

MINUTES OF THE ANKENY CITY COUNCIL

Monday, June 6, 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, Joe Ruddy, Todd Shafer and Kelly Whiting were in attendance. Council Member Jeff Perry 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. Melissa Cox, Ankeny Chamber of Commerce, shared information on upcoming events and the launch of the ankenysummerfest.com website.

APPROVAL OF AGENDA

1. Council Member Ruddy moved, Bentz seconded, to approve and accept the June 6, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-50. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed 28E Agreement with Polk City, Iowa, regarding the renewal of an annexation agreement boundary. The Notice of Hearing on this proposal was published in the Des Moines Register on the 29th day of April, 2022.

Eric Jensen, Director of Community Development, reported that this is a second renewal of the annexation agreement with Polk City that was first adopted 20 years ago. This agreement re-establishes the current boundary line related to planning review and annexation between the City of Ankeny and the City of Polk City. The effectiveness of the agreement enforces State Law that allows communities to agree on a common line which neither would cross with non-consenting or involuntary annexations. This agreement boundary is consistent with the Ankeny Plan 2040.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-50. Ayes: 5.

2. PH 2022-51. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC. Layman's Description: Approximately 562.64 acres (+/-) of land in the northeast quadrant, generally located around the intersection of NE 126th Avenue and NE 22nd Street (NE Delaware Avenue) and approximately 21.52 (+/-) acres of land adjacent to petitioning parcels. 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 13th day of May, 2022.

Eric Jensen, Director of Community Development, reported that the owners of 19 parcels are requesting 584.16 (+/-) acres of land be voluntarily annexed into the City of Ankeny. The land currently petitioned for annexation is 562.64 acres. There are 10 non-consenting parcels that make up the remaining 21.52 acres of the annexation. The proposed annexation is located in

the northeast portion of the City and generally located around the intersection of NE 126th Avenue and NE 22nd Street (NE Delaware Avenue).

Mayor Holm then asked for any public comment regarding the proposed item. Mayor Robert Kramme, Alleman, Iowa voiced opposition to the annexation, sharing a map and letter. Kelly Grove, 2013 NE 126th Ave, Alleman, Iowa voiced opposition and concerns. Katie Grove, 2013 NE 126th Ave, Alleman, Iowa shared information and voiced concerns and opposition. Chris Seuntjens, 2075 NE 126th Ave, Alleman, Iowa shared photographs and voiced concerns and opposition. Kevin Huss, 1957 NE 126th Ave, Alleman, Iowa voiced opposition. Jeanne Uhl, 2350 NE 126th Ave, Alleman, Iowa shared Ankeny History and spoke in favor of the annexation. Dhoal Larjin, President, African Community Institute, 1906 Ingersoll Ave, Des Moines, Iowa advocated for Refugee Services in Ankeny. Council Member Shafer moved, Bentz seconded, to close public hearing 2022-51. Ayes: 5.

3. PH 2022-52. 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 Bellagio Park Improvements project. Notice of this hearing was published in the Des Moines Register on the 20th day of May, 2022.

Nick Lenox, Director of Parks & Recreation, reported that the Bellagio Park improvements project includes grading, utilities, installation of PCC paving, and permanent seeding.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Ruddy seconded, to close public hearing 2022-52 Ayes: Bentz, Ruddy, Perry, Shafer. Nays: Whiting.

4. PH 2022-53. Mayor Holm announced that 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 Rock Creek Greenway Trail Improvements project. Notice of this hearing was published in the Des Moines Register on the 20th day of May, 2022.

Nick Lenox, Director of Parks & Recreation, reported that The Rock Creek Greenway Trail Improvements project includes all materials, equipment, transportation, labor and coordination needed to complete the work associated with constructing a PCC trail. Improvements include demolition, grading and storm sewer pipe install, PCC trail, surface restoration, 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 Whiting moved, Ruddy seconded, to close public hearing 2022-53. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of May 16, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of May 3, 2022.
3. Receive and file minutes of the Library Board of Trustee meeting of April 21, 2022.

Licenses and Permits

4. Issuance of Cigarette/Tobacco/Nicotine/Vapor Permits for July 1, 2022 – June 30, 2023.
5. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.

Finance/Budget

6. Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$368,900.00 with HR Green, Inc. for Construction Phase Services on the NE 36th Street Reconstruction Project - Interstate 35 to NE Four Mile Drive.
7. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$2,395.00 with HR Green, Inc. for additional construction engineering services for the S Ankeny Boulevard & Magazine Road Safety Improvements due to additional working days utilized by the prime contractor beyond the number allowed by contract.
8. Change Order #5 decreasing the contract amount by \$600.00 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
9. Payment #1 in the amount of \$45,670.77 to Absolute Concrete Construction, Inc. for construction services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
10. Payment #4 in the amount of \$2,850.00 to Con-Struct, Inc., for construction services on the Wastewater Plant Partial Demolition project.
11. Payment #2 in the amount of \$10,883.60 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
12. Payment #24 in the amount of \$35,283.97 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
13. Payment #2 in the amount of \$474,840.40 to Gingerich Well & Pump Service, LLC, for construction services on the Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction project.
14. Payment #19 in the amount of \$202,712.95 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
15. Payment #10 in the amount of \$24,295.65 to HR Green, Inc. for engineering services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
16. Payment #2 in the amount of \$69,475.00 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
17. Payment #12 in the amount of \$2,417.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 1 project.
18. Payment #10 in the amount of \$5,796.25 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
19. Payment #6 in the amount of \$18,496.57 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
20. Payment #15 in the amount of \$32,040.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
21. Payment #2 in the amount of \$2,790.77 to RDG Planning & Design, Inc., for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
22. Payment #24 in the amount of \$2,347.80 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
23. Payment #2 in the amount of \$1,430.35 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
24. Payment #3 in the amount of \$6,974.75 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development project.
25. Payment #22 in the amount of \$19,841.08 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
26. Payment #15 in the amount of \$29,637.85 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
27. Payment #18 in the amount of \$2,233.50 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.

28. Payment #10 in the amount of \$104,345.95 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
29. Payment #20 in the amount of \$690.75 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 1 project.
30. Payment #18 in the amount of \$19,235.94 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
31. Payment #14 in the amount of \$5,248.19 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
32. Payment #5 in the amount of \$1,344.25 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
33. Payment #29 in the amount of \$17,701.29 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.
34. Payment #11 in the amount of \$33,853.25 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
35. June 6, 2022 Accounts Payable by Fund: General 498,860; Hotel Motel Tax 178,657; Road Use Tax 264,817; Debt Service 35,676,822; Water 99,730; Water Sinking 4,965,842; Sewer 21,357; Sewer improvement 7,903; Golf Course 34,316; Enterprise Project 576,937; Revolving 61,494; Risk Management 19,358; Health 52; Capital Projects Funds 1,045,636; Payroll Totals 1,714,842; Transfers/ACH (178,659); Agenda Payments approved separately 1,419,859; Grand Total \$ 46,407,823.

Community Development

36. **RESOLUTION 2022-293** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on Lot 3, Northpointe Village Center Plat 2 and associated with the development of the site plan at 2405 North Ankeny Blvd.
37. Preliminary approval of First Street Commons Plat 2; and authorize cost-participation request for 16-inch water main upsizing along E 1st Street in the amount estimated to be \$5,375.00.
38. **RESOLUTION 2022-294** waiving approval of the final plat for The Greens at Woodland Hills Plat 6.

Capital Improvement Projects

39. Ankeny Public Services Library Remodel: a) The Architect's Certificate of Completion; b) **RESOLUTION 2022-295** accepting the public improvement with Edge Commercial, LLC in the amount of \$3,937,732; and c) Retainage Payment #11 in the amount of \$196,886.60 which will be released 30 days after project acceptance.
40. S Ankeny Boulevard & Magazine Road Safety Improvements: a) Final Change Order #2, reducing the contract in the amount of \$9,320.37; b) Certificate of Completion; c) **RESOLUTION 2022-296** accepting the public improvements with All Star Concrete, LLC in the amount of \$477,757.63; and d) Final Payment #4 in the amount of \$26,665.48 / Release of Retainage in the amount of \$23,887.88.

Administrative

41. Agreement for Crossing Guard Services for the 2022-2023 school year between the City of Ankeny, the Ankeny Community School District and All City Management Services, Inc.
42. Amended Agreement between the City of Ankeny and Group Creative Services for the design, construction, and installation of a public art project, restroom facility, and shelter at the Northwest Irvinedale Drive trailhead.

Approval of Consent Agenda Items

1. Council Member Bentz moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-42. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.

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 Ruddy moved, Whiting seconded, to accept second consideration of Ordinance 2110. Ayes: Ruddy, Whiting, Bentz, Perry, 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 second consideration of Ordinance 2111. 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 Bentz moved, Whiting seconded, to accept second consideration of Ordinance 2112. Ayes: Bentz, Whiting, Ruddy, 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 Whiting moved, Ruddy seconded, to accept second consideration of Ordinance 2113. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
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 Bentz moved, Whiting seconded, to accept second consideration of Ordinance 2114. Ayes: Bentz, Whiting, Perry, Ruddy, Shafer.

NEW BUSINESS

1. Annexation Agreement Boundary Renewal (28E) - City of Polk City, Iowa (PH 2022-50). Council Member Ruddy moved, Whiting seconded, to adopt **RESOLUTION 2022-297** authorizing the Mayor to sign a 28E Agreement renewing an Annexation Agreement Boundary with the City of Polk City, Iowa. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
2. Voluntary urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley LLC. (PH 2022-51). Council Member Bentz moved, Whiting seconded, to receive and file the March 2, 2022 Consultation Meeting Report. Ayes: Bentz, Whiting, Perry, Ruddy, Shafer. Council Member Whiting moved, Ruddy seconded, to receive and file correspondence. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer. Council Member Ruddy moved, Whiting seconded, to adopt **RESOLUTION 2022-298** annexing certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley LLC. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
3. Renewal of the Office Development Incentive Policy. Council Member Whiting moved, Bentz seconded, to adopt **RESOLUTION 2022-299** approving an Office Development Incentive Policy in the City of Ankeny, Iowa. Ayes: Whiting, Bentz, Ruddy, Perry, Shafer.
4. Bellagio Park Improvements (PH 2022-52). Council Member Whiting moved, Bentz seconded, to adopt 1) **RESOLUTION 2022-300** adopting plans, specifications, form of contract and estimate of cost \$288,175.00; 2) receive and file report of bids received May 31, 2022; 3) adopt **RESOLUTION 2022-301** making award of construction contract with Howrey Construction in the amount of \$296,850.00; and 4) adopt **RESOLUTION 2022-302** approving

contract and bonds with Howrey Construction in the amount of \$296,850.00. Ayes: Bentz, Ruddy, Perry, Shafer. Nays: Whiting.

5. Rock Creek Greenway Trail Improvements (PH 2022-53). Council Member Ruddy moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-303** adopting plans, specifications, form of contract and estimate of cost \$125,294.00; 2) receive and file report of bids received May 31, 2022; 3) adopt **RESOLUTION 2022-304** making award of construction contract with Brothers Cleaning Corporation in the amount of \$112,905.00. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
6. NW Irvinedale Elevated Storage Tank Project Professional Services Agreement with HDR Engineering, Inc. Council Member Ruddy moved, Whiting seconded, to approve the Professional Services Agreement with HDR Engineering, Inc., for the design engineering and bidding phase services on the NW Irvinedale Elevated Storage Tank Project in an amount not to exceed \$462,000.00 and the Mayor to execute said agreement. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:52 PM.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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