



ANKENY CITY COUNCIL

Regular Meeting

Monday, June 3, 2024

5:30 PM

Ankeny Kirkendall Public Library - City Council Chambers

1250 SW District Drive, Ankeny, Iowa

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro-Tem

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

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ELECTRONIC MEETING INFORMATION

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9PdZ09>

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 3, 2024 Agenda

Action# B1-1. Consider motion to approve and accept the June 3, 2024 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2024-30 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope K Farms, LLC from Office/Business Park to Low Density Residential use classification (LUPA Area #1).

Action# C1-1. Consider motion to close Public Hearing 2024-30.

2. PH 2024-31 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain property owned by Hope K Farms LLC from R-1 One Family Residential District to PUD, Planned Unit Development District, (Rezoning Area A).

Action# C2-1. Consider motion to close Public Hearing 2024-31.

3. PH 2024-32 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope K Farms, LLC from Office/Business Park to Medium Density Residential use classification (LUPA Area #2).

Action# C3-1. Consider motion to close Public Hearing 2024-32.

4. PH 2024-33 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain property owned by Hope K Farms LLC from R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area B).

Action# C4-1. Consider motion to close Public Hearing 2024-33.

5. PH 2024-34 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope K Farms, LLC from Office/Business Park to High Density Residential use classification (LUPA Area #3).

Action# C5-1. Consider motion to close Public Hearing 2024-34.

6. PH 2024-35 Proposed amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, for the City of Ankeny, Iowa, for property owned by Hope K Farms, LLC from Low Density Residential to High Density Residential use classification (LUPA Area #4).

Action# C6-1. Consider motion to close Public Hearing 2024-35.

7. PH 2024-36 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain property owned by Hope K Farms LLC from R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 20 units per acre (Rezoning Area C).

Action# C7-1. Consider motion to close Public Hearing 2024-36.

8. PH 2024-37 Proposed Amended Development Agreement between the City of Ankeny and Pet Parents, LLC.

Action# C8-1. Consider motion to close Public Hearing 2024-37.

9. PH 2024-38 Proposed Amended Development Agreement between the City of Ankeny and SPAL-USA, Inc.

Action# C9-1. Consider motion to close Public Hearing 2024-38.

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 May 20, 2024, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Approval of official council actions of the special meeting of May 24, 2024, 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 07, 2024.

• **Licenses and Permits**

- CA - 4** Consider motion to approve the issuance of Cigarette/Tobacco/Nicotine/Vapor Permits for July 1, 2024 - June 30, 2025.
- CA - 5** Consider motion to approve the issuance of fireworks permits within the City of Ankeny to J & M Displays, to be held at Promenade Park at the conclusion of the following events:
- Sips & Songs: July 5, 2024 at approximately 10:00 PM (pending receipt of updated operator certificate)
 - SummerFest: July 14, 2024 at approximately 9:30 PM (pending receipt of updated operator certificate)
- CA - 6** Consider motion to approve the issuance of liquor licenses and beer/wine permits in the City of Ankeny.

• **Finance/Budget**

- CA - 7** Consider motion to approve Change Order #1 decreasing the contract amount by \$15,039.00 with HPC, LLC for construction services associated with Fire Station No. 4.
- CA - 8** Consider motion to approve Payment #3 in the amount of \$27,553.75 to MSA Professional Services, Inc., for engineering services on the SW Walnut Street and SW Ordinance Road Water Main project.

- CA - 9** Consider motion to approve Payment #12 in the amount of \$100,942.19 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
- CA - 10** Consider motion to approve Payment #2 in the amount of \$16,962.03 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 4 project.
- CA - 11** Consider motion to approve Payment #8 in the amount of \$68,017.09 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
- CA - 12** Consider motion to approve Payment #8 in the amount of \$6,154.45 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
- CA - 13** Consider motion to approve Payment #20 in the amount of \$4,251.69 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
- CA - 14** Consider motion to approve Payment #34 in the amount of \$20,911.89 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 15** Consider motion to approve Payment #34 in the amount of \$34,002.00 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
- CA - 16** Consider motion to approve Payment #12 in the amount of \$10,077.54 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
- CA - 17** Consider motion to approve Payment #39 in the amount of \$10,526.32 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
- CA - 18** Consider motion to approve Payment #4 in the amount of \$11,025.50 to Snyder & Associates, Inc. for engineering services on the Watercrest Park Expansion project.
- CA - 19** Consider motion to approve Payment #1 in the amount of \$11,762.25 to Snyder & Associates, for engineering services on the Sawgrass Park Dam Improvements project.
- CA - 20** Consider motion to approve the June 3, 2024 Accounts Payable.

