

MINUTES OF THE ANKENY CITY COUNCIL

Tuesday, September 5, 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, and Todd Shafer were in attendance. Council Member Kelly Stearns joined the meeting electronically at 5:32 p.m. Stearns voted electronically due to audio difficulties; Stearns' votes were announced to the public. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Melisa Cox, Ankeny Area Chamber of Commerce, updated council on SummerFest.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the September 5, 2023 agenda as presented. Ayes: 4.

PUBLIC HEARING

1. PH 2023-46. Mayor Holm announced this is the time and place for a public hearing on a proposed amendment to the Ankeny Plan 2040 (Figure 12.10), Future Land Use Map, for the City of Ankeny, from Low Density Residential to Medium Density Residential. Property Description: approximately 45.14-acres (+/-) located south of NE 126th Avenue and East of N Ankeny Boulevard. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is the property owner. The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, currently classifies the subject area as Low Density Residential. The applicant is now proposing to reclassify the future land use to Medium Density Residential. This request is accompanied by Rezoning Area A.

Mayor Holm then asked for any public comment regarding the proposed amendment. Jeanne Uhl, 2350 NW 126th Ave, spoke about properties in the area. Council Member Ruddy moved, Bentz seconded, to close public hearing 2023-46. Ayes: 5.

2. PH 2023-47. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2150 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC from its current R-1, One-Family Residence District to R-3, Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area A). Layman's Description – approximately 34.56 acres (+/-) located south of NE 126th Avenue, east of N Ankeny Boulevard. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC submitted the request. This rezoning request accompanies the applicants requests to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, LUPA Area B, from Low Density Residential LDR to Medium Density Residential.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Ruddy moved, Bentz seconded, to close public hearing 2023-47. Ayes: 5.

3. PH 2023-48. Mayor Holm announced this is the time and place for a public hearing on a proposed amendment to the Ankeny Plan 2040 (Figure 12.10) Future Land Use Map for the City of Ankeny from High Density Residential to Community Commercial. Property Description: approximately 7.73-acres (+/-) located south of NE 126th Avenue and west of NE Delaware Avenue. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is the property owner. The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, currently classifies the subject area as High Density Residential. The applicant is now proposing to reclassify the future land use to Community Commercial. This request is accompanied by Rezoning Area C.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Bentz moved, Shafer seconded, to close public hearing 2023-48. Ayes: 5.

4. PH 2023-49. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2151 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC from its current R-1, One-Family Residence District to C-2, General Retail, Highway Oriented and Central Business Commercial District (Rezoning Area F) Layman's Description – approximately 9.54 acres (+/-) located south of NE 126th Avenue, west of NE Delaware Avenue. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is requesting to rezone 9.54 acres (Rezoning Area F) from R-1 One Family Residential District to C-2, General Retail, Highway Oriented and Central Business Commercial District. This rezoning request accompanies the applicant's request to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, LUPA Area C, from High Density Residential to Community Commercial.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Perry moved, Ruddy seconded, to close public hearing 2023-49. Ayes: 5.

5. PH 2023-50. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2152 amending the zoning regulations, Chapter 192, of the

Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC from its current R-1, One-Family Residence District to PUD, Planned Unit Development (Rezoning Area B and E). Layman's Description (Area B) – approximately 88.5 acres (+/-) located south of NE 126th Avenue, east of N Ankeny Boulevard; and Layman's Description (Area E) – approximately 4.75 acres (+/-) of land south of NE 126th Avenue and west of NE Delaware Avenue. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is requesting the rezoning. The area subject to the rezoning consists of portions of five parcels. The properties are currently zoned R-1, One-Family Residence District; and properties to the east and west are similarly zoned. Properties to the north are zoned R-1, One-Family Residence District and Agricultural District, Polk County. Properties to the south are zoned R-3, Multiple-Family Residence District, restricted to single family residential, R-1, One-Family Residence District, and R-2, One-Family and Two-Family Residence District, restricted to single family residential only and 80' min. lot width. The Hope Kimberley Property PUD's concept shows a total of 399 lots for a total density of 3.75 units per acre.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Ruddy moved, Bentz seconded, to close public hearing 2023-50. Ayes: 5.

6. PH 2023-51. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2153 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC from its current R-1, One-Family Residence District to R-3, Multiple Family Residence District, Restricted to Single Family (Rezoning Area D). Layman's Description – approximately 66.98 acres (+/-) located south of NE 126th Avenue, west of NE Delaware Avenue. Notice of this hearing was published in the Des Moines Register on the 25th day of August, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is requesting the rezoning. The area subject to the rezoning consists of portions of five parcels and is generally located south of NE 126th Avenue and west of NE Delaware Avenue. The properties are currently zoned R-1, One-Family Residence District; and the surrounding properties are similarly zoned.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Ruddy moved, Bentz seconded, to close public hearing 2023-51. Ayes: 5.

7. PH 2023-52. 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 2023 Rally Complex Park Development project. Notice of this hearing was published in the Des Moines Register on the 18th day of August, 2023.

Nick Lenox, Parks and Recreation Director, reported that the 2023 Rally Complex Park Development Project includes the construction of a 12-court post-tension concrete pickleball

facility, two softball fields, batting cages, and associated components, PCC sidewalks, parking lot, and turn lane improvements. Other associated improvements include water service, sanitary service, electrical utility service, irrigation, parking lot lighting installation, pickleball court lighting installation (ADD ALT), temp traffic control, pavement markings, erosion control, and landscaping. The project shall include installing lighting poles, footings, light fixtures, conduit, wiring, components, and associated improvements including the connection to an existing electrical source and to restroom/shelter, and surface restoration.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Perry seconded, to close public hearing 2023-52. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of August 21, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of August 8, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of July 18, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of June 15 and July 20, 2023.
5. Receive and file minutes of the Human Rights Commission meeting of June 22, 2023.
6. Receive and file minutes of the Park Board meeting of June 26, 2023.

Licenses and Permits

7. 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).
8. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

9. Change Order #2 increasing the contract amount by \$3,671.60 to All-Star Concrete LLC, for construction services on the N Ankeny Blvd and 18th St Intersection Improvements project.
10. Payment #13, \$38,584.82 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
11. Payment #2, \$124,917.53 to All-Star Concrete, LLC, for construction services on the N Ankeny Boulevard and 18th Street Intersection Improvements project.
12. Payment #6, \$29,099.50 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
13. Payment #28, \$2,898.00 to FOX Strand, for engineering services on the Ankeny ASR project.
14. Payment #4, \$43,410.00 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
15. Payment #5, \$20,996.25 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
16. Payment #1, \$68,955.27 to Olsson, Inc., for engineering services on the Fiber Optic Network Upgrade project.
17. Payment #13, \$19,187.93 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
18. Payment #30, \$7,912.74 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.

19. Payment #31, \$13,002.27 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
20. Payment #25, \$42,028.17 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
21. Payment #3, \$14,504.50 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
22. Payment #5, \$31,350.18 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
23. Payment #4, \$47,192.42 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
24. Payment #9, \$158,300.36 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
25. September 5, 2023 Accounts Payable by fund: General \$216,972; Hotel Motel Tax \$346,395; Road Use Tax \$95,009; Library Foundation \$625; Solid Waste \$5,073; Water \$91,855; Sewer \$5,542; Storm Water \$7,527; Golf Course \$57,850; Enterprise Project \$286,891; Revolving \$5,389; Risk Management \$51,275; Health Insurance \$196; Special Assessments \$116,148; BAN/Bond Activity \$25,500; Capital Projects \$249,477; Payroll Totals \$1,450,229; Transfers/ACH (\$203,246); Agenda Payments approved separately (\$662,340); Grand Total \$2,146,367.
26. **RESOLUTION 2023-341** accepting a proposal from TNT Landscaping & Nursery in the amount of \$41,886.00 for the 2023 City Facilities Planting project.
27. **RESOLUTION 2023-342** accepting a proposal from Ace Pipe Cleaning, Inc. in the amount of \$125,625.00 for the inspection of the Southern Interceptor Trunk Sewer.

Community Development

28. **RESOLUTION 2023-343** accepting final plat, performance and maintenance bonds for public improvements, and platted easements for Aspen Ridge Commercial Plat 3.
29. **RESOLUTION 2023-344** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of storm sewer in Aspen Ridge Commercial Plat 3.
30. **RESOLUTION 2023-345** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of subgrade in Aspen Ridge Commercial Plat 3.
31. **RESOLUTION 2023-346** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Aspen Ridge Commercial Plat 3.
32. **RESOLUTION 2023-347** 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.
33. **RESOLUTION 2023-348** 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.
34. **RESOLUTION 2023-349** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Duplexes Plat 2.
35. **RESOLUTION 2023-350** 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
36. **RESOLUTION 2023-351** waiving approval of the final plat for Dylan Estates Plat 1.
37. **RESOLUTION 2023-352** accepting final plat and platted easements for Spal Automotive USA Plat 1.
38. **RESOLUTION 2023-353** 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

39. **RESOLUTION 2023-354** accepting public improvements in Kimberley Estates Plat 2 for utilities.
40. **RESOLUTION 2023-355** accepting public improvements in Kimberley Estates Plat 2 for subgrade.
41. **RESOLUTION 2023-356** accepting public improvements in Kimberley Estates Plat 2 for paving.

Capital Improvement Projects

42. **RESOLUTION 2023-357** 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

43. Receive and file the RAGBRAI 2023 Report.
44. Receive and file the Ankeny SummerFest 2023 Report.
45. **RESOLUTION 2023-358** 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. Council Member Shafer moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-45. Ayes: Shafer, Ruddy, Bentz, Perry, Stearns.

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. Council Member Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2148, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Shafer, Perry, Stearns.
2. **Ord 2149.** An Ordinance amending Chapter 94.06 of the Municipal Code of the City of Ankeny, Sewer Connection Districts Established. Council Member Ruddy moved, Perry seconded, to accept second consideration of ORDINANCE 2149. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
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). Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2150. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
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). Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2151. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.

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). Council Member Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2152. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
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 District, Restricted to Single Family (Rezoning Area D). (PH 2023-51). Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2153. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
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. Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2154. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
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. Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2155. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.

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). Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2023-359** 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). Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
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). Council Member Perry moved, Bentz seconded, to adopt **RESOLUTION 2023-360** 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). Ayes: Perry, Bentz, Ruddy, Shafer, Stearns.
3. Proposed North Four Mile Creek Trunk Sewer - Phase 2 Professional Services Agreement with Foth Infrastructure and Environment, LLC. (Foth) Council Member Bentz moved, Perry seconded, 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. Ayes: Bentz, Perry, Ruddy, Shafer, Stearns.
4. Faith Baptist College Homecoming Council Member Bentz moved, Shafer seconded, to approve the request by Faith Baptist College to suspend enforcement of certain provisions of Chapter 44 and Chapter 41.09 providing: 1) approval be specific to qualified personnel on the Faith Baptist College campus and 2) completion of notification to neighbors within 250'. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

ADJOURNMENT

1. Meeting adjourned at 6:34 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 9/15/23.