

MINUTES OF THE ANKENY CITY COUNCIL

Monday, May 16, 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 Jeff Perry, Joe Ruddy, and Todd Shafer were in attendance. Council Member Bobbi Bentz joined the meeting electronically. Council Member Kelly Whiting joined the meeting at 5:36 PM. City Manager David Jones, and City Attorney Matt O'Hollearn were also present. Mayor Holm led in the Pledge of Allegiance.

CEREMONY

1. By proclamation, Mayor Holm designated May 15-21, 2022, as Emergency Medical Services Week.
2. By proclamation, Mayor Holm designated June 18, 2022, as a day to celebrate Juneteenth 2022.

PUBLIC FORUM

1. Renee Potts, Ankeny Community Network, shared information on the upcoming June 18, 2022 Juneteenth Festival taking place in the District.

APPROVAL OF AGENDA

1. Council Member Perry moved, Whiting seconded, to approve and accept the May 16, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-45. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed amendment to the Ankeny Plan 2040 (Figure 12.10) Future Land Use Map for the City of Ankeny. Notice of this hearing was published in the Des Moines Register on the 6th day of May, 2022.

Eric Jensen, Director of Community Development, reported that the applicant, Hardship Land LLC, is requesting an amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map.

Mayor Holm then asked for any public comment regarding the proposed amendment. Jennifer Ellison, Jerry's Homes, voiced agreement with staff recommendations. Council Member Ruddy moved, Whiting seconded, to close public hearing 2022-45. Ayes: 5.

2. PH 2022-46. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hardship Land LLC, from the current R-1, One-Family Residence District, to R-3 Multiple-Family Residence District restricted to 10 units per acre. Notice of this hearing was published in the Des Moines Register on the 6th day of May, 2022.

Eric Jensen, Director of Community Development, reported that the applicant, Hardship Land LLC is requesting to rezone property from R-1, One-Family Residence District to R-3 Multiple Family Residence District restricted to 10 units per acre. The area subject to the proposed

rezoning consists of one parcel totaling 17.56 acres (+/-), and is located south of NW 36th Street and east of NW Weigel Drive.

Mayor Holm then asked for any public comment regarding the proposed item. Craig Griffieon, 11655 NE 6th St, Ankeny shared information about the drainage districts and voiced concern about the drainage. Council Member Perry moved, Whiting seconded, to close public hearing 2022-46. Ayes: 5.

3. PH 2022-47. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hardship Land LLC, from the current R-1, One-Family Residence District, to R-3 Multiple Family Residence District restricted to single family. Notice of this hearing was published in the Des Moines Register on the 16th day of May, 2022.

Eric Jensen, Director of Community Development, reported that the applicant, Hardship Land LLC, is requesting to rezone property from R-1, One-Family Residence District to R-3 Multiple-Family Residence District restricted to single family. The area subject to the proposed rezoning consists of two parcels totaling 63.2 acres (+/-), and is located south of NW 36th Street and east of NW Weigel Drive.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Whiting seconded, to close public hearing 2022-47 Ayes: 5.

4. PH 2022-48. 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 Diamond Hills Greenway - Stream Repairs project. Notice of this hearing was published in the Des Moines Register on the 29th day of April, 2022.

Mark Mueller, Director of Public Works, reported the project includes clearing, grubbing, and removal of nuisance vegetation, repairs to existing storm sewer infrastructure, grading, installation of erosion and sediment control devices, and extension of existing storm sewer outlets along the stream corridor.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Whiting moved, Shafer seconded, to close public hearing 2022-48. Ayes: 5.

5. PH 2022-49. Mayor Holm announced that this is the time and place for a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2022 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 6th day of May 2022.

Jennifer Sease, Director of Administrative Services, reported The FY 2022 amendment includes the following changes: amended revenues include increases in hotel/motel taxes, road use taxes, plan review fees and recreation program fees, amended expenditures include increases related to building and equipment repairs and maintenance, emergency medical supplies, hotel/motel tax commitments, natural gas charges, street maintenance supplies and refunds.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Whiting seconded, to close public hearing 2022-49. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of May 2, 2022, as published.
2. Official council actions of the special meeting of April 28, 2022, as published.
3. Receive and file minutes of the Ankeny Economic Development Council from December 17, 2021.
4. Receive and file minutes of the Plan and Zoning Commission meeting of April 19, 2022.
5. Receive and file minutes of the Zoning Board of Adjustment meeting of April 5, 2022.
6. Receive and file minutes of the Human Rights Commission meeting of April 28, 2022.
7. Receive and file minutes of the Ankeny Cultural Arts Board meeting of March 28, 2022.
8. Receive and file minutes of the Civil Service Commission meeting of February 7, 2022.

Licenses and Permits

9. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.
10. Issuance of a fireworks permit within the City of Ankeny to J & M Displays, to be held following the Sips & Songs event, July 1, 2022 at Promenade Park.

Finance/Budget

11. Receive and file Financial Reports for April 2022.
12. Receive and file Building Permit Report for April 2022.
13. Receive and file Utility Billing Report for April 2022.
14. Change Order #1 increasing the contract amount by \$83,780.00 to Gingerich Well & Pump Service, LLC, for construction services on the Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction project.
15. Change Order #1 increasing the contract amount by \$49,575.79 to OnTrack Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
16. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$12,300.00 with Short Elliot Hendrickson (SEH) Inc., for construction services on the N. Ankeny Blvd. Water Main Project.
17. Change Order #1 increasing the contract amount by \$17,209.25 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE - Phase 2 project.
18. Payment #1 in the amount of \$51,424.45 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
19. Payment #25 in the amount of \$13,408.89 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
20. Payment #9 in the amount of \$303,997.02 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
21. Payment #13 in the amount of \$18,385.15 to FOX Strand, for engineering services on the Ankeny ASR project.
22. Payment #2 in the amount of \$207,671.63 to Gus Construction, for construction services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
23. Payment #21 in the amount of \$11,344.36 to McClure Engineering Company, for engineering services on the Irvinedale Drive Water Main Improvements - Phase 3 project.

24. Payment #2 in the amount of \$70,068.80 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
25. Payment #2 in the amount of \$572,730.56 to On Track Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
26. Payment #10 in the amount of \$92,984.18 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
27. Payment #2 in the amount of \$8,763.75 to Rognes Corporation, for construction services on the Otter Creek Sanitary Sewer Improvements - Phase 3 project.
28. Payment #23 in the amount of \$4,974.40 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
29. Payment #1 in the amount of \$163,487.93 to Sternquist Construction, for construction services on the SE Crosswinds Drive RISE - Phase 2 project.
30. May 16, 2022 Accounts Payable by Fund: General 186,031; Road Use Tax 59,976; Library Foundation 389; Solid Waste 85,413; Water 617,427; Sewer 517,065; Stormwater 12,112; Golf Course 38,212; Enterprise Project 635,702; Revolving 2,848; Risk Management 1,959; Health 72; Capital Projects Funds 1,038,369; Payroll Totals 1,214,104; Transfers/ACH (179,571); Agenda Payments approved separately 1,519,241; Grand Total \$ 5,749,349.
31. **RESOLUTION 2022-260** naming depositories for the City of Ankeny.
32. **RESOLUTION 2022-261** authorizing the acceptance of a proposal from Superior Recreation Products to purchase bleacher canopies for the Prairie Ridge Sports Complex.
33. **RESOLUTION 2022-262** authorizing the acceptance of a proposal from NB Golf Cars, LLC to replace the golf cart fleet at the Otter Creek Golf Course.

Personnel Items

34. Civil Service Commission certified lists for appointments to: Police Officer, Firefighter/EMT/Paramedic, Environmental Civil Engineer I, Recreation Supervisor-Aquatics, Associate Planner; subject to passing any further departmental requirements.

Community Development

35. **RESOLUTION 2022-263** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider the voluntary urbanized annexation of certain territory owned by ATI Ankeny Industrial, LLC, Tyler Investment Company, Inc., Polk County Aviation Authority, and Lloyd D. Linn. (date of hrg: 6/20/22 @ 5:30 p.m.)
36. **RESOLUTION 2022-264** accepting final plat, platted easements and subdivision bond for seeding and erosion control for Vintage Business Park at Prairie Trail Plat 11.
37. **RESOLUTION 2022-265** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for paving and underground improvements, platted easements, warranty deed for streets, parkland dedication agreement, sewer connection fee, authorizing cost-participation for upsizing public water mains and sidewalk oversizing and approving the private street names NE Mongoose Lane and NE Spear Lane, for Canyon Landing Townhomes Plat 1.
38. **RESOLUTION 2022-266** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Canyon Landing Townhomes Plat 1.
39. **RESOLUTION 2022-267** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Townhomes Plat 1.
40. **RESOLUTION 2022-268** accepting final plat, warranty deed to streets, letter of credit for seeding and erosion control, and platted easements for Keystone Church Plat 1.
41. **RESOLUTION 2022-269** accepting a public trail easement located on a part of Tradition Plat 3.
42. **RESOLUTION 2022-270** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for paving and underground improvements, platted and offsite easements, warranty deed for streets, parkland dedication agreement, sewer connection fee,

and authorizing cost-participation for extensions and upsizing of public sanitary sewer and public water mains, for Canyon Landing Duplexes Plat 1.

43. **RESOLUTION 2022-271** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Canyon Landing Duplexes Plat 1.
44. **RESOLUTION 2022-272** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Duplexes Plat 1.
45. **RESOLUTION 2022-273** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for paving and underground improvements, platted and offsite easements, warranty deed for streets, parkland dedication agreement, and sewer connection fee, for Canyon Landing Plat 2.
46. **RESOLUTION 2022-274** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Canyon Landing Plat 2.
47. **RESOLUTION 2022-275** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Canyon Landing Plat 2.

Engineering

48. **RESOLUTION 2022-276** accepting a proposal from Electric Conduit Construction in the amount of \$74,688.94 for the construction of the SE Quadrant Fiber Optic Upgrade.
49. Receive and file the Elementary School Walkability Study dated May 16, 2022 as completed by HR Green, Inc.
50. **RESOLUTION 2022-277** accepting public improvements in Wilson Group Addition (Peterbilt) for paving.
51. **RESOLUTION 2022-278** accepting public improvements in SE 72nd Street (Ruan Crosswinds Plat 1) for utilities.
52. **RESOLUTION 2022-279** accepting public improvements in SE 72nd Street (Ruan Crosswinds Plat 1) for paving.
53. **RESOLUTION 2022-280** accepting a purchase agreement and approving documents for the acquisition of permanent storm sewer easement for the NW Northlawn Area Utility Improvements - Phase 2 project in Ankeny, Iowa. (401 NW Scott Street - Vande Vorde)
54. **RESOLUTION 2022-281** accepting a purchase agreement and approving documents for the acquisition of permanent storm sewer easement for the NW Northlawn Area Utility Improvements - Phase 2 project in Ankeny, Iowa. (405 NW Scott Street - Peters)
55. **RESOLUTION 2022-282** updating the Policy on the Installation of School Speed Zones within Ankeny.
56. **RESOLUTION 2022-283** accepting a proposal from Iowa Signal, Inc. in the amount of \$53,230.00 for the construction of the Northwest Elementary School Signal Replacement.

Administrative

57. Amend grant agreement with Bravo Greater Des Moines for an additional \$25,000 of grant funding and a six-month extension to complete the trailhead project along NW Irvinedale Drive and authorize the Mayor to execute said agreement.
58. **RESOLUTION 2022-284** approving the application for industrial property tax exemption for recent investments made at 7500 SE Convenience Blvd., 5800 SE Delaware Ave., 3810 SE Delaware Ave. and 2741 SE PDI Place, Ankeny, Iowa.
59. **RESOLUTION 2022-285** approving public art titled *Growing In All Directions* by artist Beatrice Coron on the DART bus shelter located on West First Street near the High Trestle Trail.

Approval of Consent Agenda Items

1. Council Member Whiting moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-59. Ayes: Whiting, Shafer, Bentz, Ruddy, Perry.

LEGISLATIVE BUSINESS

Boards/Commissions Appointments

1. Council Member Whiting moved, seconded by Perry to adopt **RESOLUTION 2022-286** re-appointing Todd Ashby as representative of the City of Ankeny on the Board of Directors of the Polk County Aviation Authority, effective July 1, 2022 – June 30, 2026. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.

Approval of Ordinances

1. **Ord 2109.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone certain property owned by TJL Investments, LLC from R-1, One-Family Residence District, to PUD, Planned Unit Development. Council Member Whiting moved, Ruddy seconded to accept second consideration of Ordinance 2109. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer. Whiting 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 2109, sending it on its final passage and publication as required by law. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
2. **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 (PH 2022-46). Council Member Whiting moved, Ruddy seconded to accept first consideration of Ordinance 2110. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
3. **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 (PH 2022-47) Council Member Whiting moved, Perry seconded to accept first consideration of Ordinance 2111. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.
4. **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 Whiting moved, Ruddy seconded to accept first consideration of Ordinance 2112. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
5. **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 first consideration of Ordinance 2113. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
6. **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 Whiting moved, Perry seconded to accept first consideration of Ordinance 2114. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.

NEW BUSINESS

1. High Trestle Trail Experience Park Professional Services Agreement with ISG, Inc. Council Member Whiting moved, Ruddy seconded, to approve a Professional Services Agreement with ISG, Inc. for design, engineering, bidding, and construction services for the High Trestle Trail

Experience Park and authorize the Mayor to execute said Agreement. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

2. Amendment to the Future Land Use Map, Figure 12.10 of The Ankeny Plan 2040 Comprehensive Plan for the City of Ankeny, Iowa (PH 2022-45). Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2022-287** amending the Future Land Use Map, Figure 12.10 of The Ankeny Plan 2040 Comprehensive Plan. Ayes: Ruddy, Perry, Bentz, Shafer, Whiting.
3. Diamond Hills Greenway - Stream Repairs (PH 2022-48). Council Member Whiting moved, Perry seconded, to adopt 1) **RESOLUTION 2022-288** adopting plans, specifications, form of contract and estimate of cost \$227,025.00; 2) receive and file report of bids received May 10, 2022; 3) adopt **RESOLUTION 2022-289** making award of construction contract with OnTrack Construction, LLC in the amount of \$298,000.00 and 4) adopt **RESOLUTION 2022-290** approving contract and bonds with OnTrack Construction, LLC in the amount of \$298,000.00. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.
4. Amendment of Current City Budget for Fiscal Year Ending June 30, 2022 (PH 2022-49). Council Member Ruddy moved, Whiting seconded, to adopt **RESOLUTION 2022-292** amending the current budget for the fiscal year ending June 30, 2022. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
5. Amended FY 2022 Fund Transfers: Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-291** approving amendment to fiscal year 2022 fund transfers. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:18 PM.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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