

MINUTES OF THE ANKENY CITY COUNCIL

Monday, May 20, 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 and Todd Shafer were in attendance. Council Member Kelly Stearns was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Ted & Teri Bishop, 3788 NE 78th Ave, Ankeny, addressed Council to express concerns in regards to the future Berwick Estates Development and the increase in traffic.
2. Kim Schaaf, 110 N Ankeny Blvd, Ankeny, spoke on behalf of the Ankeny Business & Industry Collaborative in support of the local option sales tax.
3. Curtis Carroll, 7004 NE Berwick Dr, Ankeny, addressed Council with his concerns relating to the traffic study and the future NE 38th Street Extension.
4. Asa Hutton, 827 NE 5th St, Ankeny, addressed Council about increased traffic due to construction. Mr. Hutton is requesting a stop sign at NE Hayes and 5th Street.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the May 20, 2024 agenda without amendment. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of May 6, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of April 16, 2024.
3. Receive and file the minutes of the Civil Service Commission meeting of April 11, 2024.

Licenses and Permits

4. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

5. Receive and file Financial Reports for April 2024.
6. Receive and file Building Permit Report for April 2024.
7. Receive and file Utility Billing Report for April 2024.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Payment #1 in the amount of \$283,661.45 to HPC, LLC for construction services associated with the Ankeny Fire Station No. 4 project.
22. 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.
23. 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.
24. 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.
25. 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.
26. Payment #13 in the amount of \$11,901.00 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
27. 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.
28. 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.
29. 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.
30. 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.
31. Payment #1 in the amount of \$176,400.81 to Rognes Corporation, for construction services on the North Four Mile Creek Trunk Sewer project.
32. 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.

33. Payment #1 in the amount of \$56,522.15 to TK Concrete, Inc., for construction services on the 2024 PCC Street Patching project.
34. May 20, 2024 Accounts Payable by fund: General \$280,096; Road Use Tax \$48,808; Debt Service \$22,754,306; Water \$252,908; Water Sinking Fund \$1,669,664; Sewer \$615,124; Storm Water \$8,079; Golf Course \$24,615; Enterprise Project \$737,597; Revolving \$30,306; Risk Management \$6,844; Health Insurance \$219; Capital Projects \$1,818,960; Payroll Totals \$1,433,336; Transfers/ACH (\$207,017); Agenda Payments Approved Separately (\$2,539,855); Grand Total \$26,933,990.
35. **RESOLUTION 2024-213** authorizing the purchase of eight sport utility vehicles (SUV) for the Police Department.

Personnel Items

36. 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

37. **RESOLUTION 2024-214** 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.).
38. **RESOLUTION 2024-215** 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.)
39. **RESOLUTION 2024-216** 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.).
40. **RESOLUTION 2024-217** 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.)
41. **RESOLUTION 2024-218** 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.).
42. **RESOLUTION 2024-219** 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.).
43. **RESOLUTION 2024-220** 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.)
44. Grant preliminary approval of The Crossings at Deer Creek Plat 15 Final Plat.
45. **RESOLUTION 2024-221** 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.

46. **RESOLUTION 2024-222** accepting acquisition plat, warranty deed to streets, and easements associated with The Crossings at Deer Creek Plat 15.
47. **RESOLUTION 2024-223** 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.
48. Approve the King's Pointe East Preliminary Plat, and the acceptance of the public street name NE Kings Pointe Drive.
49. **RESOLUTION 2024-224** 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.
50. **RESOLUTION 2024-225** 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.
51. **RESOLUTION 2024-226** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Spectrum 36 Plat 3.
52. **RESOLUTION 2024-227** accepting final plat, platted easements, subdivision bond for seeding and silt fence, and performance and maintenance bonds for underground improvements for DHI Plat 1.
53. **RESOLUTION 2024-228** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main in DHI Plat 1.

Engineering

54. **RESOLUTION 2024-229** 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.
55. **RESOLUTION 2024-230** 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.
56. **RESOLUTION 2024-231** 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

57. **High Trestle Trail Water Transmission Main and Drainage Improvements Project**: approve:
a) Final Change Order #2 decreasing the final contract amount by \$332,127.55 b) Certificate of Completion; c) **RESOLUTION 2024-232** 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

58. Approve the Order Accepting Acknowledgement/Settlement Agreement with Walgreens #7996.
59. **RESOLUTION 2024-233** 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.)
60. **RESOLUTION 2024-234** 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.)

61. **RESOLUTION 2024-235** authorizing the Mayor to sign an amendment to the Polk County Emergency Management Commission Bylaws.

APPROVAL OF CONSENT AGENDA

1. Council Member Perry moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-61. Ayes: Perry, Bentz, Ruddy, Shafer.

LEGISLATIVE BUSINESS

Boards/Commissions Appointments

1. Motioned by Shafer, second by Bentz, to approve 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. Ayes: Shafer, Bentz, Perry, Ruddy.

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. Council Member Ruddy moved, Shafer seconded, to accept third consideration of ORDINANCE 2166, sending it on its final passage and publication as required by law. Ayes: Ruddy, Shafer, Bentz, Perry.
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. Council Member Ruddy moved, Bentz seconded, to accept second consideration of ORDINANCE 2167. Ayes: Ruddy, Bentz, Perry, Shafer. Council Member Perry moved, Ruddy seconded, 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. Ayes: Perry, Ruddy, Bentz, Shafer.
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. Council Member Perry moved, Ruddy seconded, to accept second consideration of ORDINANCE 2168. Ayes: Perry, Ruddy, Bentz, Shafer.
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. Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2169. Ayes: Ruddy, Bentz, Perry, Shafer.
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. Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2170. Ayes: Bentz, Ruddy, Perry, Shafer.
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. Council Member Ruddy moved, Shafer seconded, to accept first consideration of ORDINANCE 2171. Ayes: Ruddy, Shafer, Bentz, Perry.

NEW BUSINESS

1. \$17,425,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A. Council Member Bentz moved, Shafer seconded, to receive and file report of bids received on May 20, 2024 at 10:00 A.M. Ayes: Bentz, Shafer, Perry, Ruddy. Council Member

- Bentz moved, Perry seconded, to adopt **RESOLUTION 2024-236** directing sale of \$16,260,000 General Obligation Bonds, Series 2024A. Ayes: Bentz, Perry, Ruddy, Shafer.
2. \$4,175,000 (Subject to Adjustment per Terms of Offering) Water Revenue Bonds, Series 2024B. Council Member Perry moved, Ruddy seconded, to receive and file report of bids received on May 20, 2024 at 10:00 A.M. Ayes: Perry, Ruddy, Bentz, Shafer. Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2024-237** directing sale of \$3,780,000 Water Revenue Bonds, Series 2024B. Ayes: Bentz, Ruddy, Perry, Shafer.
3. Local Option Sales and Services Tax. Council Member Bentz moved, Shafer seconded, to adopt **RESOLUTION 2024-238** regarding a special election on the imposition of a local option sales and services tax within the City of Ankeny, Iowa. Nays: Bentz, Shafer, Perry, Ruddy.

ADJOURNMENT

1. Meeting was adjourned at 6:07 p.m.

Diane Klemme, Deputy City Clerk

Mark E. Holm, Mayor

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