

MINUTES OF THE ANKENY CITY COUNCIL

Monday, June 19, 2023 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 5:31 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. Linda Jansen, 701 SE 3rd St, Ankeny, expressed concern about street parking and the need for a crossing guard at SE Trilein Dr and SE 3rd St.
3. Chris Perkins, 709 SE 3rd St, Ankeny, voiced concerns about the no parking ordinance on SE 3rd St and asked council to reconsider alternatives.
4. Joelle Logemann, 418 NE 17th Ct, Ankeny, shared concerns regarding the proposed golf cart ordinance.
5. Karen Deters, 521 NW State St, Ankeny, requested council consider amending city code to require that fire pits be placed on safe surfaces such as cement or landscaping bricks.

APPROVAL OF AGENDA

1. Council Member Stearns moved, Shafer seconded, to approve and accept the June 19, 2023 agenda with amendment, removing CA-34 and CA-52. Ayes: 5.

PUBLIC HEARING

1. PH 2023-40. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2146, amending Chapter 75 of the Code of Ordinances of the City of Ankeny, Iowa, to allow operation of Utility Task Vehicles (UTVs) within city limits and city streets. Notice of this hearing was published in the Des Moines Register on the 9th day of June, 2023.

Brandt Johnson, Assistant to the City Manager, reported that State of Iowa Code chapters 321I and 321G were amended to allow operation of all-terrain vehicles (ATVs) and UTVs on county roadways. Provisions were also included to allow for the operation of UTVs within city limits. The City of Ankeny does not allow the use of ATVs or UTVs on streets and roadways within the city limits. Council has received requests from community members to consider changing Chapter 75 of the Ankeny Municipal Code - All Terrain Vehicles and Snowmobiles - to allow operation of UTVs on city streets. Presentations regarding UTVs, including staff concerns and proposed recommendations, were provided to the Council on February 6, April 3, and May 15, 2023. As directed by City Council, changes have been incorporated into a draft ordinance.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Scott Whitaker, 3413 NW 22nd Circle, Ankeny, thanked Council for considering the ordinance change and voiced his support. Barry Starmer, 602 NE Trilein Dr, Ankeny, thanked Council and voiced support of the ordinance. Dan Taube, 516 SW Southlawn Dr, Ankeny, thanked council and requested the second and third readings of the ordinance be waived. Council

Member Bentz moved, Shafer seconded, to close public hearing 2023-40. Ayes: 5.

2. PH 2023-41. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed lease agreement between the City of Ankeny and the Ankeny Friends of the Arts, DBA Ankeny Art Center for property located at 1520 SW Ordinance Road and authorizing the execution of said property lease. Notice of this hearing was published in the Des Moines Register on the 9th day of June, 2023.

Mike Schrock, Assistant City Manager, reported that The Ankeny Art Center has leased the facility from the City since 2002. The lease approved in 2002 has remained unchanged since its adoption, and expired on the 28th day of February, 2007. Although the contract has been expired, the parties have abided by the same terms and conditions of the original contract. The parties now desire a new Lease Agreement, with new terms and conditions.

Mayor Holm then asked for any public comment regarding the proposed agreement. Hearing no comments, Council Member Shafer moved, Stearns seconded, to close public hearing 2023-41. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of June 5, 2023, as published.
2. Official council actions of the special meeting of May 31, 2023, as published.
3. Receive and file minutes of the Plan and Zoning Commission meeting of May 16, 2023.
4. Receive and file minutes of the Civil Service Commission meeting of May 18, 2023.
5. Receive and file minutes of the Ankeny Cultural Arts Board meeting of September 26, 2022.

Licenses and Permits

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

Finance/Budget

8. Receive and file Financial Reports for May 2023.
9. Receive and file Building Permit Report for May 2023.
10. Receive and file Utility Billing Report for May 2023.
11. Change Order #2 increasing the contract amount by \$2,805.00 to Elder Corporation, for construction services on the NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd project.
12. 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.
13. Payment #11, \$191,825.52 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
14. Payment #11, \$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.
15. Payment #12, \$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.
16. Payment #1, \$15,410.28 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.

17. Payment #4, \$5,755.33 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
18. Payment #34, \$4,717.00 to Civil Design Advantage for engineering services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
19. Payment #2, \$1,375.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
20. Payment #3, \$597,513.62 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
21. Payment #3, \$278,014.09 to Elder Corporation, for construction services on the NW 18th Street Reconstruction – NW Ash Dr. to N Ankeny Blvd. project.
22. Payment #1, \$12,436.75 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
23. Payment #1, \$521,305.50 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
24. Payment #5, \$71,575.30 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
25. Payment #19, \$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.
26. Payment #7, \$1068.75 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
27. Payment #14, \$39,874.11 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
28. Payment #10, \$4,132.50 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
29. Payment #2, \$129,995.15 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
30. Payment #1, \$40,000 to Romtech Companies for construction services on the restroom facility at the Midway Park.
31. Payment #1, \$60,000 to Romtech Companies for construction services on the restroom facility at the Rally Complex.
32. Payment #2, \$159,011.47 to TK Concrete, Inc., for construction services on the 2023 PCC Street Patching Program project.
33. Jun 19, 2023 Accounts Payable by fund: General 488,427; Hotel Motel Tax 1,900; Police Gift 48; Road Use Tax 86,945; Police/Fire Pension 966; Library Foundation 150; Solid Waste 16,701; Water 754,304; Sewer 3,986,564; Storm Water 44,348; Golf Course 46,239; Enterprise Project 791,247; Revolving 2,113; Risk Management 123,548; BAN/Bond Activity 45,376 Capital Projects 2,463,289; Payroll Totals 1,442,918; Transfers/ACH (198,356); Agenda Payments approved separately (2,879,738); Grand Total \$7,216,989.
34. Generator maintenance services contract with Cummins Inc., of Des Moines, Iowa, and authorize the Mayor to sign Letter of Agreement.