- **Community Development Items**

- CA - 21** Consider motion to adopt **RESOLUTION** authorizing cost participation for 10-foot sidewalk; and accepting a Storm Water Management Facility Maintenance Covenants and Permanent Easement Agreement located on Lot 3, Campus Town Plat 1, and associated with the development of 1155 SW Prairie Trail Parkway, The Standard Site Plan.
- CA - 22** Consider motion to adopt **RESOLUTION** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on the property at 610 SE Creekview Drive; and associated with the development of the Manatts Building Addition Site Plan.
- CA - 23** Consider motion to adopt **RESOLUTION** accepting a Public Water Main Easement, Private Water Main Easement, Public Ingress/Egress Easement, and a Storm Water Management Facility Maintenance Covenant and Permanent

Easement Agreement, located at Lot 2, Vintage Business Park at Prairie Trail Plat 5; and associated with the development of the Roseann Lofts Site Plan at 1630 and 1640 SW Magazine Road.

- **Engineering Items**

- CA - 24** Consider motion to adopt **RESOLUTION** approving and authorizing the acquisition of property and property interests for the N Ankeny Boulevard - 1st Street to 11th Street Improvements.
- CA - 25** Consider motion to adopt a **RESOLUTION** to adopt the City of Ankeny's Supplemental Specifications to the 2024 Edition of the Iowa Statewide Urban Design and Specifications as prepared by the Public Works Department and the Municipal Utilities Department for the City of Ankeny, Iowa.
- CA - 26** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a Development, Easement, and Maintenance Agreement with The District Association, Inc., concerning seasonal gate installation in City right-of-way for the District Event Center in the City of Ankeny, Iowa.

- **Capital Improvement Projects**

- CA - 27** **Westwinds, Plat 9, Storm Sewer Extension:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with J&K Contracting in the amount of \$130,388.10; and c) Final Payment #2 in the amount of \$4,849.75 and Release of Retainage in the amount of \$6,519.41.
- CA - 28** Consider a motion to approve a professional services agreement with SystemWorks, LLC for Fire Station No. 4 building commissioning services.
- CA - 29** Consider motion to adopt **RESOLUTION** ordering construction on the Watercrest Park Expansion project and fixing a date for hearing thereon and taking bids therefor. (date of bid opening: (6/25/24 @ 10:30 A.M. / date of hrg: 7/1/24 @ 5:30 P.M.)

- **Administrative Items**

- CA - 30** Consider motion to approve agreement for crossing guard services for the 2024-2025 and 2025-2026 school years between the City of Ankeny, the Ankeny Community School District and All City Management Services, Inc.
- CA - 31** Consider motion to adopt **RESOLUTION** authorizing the City of Ankeny to accept funding from the U.S. Department of Energy for the Energy Efficiency & Conservation Block Grant Program.
- CA - 32** Consider motion to adopt **RESOLUTION** setting public hearing on an amendment to an existing development agreement between the City of Ankeny and MCF Operating, LLC (dba Mrs. Clark's Foods). (date of hrg: 6/17/2024 @ 5:30 p.m.)
- CA - 33** Consider motion to authorize the Mayor to execute an agreement with the Iowa Department of Transportation for a RISE grant for the extension of SE Creekview Drive in the Metro North Business Park.
- CA - 34** Consider motion to approve agreement with Barkpass, LLC for pet Licensing software as a Service (SaaS).
- CA - 35** Consider motion to adopt **RESOLUTION** approving a mowing contract for Ankeny's South Zones with Perficut Commercial Site Management & Landscaping.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-35

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-35.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Boards/Commissions Appointments:**

1. Mayoral appointments to Boards and Commissions as follows:
Library Board of Trustees: Reappointments to 4-year term: 7/01/2024 through 6/30/2028
 - Gene Lucht
 - John Meyer
Polk County Aviation Authority: Reappointment to 4-year term: 7/01/2024 through 6/30/2028
 - Jeff Wangsness

Action# H1-1. Consider motion approving mayoral appointments to expiring Board and Commission member seats as presented.

