

MINUTES OF THE ANKENY CITY COUNCIL

Monday, August 21, 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 Jeff Perry, Joe Ruddy, and Todd Shafer were in attendance. Council Members Bobbi Bentz and Kelly Stearns joined the meeting electronically. Stearns voted through the electronic meeting system due to audio difficulties; Stearns' votes were announced to the public. Bentz left the meeting at 5:41 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. Luis Montoya, Chief Planning Officer, DART Commission, presented an overview of the DART Operations and Maintenance Facility, Facility Options/Phasing, and Fleet.
2. Denise Hurt and Bill LaHay spoke about the loss of street trees in the city.
3. Renee Potts, Ankeny Community Network, shared information on the August 29th Minority Owned Business Summit.
4. Jack Stinogel, resident, spoke in favor of a proposed ordinance to allow the keeping of chickens within city limits.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Ruddy seconded, to approve and accept the August 21, 2023 agenda as presented. Ayes: 4.

PUBLIC HEARING

1. PH 2023-45. Mayor Holm announced this is the time and place for a public hearing on the matter of the adoption of Ordinance 2149 to establish a benefited district and connection fees in the Fourmile Creek Trunk Sewer Connection District 3. Notice of this hearing was published in the Des Moines Register on the 21st day of July, 2023.

Don Clark, Municipal Utilities Director, reported that the City of Ankeny is currently constructing the North Four Mile Creek Trunk Sewer. The City also anticipates the construction of additional trunk sewer to serve the Fourmile Creek basin area. The benefited district is the northwestern service area for the Fourmile drainage basin, adjacent to existing connection districts 1 and 2. The connection fee is established based on the sewer-related items in the bid tab for the North Four Mile Creek Trunk Sewer project and the estimated cost of sewer to be constructed in the future.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Craig Griffieon, 11655 NE 6th St, expressed concerns about the project. Council Member Shafer moved, Ruddy seconded, to close public hearing 2023-45. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of August 7, 2023, as published.

2. Receive and file minutes of the Plan and Zoning Commission meeting of July 18, 2023.
3. Receive and file minutes of the Civil Service Commission meeting of July 10, 2023.

Licenses and Permits

4. Issuance of a fireworks permit within the City of Ankeny to J & M Displays, to be held following the RV TV in The District event, September 4, 2023 at Promenade Park.
5. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

6. Receive and file Financial Reports for July 2023.
7. Receive and file Building Permit Report for July 2023.
8. Receive and file Utility Billing Report for July 2023.
9. Change Order #2 increasing the contract amount by \$11,500.00 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive.
10. Change Order #3 increasing the contract amount by \$3,440.00 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
11. Change Order #3 decreasing the contract amount by \$3,943.50 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 \$6,819.22 to Electric Conduit Construction Company, for construction services on the SE Quadrant Fiber Upgrade, Phase One project.
13. Change Order #1 increasing the contract amount by \$14,885.00 to TK Concrete, Inc., for construction services on the 2023 PCC Patching Program project.
14. Payment #2, \$528,180.42 to Absolute Concrete Construction, Inc. for construction services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
15. Payment #14, \$346,030.56 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
16. Payment #2, \$252,815.66 to All-Star Concrete, LLC, for construction services on the 2023 PCC Reconstruction Program - SE 8th St project.
17. Payment #2, \$822,488.15 to Alliance Construction Group, LLC, for construction services on the SW State Street Reconstruction Project - Southbound Lanes.
18. Payment #3, \$54,769.87 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
19. Payment #5, \$4,232.00 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
20. Payment #1, \$4,428.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
21. Payment #3, \$8,896.50 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
22. Payment #5, \$770,595.15 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
23. Payment #5, \$1,252,887.43 to Elder Corporation, for construction services on the NW 18th Street Reconstruction – NW Ash Dr. to N Ankeny Blvd. project.
24. Payment #2, \$13,759.58 to Electric Conduit Construction Company, for construction services on the SE Quadrant Fiber Upgrade, Phase One project.
25. Payment #5, \$21,628.00 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.

26. Payment #16, \$2,499.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
27. Payment #3, \$65,722.14 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
28. Payment #8, \$950.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
29. Payment #1, \$635,203.02 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
30. Payment #12, \$1,083.00 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
31. Payment #16, \$63,642.51 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
32. Payment #2, \$27,345.28 to OMG Midwest DBA Des Moines Asphalt and Paving for construction services on the 2023 Asphalt Street Resurfacing Program - SW Ordinance Road project.
33. Payment #4, \$207,386.43 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
34. Payment #4, \$193,801.90 to TK Concrete, Inc., for construction services on the 2023 PCC Street Patching Program project.
35. August 21, 2023 Accounts Payable by fund: General 393,132; Hotel Motel Tax 6,000; Road Use Tax 90,498; Police/Fire Pension 4,238; Library Foundation 20,876; Miracle Park 631; Solid Waste 99,628; Water 998,979; Sewer 595,037; Storm Water 10,262; Golf Course 44,543; Enterprise Project 1,049,768; Revolving 24,773; Risk Management 10,113; Special Assessments 26,056; Capital Projects 4,682,055; Payroll Totals 2,027,310; Transfers/ACH (202,274); Agenda Payments approved separately (5,699,376); Grand Total \$4,182,249.

Personnel

36. Accept the Civil Service Commission certified lists for appointment to: Fleet Technician, Division Chief of Community Risk Reduction, and Facilities Maintenance Technician; subject to passing any further departmental requirements.

