



ANKENY CITY COUNCIL

Regular Meeting

Monday, May 20, 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

All City Council meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing. To request information in an alternative format or request an accommodation to participate in a City Council meeting, contact the Office of the City Clerk at 965-6405.

Anyone seeking assistance in communicating with the City should contact Relay Iowa at 1-800-735-2942 (TDY), or 1-800-735-2943 (Voice).

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:	Diane Klemme, Deputy City Clerk
PLEDGE OF ALLEGIANCE:	Mark Holm, Mayor

CEREMONY: none

A. PUBLIC FORUM: none

B. APPROVAL OF AGENDA:

1. Approval of the May 20, 2024 Agenda

Action# B1-1. Consider motion to approve and accept the May 20, 2024 agenda, with or without amendment.

C. PUBLIC HEARING(S): none

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 6, 2024, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Plan and Zoning Commission meeting of April 16, 2024.

CA - 3 Receive and file the minutes of the Civil Service Commission meeting of April 11, 2024.

- **Licenses and Permits**

CA - 4 Consider motion to approve the issuance of liquor licenses and beer/wine permits in the City of Ankeny.

- **Finance/Budget**

CA - 5 Consider motion to receive and file Financial Reports for April 2024.

CA - 6 Consider motion to receive and file Building Permit Report for April 2024.

CA - 7 Consider motion to receive and file Utility Billing Report for April 2024.

CA - 8 Consider motion to approve Amendment No. 4 to the Professional Services Agreement increasing the contract amount by \$50,922.00 with HR Green, Inc. for Special Assessment Services and Construction Phase Services on the NE 36th Street Reconstruction Project - Interstate 35 to NE Four Mile Drive.

CA - 9 Consider motion to approve Change Order #1 increasing the contract amount by \$3,500.00 to Iowa Civil Contracting, Inc., for construction services on the 2024 PCC Pavement Preservation Program - Crack and Jointing Filling project.

CA - 10 Consider motion to approve Change Order #1 increasing the contract amount by \$2,711.28 to Jasper Construction Services, Inc., for construction services on the SE Delaware Avenue and SE 54th Street Traffic Signal project.

CA - 11 Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$46,850.00 with Nilles Associates, Inc. for construction engineering services on the SW Magazine Road & SW State Street Intersection Improvements - West Leg project.

CA - 12 Consider motion to approve Change Order #1 increasing the contract amount by \$2,000.00 to On Track Construction, LLC, for construction services on the NW Northlawn Area Utility Improvements - Phase 2 project.

- CA - 13** Consider motion to approve Amendment #4 to the Professional Services Agreement increasing the contract amount by \$34,000.00 with Snyder & Associates, Inc. for construction engineering services on the N Ankeny Boulevard Landscape Improvements Project to be paid through liquidated damages charged to the contractor.
- CA - 14** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$95,000.00 Strand Associates, Inc., for construction services on the NE 36th Street and NE 38th Street Water Main Loop Project.
- CA - 15** Consider motion to approve Payment #2 in the amount of \$94,084.20 to Absolute Concrete Construction, for construction services on the NW Northlawn Area Utility Improvements - Phase 3 project.
- CA - 16** Consider motion to approve Payment #13 in the amount of \$12,904.26 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
- CA - 17** Consider motion to approve Payment #2 in the amount of \$18,370.51 to Civil Design Advantage, LLC, for engineering services on the Westlawn Place Area Utility Improvements - Conceptual Design project.
- CA - 18** Consider motion to approve Payment #10 in the amount of \$529,142.89 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 19** Consider motion to approve Payment #24 in the amount of \$33,561.45 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 20** Consider motion to approve Payment #7 in the amount of \$25,106.24 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
- CA - 21** Consider motion to approve Payment #1 in the amount of \$283,661.45 to HPC, LLC for construction services associated with the Ankeny Fire Station No. 4 project.
- CA - 22** Consider motion to approve Payment #17 in the amount of \$11,197.38 to HR Green, Inc., for construction engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 23** Consider motion to approve Payment #1 in the amount of \$648,452.05 to InRoads, LLC, for construction services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
- CA - 24** Consider motion to approve Payment #1 in the amount of \$126,826.90 to Iowa Civil Contracting, Inc., for construction services on the 2024 PCC Pavement Preservation Program - Crack and Jointing Filling project.
- CA - 25** Consider motion to approve Payment #1 in the amount of \$22,624.72 to Jasper Construction Services, Inc., for construction services on the SE Delaware Avenue and SE 54th Street Traffic Signal project.
- CA - 26** Consider motion to approve Payment #13 in the amount of \$11,901.00 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
- CA - 27** Consider motion to approve Payment #8 in the amount of \$5,919.50 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.

