



## **ANKENY CITY COUNCIL**

### **Regular Meeting**

**Monday, April 18, 2022**

**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 Whiting

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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: Michelle Yuska, City Clerk

PLEDGE OF ALLEGIANCE: Mark Holm, Mayor

#### **CEREMONY:**

1. **Oath of Office:**

Todd Shafer - Council Member

2. Mayor's Proclamation - Neurofibromatosis Awareness Month

A. **PUBLIC FORUM: none**

B. **APPROVAL OF AGENDA:**

1. Approval of the April 18, 2022 Agenda:

**Action# B1-1. Consider motion to approve and accept the April 18, 2022 agenda, with/without amendment.**

C. **PUBLIC HEARING(S):**

1. PH 2022-37 Proposed voluntary urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC.

**Action# C1-1. Consider motion to close Public Hearing 2022-37.**

2. PH 2022-38 Proposed 2022 Asphalt Street Resurfacing Program - SW Ordance Road

**Action# C2-1. Consider motion to close Public Hearing 2022-38.**

3. PH 2022-39 Proposed NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive

**Action# C3-1. Consider motion to close Public Hearing 2022-39.**

4. PH 2022-40 Proposed amendment to 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 from R-1, One-Family Residence District to PUD, Planned Unit Development District.

**Action# C4-1. Consider motion to close Public Hearing 2022-40.**

D. **REPORTS OF ADVISORY BOARDS AND COMMISSION:**

1. Library Board of Trustees

E. **APPROVAL OF CONSENT AGENDA:**

• **Minutes**

**CA - 1** Approval of official council actions of the regular meeting of April 4, 2022, 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 March 22, 2022.

**CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of March 22, 2022.

- **Licenses and Permits**

- CA - 4** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

- CA - 5** Consider motion to receive and file Financial Reports for March 2022.
- CA - 6** Consider motion to receive and file Building Permit Report for March 2022.
- CA - 7** Consider motion to receive and file Utility Billing Report for March 2022.
- CA - 8** Consider motion to approve Change Order #1 increasing the contract amount by \$30,045.48 to Absolute Concrete Construction, Inc., for construction services on the SE 3rd Street Utility Improvements-Phase 1 project. This change order will also adjust the late start date to April 25, 2022 due to private utility relocation work and material supply issues.
- CA - 9** Consider motion to approve Change Order No. 1, increasing the contract amount by \$4,630.00 to RedBud LLC for native vegetation maintenance as part of the 2022 Native Vegetation Maintenance project.
- CA - 10** Consider motion to approve Change Order #3 increasing the contract amount by \$11,578.00 to Reilly Construction Co., Inc., for construction services on the West First St Widening & Improvements-Phase 1 project.
- CA - 11** Consider motion to approve Amendment #1 to Professional Services Agreement increasing the contract amount by \$605,490.00 with Snyder & Associates, Inc. for preliminary and final design engineering services for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project.
- CA - 12** Consider motion to approve Payment #24 in the amount of \$6,985.97 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
- CA - 13** Consider motion to approve Payment #8 in the amount of \$207,095.31 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
- CA - 14** Consider motion to approve Payment #18 in the amount of \$3,688.65 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
- CA - 15** Consider motion to approve Payment #1 in the amount of \$9,975.00 to Gus Construction, for construction services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
- CA - 16** Consider motion to approve Payment #1 in the amount of \$45,993.75 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
- CA - 17** Consider motion to approve Payment #5 in the amount of \$5,069.08 to I & S Group, Inc., for engineering services on the Saylor Creek Repairs and Restoration project.
- CA - 18** Consider motion to approve Payment #1 in the amount of \$75,028.75 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
- CA - 19** Consider motion to approve Payment #1 in the amount of \$36,292.50 to Nilles Associates, Inc. for engineering services on the SW Des Moines Street Parks

Phase 1 project.

- CA - 20** Consider motion to approve Payment #1 in the amount of \$624,826.42 to On Track Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
- CA - 21** Consider motion to approve Payment #1 in the amount of \$5,198.88 to RedBud Landscaping, LLC for construction services on the 2022 Native Vegetation Maintenance Project.
- CA - 22** Consider motion to approve Payment #9 in the amount of \$3,883.12 to RedBud Landscaping, LLC for construction services on the SW Des Moines Street - Prairie Trail to Magazine Native Planting project.
- CA - 23** Consider motion to approve Payment #9 in the amount of \$11,578.00 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
- CA - 24** Consider motion to approve the April 18, 2022 Accounts Payable. (Finance Committee: B. Bentz, Chp, J. Perry, J. Ruddy)
- CA - 25** Consider motion to adopt **RESOLUTION** authorizing the purchase of a street sweeper for use in the Public Works Department's fleet (replace existing unit #228).

- **Personnel Items**

- CA - 26** Consider motion to authorize a temporary adjustment to the FY22 and FY23 Authorized Staffing Plan to allow for two additional Firefighters.

- **Community Development Items**

- CA - 27** 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 TJJ Investments, LLC located northeast of the intersection at NW 18th Street and NW Abbie Drive (date of hrg: 5/2/22 @ 5:30 p.m.)
- CA - 28** Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa on a 28E Agreement renewing an Annexation Agreement Boundary with the City of Polk City, Iowa. (date of hrg: 6/6/22 @ 5:30 p.m.)
- CA - 29** Consider motion to adopt **RESOLUTION** accepting final plat, platted easements and subdivision bond for seeding and erosion control for Vintage Business Park at Prairie Trail Plat 10.
- CA - 30** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and sanitary sewer for Vintage Business Park at Prairie Trail Plat 10.

- **Engineering Items**

- CA - 31** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent drainage easement and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Todd's Flying Service, Inc.)
- CA - 32** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Edna M. Todd)

- CA - 33** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent access road easement and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Otter Creek Land & Cattle, LC)
- CA - 34** Consider motion to adopt **RESOLUTION** accepting a proposal from Iowa Signal, Inc. in the amount of \$116,053.50 for the construction of the SE Delaware Avenue Fiber Optic Connection.
- CA - 35** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent easement and temporary construction easement for the NW 36th Street & NW State Street Interim Improvements in Ankeny, Iowa. (Five Star Development No. 1, LLC)
- CA - 36** Consider motion to adopt a **RESOLUTION** accepting a permanent sanitary sewer easement, storm sewer easements, and a temporary construction easement for the SE Crosswinds RISE - Phase 2 project in Ankeny, Iowa. (Legacy Housby, LLC, Legacy Reichardt, LLC, and Legacy Cutler, LLC)

- **Capital Improvement Projects - none**

- **Administrative Items**

- CA - 37** Consider motion to approve the purchase of two fire engines from Reliant Fire Apparatus, Inc. of Slinger, Wisconsin, in the amount of \$1,454,316 through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing agreement.

- CA - 38** Consider motion to adopt **RESOLUTION** authorizing the setting of a hearing on approval of First Amendment to Interim Tower Lease Agreement by and between the City of Ankeny and T-Mobile Central, LLC. (date of hrg: 5/2/22 @ 5:30 p.m.)

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-38.

**Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-38.**

**F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none**

**G. RECESS - Mark Holm, Mayor**

**H. LEGISLATIVE BUSINESS:**

- **Boards/Commissions Appointments:**

1. Consider Mayor Appointments to Boards and Commissions as follows:

**Cultural Arts Board**

- Jason Follett - reappointment - terms begins 5/01/2022; term ends 4/30/2026
- JoAnne Adamson - reappointment - term begins 05/01/2022; term ends 4/30/2026
- Don Zuck - reappointment - term begins 05/01/2022; term ends 4/30/2026
- Kim Johnson-Smith - reappointment - term begins 05/01/2022; term ends 4/30/2026

**Economic Development Council**

- Amy Wiederin - effective immediately - term ends 6/30/2023 (Seat 2)

**Action# H1-1. Consider motion approving Mayors appointments to expiring Board and Commission Members as presented.**

- **Approval of Ordinances:**

1. Ord 2106      An Ordinance establishing street grade elevations along a portion of NE 36th Street.

**Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2106, sending it on its final passage and publication as required by law.**