- **Approval of Ordinances:**

1. Ord 2168 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Berwick Holdings, LLC.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2168, sending it on its final passage and publication as required by law.

2. 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.

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2169.

3. Ord 2170 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 142 Mobile Food Vendors.

Action# H3-1. Consider motion to accept second consideration of ORDINANCE 2170.

Action# H3-2. 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 2170, sending it on its final passage and publication as required by law.

4. Ord 2171 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 11 Special Events.

Action# H4-1. Consider motion to accept second consideration of ORDINANCE 2171.

Action# H4-2. 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 2171, sending it on its final passage and publication as required by law.

5. 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) (PH 2024-31).

Action# H5-1. Consider motion to accept first consideration of ORDINANCE 2172.

6. 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) (PH 2024-33).

Action# H6-1. Consider motion to accept first consideration of ORDINANCE 2173.

7. 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) (PH 2024-36).

Action# H7-1. Consider motion to accept first consideration of ORDINANCE 2174.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope K Farms LLC from Office/Business Park to Low Density Residential use classification (LUPA Area #1) (PH 2024-30).

Action# J1-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Office/Business Park to Low Density Residential (LUPA Area #1).

2. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope K Farms LLC from Office/Business Park to Medium Density Residential use classification (LUPA Area #2) (PH 2024-32).

Action# J2-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Office/Business Park to Medium Density Residential (LUPA Area #2).

3. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land

Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope K Farms LLC from Office/Business Park to High Density Residential use classification (LUPA Area #3) (PH 2024-34).

Action# J3-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Office/Business Park to High Density Residential (LUPA Area #3).

4. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope K Farms LLC from Low Density to High Density Residential use classification (LUPA Area #4) (PH 2024-35).

Action# J4-1. Consider motion to adopt RESOLUTION approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Low Density to High Density Residential (LUPA Area #4).

5. Proposed Amended Development Agreement between the City of Ankeny and Pet Parents, LLC. (PH 2024-37)

Action# J5-1. Consider motion to adopt RESOLUTION approving an amended Development Agreement between the City of Ankeny and Pet Parents, LLC.

6. Proposed Amended Development Agreement - SPAL-USA, Inc. (PH 2024-38)

Action# J6-1. Consider motion to adopt RESOLUTION approving an Amended Development Agreement between the City of Ankeny and SPAL-USA, Inc.

7. \$16,260,000 General Obligation Bonds, Series 2024A

Action# J7-1. Consider motion to adopt RESOLUTION 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.

Action# J7-2. Consider motion to adopt RESOLUTION authorizing and providing for the issuance of \$16,260,000 General Obligation Bonds, Series 2024A, and amending the levy of taxes to pay said bonds; approval of the tax exemption certificate and continuing disclosure certificate.

8. \$3,780,000 Water Revenue Bonds, Series 2024B

Action# J8-1. Consider motion to adopt RESOLUTION 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.

Action# J8-2. Consider motion to adopt RESOLUTION authorizing and providing for the issuance and securing the payment of \$3,780,000 Water Revenue Bonds, Series 2024B, of the City of Ankeny, State of Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of the bonds, which includes approval of tax exemption certificate and approval of the continuing disclosure certificate.

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 - MCF Operating, LLC Development Agreement Amendment - 6/17/24 @ 5:30 p.m.***
- ***Council Action Planning Session - Transportation Master Plan Update - 6/17/24 @ 5:30 p.m.***
- ***Public Hearing - Watercrest Park Expansion Project - 7/1/24 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment