

MINUTES OF THE ANKENY CITY COUNCIL

Monday, July 1, 2024 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, Todd Shafer, and Kelly Stearns were in attendance. 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.
2. David Carney, 2613 NW 30th Lane, spoke about construction in his private subdivision.

APPROVAL OF AGENDA

1. Council Member Stearns moved, Perry seconded, to approve and accept the July 1, 2024 agenda without amendment. Ayes: 5.

PUBLIC HEARING

1. PH 2024-40. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2175 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. from its current R-2, One-Family and Two-Family Residence District, to PUD, Planned Unit Development. Layman's Description: approximately 38.09 acres (+/-) located south of NW 54th Avenue and one-half mile east of NW Irvinedale Drive. Notice of this hearing was published in the Des Moines Register on the 21st day of June, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the applicant, Hope K. Farms, LLC is requesting to rezone property from R-2, One-Family and Two-Family Residence District to PUD, Planned Unit Development. The subject property is surrounded by properties to the north and the west that are zoned PUD and properties to the south that are zoned R-2, One-Family and Two-Family Residence District and R-1, One-Family Residence District. The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map identifies the subject area as being suitable for low density residential land uses. The zoning compatibility matrix lists the PUD zoning classification as being partially compatible with the low density residential future land use classification.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Bentz moved, Shafer seconded, to close public hearing 2024-40. Ayes: 5.

2. PH 2024-41. Mayor Holm announced this is the time and place for a public hearing on the matter of a proposed development agreement between the City of Ankeny and Community State Bank related to business expansion. The Notice of Hearing on this proposal was published in the Des Moines Register on the 21st day of June, 2024.

Derek Lord, Director of Economic Development, reported that Community State Bank is proposing to construct a new Class A office building in Ankeny. CSB is proposing to make a significant investment in a new four-story, approximately 71,000 square foot office building

and retail location on 5.5 acres at the northwest corner of NE 36th Street and NE Four Mile Drive. The proposed project is eligible for Office Development Incentive Policy incentives. The proposed development agreement includes 5 years of property tax rebates equal to 100% of the TIF-eligible amount of property taxes paid on CSB's new office building. If five net new jobs paying greater than \$34.51/hour are created within 36 months of receiving a certificate of occupancy and those positions are maintained for two additional years, CSB will receive an additional five years of TIF rebates equal to 90%, 80%, 70%, 60%, 50% of the TIF eligible amount of property taxes paid each of those five years on the new facility. If CSB falls short on the job creation requirements, standard clawback provisions are included in the agreement and CSB will not receive any incentives years six to ten.

Mayor Holm then asked for any public comment regarding the proposed agreement. Kurt Gibson, CSB, addressed the council. Council Member Ruddy moved, Stearns seconded, to close public hearing 2024-41. Ayes: 5.

3. PH 2024-42. 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 Watercrest Park Expansion. Notice of this hearing was published in the Des Moines Register on the 14th day of June, 2024.

Nick Lenox, Parks & Recreation Director, reported that the Watercrest Park Expansion project improvements include grading, installation of a new parking lot, sidewalks, trails, open shelter, splash pad, utilities, plantings, seeding and miscellaneous associated work necessary to complete the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Bentz seconded, to close public hearing 2024-42. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of June 17, 2024, as published.
2. Receive and file minutes of the Zoning Board of Adjustment meeting of April 2, 2024.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of June 4, 2024.
4. Receive and file minutes of the Plan and Zoning Commission meeting of June 4, 2024.
5. Receive and file minutes of the Park Board meeting of March 25, 2024.
6. Receive and file minutes of the Library Board of Trustee meeting of May 16, 2024.

Licenses and Permits

7. Issuance of cigarette/tobacco/nicotine/vapor permit in the City of Ankeny.
8. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

9. Payment #1 in the amount of \$1,521.65 to Confluence, Inc. for professional services associated with the Ankeny Boulevard Corridor plan project.
10. Payment #6 in the amount of \$1,550.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
11. Payment #3 in the amount of \$18,245.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.

12. Payment #4 in the amount of \$8,105.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.
13. 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.
14. 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.
15. Payment #7 in the amount of \$2,115.65 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
16. 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.
17. 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.
18. Payment #4 in the amount of \$38,517.93 to MSA Professional Services, Inc., for engineering services on the SW Walnut Street and SW Ordnance Road Water Main project.
19. Payment #4 in the amount of \$61,293.30 to Olsson, Inc., for engineering services on the Fiber Optic Network Upgrade project.
20. 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.
21. 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.
22. Payment #19 in the amount of \$901.93 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. Payment #2 in the amount of \$16,301.53 to Snyder & Associates, for engineering services on the Sawgrass Park Dam Improvements project.
29. 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.
30. Payment #5 in the amount of \$5,355.20 to Snyder & Associates, Inc. for engineering services on the Watercrest Park Expansion project.
31. 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.
32. July 1, 2024 Accounts Payable by fund: General \$564,652; Road Use Tax \$115,687; Debt Service: \$4,800; Library Foundation \$5,965; Water \$205,546; Water Sinking \$1,750; Sewer \$129,217; Storm Water \$2,678; Golf Course \$54,351; Enterprise Project \$380,811; Revolving \$3,836; Risk Management \$61,336; Health Insurance \$8,729; BAN/Bond Activity \$63,617; Capital Projects \$319,236; Payroll Totals \$2,304,713; Transfers/ACH (\$204,143); Agenda Payments Approved Separately (\$531,413); Grand Total \$3,491,368.
33. **RESOLUTION 2024-273** authorizing the purchase of an AR331 Jacobsen Mower from Davis Equipment Corporation for the Otter Creek Golf Course.
34. **RESOLUTION 2024-274** authorizing the purchase of splash pad equipment from Landscape Structures, Inc. for the Watercrest Park Expansion project.

Personnel

35. 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

36. **RESOLUTION 2024-275** accepting the final plat for Brazelton Estates, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
37. 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.
38. **RESOLUTION 2024-276** 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

39. **RESOLUTION 2024-277** 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.
40. **RESOLUTION 2024-278** accepting public improvements in Spectrum 36 Plat 2 for water main, sanitary sewer, and storm sewer.
41. **RESOLUTION 2024-279** accepting public improvements in Spectrum 36 Plat 2 for concrete paving.
42. **RESOLUTION 2024-280** accepting public improvements in Spectrum 36 Plat 2 for asphalt paving.
43. **RESOLUTION 2024-281** accepting public improvements in Spectrum 36 Plat 2 for subgrade.
44. **RESOLUTION 2024-282** accepting public improvements for paving and subgrade prep associated with SE Four Mile Drive Turn Lane Improvements.

Capital Improvement Projects

45. **RESOLUTION 2024-283** 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

46. **RESOLUTION 2024-284** authorizing temporary street closings for the purpose of the Ankeny Youth Triathlon.
47. **RESOLUTION 2024-285** 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.
48. **RESOLUTION 2024-286** 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.)
49. 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.
50. Authorize 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

1. Council Member Shafer moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-50. Ayes: Shafer, Perry, Bentz, Ruddy, Stearns.

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). Council Member Ruddy moved, Stearns seconded, to accept third consideration of ORDINANCE 2172, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
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). Council Member Bentz moved, Stearns seconded, to accept third consideration of ORDINANCE 2173, sending it on its final passage and publication as required by law. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
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). Council Member Stearns moved, Ruddy seconded, to accept third consideration of ORDINANCE 2174, sending it on its final passage and publication as required by law. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
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) Council Member Stearns moved, Bentz seconded, to accept first consideration of ORDINANCE 2175. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

NEW BUSINESS

1. Proposed Development Agreement between the City of Ankeny and Community State Bank (PH 2024-41) Council Member Perry moved, Stearns seconded, to adopt **RESOLUTION 2024-287** approving a development agreement between the City of Ankeny and Community State Bank. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.
2. Proposed Watercrest Park Expansion (PH 2024-42) Council Member Stearns moved, Ruddy seconded, to adopt 1) **RESOLUTION 2024-288** 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 2024-289** making award of construction contract with Graphite Construction in the amount of \$516,207.00; and 4) adopt **RESOLUTION 2024-290** approving contract and bonds with Graphite Construction in the amount of \$516,207.00. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
3. Proposed Reimbursement Agreement -DLE Seven, L.L.C. SE Creekview Drive - Engineering and Design for Extension of Infrastructure. Council Member Stearns moved, Bentz seconded, to adopt **RESOLUTION 2024-291** 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. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
4. Proposed SE Creekview Drive Extension (RISE) Professional Services Agreement with Civil Design Advantage. Council Member Perry moved, Ruddy seconded, 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. Ayes: Perry, Ruddy, Bentz, Shafer, Stearns.

ADJOURNMENT

1. Moved by Ruddy, seconded by Shafer, to go into Executive Session at 6:12 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: Ruddy, Shafer, Bentz, Perry, Stearns. Council adjourned the executive session at 6:47 p.m. and returned to open session at 6:48 p.m.
2. Meeting was adjourned at 6:48 p.m.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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