



ANKENY CITY COUNCIL

Regular Meeting

Tuesday, September 5, 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 5, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the September 5, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-46 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope Kimberley, LLC from Low Density Residential to Medium Density Residential use classification (LUPA Area B).

Action# C1-1. Consider motion to close Public Hearing 2023-46.

2. PH 2023-47 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain 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# C2-1. Consider motion to close Public Hearing 2023-47.

3. PH 2023-48 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope Kimberley, LLC from High Density Residential to Community Commercial use classification (LUPA Area C).

Action# C3-1. Consider motion to close Public Hearing 2023-48.

4. PH 2023-49 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain 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# C4-1. Consider motion to close Public Hearing 2023-49.

5. PH 2023-50 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain property owned by Hope Kimberley, LLC from R-1 One Family Residential District to Planned Unit Development, PUD (Rezoning Area B and E).

Action# C5-1. Consider motion to close Public Hearing 2023-50.

6. PH 2023-51 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain 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# C6-1. Consider motion to close Public Hearing 2023-51.

7. PH 2023-52 Proposed 2023 Rally Complex Park Development Project

Action# C7-1. Consider motion to close Public Hearing 2023-52.

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 August 21, 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 8, 2023.
- CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of July 18, 2023.
- CA - 4** Receive and file minutes of the Library Board of Trustee meeting of June 15 and July 20, 2023.
- CA - 5** Receive and file minutes of the Human Rights Commission meeting of June 22, 2023.
- CA - 6** Receive and file minutes of the Park Board meeting of June 26, 2023.

• **Licenses and Permits**

- CA - 7** Consider motion to approve the issuance of a special permit to Eric Weichers for the purpose of bow hunting of deer for the hunting season effective October 1, 2023 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
- CA - 8** Consider motion to approve the issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

• **Finance/Budget**

- CA - 9** Consider motion to approve Change Order #2 increasing the contract amount by \$3,671.60 to All-Star Concrete LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.
- CA - 10** Consider motion to approve Payment #13 in the amount of \$38,584.82 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 11** Consider motion to approve Payment #2 in the amount of \$124,917.53 to All-Star Concrete, LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.
- CA - 12** Consider motion to approve Payment #6 in the amount of \$29,099.50 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
- CA - 13** Consider motion to approve Payment #28 in the amount of \$2,898.00 to FOX Strand, for engineering services on the Ankeny ASR project.
- CA - 14** Consider motion to approve Payment #4 in the amount of \$43,410.00 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.

- CA - 15** Consider motion to approve Payment #5 in the amount of \$20,996.25 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
- CA - 16** Consider motion to approve Payment #1 in the amount of \$68,955.27 to Olsson, Inc., for engineering services on the Fiber Optic Network Upgrade project.
- CA - 17** Consider motion to approve Payment #13 in the amount of \$19,187.93 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 18** Consider motion to approve Payment #30 in the amount of \$7,912.74 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
- CA - 19** Consider motion to approve Payment #31 in the amount of \$13,002.27 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
- CA - 20** Consider motion to approve Payment #25 in the amount of \$42,028.17 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 21** Consider motion to approve Payment #3 in the amount of \$14,504.50 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
- CA - 22** Consider motion to approve Payment #5 in the amount of \$31,350.18 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
- CA - 23** Consider motion to approve Payment #4 in the amount of \$47,192.42 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
- CA - 24** Consider motion to approve Payment #9 in the amount of \$158,300.36 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
- CA - 25** Consider motion to approve the September 5, 2023 Accounts Payable.
- CA - 26** Consider motion to adopt **RESOLUTION** accepting a proposal from TNT Landscaping & Nursery in the amount of \$41,886.00 for the 2023 City Facilities Planting project.
- CA - 27** Consider motion to adopt **RESOLUTION** accepting a proposal from Ace Pipe Cleaning, Inc. in the amount of \$125,625.00 for the inspection of the Southern Interceptor Trunk Sewer.

- **Personnel Items - none**

- **Community Development Items**

- CA - 28** Consider motion to adopt **RESOLUTION** accepting final plat, performance and maintenance bonds for public improvements, and platted easements for Aspen Ridge Commercial Plat 3.
- CA - 29** Consider motion to adopt **RESOLUTION** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of storm sewer in Aspen Ridge Commercial Plat 3.
- CA - 30** Consider motion to adopt **RESOLUTION** approving plans and specifications,

contracts, and performance and maintenance bonds for the construction of subgrade in Aspen Ridge Commercial Plat 3.

