



ANKENY CITY COUNCIL

Regular Meeting

Monday, July 1, 2024

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 July 1, 2024 Agenda

Action# B1-1. Consider motion to approve and accept the July 1, 2024 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2024-40 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope K. Farms, LLC from R-2, One-Family and Two-Family Residence District to PUD, Planned Unit Development.

Action# C1-1. Consider motion to close Public Hearing 2024-40.

2. PH 2024-41 Proposed Development Agreement between the City of Ankeny and Community State Bank.

Action# C2-1. Consider motion to close Public Hearing 2024-41.

3. PH 2024-42 Proposed Watercrest Park Expansion

Action# C3-1. Consider motion to close Public Hearing 2024-42.

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 June 17, 2024, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Receive and file minutes of the Zoning Board of Adjustment meeting of April 2, 2024.
- CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of June 4, 2024.
- CA - 4** Receive and file minutes of the Plan and Zoning Commission meeting of June 4, 2024.
- CA - 5** Receive and file minutes of the Park Board meeting of March 25, 2024.
- CA - 6** Receive and file minutes of the Library Board of Trustee meeting of May 16, 2024.

- **Licenses and Permits**

- CA - 7** Consider motion to approve the issuance of Cigarette/Tobacco/Nicotine/Vapor Permits for July 1, 2024 - June 30, 2025.
- CA - 8** Consider motion to approve the issuance of liquor licenses and beer/wine permits in the City of Ankeny.

- **Finance/Budget**

- CA - 9** Consider motion to approve Payment #1 in the amount of \$1,521.65 to Confluence, Inc. for professional services associated with the Ankeny Boulevard Corridor plan project.
- CA - 10** Consider motion to approve Payment #6 in the amount of \$1,550.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
- CA - 11** Consider motion to approve Payment #3 in the amount of \$18,245.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.
- CA - 12** Consider motion to approve Payment #4 in the amount of \$8,105.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.
- CA - 13** Consider motion to approve Payment #25 in the amount of \$12,187.95 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 14** Consider motion to approve Payment #8 in the amount of \$16,954.56 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
- CA - 15** Consider motion to approve Payment #7 in the amount of \$2,115.65 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
- CA - 16** Consider motion to approve Payment #21 (FINAL) in the amount of \$51,222.76 to HR Green, Inc., for construction administration and construction inspection services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
- CA - 17** Consider motion to approve Payment #18 in the amount of \$28,454.92 to HR Green, Inc., for construction engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 18** Consider motion to approve Payment #4 in the amount of \$38,517.93 to MSA Professional Services, Inc., for engineering services on the SW Walnut Street and SW Ordance Road Water Main project.
- CA - 19** Consider motion to approve Payment #4 in the amount of \$61,293.30 to Olsson, Inc., for engineering services on the Fiber Optic Network Upgrade project.
- CA - 20** Consider motion to approve Payment #2 in the amount of \$111,977.93 to On Track Construction, LLC for construction services on the 2023 Annual Storm Sewer Repairs project.
- CA - 21** Consider motion to approve Payment #17 in the amount of \$7,455.50 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
- CA - 22** Consider motion to approve Payment #19 in the amount of \$901.93 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 23** Consider motion to approve Payment #40 in the amount of \$4,821.03 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.

- CA - 24** Consider motion to approve Payment #9 in the amount of \$50,486.25 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
- CA - 25** Consider motion to approve Payment #35 in the amount of \$33,140.41 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 26** Consider motion to approve Payment #3 in the amount of \$13,353.75 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 4 project.
- CA - 27** Consider motion to approve Payment #13 in the amount of \$19,329.30 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
- CA - 28** Consider motion to approve Payment #2 in the amount of \$16,301.53 to Snyder & Associates, for engineering services on the Sawgrass Park Dam Improvements project.
- CA - 29** Consider motion to approve Payment #13 in the amount of \$10,672.25 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
- CA - 30** Consider motion to approve Payment #5 in the amount of \$5,355.20 to Snyder & Associates, Inc. for engineering services on the Watercrest Park Expansion project.
- CA - 31** Consider motion to approve Payment #13 in the amount of \$17,449.37 to Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
- CA - 32** Consider motion to approve the July 1, 2024 Accounts Payable.
- CA - 33** Consider motion to adopt **RESOLUTION** authorizing the purchase of an AR331 Jacobsen Mower from Davis Equipment Corporation for the Otter Creek Golf Course.
- CA - 34** Consider motion to adopt **RESOLUTION** authorizing the purchase of splash pad equipment from Landscape Structures, Inc. for the Watercrest Park Expansion project.

- **Personnel Items**

- CA - 35** Motion to suspend the practices of Iowa Code Chapter 400 Civil Service, section 400.8 [Original entrance examination - Appointments], subsection 2, and 400.11 [Names certified - temporary appointment], subsection 1a, for the hiring of civil service positions for July 1, 2024 to June 30, 2025, as authorized by the passing of SF 2205 that was signed by Governor Reynolds and effective for 7/1/2024.

- **Community Development Items**

- CA - 36** Consider motion to adopt **RESOLUTION** accepting the final plat for Brazelton Estates, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
- CA - 37** Consider motion to grant preliminary approval of King's Pointe Plat 1 Final Plat; and authorize cost-participation request for extensions and upsizing public sanitary sewer and water mains and upsizing sidewalk along NE Delaware in the amount estimated at \$58,386.25.
- CA - 38** Consider motion to adopt **RESOLUTION** accepting a Storm Water Management

Facility Maintenance Covenant and Permanent Easement Agreement, located on the property at 3625 N Ankeny Blvd and associated with the development of the North Ankeny Medical Park MRI Addition Site Plan.