Personnel

35. 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

36. **RESOLUTION 2023-251** accepting a public sidewalk easement associated with the development of Lot 3, The District at Prairie Trail Plat 13.
37. **RESOLUTION 2023-252** accepting a public sidewalk easement associated with the development of Lot 2, The District at Prairie Trail Plat 5.
38. **RESOLUTION 2023-253** accepting a public sanitary sewer easement associated with the development of Outlot R, Vintage Business Park at Prairie Trail Plat 13.

39. **RESOLUTION 2023-254** accepting a public water main easement associated with the development of Lot 7 and Outlot R, Vintage Business Park at Prairie Trail Plat 13.
40. **RESOLUTION 2023-255** accepting a public sanitary sewer easement associated with the development of Lot 1, Vintage Business Park at Prairie Trail Plat 11.

Engineering

41. 2022 Native Vegetation Maintenance: a) Final Change Order #5 decreasing the contract amount by \$1,340.00; b) Certificate of Completion; c) **RESOLUTION 2023-256** 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.
42. **RESOLUTION 2023-257** accepting public improvements for utilities (Sanitary Sewer) in Four Mile Distribution Center South.
43. **RESOLUTION 2023-258** accepting public improvements for paving in Four Mile Distribution Center South.
44. **RESOLUTION 2023-259** accepting public improvements for utilities in Heritage Park at Prairie Trail Plat 3.
45. **RESOLUTION 2023-260** accepting public improvements for paving in Heritage Park at Prairie Trail Plat 3.
46. **RESOLUTION 2023-261** accepting public improvements for utilities in The District at Prairie Trail Plat 12.
47. **RESOLUTION-262** accepting public improvements for paving in The District at Prairie Trail Plat 12.

Capital Improvement Projects

48. **2022 Prairie Ridge Aquatic Center - Resurfacing Project:** a) Final Change Order #1 decreasing the contract amount by \$1,387.00; b) Certificate of Completion; c) **RESOLUTION 2023-263** 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.
49. **RESOLUTION 2023-264** 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.
50. **RESOLUTION 2023-265** 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

51. 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.
52. **RESOLUTION 2023-266** 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.)
53. 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.
54. 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.
55. Renewal of the workers' compensation policy with Iowa Municipalities Workers' Compensation Association (IMW CA) for the policy year July 1, 2023 through June 30, 2024, with a premium amount of \$438,716.
56. **RESOLUTION 2023-267** approving to pay the remaining Joint Public Service Agreement debt service payments to Polk County.

57. 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. Council Member Stearns moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-57, excluding CA-34 and CA-52. Ayes: Stearns, Perry, Bentz, Ruddy, Shafer.

LEGISLATIVE BUSINESS

Boards/Commissions

1. Motioned by Bentz, second by Stearns, to approve the Mayor's appointments to expiring Board and Commission Member seats: **Library Board of Trustees:** Appointments to 4-year term (7/01/2023 through 6/30/2027): Fred Schuster, Amber Sommerfeld, and Nancy Medema. **Economic Development Council:** Reappointments to 3-year term (7/01/2023 through 6/30/2026): Amy Wiederin and David Kinsley. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

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 (+/-). Council Member Ruddy moved, Stearns seconded, to accept second consideration of ORDINANCE 2144. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer. Council Member Stearns moved, Ruddy seconded, 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. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer. Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2023-268** authorizing the sale of real estate vacated by the City of Ankeny to Legacy Housby, LLC. Legacy Cutler, LLC and Legacy Reichardt, LLC. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
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. Council Member Bentz moved, Ruddy seconded, to accept second consideration of ORDINANCE 2145. Nays: Bentz, Ruddy, Perry, Shafer, Stearns.
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) Council Member Bentz moved, Shafer seconded, to accept the first consideration of ORDINANCE 2146. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

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) Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-269** approving Lease Agreement by and between the City of Ankeny and the Ankeny Friends of the Arts, DBA Ankeny Art Center. Ayes: Stearns, Ruddy, Perry, Shafer. Abstain: Bentz.

ADJOURNMENT

1. Moved by Ruddy, second by Shafer, to go into Executive Session at 6:26 p.m., 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". Ayes: Ruddy, Shafer, Bentz, Perry, Stearns.

2. Council returned to regular session and adjourned the meeting at 7:07 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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