

MINUTES OF THE ANKENY CITY COUNCIL

Monday, May 2, 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 Bobbi Bentz, Jeff Perry, Joe Ruddy, Todd Shafer were in attendance. Council Member Kelly Whiting joined the meeting electronically. City Manager David Jones, and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

CEREMONY

1. By proclamation, Mayor Holm designated May 2022 as Pediatric Stoke Awareness Month.

PUBLIC FORUM

1. Renee Potts, Ankeny Community Network, shared information on the upcoming June 18, 2022 Juneteenth Festival taking place in the District.
2. John Knox, 1046 NE Fountain View Dr, Ankeny, voiced concerns regarding the Delaware Project. Knox addressed the council regarding maintenance of the bike trail and the proposed sidewalk leading into Fountain View Estates. This item is under the Public Hearing(s) PH 2022-44.
3. Steven Evans, 1206 NE Lakeview Ct, Ankeny, representing Fountain View Estates Homeowners Association, shared support and voiced concerns regarding the Delaware Project. Evans addressed the council regarding concerns of the change to the appearance of the entrance to Fountain View Estates and increased vehicle and pedestrian traffic. This item is under the Public Hearing(s) PH 2022-44.
4. Fred Smith, 1105 NE 17th Lane, Ankeny, representing the Board of Tuscany Pointe Homeowners Association, voiced concerns regarding the Delaware Project. This item is under the Public Hearing(s) PH 2022-44.

APPROVAL OF AGENDA

1. Council Member Ruddy moved, Bentz seconded, to approve and accept the May 2, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-41. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2109 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. Notice of this hearing was published in the Des Moines Register on the 22nd day of April, 2022 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the applicant, Grove View, LLC is requesting to rezone property from R-1, One-Family Residence District, to PUD, Planned Unit Development.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Perry moved, Ruddy seconded, to close public hearing 2022-41. Ayes: 5.

2. PH 2022-42. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Amendment to Lease Agreement with T-Mobile Central, LLC. Notice of this hearing was published in the Des Moines Register on the 25th day of April, 2022.

Mike Schrock, Assistant City Manager, reported the proposed amendment to the existing agreement provides for 1.) four additional and successive five-year terms; 2.) a one-time \$3,000 payment to the City of Ankeny for administrative time and clean-up work that occurred at the Ash Drive site; 3.) a twenty percent increase in the first five-year term, resulting in a monthly payment of One Thousand Eight Hundred Sixty-Six and 24/100 Dollars (\$1,866.24); 4.) a rent escalator of twenty percent for each five-year extension/renewal; and 5.) notice will be provided to T-Mobile in the event the Ash Drive Tower is abandoned or removed.

Mayor Holm then asked for any public comment regarding the proposed item. Hearing no comments, Council Member Bentz moved, Ruddy seconded, to close public hearing 2022-42. Ayes: 5.

3. PH 2022-43. Mayor Holm announced 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 N Ankeny Blvd Water Main project. Notice of this hearing was published in the Des Moines Register on the 15th day of April, 2022.

Don Clark, Director of Municipal Utilities, reported the project includes the installation of 12" diameter water main along N. Ankeny Blvd. from the north end of the existing Unity Point Medical Building at NE 36th Street north to NE 41st Street where it will connect to existing 12" water main, closing the existing gap in main. The bid opening for this project was held on Tuesday, April 26, 2022.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Perry seconded, to close public hearing 2022-43 Ayes: 5.

4. PH 2022-44. Mayor Holm announced that this is the time and place for a public hearing on the matter of the acquisition of property and property interests for the public improvement to be known as the NE Delaware Avenue Reconstruction – NE 5th Street to 700 feet north of NE 18th Street Project. Notice of this hearing was published in the Des Moines Register on the 15th day of April, 2022 and notices were mailed as required by law.

Mark Mueller, Director of Public Works, reported the Public Hearing allows affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of fee title, permanent easements, and temporary easements for the project.