- CA - 28** Consider motion to approve Payment #14 in the amount of \$420.00 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
- CA - 29** Consider motion to approve Payment #2 in the amount of \$31,766.90 to McClure Engineering Company, for construction engineering services on the SW Des Moines Street Utility Improvements project.
- CA - 30** Consider motion to approve Payment #8 in the amount of \$155,432.35 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
- CA - 31** Consider motion to approve Payment #1 in the amount of \$176,400.81 to Rognes Corporation, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 32** Consider motion to approve Payment #13 in the amount of \$6,204.87 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
- CA - 33** Consider motion to approve Payment #1 in the amount of \$56,522.15 to TK Concrete, Inc., for construction services on the 2024 PCC Street Patching project.
- CA - 34** Consider motion to approve the May 20, 2024 Accounts Payable.
- CA - 35** Consider motion to adopt **RESOLUTION** authorizing the purchase of eight sport utility vehicles (SUV) for the Police Department.

- **Personnel Items**

- CA - 36** Consider motion to accept the Civil Service Commission certified lists for appointment to: Police Officer, Firefighter Paramedic, Deputy Building Official, and Building Inspections Supervisor, subject to passing any further departmental requirements.

- **Community Development Items**

- CA - 37** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope K Farms LLC from Office/Business Park to Low Density Residential (LUPA #1) (date of hrg: 6/3/24 @ 5:30p.m.).
- CA - 38** Consider motion to adopt **RESOLUTION** 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 from the current R-1 One Family Residential District to PUD, Planned Unit Development District (Rezoning Area A). (date of hrg: 6/3/2024 @ 5:30p.m.)
- CA - 39** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope K Farms LLC from Office/Business Park to Medium Density Residential (LUPA #2) (date of hrg: 6/3/24 @ 5:30p.m.).
- CA - 40** Consider motion to adopt **RESOLUTION** 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 from the current R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 10 units per acre. (Rezoning Area B). (date of hrg: 6/3/2024 @ 5:30p.m.)
- CA - 41** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of

the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope K Farms LLC from Office/Business Park to High Density Residential (LUPA #3) (date of hrg: 6/3/24 @ 5:30p.m.).

- CA - 42** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope K Farms LLC from Low Density Residential to High Density Residential (LUPA #4) (date of hrg: 6/3/24 @ 5:30p.m.).
- CA - 43** Consider motion to adopt **RESOLUTION** 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 from the current R-1 One Family Residential District to R-3, Multiple-Family Residence District, restricted to 20 units per acre. (Rezoning Area C). (date of hrg: 6/3/2024 @ 5:30p.m.)
- CA - 44** Consider motion to grant preliminary approval of The Crossings at Deer Creek Plat 15 Final Plat.
- CA - 45** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a Development Agreement with Deer Creek Estates, LLC concerning the reimbursement of fifty percent (50%) of the costs related to traffic signal construction, fifty percent (50%) of the costs related to westbound left turn lane construction, one hundred percent (100%) of the costs related to eastbound left turn lane construction, and twenty five percent (25%) for engineering design related costs associated with the development of The Crossings at Deer Creek Plat 15.
- CA - 46** Consider motion to adopt **RESOLUTION** accepting acquisition plat, warranty deed to streets, and easements associated with The Crossings at Deer Creek Plat 15.
- CA - 47** Consider motion to adopt **RESOLUTION** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on the property at 1101 S Ankeny Boulevard; and associated with the development of the Hyper Energy Bar Site Plan.
- CA - 48** Consider motion to approve the King's Pointe East Preliminary Plat, and the acceptance of the public street name NE Kings Pointe Drive.
- CA - 49** Consider motion to adopt **RESOLUTION** accepting the final plat, warranty deed for streets, performance and maintenance bonds for public improvements, platted easements, sewer connection fee, and authorizing cost-participation for water main and sidewalk oversizing and truncated domes for Spectrum 36 Plat 3.
- CA - 50** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, storm sewer and subgrade prep in Spectrum 36 Plat 3.
- CA - 51** Consider motion to adopt **RESOLUTION** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Spectrum 36 Plat 3.
- CA - 52** Consider motion to adopt **RESOLUTION** accepting final plat, platted easements, subdivision bond for seeding and silt fence, and performance and maintenance bonds for underground improvements for DHI Plat 1.
- CA - 53** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main in DHI Plat 1.

