

MINUTES OF THE ANKENY CITY COUNCIL

Monday, June 5, 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 5:30 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. Renee Potts, Ankeny Community Network, presented information about the upcoming Juneteenth Festival on June 17, 2023.
2. Claude Berman, 2440 SE Summer Park Dr, Ankeny, presented information and requested a Cat Trap, Neuter and Release Program.
3. Scott Yegge, 1319 NE 45th St, Ankeny, spoke about landscaping at his residence that encroaches on City property. Mr. Yegge stated that he and his neighbors have been maintaining the property since 2016. He requested that Council consider a resolution.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Bentz seconded, to approve and accept the June 5, 2023 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2023-35. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2144 vacating a portion of public right-of-way described as Lot B, Crosswinds Business Park Plat 1, Containing 1.90 acres (+/-). Notice of this hearing was published in the Des Moines Register on the 26th day of May, 2023.

Eric Jensen, Director of Community Development, reported that the City received a request to vacate a portion of public right-of-way located within Crosswinds Business Park Plat 1. The subject right-of-way was originally deeded to the City with the approval of Crosswinds Business Park Plat 1 in 2019. At the time, the right-of-way was deeded to the City with the anticipated extension of SE Crosswinds Drive, a recreational trail, and water main. As development in the area progressed, the alignment of future SE Crosswinds Drive was modified with the extension of SE Convenience Boulevard. The purpose of the requested vacation is to allow for adjustments to surrounding parcels. Only the westerly 54' of the right-of-way is being vacated while the easterly 30' is being retained by the City for the existing trail and water main.

Mayor Holm then asked for any public comment regarding the proposed vacation. Hearing no comments, Council Member Perry moved, Ruddy seconded, to close public hearing 2023-35. Ayes: 5.

2. PH 2023-36. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory owned by Hope K. Farms, LLC and Clayton Mitchell Living Trust, located adjacent to the southeast quadrant of the City of Ankeny. Layman's Description: Approximately 111.18 acres (+/-) of land adjacent to the southeast quadrant of Ankeny, generally located ¼-mile south of SE Oralabor Road/NE 78th Avenue and east of NE

Berwick Drive. 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 12th day of May, 2023.

Eric Jensen, Director of Community Development, reported that the City of Ankeny received a request for annexation of certain territory located adjacent to the City's southeastern boundary, generally located ¼-mile south of the intersection at SE Oralabor Road/NE 78th Avenue and NE Berwick Drive—and within two miles of the City of Altoona. The annexation territory consists of 140.40 total acres, including 111.18 acres (80.98%) which are owned by two property owners who consent to the annexation, 26.11 acres (19.02%) are owned by 12 non-consenting property owners whose land is included in the annexation to avoid the creation of islands and to provide for uniform boundaries, and 3.11 acres of public road right-of-way.

Mayor Holm then asked for any public comment regarding the proposed annexation. Alexandra Merschman, attorney for Andy Swanson, spoke in opposition of the annexation, citing negative impacts that would result for Mr. Swanson. Council Member Bentz moved, Stearns seconded, to close public hearing 2023-36. Ayes: 5.

3. PH 2023-37. 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 Delaware Ground Storage Reservoir Rehabilitation project. Notice of this hearing was published in the Des Moines Register on the 19th day of May, 2023.

Don Clark, Municipal Utilities Director, reported that the project includes abrasive blast cleaning of the reservoir exterior to a commercial standard with containment and the application of a four-coat zinc epoxy urethane fluoropolymer system, along with abrasive blast cleaning and application of a 2-coat epoxy system to the reservoir foundation, and the installation of an impressed current cathodic protection system and any associated coating repairs to the wet interior. Other repairs consist of the installation of a sidewall manway, gasket on the wet interior roof hatch, deflector bar on the fill/draw pipe, overflow discharge modification, sidewall platform with vandal guard, pressure vacuum vent, roof handrail with painter's rail and sample tap.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Ruddy seconded, to close public hearing 2023-37. Ayes: 5.

4. PH 2023-38. 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 2023 Creekside Park Improvements project. Notice of this hearing was published in the Des Moines Register on the 19th day of May, 2023.

Nick Lenox, Parks and Recreation Director, reported that improvements include grading, installation of PCC paving, playground equipment with poured-in-place rubber surface, and permanent seeding. Other associated improvements include drinking fountain installation, open shelter structure (ADD ALT), erosion control, temporary traffic control, tree planting, and miscellaneous work necessary to complete the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2023-38. Ayes: 5.

5. PH 2023-39. Mayor Holm announced this is the time and place for a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2023 by changing estimates of revenue and expenditure appropriations. There will be no increase in tax levies to be paid. Any increase in expenditures set out will be met from the increase of non-property tax revenues and cash balances not budgeted or considered in this current budget. Notice of this hearing was published in the Des Moines Register on the 22nd day of May 2023.

Jennifer Sease, Administrative Services Director, reported that the FY 2023 budget amendment includes the following changes: 1) Amended revenues include increases in hotel/motel taxes, utility franchise taxes and recreation program fees; and 2) Amended expenditures include increases related to acquisition of water territory, hotel/motel tax commitments, operation of Prairie Ridge Sports Complex soccer concessions, purchase and replacement of public safety equipment, refunds and vehicle and equipment repairs and maintenance.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2023-39. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of May 15, 2023, as published.
2. Receive and file minutes of the Civil Service Commission meeting of May 8, 2023.
3. Receive and file minutes of the Human Rights Commission meeting of April 27, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of April 20, 2023.
5. Receive and file minutes of the Plan and Zoning Commission meeting of May 2, 2023.

Licenses and Permits

6. Issuance of Cigarette/Tobacco/Nicotine/Vapor Permits for July 1, 2023 - June 30, 2024.
7. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

8. Payment #3, \$20,142.70 to Civil Design Advantage for engineering services on the NW 36th St and NW Weigel Dr HMA Resurfacing project.
9. Payment #13, \$2,580.57 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
10. Payment #2, \$71,489.33 to Foth Infrastructure and Environment, LLC for engineering services on the NW State St Extension project.
11. Payment #25, \$8,492.15 to FOX Strand, for engineering services on the Ankeny ASR project.
12. Payment #10, \$13,860.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
13. Payment #2, \$9,629.39 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.

14. Payment #18, \$7,776.23 to HR Green, Inc., for construction administration and construction inspection services on the NE 36th St Reconstruction Project - I-35 to NE Four Mile Dr.
15. Payment #9, \$1,300.50 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
16. Payment #2, \$4,784.50 to HR Green, Inc., for engineering services on the NW Irvinedale Dr & NW 18th St Intersection Improvements project.
17. Payment #11, \$4,112.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
18. Payment #21, \$3,133.75 to JEO Consulting Group, Inc. for engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
19. Payment #2, \$30,194.39 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
20. Payment #9, \$1,207.50 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
21. Payment #4, \$14,875.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
22. Payment #2, \$181,440.80 to Musco Sports Lighting dba Iowa Sports Turf for construction services on the Cherry Glen Ballfield Development project.
23. Payment #3, \$10,840.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
24. Payment #13, \$18,638.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
25. Payment #30, \$499.50 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
26. Payment #10, \$12,090.52 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
27. Payment #28, \$8,689.21 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
28. Payment #29 & Final, \$2,911.41 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
29. Payment #11, \$2,568.05 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development Project.
30. Payment #4, \$22,335.65 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
31. Payment #30, \$20,769.13 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
32. Payment #22, \$30,346.26 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
33. Payment #14, \$2,399.48 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
34. Payment #1, \$24,744.83 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
35. Payment #41, \$4,229.54 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
36. Payment #27, \$26,947.70 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
37. Payment #2, \$123,080.96 to Splash Pool & Spa Builders, LLC, for construction services on the 2022 Prairie Ridge Aquatic Center - Resurfacing Project.
38. Payment #8, \$564,653.33 to W RH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
39. Jun 5, 2023 Accounts Payable by fund: General 574,041; Fire Gift 24; Hotel Motel Tax 269,013; Police Gift 160; Road Use Tax 159,567; Library Foundation 2,915; Solid Waste 98,595; Water 804,371; Sewer 44,500; Storm Water 2,201; Golf Course 57,170; Enterprise Project 714,729; Revolving 64,332; Risk Management 9,683; Health insurance 169;

Equipment Reserve 305,774; Special Assessments 96,234; Capital Projects 582,911; Payroll Totals 1,852,046; Transfers/ACH (198,350); Agenda Payments approved separately (1,272,891); Grand Total \$4,167,194.

40. Purchase of one ambulance from North Central Ambulance Sales and Service of Lester Prairie, MN in the amount of \$327,772.
41. Letter of agreement for banking and custodial services with First National Bank for three years with an option to renew for one additional three-year period by mutual agreement of both parties.
42. Intergovernmental agreement for the funding and operation of a mobile ventilation unit by the cities of Ankeny, Altoona, Clive, Grimes/Johnston Metropolitan Fire Department, Urbandale, Waukee and West Des Moines.
43. Project agreement with Capital Landscaping for Uptown tree replacement and landscaping and authorize City Manager to execute project agreement.
44. **RESOLUTION 2023-227** authorizing the purchase of dump bodies, plow components, and builds of three (3) single axle snow plow dump trucks for the Public Works Department (replace existing trucks #224 and #269; add new truck #219).
45. **RESOLUTION 2023-228** authorizing the purchase of combination traffic signal/ lighting pole assemblies from Millerbernd Manufacturing Company, in the amount of \$76,746.00, for contractor installation with the SE Oralabor Road & Convenience Blvd/ Creekview Drive Traffic Signal Replacement.
46. **RESOLUTION 2023-229** authorizing the purchase of a turf painter from Turf Tank for the Parks & Recreation Department.
47. **RESOLUTION 2023-230** authorizing the purchase of a compact utility tractor at Otter Creek Golf Course for the Parks & Recreation Department.

Personnel

48. Accept the Civil Service Commission certified list for appointment to Firefighter EMT-Paramedic, subject to passing any further departmental requirements.

Engineering

49. **RESOLUTION 2023-231** authorizing the execution of an agreement with the Iowa Department of Transportation for DOT-Initiated Detour of Primary Highways onto Local Roads for I-35 access at NE 126th Avenue due to the PCC Pavement and Grading project for I-35 from north of NE 36th Street to IA Hwy 210.

Capital Improvement Projects

50. **RESOLUTION 2023-232** adopting and levying final schedule of assessments and providing for the payment thereof of the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
51. **RESOLUTION 2023-233** to authorize the execution of a Cooperative Public Service Agreement between Polk County, Iowa and the City of Ankeny, Iowa for the sharing of project costs for the NE 38th Street Asphalt Resurfacing Project.
52. **RESOLUTION 2023-234** ordering construction of the SE Oralabor Road & Convenience Boulevard/ Creekview Drive Traffic Signal Replacement and fixing a date for public hearing thereon and taking of bids therefor. (date of bid opening: 6/27/23 @ 10:30 A.M. / date of hrg: 7/3/23 @ 5:30 P.M.)
53. **RESOLUTION 2023-235** ordering construction of the Uptown Parking Improvements and fixing a date for public hearing thereon and taking of bids therefor. (date of bid opening: 6/27/23 @ 10:30 A.M. / date of hrg: 7/3/23 @ 5:30 P.M.)

54. **RESOLUTION 2023-236** ordering construction on The Westwinds, Plat 9, Storm Sewer Extension Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 06/27/23 @ 10:30 A.M. / date of hrg: 07/03/23 @ 5:30 P.M.)
55. **Hawkeye Park Pond Improvements - Phase 3:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION 2023-237** accepting the public improvement with RW Excavating Solutions, LC, in the amount of \$323,805.00; c) Final Payment #3 in the amount of \$5,937.50; and Retainage Payment in the amount of \$16,190.25.

Administrative

56. Approve and authorize the Mayor to execute a Facilities Agreement between the City of Ankeny, Iowa and the Ankeny Community School District.
57. **RESOLUTION 2023-238** approving an agreement between the City of Ankeny and the Ankeny Area Chamber of Commerce.
58. **RESOLUTION 2023-239** authorizing the setting of a hearing on the proposal to lease property at 1520 SW Ordance Road, Ankeny, Iowa, to the Ankeny Friends of the Arts, DBA, Ankeny Art Center. (date of hrg: 6/19/23 @ 5:30 p.m.)
59. **RESOLUTION 2023-240** setting a public hearing concerning amendments to the code of ordinances of the City of Ankeny, Iowa, by amending Chapter 75 – Provisions pertaining to operation of UTVs on City streets (date of hrg: 6/19/2023 @ 5:30 p.m.)

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-59. Ayes: Stearns, Perry, Bentz, Ruddy, Shafer.

LEGISLATIVE BUSINESS

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 (+/-). (PH 2023-35) Council Member Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2144. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.
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 Stearns moved, Ruddy seconded, to accept first consideration of ORDINANCE 2145. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

NEW BUSINESS

1. Proposed 80/20 Voluntary Urbanized Annexation of certain territory owned by Hope K Farms, LLC and Clayton Mitchell Living Trust, located adjacent to the southeast quadrant of the City of Ankeny. (PH 2023-36) Council Member Ruddy moved, Bentz seconded, to receive and file the April 10, 2023 Consultation Meeting Report. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns. Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2023-241** annexing certain territory owned by Hope K Farms, LLC and Clayton Mitchell Living Trust, located adjacent to the southeast quadrant of the City of Ankeny. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
2. Proposed Delaware Ground Storage Reservoir Rehabilitation (PH 2023-37) Council Member Stearns moved, Bentz seconded, to adopt 1) **RESOLUTION 2023-242** adopting plans, specifications, form of contract and estimate of cost \$307,000.00; 2) receive and file report of bids received May 30, 2023; and 3) adopt **RESOLUTION 2023-243** making award of

construction contract with TanksCo Inc. in the amount of \$241,500.00. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

3. Proposed 2023 Creekside Park Improvements (PH 2023-38) Council Member Stearns moved, Ruddy seconded, to adopt 1) **RESOLUTION 2023-244** adopting plans, specifications, form of contract and estimate of cost \$224,169.50; 2) receive and file report of bids received May 30, 2023; 3) amend and adopt **RESOLUTION 2023-246** making award of construction contract with Howrey Construction, Inc. in the amount of \$275,050.50; and 4) amend and adopt **RESOLUTION 2023-247** approving contract and bonds with Howrey Construction, Inc. in the amount of \$275,050.50. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
4. Proposed Amendment of Current Budget for Fiscal Year Ending June 30, 2023 (PH 2023-39) Council Member Stearns moved, Perry seconded, to adopt **RESOLUTION 2023-245** amending the current budget for fiscal year ending June 30, 2023. Ayes: Stearns, Perry, Bentz, Ruddy, Shafer.
5. Amended FY 2023 Fund Transfers Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-248** approving amendment to fiscal year 2023 fund transfers. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. \$13,790,000 General Obligation Bonds, Series 2023B Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-249** appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer. Council Member Bentz moved, Stearns seconded, to adopt **RESOLUTION-250** authorizing and providing for the issuance of \$13,790,000 General Obligation Bonds, Series 2023B, and amending the levy of taxes to pay said bonds; approval of the tax exemption certificate and continuing disclosure certificate. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

ADJOURNMENT

1. Meeting adjourned at 6:32 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 6/16/23.