2. Ord 2107      An Ordinance establishing street grade elevations along a portion of NE Four Mile Drive.

**Action# H2-1. Consider motion to accept third consideration of ORDINANCE 2107, sending it on its final passage and publication as required by law.**

3. 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. (PH 2022-40)

**Action# H3-1. Consider motion to accept first consideration of ORDINANCE 2108.**

**I. OLD BUSINESS: none**

**J. NEW BUSINESS:**

1. Proposed 2022 Asphalt Street Resurfacing Program - SW Ordance Road (PH 2022-38)

**Action# J1-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$324,371.00; 2) receive and file report of bids received April 12, 2022; 3) adopt RESOLUTION making award of construction contract with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$280,201.23; and 4) adopt RESOLUTION approving contract and bonds with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$280,201.23.**

2. Proposed NE 36th Street Reconstruction - I-35 to NE Four Mile Drive (PH 2022-39)

**Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract, estimate of cost \$4,733,116.00 and enhancement of payment; 2) receive and file report of bids received April 12, 2022; 3) adopt RESOLUTION making award of construction contract with Absolute Concrete Construction in the amount of \$5,069,501.00; and 4) adopt RESOLUTION approving contract and bonds with Absolute Concrete Construction in the amount of \$5,069,501.00.**

3. 2022 Home Builders Association of Greater Des Moines Home Show Expo Request to waive Building Permit Fees via Refunds

**Action# J3-1. Consider motion to adopt RESOLUTION approving the waiver of building permit fees via refunds for the 2022 Home Show Expo by the Home Builders Association of greater Des Moines.**

4. Community Project Funding Program – NE Delaware Avenue Reconstruction

**Action# J4-1. Consider a motion to adopt RESOLUTION authorizing the City of Ankeny to submit an application for funding from the Community Project Funding Program – NE Delaware Avenue Reconstruction.**

5. Proposed Diamond Hills Greenway - Stream Repairs  
Initiate Proceedings

**Action# J5-1. Consider motion to adopt RESOLUTION ordering construction on the Diamond Hills Greenway - Stream Repairs project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 5/10/22 @ 10:30 A.M. / date of hrg: 5/16/22 @ 5:30 P.M.)**

6. \$33,685,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2022A

**Action# J6-1. Consider motion to receive and file report of bids received on April 18, 2022 at 10:00 A.M.**

**Action# J6-2. Consider motion to adopt RESOLUTION directing sale of \$31,665,000 General Obligation Bonds, Series 2022A.**

7. Redemption of Outstanding General Obligation Refunding Bonds, Series 2014A

**Action# J7-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding General Obligation Refunding Bonds, Series 2014A, of the City of Ankeny, State of Iowa, dated May 29, 2014, and directing notice be given.**

8. Redemption of Outstanding General Obligation Bonds, Series 2014B

**Action# J8-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding General Obligation Bonds, Series 2014B, of the City of Ankeny, State of Iowa, dated May 29, 2014, and directing notice be given.**

**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 Whiting*

- **Future Council Agenda Items:**

- *Public Hearing - N. Ankeny Blvd Water Main - 5/2/22 @ 5:30 p.m.*
- *Public Hearing - Notice of Intent - NE Delaware Ave Reconstruction - NE 5th St to 700 feet North of NE 18th St - 5/2/22 @ 5:30 p.m.*
- *Public Hearing - rezone TJI Investments LLC - 5/2/22 @ 5:30 p.m.*
- *Public Hearing - Interim Tower Lease Agreement - 5/2/22 @ 5:30 p.m.*
- *Public Hearing - Diamond Hills Greenway - Stream Repairs - 5/16/22 @ 5:30 p.m.*
- *Public Hearing - 28E Agreement - Annexation Agreement Boundary - 6/6/22 @ 5:30 p.m.*

**L. ADJOURNMENT**

1. Adjournment

**Council Action Planning Session has been POSTPONED.**