- **Engineering Items**

- CA - 54** Consider motion to adopt a **RESOLUTION** approving plans and specifications and accepting the contract, performance and maintenance bonds associated with the construction of storm sewer, paving, and subgrade prep for the SW Ankeny Road Culvert Replacement project.
- CA - 55** Consider motion to adopt a **RESOLUTION** approving plans and specifications and accepting the contract, performance and maintenance bonds associated with the construction of paving for the SW District Drive Traffic Improvements project.
- CA - 56** Consider motion to adopt **RESOLUTION** accepting an amended public stormwater management facility maintenance covenant and permanent easement from Sherman Hills Real Estate Partnership, LLP, associated with the DMOS MRI Addition project.

- **Capital Improvement Projects**

- CA - 57** **High Trestle Trail Water Transmission Main and Drainage Improvements Project:** Consider motion to approve: a) Final Change Order #2 decreasing the final contract amount by \$332,127.55 b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Synergy Contracting, LLC in the amount of \$5,483,170.20; and d) Final Payment #15 in the amount of \$15,196.96 / Release of Retainage in the amount of \$274,158.52.

- **Administrative Items**

- CA - 58** Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Walgreens #7996.
- CA - 59** Consider motion to adopt **RESOLUTION** setting public hearing on an amendment to an existing development agreement between the City of Ankeny and SPAL - USA, Inc. (date of hrg: 6/3/2024 @ 5:30 p.m.)
- CA - 60** Consider motion to adopt **RESOLUTION** setting public hearing on an amendment to an existing development agreement between the City of Ankeny and Pet Parents, LLC. (date of hrg: 6/3/2024 @ 5:30 p.m.)
- CA - 61** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign an amendment to the Polk County Emergency Management Commission Bylaws.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-61

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-61.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Boards/Commissions Appointments:**

1. Economic Development Consider mayoral appointments to the Economic Development Council as follows:
 - appoint Blaine Tuttle, effective immediately - June 30, 2026.
 - reappoint Bethanie Langner, Andy Moffitt, and Phyllis Tinker, effective July 1, 2024 - June 30, 2027.

Action# H1-1. Consider motion approving mayoral appointments to the Economic

Development Council as presented.

- **Approval of Ordinances:**

1. Ord 2166 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to stormwater management fees.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2166, sending it on its final passage and publication as required by law.

2. Ord 2167 An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by amending the PUD Zoning of certain property owned by Commerce Center, LLC.

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2167.

Action# H2-2. 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 2167, sending it on its final passage and publication as required by law.

3. 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# H3-1. Consider motion to accept second consideration of ORDINANCE 2168.

4. 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# H4-1. Consider motion to accept first consideration of ORDINANCE 2169.

5. 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# H5-1. Consider motion to accept first consideration of ORDINANCE 2170.

6. 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# H6-1. Consider motion to accept first consideration of ORDINANCE 2171.

I. **OLD BUSINESS: none**

J. **NEW BUSINESS:**

1. \$17,425,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A

Action# J1-1. Consider motion to receive and file report of bids received on May 20, 2024 at 10:00 A.M.

Action# J1-2. Consider motion to adopt RESOLUTION directing sale of \$16,260,000 General Obligation Bonds, Series 2024A.

2. \$4,175,000 (Subject to Adjustment per Terms of Offering) Water Revenue Bonds, Series 2024B

Action# J2-1. Consider motion to receive and file report of bids received on May 20, 2024 at 10:00 A.M.

Action# J2-2. Consider motion to adopt RESOLUTION directing sale of \$3,780,000 Water Revenue Bonds, Series 2024B.

3. Local Option Sales and Services Tax

Action# J3-1. Consider motion to adopt RESOLUTION regarding a special election on the imposition of a local option sales and services tax within the City of Ankeny, Iowa.

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 - Hope Crossing LUP Amendment Area 1 - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - rezone Hope Crossing Area A - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - Hope Crossing LUP Amendment Area 2 - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - rezone Hope Crossing Area B - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - Hope Crossing LUP Amendment Area 3 - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - Hope Crossing LUP Amendment Area 4 - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - rezone Hope Crossing Area C - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - amended Development Agreement - SPAL USA, Inc - 6/3/24 @ 5:30 p.m.***
- ***Public Hearing - amended Development Agreement - Pet Parents, LLC - 6/3/24 @ 5:30 p.m.***
- ***Council Action Planning Session - Transportation Master Plan Update - 6/17/24 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment