initiate Proceedings Council Member Ruddy moved, Whiting seconded, to adopt) **RESOLUTION 2022-419** ordering construction on the HTT Transmission Main and Drainage Improvements Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 9/27/22 @ 10:30 a.m./date of hrg: 10/3/22 @ 5:30 p.m.) Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
2. Proposed Rock Creek Greenbelt - Native Vegetation Initiate Proceedings Council Member Bentz moved, Ruddy seconded, to adopt) **RESOLUTION 2022-420** ordering construction on the Rock Creek Greenbelt - Native Vegetation Improvements project; and fixing a date for hearing thereon and taking of bids therefor;(date of bid-letting: 9/27/22 @ 10:30 a.m./date of hrg: 10/3/22 @ 5:30 p.m.) Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.

ADJOURNMENT

1. Meeting was adjourned at 6:17 PM.
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Michelle Yuska, City Clerk

Mark Holm, Mayor

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