Mayor Holm then asked for any public comment regarding the proposed property acquisition. Russell Adams, 1014 NE Lakeview Dr, Ankeny, voiced concerns regarding the Delaware Project. Adams addressed the council regarding the change to the entrance of Fountain View Estates. Council Member Ruddy moved, Perry seconded, to close public hearing 2022-44. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of April 18, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of April 5, 2022.
3. Receive and file minutes of the Library Board of Trustee meeting of March 17, 2022.

Licenses and Permits

4. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.

Finance/Budget

5. Payment #1 in the amount of \$11,492.32 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
6. Payment #23 in the amount of \$39,001.21 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
7. Payment #12 in the amount of \$25,838.20 to FOX Strand, for engineering services on the Ankeny ASR project.
8. Payment #1 in the amount of \$639,806.53 to Gingerich Well & Pump Service, LLC, for construction services on the Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction project.
9. Payment #9 in the amount of \$153,782.31 to HR Green, Inc. for engineering services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
10. Payment #4 in the amount of \$36,992.33 to HR Green, Inc., for engineering services on the Otter Creek Trunk Sewer - Phase 3 project.
11. Payment #11 in the amount of \$19,070.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 1 project.
12. Payment #9 in the amount of \$2,466.25 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
13. Payment #14 in the amount of \$28,010.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
14. Payment #1 in the amount of \$7,483.03 to RDG Planning & Design, Inc., for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
15. Payment #1 in the amount of \$18,221.02 to Short Elliott Hendrickson Inc., for engineering services on the N Ankeny Blvd Water Main project.
16. Payment #2 in the amount of \$4,468.75 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development project.
17. Payment #16 in the amount of \$864.50 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements project.
18. Payment #24 in the amount of \$2,279.00 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project
19. Payment #21 in the amount of \$13,365.11 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
20. Payment #14 in the amount of \$12,803.50 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
21. Payment #17 in the amount of \$4,239.45 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
22. Payment #14 in the amount of \$1,676.00 to Snyder & Associates, Inc., for engineering services on the 2021 Pavement Management Study and Master Plan project.
23. Payment #13 in the amount of \$2,386.25 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
24. Payment #9 in the amount of \$49,219.11 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.

25. Payment #17 in the amount of \$2,295.50 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
26. Payment #28 in the amount of \$5,999.29 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.
27. Payment #10 in the amount of \$88,532.40 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
28. May 2, 2022 Accounts Payable by Fund: General 265,457; Road Use Tax 101,246, Library Foundation 1,500; Water 20,430; Sewer 28,708; Sewer Sinking 4,015,644; Stormwater 2,859; Golf Course 27,662; Enterprise Project 800,534; Revolving 93,065; Risk Management 33,095; Health Insurance 183; Capital Projects 420,040; Payroll Totals 1,913,035; Transfers/ACH (180,227); Agenda Payments approved separately (1,170,292); Grand Total \$6,372,939. (Finance Committee: J. Perry, Chp, J. Ruddy, T. Shafer)
29. **RESOLUTION 2022-226** authorizing the purchase of a dump body for a Public Works Department single axle snow plow truck (replace existing truck #268).
30. **RESOLUTION 2022-227** authorizing the purchase of a dump body for a Public Works Department single axle snow plow truck (replace existing truck #270).
31. **RESOLUTION 2022-228** authorizing the purchase of plow components and build of a single axle snow plow truck for the Public Works Department (replace existing truck #268).
32. **RESOLUTION 2022-229** authorizing the purchase of plow components and build of a single axle snow plow truck for the Public Works Department (replace existing truck #270).
33. **RESOLUTION 2022-230** authorizing the purchase of a T770 T4 Bobcat Track Loader for the Municipal Utilities Department.
34. Amend the purchase price of the two fire engines approved on April 18, 2022 from Reliant Fire Apparatus, Inc. of Slinger, Wisconsin through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing agreement, from \$1,454,316 to \$1,480,880.
35. Purchase of one ambulance from North Central Ambulance Sales and Service of Lester Prairie, Minnesota in the amount of \$315,809 through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing agreement.

