



ANKENY CITY COUNCIL

Regular Meeting

Monday, June 19, 2023

5:30 PM

Ankeny Kirkendall Public Library - City Council Chambers

1250 SW District Drive, Ankeny

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro-Tem

Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Stearns

All City Council meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing. To request information in an alternative format or request an accommodation to participate in a City Council meeting, contact the Office of the City Clerk at 965-6405.

Anyone seeking assistance in communicating with the City should contact Relay Iowa at 1-800-735-2942 (TDY), or 1-800-735-2943 (Voice).

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 June 19, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the June 19, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-40 Proposed Ordinance amending Chapter 75 of the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to allow operation of Utility Task Vehicles (UTVs) within city limits and on city streets.

Action# C1-1. Consider motion to close Public Hearing 2023-40.

2. PH 2023-41 Proposed Lease Agreement for the Property at 1520 SW Ordinance Road between the Friends of the Arts, DBA, Ankeny Art Center and the City of Ankeny, Iowa.

Action# C2-1. Consider motion to close Public Hearing 2023-41.

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 5, 2023, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Approval of official council actions of the special meeting of May 31, 2023, as published, subject to correction, as recommended by the City Clerk.
- CA - 3** Receive and file minutes of the Plan and Zoning Commission meeting of May 16, 2023.
- CA - 4** Receive and file minutes of the Civil Service Commission meeting of May 18, 2023.
- CA - 5** Receive and file minutes of the Ankeny Cultural Arts Board meeting of September 26th, 2022.

- **Licenses and Permits**

- CA - 6** Consider motion to approve cigarette/tobacco/nicotine/vapor permits in the City of Ankeny.
- CA - 7** Consider motion to approve the issuance of liquor licenses and / or beer / wine permits in the City of Ankeny.

- **Finance/Budget**

- CA - 8** Consider motion to receive and file Financial Reports for May 2023.
- CA - 9** Consider motion to receive and file Building Permit Report for May 2023.
- CA - 10** Consider motion to receive and file Utility Billing Report for May 2023.

- CA - 11** Consider motion to approve Change Order #2 increasing the contract amount by \$2,805.00 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 12** Consider motion to approve Change Order #3 increasing the contract amount by \$2,200.00 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 13** Consider motion to approve Payment #11 in the amount of \$191,825.52 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 14** Consider motion to approve Payment #11 in the amount of \$517,582.80 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
- CA - 15** Consider motion to approve Payment #12 in the amount of \$170,817.65 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
- CA - 16** Consider motion to approve Payment #1 in the amount of \$15,410.28 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
- CA - 17** Consider motion to approve Payment #4 in the amount of \$5,755.33 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
- CA - 18** Consider motion to approve Payment #34 in the amount of \$4,717.00 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
- CA - 19** Consider motion to approve Payment #2 in the amount of \$1,375.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
- CA - 20** Consider motion to approve Payment #3 in the amount of \$597,513.62 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 21** Consider motion to approve Payment #3 in the amount of \$278,014.09 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 22** Consider motion to approve Payment #1 in the amount of \$12,436.75 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
- CA - 23** Consider motion to approve Payment #1 in the amount of \$521,305.50 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
- CA - 24** Consider motion to approve Payment #5 in the amount of \$71,575.30 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 25** Consider motion to approve Payment #19 in the amount of \$25,003.95 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 - 26** Consider motion to approve Payment #7 in the amount of \$1068.75 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.

- CA - 27** Consider motion to approve Payment #14 in the amount of \$39,874.11 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 28** Consider motion to approve Payment #10 in the amount of \$4,132.50 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 29** Consider motion to approve Payment #2 in the amount of \$129,995.15 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
- CA - 30** Consider motion to approve Payment #1 in the amount of \$40,000 to Romtech Companies for construction services on the restroom facility at the Midway Park.
- CA - 31** Consider motion to approve Payment #1 in the amount of \$60,000 to Romtech Companies for construction services on the restroom facility at the Rally Complex.
- CA - 32** Consider motion to approve Payment #2 in the amount of \$159,011.47 to TK Concrete, Inc., for construction services on the 2023 PCC Street Patching Program project.
- CA - 33** Consider motion to approve the June 19, 2023 Accounts Payable.
- CA - 34** Consider motion to approve the generator maintenance services contract with Cummins Inc., of Des Moines, Iowa, and authorize the Mayor to sign Letter of Agreement.