- CA - 31** Consider motion to adopt **RESOLUTION** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Aspen Ridge Commercial Plat 3.
- CA - 32** 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, sewer connection fee, and authorize cost-participation for upsizing of public water main for Canyon Landing Duplexes Plat 2 Final Plat.
- CA - 33** Consider motion to adopt **RESOLUTION** approving plans and specifications, and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, storm sewer and subgrade in Canyon Landing Duplexes Plat 2 Final Plat.
- CA - 34** 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 Duplexes Plat 2.
- CA - 35** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a hold harmless agreement allowing Stubbs Development, Inc. to place a development sign in a portion of the City's Public Utility Easement and Landscape Easement on Canyon Landing Townhomes Plat 1
- CA - 36** Consider motion to adopt **RESOLUTION** waiving approval of the final plat for Dylan Estates Plat 1.
- CA - 37** Consider motion to adopt **RESOLUTION** accepting final plat and platted easements for Spal Automotive USA Plat 1.
- CA - 38** Consider motion to adopt **RESOLUTION** receiving and filing an application for the annexation of and providing for the giving of notice for annexation of certain territory located adjacent to the SE quadrant of Ankeny owned by Legacy Housby, LLC.

- **Engineering Items**

- CA - 39** Consider motion to adopt **RESOLUTION** accepting public improvements in Kimberley Estates Plat 2 for utilities.
- CA - 40** Consider motion to adopt **RESOLUTION** accepting public improvements in Kimberley Estates Plat 2 for subgrade.
- CA - 41** Consider motion to adopt **RESOLUTION** accepting public improvements in Kimberley Estates Plat 2 for paving.

- **Capital Improvement Projects**

- CA - 42** Consider motion to adopt **RESOLUTION** accepting a proposal from On Track Construction in the amount of \$133,550.00 for the construction of the 2023 Annual Storm Sewer Repairs project.

- **Administrative Items**

- CA - 43** Consider motion to receive and file the RAGBRAI 2023 Report.
- CA - 44** Consider motion to receive and file the Ankeny SummerFest 2023 Report.
- CA - 45** Consider a motion to adopt a **RESOLUTION** setting a public hearing on an ordinance amending 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 (date of hrg: 9/18/2023 @ 5:30 p.m.)

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-45.

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-45.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2148 An Ordinance amending Chapter 69 Parking Regulations of the Municipal Code of the City of Ankeny, Iowa, by amending Section 69.04 Angle Parking, Section 69.10 No Parking on North and East Sides of Streets, and Section 69.11 No Parking on Both Sides.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2148, sending it on its final passage and publication as required by law.

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

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2149.

3. 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) (PH 2023-47).

Action# H3-1. Consider motion to accept first consideration of ORDINANCE 2150.

4. 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). (PH 2023-49)

Action# H4-1. Consider motion to accept first consideration of ORDINANCE 2151.

5. 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). (PH 2023-50).

Action# H5-1. Consider motion to accept first consideration of ORDINANCE 2152.

6. 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

Action# H6-1. Consider motion to accept first consideration of ORDINANCE 2153.

7. 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# H7-1. Consider motion to accept first consideration of ORDINANCE 2154.

8. 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# H8-1. Consider motion to accept first consideration of ORDINANCE 2155.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope Kimberley LLC from Low Density Residential to Medium Density Residential use classification (LUPA Area B) (PH 2023-46).

Action# J1-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Low Density Residential to Medium Density Residential (LUPA Area B).

2. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope Kimberley LLC from High Density Residential to Community Commercial use classification (LUPA Area C) (PH 2023-48).

Action# J2-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from High Density Residential to Community Commercial (LUPA Area C).

3. Proposed North Four Mile Creek Trunk Sewer - Phase 2
Professional Services Agreement with Foth Infrastructure and Environment, LLC. (Foth)

Action# J3-1. Consider a motion to approve the Professional Services Agreement with Foth, for the design engineering and bidding phase services on the North Four Mile Creek Trunk Sewer - Phase 2 Project in an amount not to exceed \$29,000.00 and the Mayor to execute said agreement.

4. Faith Baptist College—Request to suspend: 1). enforcement of decibel levels in the City's Noise Control ordinance; and 2). discharging weapons in the Public Health and Safety Code of the Ankeny Municipal Code.

Action# J4-1.

Consider motion to approve or deny the request by Faith Baptist College to suspend enforcement of certain provisions of Chapter 44 and Chapter 41.09.

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 - NW Irvinedale Drive - Elevated Water Storage Tank - 9/18/23 @ 5:30 p.m.***
- ***Public Hearing - Urban Chicken Ordinance - 9/18/23 @ 5:30 p.m.***
- ***Regular Council Meeting - 10/2/23 @ 5:30 p.m.***

L. **ADJOURNMENT**

1. Adjournment

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