



ANKENY CITY COUNCIL

Regular Meeting

Monday, August 7, 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 August 7, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the August 7, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S): none

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 July 17, 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 July 5, 2023.

CA - 3 Receive and file minutes of the Zoning Board of Adjustment meeting of June 20, 2023.

- **Licenses and Permits**

CA - 4 Consider motion to approve cigarette/tobacco/nicotine/vapor permits in the City of Ankeny.

CA - 5 Consider motion to approve the issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

- **Finance/Budget**

CA - 6 Consider motion to approve Change Order #4 increasing the contract amount by \$12,755.00 to Absolute Concrete Construction, Inc., for construction services on the SE 3rd Street Utility Improvements-Phase 1 project.

CA - 7 Consider motion to approve Amendment No. 4 to the Professional Services Agreement increasing the contract amount by \$16,990.00 with JEO Consulting Group for construction engineering services on the SE 3rd Street Utility Improvements - Phase 1 project.

CA - 8 Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$8,715.00 with JEO Consulting Group, Inc. for additional construction engineering services on the SE Delaware Avenue HMA Widening project.

CA - 9 Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$45,890.00 with Kirkham Michael & Associates for construction engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.

CA - 10 Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$9,600.00 with MSA Professional Services (MSA) for limited construction engineering services associated with the first phase of the Uptown Parking Improvements project.

- CA - 11** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$2,500.00 with Nilles Associates, Inc, for engineering services on the Midway Park Development project.
- CA - 12** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$19,700.00 with Nilles Associates, Inc, for engineering services on the Rally Complex project.
- CA - 13** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$74,500.00 with Snyder & Associates, Inc. for construction engineering services associated with the SE Oralabor Road & Convenience Boulevard/Creekview Drive Traffic Signal Replacement Project.
- CA - 14** Consider motion to approve Payment #4 in the amount of \$5,047.00 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
- CA - 15** Consider motion to approve Payment #15 in the amount of \$2,963.58 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 16** Consider motion to approve Payment #4 in the amount of \$21,666.10 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
- CA - 17** Consider motion to approve Payment #27 in the amount of \$7,324.25 to FOX Strand, for engineering services on the Ankeny ASR project.
- CA - 18** Consider motion to approve Payment #3 in the amount of \$12,363.50 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
- CA - 19** Consider motion to approve Payment #4 in the amount of \$27,194.51 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
- CA - 20** Consider motion to approve Payment #4 in the amount of \$15,007.00 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
- CA - 21** Consider motion to approve Payment #8 in the amount of \$2,217.00 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 22** Consider motion to approve Payment #1 in the amount of \$175,243.01 to Iowa Signal, Inc., for construction services on the SW State Street Fiber Optic Relocation project.
- CA - 23** Consider motion to approve Payment #1 in the amount of \$53,430.14 to JC Construction, for construction services on the School Walkability Improvements project.
- CA - 24** Consider motion to approve Payment #23 in the amount of \$1,797.50 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
- CA - 25** Consider motion to approve Payment #20 in the amount of \$9,897.50 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
- CA - 26** Consider motion to approve Payment #4 in the amount of \$14,535.90 to JEO

Consulting Group, Inc., for engineering services on the Transportation Master Plan project.

- CA - 27** Consider motion to approve Payment #10 in the amount of \$4,207.50 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
- CA - 28** Consider motion to approve Payment #6 in the amount of \$2,240.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
- CA - 29** Consider motion to approve Payment #1 in the amount of \$18,970.00 to Nilles Associates, Inc. for engineering services on the Midway Park project.
- CA - 30** Consider motion to approve Payment #2 in the amount of \$33,528.50 to Nilles Associates, Inc. for engineering services on the Rally Complex project.
- CA - 31** Consider motion to approve Payment #4 in the amount of \$40,385.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
- CA - 32** Consider motion to approve Payment #2 in the amount of \$30,000.00 to Romtech Companies for construction services on the restroom facility at the Midway Park.
- CA - 33** Consider motion to approve Payment #32 in the amount of \$258.50 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
- CA - 34** Consider motion to approve Payment #12 in the amount of \$32,533.25 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 35** Consider motion to approve Payment #30 in the amount of \$6,805.75 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
- CA - 36** Consider motion to approve Payment #29 in the amount of \$20,447.16 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
- CA - 37** Consider motion to approve Payment #30 in the amount of \$21,087.08 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
- CA - 38** Consider motion to approve Payment #24 in the amount of \$35,473.32 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 39** Consider motion to approve Payment #16 in the amount of \$3,024.38 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
- CA - 40** Consider motion to approve Payment #2 in the amount of \$25,783.30 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
- CA - 41** Consider motion to approve Payment #3 in the amount of \$58,569.75 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
- CA - 42** Consider motion to approve Payment #43 in the amount of \$2,324.12 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.

- CA - 43** Consider motion to approve Payment #8 in the amount of \$716,604.58 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
- CA - 44** Consider motion to approve Payment #4 in the amount of \$16,723.20 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
- CA - 45** Consider motion to approve Payment #10 in the amount of \$16,150.00 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 - Well Pump and Control Building project.
- CA - 46** Consider motion to approve the August 7, 2023 Accounts Payable.
- CA - 47** Consider motion to approve payment to the Ankeny Community School District in an amount not to exceed \$310,000.00 for engineering and construction services on the Prairie Ridge Sports Complex - East 8 Tennis Court Renovations project.
- CA - 48** Consider a motion to adopt **RESOLUTION** accepting a proposal from Concrete Connection, LLC in the amount of \$95,000.00 for the Midway Park Phase 2 Improvements project.

- **Personnel Items**

- CA - 49** Consider motion to authorize a temporary side-by-side position in the fire department which will temporarily increase the authorized FTE count by one.

- **Community Development Items**

- CA - 50** Consider motion to approve the Heritage Commercial at Prairie Trail Neighborhood Plan.
- CA - 51** Consider motion to adopt **RESOLUTION** waiving approval of The Reserve at Rock Creek Final Plat.
- CA - 52** Consider motion to grant preliminary approval of Kimberley Crossing Plat 3 Final Plat.
- CA - 53** Consider motion to approve the Pine Lake Estates Plat 1 Preliminary Plat, and the acceptance of the public streets named NE Pine Lake Circle and NE Pondview Court.
- CA - 54** Consider motion to adopt **RESOLUTION** 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.

- **Engineering Items**

- CA - 55** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a development agreement with M-H Property Enterprises, L.L.C., concerning the construction of a traffic signal at the intersection of SE Delaware Avenue and SE 54th Street in the City of Ankeny, Iowa.
- CA - 56** Consider motion to adopt **RESOLUTION** accepting a permanent sanitary sewer easement for the extension of sanitary sewer across the SPAL-USA, Inc. property to the Ankeny Regional Airport in Ankeny, Iowa.
- CA - 57** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of permanent storm sewer and drainage easement and temporary construction easement for the Westwinds Plat 9 Storm

Sewer Extension project in Ankeny, Iowa. (2012 SW Westwinds Drive - Laudick & Flowers)

CA - 58 Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the Westwinds Plat 9 Storm Sewer Extension project in Ankeny, Iowa. (2104 SW Westwinds Drive - Christian and Christian)

CA - 59 Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of permanent storm sewer and drainage easement and temporary construction easement for the Westwinds Plat 9 Storm Sewer Extension project in Ankeny, Iowa. (2016 SW Westwinds - Machan)

- **Capital Improvement Projects**

CA - 60 **SE Delaware Avenue HMA Widening**: Consider motion to approve: a) Final Change Order #4 decreasing the contract amount by \$24,142.42; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Grimes Asphalt and Paving Corporation in the amount of \$945,356.25; and d) Final Payment #6 in the amount of \$18,707.71; and Retainage Payment in the amount of \$47,267.81.

CA - 61 **High Trestle Extension - SE Magazine Road to SE Oralabor Road**: Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvement with Cramer and Associates, Inc. in the amount of \$3,034,636.29; and c) Final Payment #16 in the amount of \$0.00; and Retainage Payment in the amount of \$30,000.00.

CA - 62 Consider motion to adopt **RESOLUTION** authorizing the execution of an amendment to an agreement between Polk County, Iowa, the City of Ankeny, Iowa, and Rich Eychaner for the Creekview Drive Stormwater Wetland project.

CA - 63 Consider motion to adopt **RESOLUTION** ordering construction on the 2023 Rally Complex Park Development project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 8/29/23 @ 10:30 A.M. / date of hrg: 9/5/23 @ 5:30 P.M.)

CA - 64 Consider motion to adopt **RESOLUTION** ordering construction on the NW Irvinedale Drive - Elevated Water Storage Tank project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 9/12/23 @ 10:30 A.M. / date of hrg: 9/18/23 @ 5:30 P.M.)

- **Administrative Items**

CA - 65 Consider motion to approve certification to the Treasurer of State the population of the DRA Properties NE annexed territory as determined by the last certified federal census of said territory.

CA - 66 Consider motion to adopt **RESOLUTION** authorizing the City of Ankeny to enter into a contract with the Iowa Economic Development Authority and SPAL-USA, Inc.

CA - 67 Consider motion to adopt **RESOLUTION** approving release of fire escrow at 803 NW 32nd Street.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-67.

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-67.

F. **SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none**

G. **RECESS - Mark Holm, Mayor**

H. **LEGISLATIVE BUSINESS:**

- **Approval of Ordinances:**

1. Ord 2147 An Ordinance amending Chapter 63 Speed Regulations of the Municipal Code of the City of Ankeny, Iowa, by amending Section 63.05 Special Speed Zones.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2147, sending it on its final passage and publication as required by law.

2. 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# H2-1. Consider motion to accept first consideration of ORDINANCE 2148.

I. **OLD BUSINESS: none**

J. **NEW BUSINESS:**

1. Proposed Vintage Business Park North Lake & Saylor Creek Repairs Professional Services Agreement with Nilles Associates, Inc.

Action# J1-1. Consider motion to approve the Professional Services Agreement with Nilles Associates, Inc. for design engineering services on the Vintage Business Park North Lake & Saylor Creek Repairs project in an amount not to exceed \$94,900.00 and authorize the Mayor to execute said Agreement.

2. Proposed Polk County Community Development Block Grant program through the U.S. Department of Housing and Urban Development.

Action# J2-1. Consider motion to either be Included or Excluded in Polk County's Community Development Block Grant program through the U.S. Department of Housing and Urban Development.

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:**
 - ***Regular Council Meeting - 8/21/23 @ 5:30 p.m.***
 - ***Public Hearing - Fourmile Sanitary Trunk Sewer Connection District 3 - 8/21/23 @ 5:30 p.m.***
 - ***Public Hearing - 2023 Rally Complex Park Development - 9/5/23 @ 5:30 p.m.***
 - ***Public Hearing - NW Irvinedale Drive - Elevated Water Storage Tank - 9/18/23 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment

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