Community Development

37. **RESOLUTION 2023-321** 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 Townhomes Plat 2 Final Plat.
38. **RESOLUTION 2023-322** approving plans and specifications, and accepting contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, and subgrade in Canyon Landing Townhomes Plat 2 Final Plat.
39. **RESOLUTION 2023-323** accepting a public grading and sidewalk easement associated with the development of Lot 1, Crosswinds Plat 2.
40. **RESOLUTION 2023-324** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, plans and specifications, contracts, and performance and maintenance bonds for public improvements, and platted easements for Four Mile Distribution Center Plat 2.
41. **RESOLUTION 2023-325** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving, subgrade, water main, sanitary sewer, and storm sewer in Four Mile Distribution Center Plat 2.
42. Grant preliminary approval of Kimberley Crossing Plat 4 Final Plat.
43. **RESOLUTION 2023-326** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future

- Land Use Map, reclassifying property owned by Hope Kimberley LLC from Low Density Residential to Medium Density Residential (LUPA Area B) (date of hrg: 9/5/23 @ 5:30p.m.)
44. **RESOLUTION 2023-327** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hope Kimberley, LLC from the current R-1 One Family Residential District to R-3 Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area A) (date of hrg: 9/5/23 @ 5:30p.m.)
 45. **RESOLUTION 2023-328** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC from High Density Residential to Community Commercial (LUPA Area C) (date of hrg: 9/5/23 @ 5:30p.m.)
 46. **RESOLUTION 2023-329** providing for the notice and hearing of the City Council 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) (date of hrg: 9/5/23 @ 5:30 p.m.)
 47. **RESOLUTION 2023-330** providing for the notice and hearing of the City Council 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) (date of hrg: 9/5/23 @ 5:30p.m.)
 48. **RESOLUTION 2023-331** providing for the notice and hearing of the City Council 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) (date of hrg: 9/5/23 @ 5:30p.m.)

Engineering

49. **RESOLUTION 2023-332** accepting a proposal from Absolute Group in the amount of \$97,767.00 for the construction of the 2023 City-Wide Permanent Surface Restoration project.
50. **RESOLUTION 2023-333** authorizing the execution of an updated Title VI Non-Discrimination Agreement, including Standard DOT Title VI Assurances with appendices, between the Iowa Department of Transportation and the City of Ankeny.
51. **RESOLUTION 2023-334** authorizing the Mayor to sign an annexation agreement from Charles Lepak, allowing connection to public sanitary sewer in the City of Ankeny, Iowa.

Capital Improvement Projects

52. **RESOLUTION 2023-335** accepting a proposal from Alpha Landscapes, LLC in the amount of \$69,693.00 for the construction of the North Ankeny Boulevard & 18th Street: Landscape Improvements.
53. **RESOLUTION 2023-336** accepting a proposal from Caliber Concrete LLC in the amount of \$82,437.46 for the Aspen Ridge Trail project.
54. **2023 Pedestrian Ramp Improvements Program - Fountain View:** a) Final Change Order #2 decreasing the contract amount by \$1,220.80; b) Certificate of Completion; c) **RESOLUTION 2023-337** accepting the public improvements with Shekar Engineering, PLC in the amount of \$183,559.81; and d) Final Payment #2 in the amount of \$108,054.20; Retainage Payment in the amount of \$9,177.99.
55. **NE Crestmoor Sanitary Sewer Replacement:** a) Final Change Order #1 increasing the contract amount by \$2,793.00; b) Certificate of Completion; c) **RESOLUTION 2023-338** accepting the public improvement with Absolute Concrete Construction, Inc. in the amount of \$405,398.00; and d) Final Payment #2 in the amount of \$177,603.45 / Release of Retainage in the amount of \$20,269.90.
56. **2023 Pedestrian Ramp Improvements Program - Barclay:** a) Final Change Order #1 increasing the contract amount by \$4,284.00; b) Certificate of Completion; c) **RESOLUTION 2023-339** accepting the public improvements with Concrete Connection, LLC in the amount of

\$184,284.00; and d) Final Payment #2 in the amount of \$96,711.66; Retainage Payment in the amount of \$9,214.20.

Administrative

57. Agreement with the Iowa Civil Rights Commission (ICRC) from July 1, 2023 - June 30, 2024 for the reimbursement of city staff time in processing discrimination claims referred to the ICRC.
58. Contractor Agreement with Public Consulting Group for Ground Emergency Medical Transportation (GEMT) Provider Cost Reporting.

Approval of Consent Agenda Items

1. Council Member Ruddy moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-58. Ayes: Ruddy, Shafer, 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, Shafer seconded, to accept second consideration of ORDINANCE 2148. Ayes: Ruddy, 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. (PH 2023-45) Council Member Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2149. Ayes: Ruddy, Perry, Shafer, Stearns.

ADJOURNMENT

1. Moved by Shafer, second by Ruddy, to go into Executive Session at 6:23 p.m., pursuant to the provisions of Iowa Code Section 21.5, subparagraph (i) "To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session." Ayes: Shafer, Ruddy, Perry, Stearns. Council adjourned the executive session at 6:28 p.m.
2. Council returned to regular session at 6:30 p.m. Moved by Shafer, second by Perry, to approve **RESOLUTION 2023-340** an amendment to employment agreement by and between the City of Ankeny and David A. Jones. Ayes: Shafer, Perry, Ruddy, Stearns.
3. Meeting adjourned at 6:31 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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