

MINUTES OF THE ANKENY CITY COUNCIL

Monday, May 6, 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, Joe Ruddy, and Todd Shafer were in attendance. Council Members Jeff Perry and Kelly Stearns were absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Sally Dix, Executive Director, BRAVO Greater Des Moines presented an overview of the Bravo organization's strategic work and the results of the Arts & Economic study.
2. Ed Cowie, 1930 SE Summer Park Dr, spoke in opposition of local option sales tax.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the May 6, 2024 agenda without amendment. Ayes: 3.

PUBLIC HEARING

1. PH 2024-28. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2167 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Commerce Center, LLC, from its current PUD, Planned Unit Development to PUD, Planned Unit Development. Layman's Description; approximately 35.66 acres (+/-) located south of SE 90th Street, west of NE 29th Street/SE Four Mile Drive and north of Interstate 80. Notice of this hearing was published in the Des Moines Register on the 26th day of April, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Commerce Center, LLC, is proposing an amendment to a portion of the I-80 Commerce Center PUD. The request is for 35.66 acres within the development to be amended, removing and adding new language to section 3 Bulk Regulations amending the Allowable Land Uses. The proposal also adds language to Section 3 Architectural Character, and Section 4 Supporting Evidence Screening, Open Space, and Landscaping sections. The parcels subject to the PUD Amendment are currently a part of the I-80 Commerce Center PUD. Properties to the north are zoned Crosswinds Business Park PUD. Properties to the west are zoned R-1, One-Family Residence District. Surrounding properties to the south and east are unincorporated—zoned under Polk County—with property to the east zoned MDR, Medium-Density Residential District; and property to the south zoned HI, Heavy Industrial District. The Ankeny Plan 2040 Comprehensive plan, Figure 12.10, Future Land Use Map identifies the project area as being suitable for Office Business Park.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Brent Culp, Snyder & Associates, spoke in favor of the development on behalf of Commerce Center, LLC. Council Member Ruddy moved, Shafer seconded, to close public hearing 2024-28. Ayes: 3.

2. PH 2024-29. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2168 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, from its current R-1, One-Family Residence District to PUD, Planned Unit Development. Layman's Description – approximately 103.98 acres (+/-) located south of SE Oralabor Road/NE 78th Avenue, east of NE Berwick Drive and north of NE 70th Avenue. Notice of this hearing was published in the Des Moines Register on the 26th day of April, 2024 and notices were mailed to affected property owners as required by law.

Council received and filed correspondence from Justin Vetter. Eric Jensen, Director of Community Development, reported that the area subject to the proposed rezoning consists of two parcels totaling approximately 103.98 acres (+/-) located east of NE Berwick Drive and south of SE Oralabor Road. The parcels subject to the rezoning are currently zoned R-1, One-Family Residence District. Property to the west is zoned R-1 and property to the north, east, and south is not currently in the City of Ankeny, it is however zoned for residential use. The Ankeny Plan 2040 Comprehensive plan, *Figure 12.10, Future Land Use Map* identifies the project area as being suitable for Low Density Residential.

Mayor Holm then asked for any public comment regarding the proposed rezoning. The Berwick Drive Neighborhood Association presented information about the neighborhood history, character, traffic, and the proposed development. Speaking on behalf of the association were: William Pearce, Lee Harms, and Curtis Carroll. Amber Book spoke about traffic safety and the impact that additional traffic in the area would have. Teri Bishop addressed council about traffic in the area. JoAnn Adamson commented on the timing of the traffic study. Jim Jorgenson spoke about the country atmosphere of Berwick Dr. Council Member Bentz moved, Shafer seconded, to close public hearing 2024-29. Ayes: 3.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of April 15, 2024, as published.
2. Receive and file minutes of the special meeting of April 29, 2024, as published.
3. Receive and file minutes of the Plan and Zoning Commission meeting of April 2, 2024.
4. Receive and file minutes of the Library Board of Trustee meeting of March 21, 2024.
5. Receive and file minutes of the Human Rights Commission meeting of February 22, 2024.

Licenses and Permits

6. Issuance of cigarette/tobacco/nicotine/vapor permit in the City of Ankeny.
7. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

8. Amendment #1 to the Professional Services Agreement with Bolton & Menk, Inc., for the construction engineering services for the SE Corporate Woods Drive & Crosswinds Drive Traffic Signal in an amount not to exceed \$16,082.00.
9. Amendment #1 to the Professional Services Agreement with Snyder & Associates, Inc. increasing the contract amount by \$378,200.00 for final design engineering services on the South Ankeny Boulevard Improvements - SE Peterson Drive to 1st Street project.
10. Payment #1 in the amount of \$521,704.37 to Brothers Cleaning Corporation for construction services on the Rally Complex Park Development project.

11. Payment #2 in the amount of \$544,660.03 to CB&I Storage Tank Solutions LLC, for construction services on the NW Irvinedale Drive - Elevated Water Storage Tank project.
12. Payment #16 in the amount of \$10,826.52 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
13. Payment #16 in the amount of \$17,023.23 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.
14. Payment #16 in the amount of \$6,374.25 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
15. Payment #2 in the amount of \$25,164.73 to MSA Professional Services, Inc., for engineering services on the SW Walnut Street and SW Ordinance Road Water Main project.
16. Payment #2 in the amount of \$7,044.25 to Nilles Associates, Inc., for engineering services on the SW Magazine Road & SW State Street Improvements - West Leg project.
17. Payment #4 in the amount of \$3,586.50 to Nilles Associates, Inc., for engineering services on the Vintage Business Park North Lake and Saylor Creek Repairs project.
18. Payment #16 in the amount of \$33,549.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
19. Payment #1 in the amount of \$121,019.55 to Rognes Corporation, for construction services on the SE 3rd Street Improvements – Phase 2 project.
20. Payment #3 in the amount of \$10,677.75 to Snyder & Associates, Inc. for engineering services on the Watercrest Park Expansion project.
21. Payment #38 in the amount of \$11,709.52 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
22. Payment #7 in the amount of \$69,310.06 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
23. Payment #33 in the amount of \$22,353.93 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
24. Payment #1 in the amount of \$19,901.50 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 4 project.
25. Payment #11 in the amount of \$512.00 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
26. Payment #11 in the amount of \$8,292.66 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
27. Payment #36 in the amount of \$5,812.50 to Strand, for engineering services on the Ankeny ASR project.
28. Payment #12 in the amount of \$2,015.50 to Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
29. May 6, 2024 Accounts Payable by fund: General \$654,381; Fire Gift \$2,584; Parks Improvement \$1,076; Road Use Tax \$128,740; Seizure \$489; Police/Fire Pension \$5,262; Library Foundation \$1,060; Miracle Park \$5,998; Solid Waste \$107,253; Water \$309,536; Sewer \$16,601; Storm Water \$19,833; Golf Course \$49,277; Enterprise Project \$786,303; Revolving \$121,093; Risk Management \$78,123; Health Insurance \$36; Capital Projects \$1,063,183; Payroll Totals \$1,926,063; Transfers/ACH (\$205,719); Agenda Payments Approved Separately (\$1,605,768); Grand Total \$3,465,404.
30. **RESOLUTION 2024-193** authorizing the purchase of a backup generator for Fire Station No. 4.
31. **RESOLUTION 2024-194** authorizing the purchase of a truck chassis for Public Works Department single axle snow plow truck (replace existing trucks #232).
32. **RESOLUTION 2024-195** authorizing the purchase of a dump body, plow components, and build of a single axle snow plow truck for the Public Works Department (replace existing truck #232).
33. **RESOLUTION 2024-196** authorizing the purchase of a truck chassis for Public Works Department tandem axle snow plow truck.
34. **RESOLUTION 2024-197** authorizing the purchase of a dump body, plow components, and build of a tandem axle snow plow truck for the Public Works Department.

35. **RESOLUTION 2024-198** authorizing the purchase of a new wheel loader for the Public Works Department (replace existing wheel loader #252).

Community Development

36. **RESOLUTION 2024-199** authorizing the Mayor to sign a hold harmless agreement allowing Canyon Landing Owners Association, Inc. to place a monument development sign within a portion of the City of Ankeny's Public Utility Easement, Public Gas Easement, and Landscape Buffer Easement located on Lot 18, Canyon Landing Plat 3.
37. **RESOLUTION 2024-200** accepting the final plat, letter of credit for erosion control, performance and maintenance bonds for asphalt paving, concrete paving, subgrade and underground improvements, platted and offsite easements, warranty deed for streets, sewer connection fee, parkland dedication agreement and authorizing cost-participation for water main and sidewalk oversizing and truncated domes for Spectrum 36 Plat 2.
38. **RESOLUTION 2024-201** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Spectrum 36 Plat 2.
39. **RESOLUTION 2024-202** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of asphalt paving in Spectrum 36 Plat 2.
40. **RESOLUTION 2024-203** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of concrete paving in Spectrum 36 Plat 2.
41. **RESOLUTION 2024-204** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of subgrade in Spectrum 36 Plat 2.

Engineering

42. **RESOLUTION 2024-205** accepting a proposal from Dave's Dozing and Excavating Inc. in the amount of \$86,771.40 for the construction of the 2024 Storm Culvert & Trail Repairs project.
43. **RESOLUTION 2024-206** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of paving and subgrade preparation for the SE Four Mile Drive Turn Lane Improvements.

Capital Improvement Projects

44. **RESOLUTION 2024-207** approving contract and bonds with Granite Excavating in the amount of \$1,231,702.00 for the NE 36th Street & NE 38th Street Water Main Loop project.
45. **Aspen Ridge Trail**: approve: a) Final Change Order #2 increasing the contract amount by \$4,975.00; b) Certificate of Completion; c) **RESOLUTION 2024-208** accepting the public improvement with Caliber Concrete LLC in the amount of \$91,382.06; and d) Final Payment #2 in the amount of \$23,156.25; and Retainage Payment in the amount of \$4,569.10.
46. **N Ankeny Boulevard & 18th Street Intersection Improvements**: approve: a) Final Change Order #4 increasing the contract amount by \$48,245.00; b) Certificate of Completion; c) **RESOLUTION 2024-209** accepting the public improvement with All Star Concrete, LLC in the amount of \$497,606.85; and d) Final Payment #4 in the amount of \$111,623.89; and Retainage Payment in the amount of \$24,880.34.

Administrative

47. Approve certification to the Treasurer of State of Iowa the population of the Legacy Housby, LLC annexed territory as determined by the last certified federal census of said territory.
48. Adopt an Agreement for Property Use between the Des Moines Area Regional Transit Authority (DART) and the city of Ankeny.
49. **RESOLUTION 2024-210** supporting participation in the Main Street Iowa Program and designating the City's Economic Development Director to represent the City on the local

nonprofit Main Street governing Board of Directors.

APPROVAL OF CONSENT AGENDA

1. Council Member Bentz moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-49. Ayes: Bentz, Ruddy, Shafer.

LEGISLATIVE BUSINESS

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 Bentz moved, Shafer seconded, to accept second consideration of ORDINANCE 2166. Ayes: Bentz, Shafer, Ruddy.
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. (PH 2024-28) Council Member Bentz moved, Shafer seconded, to accept first consideration of ORDINANCE 2167. Ayes: Bentz, Shafer, Ruddy.
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. (PH 2024-29) Council Member Bentz moved, Shafer seconded, to accept first consideration of ORDINANCE 2168. Ayes: Bentz, Shafer, Ruddy.

NEW BUSINESS

1. Proposed Sawgrass Park Dam Improvements -Professional Services Agreement with Snyder & Associates, Inc. Council Member Ruddy moved, Bentz seconded, to approve the Professional Services Agreement with Snyder & Associates, Inc. for the initial investigation and conceptual design engineering services on the Sawgrass Park Dam Improvements project in an amount not to exceed \$73,700.00 and authorize the Mayor to execute said agreement. Ayes: Ruddy, Bentz, Shafer.
2. Proposed NW Irvinedale Drive and NW 18th Street Intersection Improvements - Professional Services Agreement with HR Green Inc. Council Member Ruddy moved, Bentz seconded, to approve the Professional Services Agreement with HR Green Inc. for design engineering services on the NW Irvinedale Drive and NW 18th Street Intersection Improvements project in an amount not to exceed \$398,400.00 and authorize the Mayor to execute said Agreement. Ayes: Ruddy, Bentz, Shafer.
3. \$17,425,000 General Obligation Bonds, Series 2024A. Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2024-211** directing the advertisement for sale of \$17,425,000 General Obligation Bonds, Series 2024A, and approving electronic bidding procedures and official statement. Ayes: Ruddy, Bentz, Shafer.
4. \$4,175,000 Water Revenue Bonds, Series 2024B Council Member Ruddy moved, Shafer seconded, to adopt **RESOLUTION 2024-212** directing the advertisement for sale of \$4,175,000 Water Revenue Bonds, Series 2024B, and approving electronic bidding procedures and official statement. Ayes: Ruddy, Shafer, Bentz.

ADJOURNMENT

1. Meeting was adjourned at 7:04 p.m.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 5/17/24.