- **Personnel Items**

- CA - 35** Consider motion to accept the Civil Service Commission certified lists for appointment to: Police Officer, Police Sergeant, and Utilities Operator III, subject to passing any further departmental requirements.

- **Community Development Items**

- CA - 36** Consider motion to adopt **RESOLUTION** accepting a public sidewalk easement associated with the development of Lot 3, The District at Prairie Trail Plat 13.
- CA - 37** Consider motion to adopt **RESOLUTION** accepting a public sidewalk easement associated with the development of Lot 2, The District at Prairie Trail Plat 5.
- CA - 38** Consider motion to adopt **RESOLUTION** accepting a public sanitary sewer easement associated with the development of Outlot R, Vintage Business Park at Prairie Trail Plat 13.
- CA - 39** Consider motion to adopt **RESOLUTION** accepting a public water main easement associated with the development of Lot 7 and Outlot R, Vintage Business Park at Prairie Trail Plat 13.
- CA - 40** Consider motion to adopt **RESOLUTION** accepting a public sanitary sewer easement associated with the development of Lot 1, Vintage Business Park at Prairie Trail Plat 11.

- **Engineering Items**

- CA - 41** **2022 Native Vegetation Maintenance:** Consider motion to approve: a) Final Change Order #5 decreasing the contract amount by \$1,340.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with RedBud LLC in the amount of \$37,385.00; and d) Final Payment #7 in the amount of \$3,172.05 / Release of Retainage in the amount of \$1,869.25.

- CA - 42** Consider motion to adopt **RESOLUTION** accepting public improvements for utilities (Sanitary Sewer) in Four Mile Distribution Center South.
- CA - 43** Consider motion to adopt **RESOLUTION** accepting public improvements for paving in Four Mile Distribution Center South.
- CA - 44** Consider motion to adopt **RESOLUTION** accepting public improvements for utilities in Heritage Park at Prairie Trail Plat 3.
- CA - 45** Consider motion to adopt **RESOLUTION** accepting public improvements for paving in Heritage Park at Prairie Trail Plat 3.
- CA - 46** Consider motion to adopt **RESOLUTION** accepting public improvements for utilities in The District at Prairie Trail Plat 12.
- CA - 47** Consider motion to adopt **RESOLUTION** accepting public improvements for paving in The District at Prairie Trail Plat 12.

- **Capital Improvement Projects**

- CA - 48** **2022 Prairie Ridge Aquatic Center - Resurfacing Project:** Consider motion to approve: a) Final Change Order #1 decreasing the contract amount by \$1,387.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Splash Pool & Spa Builders, LLC., in the amount of \$290,813.00; and d) Final Payment #3 in the amount of \$12,741.49; and Retainage Payment in the amount of \$14,540.65.
- CA - 49** Consider motion to adopt **RESOLUTION** authorizing the execution of an agreement between Polk County, Iowa, the City of Ankeny, Iowa, and Rich Eychaner for the Creekview Drive Stormwater Wetland project.
- CA - 50** Consider motion to adopt **RESOLUTION** accepting a proposal from Alpha Landscapes, LLC in the amount of \$79,988.00 for the construction of the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard: Landscape Improvements project.

