

MINUTES OF THE ANKENY CITY COUNCIL

Monday, June 20, 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 Mark Holm called the meeting to order at 5:30 PM. Council Members Bobbi Bentz, Jeff Perry, Joe Ruddy, and Kelly Whiting were in attendance. Council Member Todd Shafer joined the meeting electronically. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Jon Shelton, 2705 NW 10th Ct, Ankeny spoke to proposed Ordinance 2115, Throwing and Shooting. Renee Potts, Ankeny Community Network, shared a review of the Juneteenth Festival.

APPROVAL OF AGENDA

1. Council Member Perry moved, Ruddy seconded, to approve and accept the June 20, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-54. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory owned by ATI Industrial, LLC, Tyler Investment Company, Inc., Polk County Aviation Authority, and Lloyd D. Linn. Layman's Description: Approximately 159 acres (+/-) of land contiguous to the southeast quadrant of the Ankeny corporate limits, generally located east of the Ankeny Regional Airport, west of NE Berwick Drive, and ¼ mile south of SE Oralabor Road. Notices were mailed to affected property owners as required by law and notice of this hearing was published in the Des Moines Register on the 3rd day of June, 2022.

Eric Jensen, Director of Community Development, reported that ATI Industrial, LLC, Tyler Investment Company, Inc., Polk County Aviation Authority, and Lloyd D. Linn are the property owners of eight parcels totaling 159 acres (+/-) requesting to be voluntarily annexed into the City of Ankeny. The petitioned land is contiguous to the southeast quadrant of the Ankeny corporate limits—generally located east of the Ankeny Regional Airport, west of NE Berwick Drive, and a quarter-mile south of SE Oralabor Road. The annexation area includes the eight subject parcels and all adjacent road right-of-way to the centerline of the adjacent road (NE Berwick Drive and SE Four Mile Drive). The proposed voluntary urbanized annexation is within two miles of the City of Altoona

Mayor Holm then asked for any public comment regarding the proposed annexation. Hearing no comments, Council Member Bentz moved, Whiting seconded, to close public hearing 2022-54. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of June 6, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of May 17, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of May 3, 2022.
4. Receive and file minutes of the Civil Service Commission meeting of May 9, 2022.

5. Receive and file minutes of the Human Rights Commission meeting of May 26, 2022.

Licenses and Permits

6. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.

Finance/Budget

7. Receive and file Financial Reports for May 2022.
8. Receive and file Building Permit Report for May 2022.
9. Receive and file Utility Report for May 2022.
10. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$24,100.00 with Nilles Associates, Inc. for construction engineering services on the Diamond Hills Greenway Stream Repairs project.
11. Change Order No. 2, increasing the contract amount by \$6,900.00 to RedBud LLC for native vegetation maintenance as part of the 2022 Native Vegetation Maintenance project.
12. Payment #2 in the amount of \$120,489.26 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
13. Payment #1 in the amount of \$9,285.30 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
14. Payment #26 in the amount of \$19,169.55 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
15. Payment #1 in the amount of \$226,223.74 to Con-Struct, Inc., for construction services on the 2022 PCC Reconstruction Program -SE Peachtree Drive project.
16. Payment #10 in the amount of \$741,859.00 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
17. Payment #3 in the amount of \$19,350.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
18. Payment #14 in the amount of \$38,250.50 to FOX Strand, for engineering services on the Ankeny ASR project.
19. Payment #20 in the amount of \$37,981.62 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
20. Payment #3 in the amount of \$479,341.55 to Gus Construction, for construction services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
21. Payment #1 in the amount of \$38,663.17 (for invoice #1) to Hydro-Klean, LLC for construction services on the 2022 CIPP Lining project.
22. Payment #21 in the amount of \$36,645.47 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert project.
23. Payment #3 in the amount of \$12,000.00 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
24. Payment #1 in the amount of \$37,477.50 to Nilles Associates, Inc., for engineering services on the Diamond Hills Greenway Stream Repairs project.
25. Payment #3 in the amount of \$43,531.37 to On Track Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
26. Payment #2 in the amount of \$3,605.25 to RedBud Landscaping, LLC for construction services on the 2022 Native Vegetation Maintenance Project.
27. Payment #11 in the amount of \$108,114.16 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
28. Payment #2 in the amount of \$336,560.06 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE – Phase 2 project.
29. June 20, 2022 Accounts Payable by Fund: General 373,356; Road Use Tax 184,217; Police/Fire Pension 2,091; Library Foundation 790; Solid Waste 103,185; Water 753,535; Sewer

75,141; Storm Water 13,762; Golf Course 54,194; Enterprise Project 200,641; Revolving 91,871; Risk Management 131,834; Health Insurance 479; Capital Projects Funds 2,165,340; Payroll Totals 1,305,508; Transfers/ACH (177,493); Agenda Payments approved separately (2,324,250); Grand Total \$ 2,954,201.

30. **RESOLUTION 2022-305** naming depositories for the City of Ankeny.

Personnel

31. Civil Service Commission certified lists for appointment to: Utilities Operator Assistant in the Municipal Utilities Department; Permits Technician in the Community Development Department; Engineering Technician II in the Municipal Utilities Department; Park Maintenance Technician II in the Parks and Recreation Department; and Groundskeeper II in the Parks and Recreation Department; subject to passing any further departmental requirements.

Community Development

32. **RESOLUTION 2022-306** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, performance and maintenance bonds for public improvements, and platted easements for Grove Landing Plat 5.
33. **RESOLUTION 2022-307** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Grove Landing Plat 5.
34. **RESOLUTION 2022-308** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Grove Landing Plat 5.
35. **RESOLUTION 2022-309** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Moeckly Family Farm, LLC, located northeast of the intersection at NW 18th Street and NW Weigel Drive. (date of hrg: 7/5/22 @ 5:30 p.m.)
36. **RESOLUTION 2022-310** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for paving and underground improvements, platted easements and warranty deed to streets, for Grove Landing Plat 6.
37. **RESOLUTION 2022-311** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Grove Landing Plat 6.
38. **RESOLUTION 2022-312** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Grove Landing Plat 6.
39. **RESOLUTION 2022-313** accepting Public Ingress/Egress Easements, located on a part of Lot 2, Aspen Ridge Commercial Plat 1; Parcel 2021-71 and 2021-72.

Engineering

40. **RESOLUTION 2022-314** accepting and approving documents for the acquisition of permanent water main easement for the North Ankeny Blvd. Water Main project in Ankeny, Iowa. (3625 N. Ankeny Blvd. - Central Iowa Hospital Corporation)

Capital Improvement Projects

41. **Ankeny Parks Maintenance Facility Phase 1:** a) The Architect's Certificate of Completion; b) **RESOLUTION 2022-315** accepting the public improvement with All Star Concrete, LLC in the amount of \$774,938; and c) Retainage Payment #9 in the amount of \$4,000 which will be released 30 days after project acceptance.
42. **Wastewater Plant Partial Demolition:** a) Certificate of Completion; b) **RESOLUTION 2022-316** accepting the public improvements with Con-Struct, Inc. in the amount of \$361,359.50; c)

Change Order #3 for (\$6,700); d) Final Payment #5 in the amount of \$0.00 / Release of Retainage in the amount of \$11,702.98.

Administrative

43. Agreement with the Iowa Civil Rights Commission (ICRC) from July 1, 2022- June 30, 2023 for the reimbursement of city staff time in processing discrimination claims referred to the ICRC
44. Renewal of the general insurance policy with Iowa Communities Assurance Pool (ICAP) for the policy year July 16, 2022 through July 15, 2023, with a premium amount of \$442,827.
45. Renewal of the crime and cyber policy with Travelers Casualty and Surety Company for the policy year July 16, 2022 through July 15, 2023, with a premium amount of \$60,750.
46. Renewal of the workers' compensation policy with Iowa Municipalities Workers' Compensation Association (IMWCA) for the policy year July 1, 2022 through June 30, 2023, with a premium amount of \$388,786.
47. **RESOLUTION 2022-317** authorizing the execution of one certain 28E Agreement by and between the City of Ankeny, Iowa, and Central Iowa Law Enforcement Agencies for Traffic Enforcement.

