

MINUTES OF THE ANKENY CITY COUNCIL

Monday, August 1, 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 Pro Tem Bobbi Bentz called the meeting to order at 5:30 PM. Council Member Todd Shafer was in attendance. Council Members Jeff Perry, Joe Ruddy, and Kelly Whiting joined the meeting electronically. Mayor Mark Holm was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Pro Tem Bentz led in the Pledge of Allegiance.

PUBLIC FORUM

1. Melisa Cox, Ankeny Area Chamber of Commerce, spoke about chamber events.
2. Ronald Grant, 3202 SW Brookline Dr, Ankeny spoke about spring cleanup.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Perry seconded, to approve and accept the August 1, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-57. Mayor Pro Tem Bentz announced this is the time and place for a public hearing on the matter of the acquisition of property and property interests for the Oralabor Gateway Trail – SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project. Notice of this hearing was published in the Des Moines Register on the 15th day of July, 2022 and notices were mailed as required by law.

Mark Mueller, Public Works Director, reported that the action before the Council is to hold a Public Hearing to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of fee title, permanent easements, and temporary easements for the project.

Mayor Pro Tem Bentz then asked for any public comment regarding the proposed Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements Project. Hearing no comments, Council Member Shafer moved, Whiting seconded, to close public hearing 2022-57. Ayes: 5.

2. PH 2022-58. Mayor Pro Tem Bentz 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 2022 Prairie Ridge Aquatic Center Resurfacing project. Notice of this hearing was published in the Des Moines Register on the 15th day of July, 2022.

Mayor Pro Tem Bentz then asked for any public comment regarding the proposed 2022 Prairie Ridge Aquatic Center - Resurfacing Project. Hearing no comments, Council Member Shafer moved, Bentz seconded, to close public hearing 2022-58. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of July 18, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of July 6, 2022.
3. Receive and file minutes of the Library Board of Trustee meeting of June 16, 2022.

Licenses and Permits

4. Issuance of cigarette/tobacco permit in the City of Ankeny.
5. Issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

Finance/Budget

6. Change Order #1 increasing the contract amount by \$16,489.00 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive project.
7. Change Order #2 increasing the contract amount by \$33,596.33 to Gingerich Well & Pump Service, LLC, for construction services on the Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction project.
8. Payment #4 in the amount of \$298,620.34 to Absolute Concrete Construction, Inc. for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive.
9. Payment #27 in the amount of \$20,030.31 to Civil Design Advantage for engineering services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
10. Payment #25 in the amount of \$82,812.47 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
11. Payment #4 in the amount of \$1,464,706.93 to Gingerich Well & Pump Service, LLC, for construction services on the Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction project.
12. Payment #11 in the amount of \$90,425.37 to HR Green, Inc. for engineering services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
13. Payment #5 in the amount of \$9,254.05 to HR Green, Inc., for engineering services on the Otter Creek Trunk Sewer - Phase 3 project.
14. Payment #1 in the amount of \$6,090.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
15. Payment #14 in the amount of \$19,825.00 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
16. Payment #12 in the amount of \$1,880.00 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
17. Payment #4 in the amount of \$38,526.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
18. Payment #5 in the amount of \$1,962.25 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development project.
19. Payment #24 in the amount of \$18,475.70 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
20. Payment #17 in the amount of \$18,544.85 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
21. Payment #12 in the amount of \$80,936.65 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
22. Payment #20 in the amount of \$14,414.63 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.

23. Payment #16 in the amount of \$17,676.79 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
24. Payment #21 in the amount of \$2,154.38 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 1 project.
25. Payment #31 in the amount of \$18,236.45 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
26. Payment #13 in the amount of \$611,155.19 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
27. August 1, 2022 Accounts Payable by Fund: General 264,993; Road Use Tax 96,596; Police/Fire Pension 1,465; Library Foundation 4,811; Solid Waste 243; Water 206,202; Sewer 515,516; Storm Water 18,362; Golf Course 52,566; Enterprise Project 1,558,384; Revolving 68,224; Risk Management 69,436; Health Insurance 345; Capital Projects Funds 1,544,837; Payroll Totals 1,945,050; Transfers/ACH (191,258); Agenda Payments approved separately 2,840,151; Grand Total \$ 8,995,923.

Community Development

28. **RESOLUTION 2022-357** accepting final plat, deed to street and platted easements for Vintage Business Park at Prairie Trail Plat 12.
29. **RESOLUTION 2022-358** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, platted easements, and park land dedication agreement for The Crossings at Deer Creek Plat 7.

Engineering

30. **RESOLUTION 2022-359** 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. (1033 NE Lake View Drive - Godron)
31. **RESOLUTION 2022-360** accepting a purchase agreement and approving documents for the acquisition of street right-of-way 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. (Outlot X of Plat 5 - Tuscany Pointe Owners Association, Inc.)
32. **RESOLUTION 2022-361** 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. (East of NE Delaware Avenue and South of Fourmile Creek - DRA Properties, LC)
33. **RESOLUTION 2022-362** 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. (North of NE 18th Street and 200 feet East of NE Delaware Avenue - DRA Properties, LC)
34. **RESOLUTION 2022-363** authorizing the execution of an Agreement for Traffic Safety Improvement Program (TSIP) Funding between the Iowa Department of Transportation (Iowa DOT) and the City of Ankeny, Iowa, for the sharing of project costs for the proposed NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project.
35. **RESOLUTION 2022-364** accepting and approving documents for the acquisition of temporary construction easement for the North Ankeny Blvd. Water Main project in Ankeny, Iowa. (3625 N. Ankeny Blvd. - Central Iowa Hospital Corporation)
36. **RESOLUTION 2022-365** accepting a purchase agreement and approving documents for the acquisition of street right-of-way for the NE Delaware Avenue Reconstruction - NE 5th

- Street to 700 feet North of NE 18th Street project in Ankeny, Iowa. (North of NE 18th Street and 200 feet East of NE Delaware Avenue - DRA Properties, LC)
37. **RESOLUTION 2022-366** accepting maintenance bond for water main, sanitary sewer and storm sewer in The Crossings at Deer Creek Plat 7.
 38. **RESOLUTION 2022-367** accepting maintenance bond for paving in The Crossings at Deer Creek Plat 7.
 39. **RESOLUTION 2022-368** 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. (1080 NE 18th Street - Fuller)
 40. **RESOLUTION 2022-369** 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. (1305 NE Delaware Avenue - Willey)
 41. **RESOLUTION 2022-370** authorizing the mayor to sign a development agreement with Bill Kimberley, LC concerning the construction of the Kimberley Estates Plat 2 Sanitary Trunk Sewer Extension in the City of Ankeny, Iowa.
 42. **RESOLUTION 2022-371** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of sanitary trunk sewer in the Kimberley Estates Plat 2 Trunk Sewer Extension Project.

Capital Improvement Projects

43. **SE 8th Street Reconstruction - Phase 2 Project**: a) Final Change Order #2 increasing the contract amount by \$499.00; b) Certificate of Completion; c) **RESOLUTION 2022-372** accepting the public improvement with Absolute Concrete Construction in the amount of \$794,139.90; and d) Final Payment #6 in the amount of \$0.00; and Retainage Payment in the amount of \$24,423.04.
44. **RESOLUTION 2022-373** accepting the Corporate Surety Bond for the Rock Creek Greenway Trail Improvements, in exchange for the deposit of funds previously approved in accordance with Iowa Code Section 573.4

Administrative Items

45. **RESOLUTION 2022-374** authorizing public hearing on the 2022 Tobacco Compliance Check for Casey's, 1024 E 1st St. – January 24, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)
RESOLUTION 2022-375 authorizing public hearing on the 2022 Tobacco Compliance Check for Casey's, 1024 E 1st St, Ankeny – April 27, 2022 – second violation (date of hrg: 9/6/22 @ 5:30 p.m.)
RESOLUTION 2022-376 authorizing public hearing on the 2022 Tobacco Compliance Check for Central Iowa Vapors, 207 NE Delaware Ave, #2, Ankeny – January 24, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)
RESOLUTION 2022-377 authorizing public hearing on the 2022 Tobacco Compliance Check for Grubb's Pubb, 1165 SW Ordinance Rd, Ankeny – January 16, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)
RESOLUTION 2022-378 authorizing public hearing on the 2022 Tobacco Compliance Check for Hy-Vee #2, 1710 SW Oralabor Rd, Ankeny – February 11, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)
RESOLUTION 2022-379 authorizing public hearing on the 2022 Tobacco Compliance Check for Kum & Go, 1910 SW White Birch Cir, Ankeny – January 24, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)

RESOLUTION 2022-380 authorizing public hearing on the 2022 Tobacco Compliance Check for Kum & Go, 1910 SW White Birch Cir, Ankeny – April 27, 2022 – second violation (date of hrg: 9/6/22 @ 5:30 p.m.)

RESOLUTION 2022-381 authorizing public hearing on the 2022 Tobacco Compliance Check for Leaf Brothers Cigar, 1924 SW 3rd St, Ankeny – February 11, 2022 – first violation (date of hrg: 9/6/22 @ 5:30 p.m.)

46. Authorize the City of Ankeny to enter into a contract with All Community Events, Inc. for the Jack O' Lantern World special event.

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-46. Ayes: Shafer, Ruddy, Bentz, Perry, Whiting.

NEW BUSINESS

1. Proposed SW Oralabor Road & SW State Street - Oralabor Gateway Trail (PH 2022-57) Council Member Shafer moved, Perry seconded, to adopt **RESOLUTION 2022-382** approving and authorizing the acquisition of property and property interests for the Oralabor Gateway Trail - SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project. Ayes: Shafer, Perry, Bentz, Ruddy, Whiting.
2. Proposed 2022 Prairie Ridge Aquatic Center - Resurfacing (PH 2022-58) Council Member Shafer moved, Bentz seconded, to adopt 1) **RESOLUTION 2022-383** adopting plans, specifications, form of contract and estimate of cost \$225,000.00; 2) receive and file report of bids received July 26, 2022; 3) adopt **RESOLUTION 2022-384** making award of construction contract with Splash Pool & Spa Builders, LLC in the amount of \$292,200.00; and 4) adopt **RESOLUTION 2022-385** approving contract and bonds with Splash Pool & Spa in the amount of \$292,200.00. Ayes: Shafer, Bentz, Perry, Ruddy, Whiting.

ADJOURNMENT

1. Meeting was adjourned at 5:52 PM.

Michelle Yuska, City Clerk

Bobbi Bentz, Mayor Pro Tem

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