

MINUTES OF THE ANKENY CITY COUNCIL

Monday, June 17, 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. Amy Baker, Communications Director, presented the 2024 Citizen Survey Results.
2. Renee Potts, Ankeny Community Network, shared information about the upcoming Juneteenth celebration.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the June 17, 2024 agenda without amendment. Ayes: 5.

PUBLIC HEARING

1. PH 2024-39. Mayor Holm announced this is the time and place for a public hearing on the matter of a proposed amended development agreement between the City of Ankeny and MCF Operating, LLC. The amended agreement will provide MCF Operating, LLC a twelve-month extension to provide additional time to create the new jobs pledged as part of their original agreement. The Notice of Hearing on this proposal was published in the Des Moines Register on the 7th day of June, 2024.

Derek Lord, Director of Economic Development, reported that MCF Operating, LLC committed to creating 19 new jobs within 36 months of approval of their development agreement approved by the City Council on September 21, 2020. This development agreement provided TIF rebates to support their expansion project and outlined the terms of their award, which included clawback provisions. They have created 13 new jobs over the past 36 months and have requested a 12-month extension to allow for additional time to meet the new jobs requirement of their agreement. Finding available employees as a three-shift operation has proved challenging the last 24 months. The proposed amendment will provide them four years to create the positions and one year to maintain the positions. The original agreement required them to create the positions within three years and maintain the positions for two years.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2024-39. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of June 3, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of May 21, 2024.
3. Receive and file minutes of the Library Board of Trustee meeting of April 18, 2024.

4. Receive and file minutes of the Civil Service Commission meeting of May 13, 2024.

Licenses and Permits

5. Issuance of fireworks permits within the City of Ankeny to J & M Displays.
6. Issuance of cigarette/tobacco/nicotine/vapor permit 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 2024.
9. Receive and file Building Permit Report for May 2024.
10. Receive and file Utility Billing Report for May 2024.
11. Payment #3 in the amount of \$36,048.03 to Absolute Concrete Construction, for construction services on the NW Northlawn Area Utility Improvements - Phase 3 project.
12. Payment #7 in the amount of \$525,945.00 to Absolute Concrete Construction, Inc. for construction services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
13. Payment #7 in the amount of \$1,224.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
14. Payment #3 in the amount of \$430,882.00 to CB&I Storage Tank Solutions LLC, for construction services on the NW Irvinedale Drive - Elevated Water Storage Tank project.
15. Payment #14 in the amount of \$7,900.50 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
16. Payment #3 in the amount of \$61,879.44 to Civil Design Advantage, LLC, for engineering services on the Westlawn Place Area Utility Improvements - Conceptual Design project.
17. Payment #11 in the amount of \$593,408.31 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
18. Payment #1 in the amount of \$51,003.36 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 2 project.
19. Payment #1 in the amount of \$37,106.62 to Gus Construction, for construction services on the NE 62nd St. Box Culvert project.
20. Payment #2 in the amount of \$340,198.80 to HPC, LLC for construction services associated with the Ankeny Fire Station No. 4 project.
21. Payment #1 in the amount of \$50,994.00 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
22. Payment #2 in the amount of \$41,363.95 to InRoads, LLC, for construction services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
23. Payment #2 in the amount of \$19,154.85 to Iowa Civil Contracting, Inc., for construction services on the 2024 PCC Pavement Preservation Program - Crack and Jointing Filling project.
24. Payment #2 in the amount of \$129,798.41 to Jasper Construction Services, Inc., for construction services on the SE Delaware Avenue and SE 54th Street Traffic Signal project.
25. Payment #14 in the amount of \$31,183.86 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
26. Payment #9 in the amount of \$9,174.33 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
27. Payment #1 in the amount of \$42,886.80 to Manatt's Inc., for construction services on the SW Magazine Road & SW State Street Improvements - West Leg project.
28. Payment #3 in the amount of \$27,986.25 to McClure Engineering Company, for construction engineering services on the SW Des Moines Street Utility Improvements project.
29. Payment #2 in the amount of \$9,352.00 to Nilles Associates for engineering services on the Midway Park Phase 2 Improvements project.
30. Payment #3 in the amount of \$7,430.00 to Nilles Associates, Inc., for engineering services on the SW Magazine Road & SW State Street Improvements - West Leg project.

31. Payment #9 in the amount of \$155,726.85 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
32. Payment #2 in the amount of \$290,820.43 to Rognes Corporation, for construction services on the North Four Mile Creek Trunk Sewer Phase 2 project.
33. Payment #2 in the amount of \$89,894.04 to Rognes Corporation, for construction services on the SE 3rd Street Improvements – Phase 2 project.
34. Payment #5 in the amount of \$39,963.83 to Romtec Companies for construction services on the Rally Complex Restroom project.
35. Payment #14 in the amount of \$6,994.13 to SVPA Architects Inc. for construction phase services associated with the Ankeny Fire Station No. 4 project.
36. Payment #2 in the amount of \$156,979.42 to TK Concrete, Inc., for construction services on the 2024 PCC Street Patching project.
37. June 17, 2024 Accounts Payable by fund: General \$706,764; Fire Gift \$653; Hotel Motel Tax \$221,210; Road Use Tax \$101,525; Tax Increment Financing \$2,676,671; Police/Fire Pension \$6,434; Library Foundation \$1350; Solid Waste \$107,253; Water \$881,401; Sewer \$41,054; Storm Water \$49,329; Golf Course \$44,733; Enterprise Project \$1,219,958; Revolving \$26,680; Risk Management \$133,577; Health Insurance \$54; BAN/Bond Activity \$108,172; Capital Projects \$2,341,134; Payroll Totals \$1,561,563; Transfers/ACH (\$206,983); Agenda Payments Approved Separately (\$3,452,954); Grand Total \$6,569,578.
38. **RESOLUTION 2024-260** authorizing the purchase of a L50 Wheel Loader from Housby Heavy Equipment for the Parks & Recreation Department.