Approval of Consent Agenda Items

1. Council Member Whiting moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-47. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2110.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC from R-1, One-Family Residence District, to R-3 Multiple-Family Residence District restricted to 10 units per acre. Council Member Whiting moved, Perry seconded, to accept third consideration of Ordinance 2110, sending it on its final passage and publication as required by law. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.
2. **Ord 2111.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC from R-1, One-Family Residence District, to R-3 Multiple-Family Residence District restricted to single family. Council Member Bentz moved, Whiting seconded, to accept third consideration of Ordinance 2111, sending it on its final passage and publication as required by law. Ayes: Bentz, Whiting, Ruddy, Perry, Shafer.
3. **Ord 2112.** An Ordinance amending Chapter 69 Parking Regulations of the Municipal Code of the City of Ankeny, Iowa, by amending Section 60.09 School Crossing Crosswalk, Section 69.10 No Parking on North and East Sides of Streets, Section 69.11 No Parking on Both Sides, and Section 69.16 No Passenger Loading or Unloading. Council Member Ruddy moved, Whiting seconded, to accept third consideration of Ordinance 2112, sending it on its final passage and publication as required by law. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
4. **Ord 2113.** An Ordinance amending Chapter 65 Stop or Yield Required of the Municipal Code of the City of Ankeny, Iowa, by amending Section 65.02 School Districts. Council Member Bentz moved, Perry seconded, to accept third consideration of Ordinance 2113, sending it on its final passage and publication as required by law. Ayes: Bentz, Perry, Ruddy, Shafer, Whiting.
5. **Ord 2114.** 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. Council Member Whiting moved, Ruddy seconded, to accept third consideration of Ordinance 2114, sending it on its final passage and publication as required by law. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

6. **Ord 2115.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending Section 41.10 throwing and shooting and adding a new Section 41.11 bow and arrow target shooting. Council Member Whiting moved, Bentz seconded, to accept first consideration of Ordinance 2115. Ayes: Whiting, Bentz, Perry, Ruddy, Shafer.
7. **Ord 2116.** An Ordinance amending Chapter 152, Sidewalk Regulations, of the Municipal Code of the City of Ankeny, Iowa. Council Member Ruddy moved, Whiting seconded, to accept first consideration of Ordinance 2116. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.

NEW BUSINESS

1. Voluntary urbanized annexation of certain territory owned by ATI Industrial, LLC, Tyler Investment Company, Inc., Polk County Aviation Authority, and Lloyd D. Linn (PH 2022-54). Council Member Whiting moved, Ruddy seconded, to receive and file the April 21, 2022 Consultation Meeting Report. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer. Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-318** annexing certain territory owned by ATI Industrial, LLC, Tyler Investment Company, Inc., Polk County Aviation Authority, and Lloyd D. Linn. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
2. Agreement with Ankeny Chamber of Commerce SummerFest 2022 Agreement. Council Member Bentz moved, Whiting seconded, to adopt **RESOLUTION 2022-319** approving an agreement between the City of Ankeny and the Ankeny Chamber of Commerce. Ayes: Bentz, Whiting, Perry, Ruddy, Shafer.
3. SE 3rd Street Utility Improvements - Phase 2 project Professional Services Agreement with JEO Consulting Group, Inc. Council Member Ruddy moved, Whiting seconded, to approve the Professional Services Agreement with JEO Consulting Group, Inc. for design engineering services on the SE 3rd Street Utility Improvements - Phase 2 in an amount not to exceed \$106,780.00 and authorize the Mayor to execute said Agreement. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
4. \$896,000 Master Services and Purchasing Agreement (General Fund) Set Public Hearing. Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-320** fixing date for a public hearing on the proposition to authorize a Master Services and Purchasing Agreement payable from the General Fund in the principal amount of \$896,000 for personal property for use by the City, and providing for publication of notice thereof. (date of hrg: 7/5/22 @ 5:30 p.m.) Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
5. Letter of Agreement - A Cut Above Lawn Care & Landscaping 2022 South Zone A Mowing Services. Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-321**, approving a Letter of Agreement between the City of Ankeny and A Cut Above Lawn Care & Landscaping, for 2022 South Zone A mowing services. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.
6. Letter of Agreement - Stretch Property Management 2022 South Zone B Mowing Services to Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-322**, approving a Letter of Agreement between the City of Ankeny and Stretch Property Management, for 2022 South Zone B mowing services. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:10 PM.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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