Community Development

36. **RESOLUTION 2022-231** waiving approval of the final plat for Timber Valley Estates Plat 1.
37. **RESOLUTION 2022-232** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider an amendment to the Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for certain property owned by Hardship Land LLC located south of NW 36th Street and East of NW Weigel Drive. (date of hrg: 5/16/22 @ 5:30 p.m.)
38. Grant preliminary approval of Grove Landing Plat 4 Final Plat.
39. **RESOLUTION 2022-233** accepting final plat, performance and maintenance bonds for paving and underground improvements, platted easements, warranty deed for streets, sewer and water connection fees, and authorizing cost-participation for sidewalk oversizing and removal and replacement of existing sidewalk ramps, for The Reserve at the Grove Plat 1.
40. **RESOLUTION 2022-234** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in The Reserve at the Grove Plat 1.
41. **RESOLUTION 2022-235** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in The Reserve at the Grove Plat 1.
42. **RESOLUTION 2022-236** accepting a Public Water Main Easement located on Outlot Y, Wilson Group Addition Plat 1; and associated with the development of 5825 SE Delaware Avenue, Peterbilt of Des Moines Site Plan.
43. **RESOLUTION 2022-237** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC, located south of NW 36th Street and east of NW Weigel Drive. (date of hrg: 5/16/22 at 5:30pm)

44. **RESOLUTION 2022-238** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hardship Land LLC, located south of NW 36th Street and east of NW Weigel Drive. (date of hrg: 5/16/22 at 5:30pm)
45. **RESOLUTION 2022-239** accepting warranty deed to streets, performance and maintenance bonds for public improvements, and platted easements for Crosswinds Business Park Plat 1.
46. **RESOLUTION 2022-240** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of subgrade and storm sewer in Crosswinds Business Park Plat 1.
47. **RESOLUTION 2022-241** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Crosswinds Business Park Plat 1.
48. **RESOLUTION 2022-242** accepting the final plat for Pagliai Compound Plat 2, subject to applicable Polk County Subdivision Requirements In lieu of City of Ankeny Subdivision Regulations.
49. **RESOLUTION 2022-243** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa regarding the voluntary urbanized annexation of certain territory adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC. (date of hrg: 6/6/22 @ 5:30 p.m.)

Engineering

50. **RESOLUTION 2022-244** accepting a proposal from Iowa Signal, Inc. in the amount of \$27,581.50 for the construction of the SW Oralabor Road & SW Irvinedale Drive Interim Signal Modifications.
51. **RESOLUTION 2022-245** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of storm sewer and subgrade prep for associated road improvements for the NE Otterview Circle and NE 36th Street Intersection Improvements project.
52. **RESOLUTION 2022-246** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of paving for associated road improvements for the NE Otterview Circle and NE 36th Street Intersection Improvements project.
53. **RESOLUTION 2022-247** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of traffic signal improvements for the NE Otterview Circle and NE 36th Street Intersection Improvements project.
54. **RESOLUTION 2022-248** accepting public improvements in Wilson Group Addition (Peterbilt) for utilities.
55. **RESOLUTION 2022-249** accepting a proposal from Shekar Engineering, PLC in the amount of \$125,516.96 for the construction of the 2022 Pedestrian Ramp Improvements Program - Briarwood project.

Administrative

56. Issuance of a special permit to Derek Watson for the purpose of bow hunting of deer for the hunting season effective October 1, 2022 through the end of the season on private property within the city limits pursuant to Municipal Code Section 41.11(3).
57. Authorize the Mayor to sign a consent-conflict waiver with Ahlers & Cooney. P.C. to review the draft 28E Agreement seeking to create the Central Iowa Water Works.
58. Authorize the Mayor to sign an updated Automatic Aid Agreement with Polk City.

Approval of Consent Agenda Items

1. Council Member Bentz moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-58. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2108.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain property owned by Helen Moeckly Trust and Edward Ferrier & Annette Voegtlin. Council member Bentz moved, Perry seconded to accept second consideration of Ordinance 2108. Ayes: Bentz, Perry, Ruddy, Shafer, Whiting. Bentz 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 2108, sending it on its final passage and publication as required by law. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.
2. **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 (PH 2022-41). Council Member Bentz moved, Shafer seconded to accept first consideration of Ordinance 2109. Ayes: Bentz, Shafer, Perry, Ruddy, Whiting.

NEW BUSINESS

1. Proposed 28E School Resource Officer Program Council Member Perry moved, Ruddy seconded, to adopt 1) adopt **RESOLUTION 2022-250** authorizing the execution of one certain 28E Agreement by and between the City of Ankeny, Iowa, and the Ankeny Community School District pertaining to the School Resource Officer Program. Ayes: Perry, Ruddy, Bentz, Shafer, Whiting.
2. Proposed First Amendment to Interim Tower Lease Agreement with T-Mobile Central, LLC Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2022-251** approving the First Amendment to Interim Tower Lease Agreement by and between the City of Ankeny and T-Mobile Central, LLC. Ayes: Ruddy, Bentz, Perry, Shafer, Whiting.
3. Proposed N Ankeny Blvd Water Main (PH 2022-43) Council Member Bentz moved, Ruddy seconded, to adopt 1) **RESOLUTION 2022-252** adopting plans, specifications, form of contract and estimate of cost \$116,000.00; 2) receive and file report of bids received April 26, 2022; 3) adopt **RESOLUTION 2022-253** making award of construction contract with Priority Excavating in the amount of \$119,332.00; and 4) adopt **RESOLUTION 2022-254** approving contract and bonds with Priority Excavating in the amount of \$119,332.00. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.
4. Proposed NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet north of NE 19th Street (PH 2022-44) Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2022-255** approving and authorizing the acquisition of property and property interests for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet north of NE 18th Street project. Ayes: Ruddy, Bentz, Perry, Shafer, Whiting.
5. Proposed Amendment of Current City Budget for Fiscal Year July 1, 2021 - June 30, 2022 Set Public Hearing Date Council Member Ruddy moved, Perry seconded, to set a public hearing on an Amendment of Current City Budget for Fiscal Year July 1, 2021 - June 30, 2022 and direct City Clerk to publish notice of such hearing (date of hrg: 5/16/22 @ 5:30 p.m.). Ayes: Ruddy, Perry, Bentz, Shafer, Whiting.
6. \$31,665,000 General Obligation Bonds, Series 2022A Council Member Bentz moved, Ruddy seconded to adopt **RESOLUTION 2022-256** 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. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting. Council Member Ruddy motioned and Perry seconded to adopt **RESOLUTION 2022-257** authorizing and providing for the issuance of \$31,665,000 General Obligation Bonds, Series 2022A, and amending the levy of taxes to pay

said bonds; approval of the tax exemption certificate and continuing disclosure certificate. Ayes: Ruddy, Perry, Bentz, Shafer, Whiting.

7. Bellagio Park Improvements Project Initiate Proceedings Council Member Bentz moved, Shafer seconded to adopt **RESOLUTION 2022-258** ordering construction on the Bellagio Park Improvements project, and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 5/31/22 @ 10:30 A.M. / date of hrg: 6/6/22 @ 5:30 P.M.) Ayes: Bentz, Shafer, Perry, Ruddy, Whiting.
8. Rock Creek Greenway Trail Initiate Proceedings Council Member Bentz moved, Perry seconded to adopt **RESOLUTION 2022-259** ordering construction on the Rock Creek Greenway Trail project, and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 5/31/22 @ 10:30 A.M. / date of hrg: 6/6/22 @ 5:30 P.M.) Ayes: Bentz, Perry, Ruddy, Shafer, Whiting.

ADJOURNMENT

1. Meeting was adjourned at 6:35 PM.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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