- **Administrative Items**

- CA - 51** Consider motion to allow waiver of the requirements of Ankeny Municipal Code Section 142.02(E)10 in lieu of a Hold Harmless Agreement for Kuhn's Bakery during SummerFest.
- CA - 52** Consider a motion to adopt a **RESOLUTION** setting a public hearing on amending the code of ordinances of the City of Ankeny, Iowa, by creating Chapter 78 – Provisions pertaining to operation of golf carts on City streets (date of hrg: 7/17/2023 @ 5:30 p.m.)
- CA - 53** Consider motion to approve the renewal of the general insurance policy with Iowa Communities Assurance Pool (ICAP) for the policy year July 16, 2023 through July 15, 2024, with a premium amount of \$535,103.
- CA - 54** Consider motion to approve the renewal of the crime and cyber policy with Travelers Casualty and Surety Company for the policy year July 16, 2023 through July 15, 2024, with a premium amount of \$61,250.
- CA - 55** Consider motion to approve the renewal of the workers' compensation policy with Iowa Municipalities Workers' Compensation Association (IMWCA) for the policy year July 1, 2023 through June 30, 2024, with a premium amount of \$438,716.
- CA - 56** Consider motion to adopt **RESOLUTION** approving to pay the remaining Joint Public Service Agreement debt service payments to Polk County.
- CA - 57** Consider motion to approve agreement for crossing guard services for the 2023-

2024 school year between the City of Ankeny, the Ankeny Community School District and All City Management Services, Inc.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-57

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-57, excluding CA-34.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Boards/Commissions Appointments:**

1. Consider Mayor's appointments to Boards and Commissions as follows:

Library Board of Trustees

Appointments to 4-year term: 7/01/2023 through 6/30/2027

- Fred Schuster
- Amber Sommerfeld
- Nancy Medema

Economic Development Council

Reappointments to 3-year term: 7/01/2023 through 6/30/2026

- Amy Wiederin
- David Kinsley

Action# H1-1.

Consider motion to approve Mayor's appointments to expiring Board and Commission Member seats as presented.

- **Approval of Ordinances:**

1. Ord 2144 An Ordinance vacating a portion of public right-of-way described as Lot B, Crosswinds Business Park Plat 1, containing 1.90 acres (+/-).

Action# H1-1. Consider motion to accept second consideration of ORDINANCE 2144.

Action# H1-2. Consider motion to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2144, sending it on its final passage and publication as required by law.

Action# H1-3. Consider motion to adopt RESOLUTION authorizing the sale of real estate vacated by the City of Ankeny to Legacy Housby, LLC. Legacy Cutler, LLC and Legacy Reichardt, LLC.

2. Ord 2145 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 second consideration of ORDINANCE 2145.

3. Ord 2146 An Ordinance amending Chapter 75 of the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to allow operation of Utility Task Vehicles (UTVs) within city limits and on city streets. (PH 2023-40)

Action# H3-1. Consider motion to accept or not accept the first consideration of ORDINANCE 2146.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed Lease Agreement for the Property at 1520 SW Ordinance Road between the Friends of the Arts, DBA, Ankeny Art Center and the City of Ankeny, Iowa. (PH 2023-41)

Action# J1-1. Consider motion to adopt RESOLUTION approving Lease Agreement by and between the City of Ankeny and the Ankeny Friends of the Arts, DBA Ankeny Art Center.

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 - SE Oralabor Road & Convenience Blvd/Creekview Dr Traffic Signal Replacement - 7/3/23 @ 5:30 p.m.***
- ***Public Hearing - Uptown Parking Improvements - 7/3/23 @ 5:30 p.m.***
- ***Public Hearing - Westwinds, Plat 9, Storm Sewer Extension Project - 7/3/23 @ 5:30 p.m.***
- ***Public Hearing - Golf Cart Ordinance - 7/17/23 @ 5:30 p.m.***

L. ADJOURNMENT

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

Following adjournment of the Executive Session, Council may take action on any matter discussed during the Executive Session.

Action# L1-1.

Consider motion to go into Executive Session, pursuant to the provisions of Iowa Code Section 21.5, subparagraph (j) "to discuss the purchase or sale of particular real estate only where the premature disclosure could be reasonably expected to increase the price

the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property”.

2. Adjournment