Personnel

39. Accept the Civil Service Commission certified lists for appointment to: Combination Inspector I, Equipment Operator, Park Maintenance Assistant, Fire Battalion Chief, Utilities Operator III, and Lead Equipment Operator, subject to passing any further departmental requirements.

Community Development

40. **RESOLUTION 2024-261** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hope K. Farms, LLC located south of NW 54th Street and east of NW Irvinedale Drive. (date of hrg: 7/1/24 @ 5:30 p.m.)
41. **RESOLUTION 2024-262** accepting a Public Water Main Easement, located on PT. SE 1/4 - SE 1/4, Section 7-79-23; and associated with the development of 2701 SE 90th Street, I-80 Commerce Center Plat 1, Lot 1 Site Plan.
42. **RESOLUTION 2024-263** accepting a Public Sanitary Sewer Easement located on PT. SE 1/4 - SE 1/4, Section 7-79-23; and associated with the development of 2701 SE 90th Street, I-80 Commerce Center Plat 1, Lot 1 Site Plan.

Engineering

43. **RESOLUTION 2024-264** authorizing the Mayor to sign a development agreement with 36 Spectrum, L.L.C., concerning the construction of a future traffic signal at the intersection of NE Spectrum Drive and NE 38th Street in the City of Ankeny, Iowa.

Capital Improvement Projects

44. **S. Ankeny Blvd. Transmission Main Project:** a) Final Change Order #1 decreasing the final contract amount by \$13,876.06 b) Certificate of Completion; c) **RESOLUTION 2024-265** accepting the public improvements with Granite Excavating in the amount of \$2,635,648.94; and d) Final Payment #8 in the amount of \$77,590.49 / Release of Retainage in the amount of \$131,782.45.

45. **Midway Park Phase 2 Improvements:** a) Final Change Order #1 decreasing the contract amount by \$1,290.00; b) Certificate of Completion; c) **RESOLUTION 2024-266** accepting the public improvement with Concrete Connections, LLC in the amount of \$93,710.00; and d) Final Payment #3 in the amount of \$18,786.25; and Retainage Payment in the amount of \$4,685.50.
46. **Creekside Park Improvements:** a) Final Change Order #1 decreasing the contract amount by \$4,602.75; b) Certificate of Completion; c) **RESOLUTION 2024-267** accepting the public improvement with Howrey Construction, Inc. in the amount of \$270,447.75; and d) Final Payment #3 in the amount of \$11,287.01; and Retainage Payment in the amount of \$13,522.39.
47. **RESOLUTION 2024-268** setting a public hearing for the approval of documents for the conveyance of proposed Permanent Electric Easement for MidAmerican Energy Company (MEC) across a portion of City-owned property at the Rally Complex location at 725 SW Prairie Trail Parkway. (date of hrg: 7/15/2024 @ 5:30 p.m.)

Administrative

48. **RESOLUTION 2024-269** setting a public hearing on a development agreement between the City of Ankeny and Community State Bank (date of hrg: 7/1/2024 @ 5:30 p.m.)
49. Renewal of the workers' compensation policy with Iowa Municipalities Workers' Compensation Association (IMW CA) for the policy year July 1, 2024 through June 30, 2025, with a premium amount of \$433,344.00.
50. Renewal of the crime and cyber policy with Travelers Casualty and Surety Company for the policy year July 16, 2024 through July 15, 2025, with a premium amount of \$63,250.00.
51. **RESOLUTION 2024-270** authorizing benefit changes for the July 1, 2024 - June 30, 2025 plan year.
52. **RESOLUTION 2024-271** authorizing the Partial Termination Certificate of the Development Agreement between the City of Ankeny, Iowa and Threshold Otter Creek, LLC for Lot 1, Spectrum 36 Plat 3.

APPROVAL OF CONSENT AGENDA

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

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2169.** An Ordinance clarifying the Code of Ordinances of the City of Ankeny, Iowa, 2008, pertaining to the chapter reference for Mobile Food Vendors. Council Member Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2169, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
2. **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 Bentz moved, Ruddy seconded, to accept second consideration of ORDINANCE 2172. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
3. **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 second consideration of ORDINANCE 2173. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

4. **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, Bentz seconded, to accept second consideration of ORDINANCE 2174. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

NEW BUSINESS

1. Proposed Amended Development Agreement between the City of Ankeny and MCF Operating, LLC. (PH 2024-39) Council Member Perry moved, Bentz seconded, to adopt **RESOLUTION 2024-272** approving an amended Development Agreement between the City of Ankeny and MCF Operating, LLC. Ayes: Perry, Bentz, Ruddy, Shafer, Stearns.

ADJOURNMENT

1. Meeting was adjourned at 5:57 p.m. and was immediately followed by a Council Action Planning Session.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 6/28/24.