- **Engineering Items**

- CA - 39** Consider motion to adopt **RESOLUTION** accepting a proposal from Alpha Landscapes, LLC in the amount of \$32,872.00 for the construction of the 2024 City-Wide Permanent Surface Restoration project.
- CA - 40** Consider motion to adopt **RESOLUTION** accepting public improvements in Spectrum 36 Plat 2 for water main, sanitary sewer, and storm sewer.
- CA - 41** Consider motion to adopt **RESOLUTION** accepting public improvements in Spectrum 36 Plat 2 for concrete paving.
- CA - 42** Consider motion to adopt **RESOLUTION** accepting public improvements in Spectrum 36 Plat 2 for asphalt paving.
- CA - 43** Consider motion to adopt **RESOLUTION** accepting public improvements in Spectrum 36 Plat 2 for subgrade.
- CA - 44** Consider motion to adopt **RESOLUTION** accepting public improvements for paving and subgrade prep associated with SE Four Mile Drive Turn Lane Improvements .

- **Capital Improvement Projects**

- CA - 45** Consider motion to adopt **RESOLUTION** ordering construction on the High Trestle Trail Experience Park - Phase 1 project and fixing a date for hearing thereon and taking bids therefor. (date of bid opening: (7/30/24 @ 10:30 A.M. / date of hrg: 8/5/24 @ 5:30 P.M.)

- **Administrative Items**

- CA - 46** Consider motion to adopt **RESOLUTION** authorizing temporary street closings for the purpose of the Ankeny Youth Triathlon.
- CA - 47** Consider motion to adopt **RESOLUTION** authorizing the City of Ankeny to enter into a grant agreement with Bravo Greater Des Moines for a Public Art Grant for a glow trail along the High Trestle Trail.
- CA - 48** Consider motion to adopt **RESOLUTION** setting a public hearing on the Second Amendment to the Interim Tower Lease Agreement with T-Mobile. (date of hrg: 7/15/24 @ 5:30 p.m.)
- CA - 49** Consider motion to authorize the Mayor to sign the Estoppel Certificate for Healthcare Realty Services Incorporated, as agent for Ankeny North MOB, LLC at 800 East 1st Street for the leased space of 100 parking spots for purpose of providing park and ride parking for DART Ankeny Commuter service.
- CA - 50** Consider motion authorizing the Mayor to sign a contract termination agreement between the City of Ankeny, Iowa Economic Development Authority and SPAL - USA, Inc.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-50

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-50.

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

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

H. **LEGISLATIVE BUSINESS:**

- **Approval of Ordinances:**

1. Ord 2172 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope K Farms LLC, R-1 One Family Residential District to Planned Unit Development, PUD (Rezoning Area A).

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2172, sending it on its final passage and publication as required by law.

2. Ord 2173 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope K Farms LLC, R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area B).

Action# H2-1. Consider motion to accept third consideration of ORDINANCE 2173, sending it on its final passage and publication as required by law.

3. Ord 2174 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope K Farms LLC, R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 20 units per acre (Rezoning Area C).

Action# H3-1. Consider motion to accept third consideration of ORDINANCE 2174, sending it on its final passage and publication as required by law.

4. Ord 2175 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope K. Farms, LLC. (PH 2024-40)

Action# H4-1. Consider motion to accept first consideration of ORDINANCE 2175.

I. **OLD BUSINESS: none**

J. **NEW BUSINESS:**

1. Proposed Development Agreement between the City of Ankeny and Community State Bank (PH 2024-41)

Action# J1-1. Consider motion to adopt RESOLUTION approving a development agreement between the City of Ankeny and Community State Bank.

2. Proposed Watercrest Park Expansion (PH 2024-42)

Action# J2-1.

Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$575,375.00; 2) receive and file report of bids received June 25, 2024; 3) adopt RESOLUTION making award of construction contract with Graphite

Construction in the amount of \$516,207.00; and 4) adopt RESOLUTION approving contract and bonds with Graphite Construction in the amount of \$516,207.00.

3. Proposed Reimbursement Agreement -DLE Seven, L.L.C.
SE Creekview Drive - Engineering and Design for Extension of Infrastructure

Action# J3-1. Consider motion to adopt RESOLUTION approving a Reimbursement Agreement between DLE Seven, L.L.C. and the City of Ankeny for engineering and design costs for extension of SE Creekview Drive.

4. Proposed SE Creekview Drive Extension (RISE)
Professional Services Agreement with Civil Design Advantage.

Action# J4-1. Consider motion to approve the Professional Services Agreement with Civil Design Advantage, for the design engineering and bidding phase services on the SE Creekview Drive Extension (RISE) Project in an amount not to exceed \$177,500.00 and the Mayor to execute said agreement.

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 - Permanent Electric Easement - Mid American Energy - 7/15/24 @ 5:30 p.m.***
- ***Public Hearing - 2nd amendment - Interim Tower Lease Agreement with T-Mobile - 7/15/24 @ 5:30 p.m.***
- ***Public Hearing - High Trestle Trail Experience Park - Phase 1 - 8/5/24 @ 5:30 p.m.***

L. ADJOURNMENT

1. Request for Executive Session under Code Section 21.5.1 (i)

Action# L1-1.

Consider motion to go into Executive Session, 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.”

2. Adjournment