

MINUTES OF THE ANKENY CITY COUNCIL

Monday, March 21, 2022 5:30 PM

Ankeny Kirkendall Library - City Council Chambers

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro tem

Council Members: Jeff Perry, Joe Ruddy, Kerry Walter-Ashby, Kelly Whiting

Mayor Mark Holm called the meeting to order at 5:30 PM. Council Member Kerry Walter-Ashby joined the meeting electronically. Council Members Bobbi Bentz, Jeff Perry, Joe Ruddy and Kelly Whiting were in attendance. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

CEREMONY

By proclamation, Mayor Mark Holm designated March 30, 2022 as Ankeny Iowa Honey Bee Day.

PUBLIC FORUM

1. Bob Kramme, Mayor of Alleman, voiced concerns regarding the voluntary urbanized annexation of property requested by Hope Kimberley, LLC.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Whiting seconded, to approve and accept the March 21, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-28. 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 2022 CIPP Lining project. Notice of this hearing was published in the Des Moines Register on the 4th day of March, 2022.

Don Clark, Municipal Utilities Director, reported the construction improvements include minor traffic control, establishing a Public Information and Notification Program, cleaning, video inspection, service and obstruction locating, establishing and executing a sewage bypassing plan, removing obstructions by trenchless methods, verifying all sanitary sewer service connections, cleanup and miscellaneous associated work necessary to complete the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-28. Ayes: 5.

2. PH 2022-29. 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 2022 PCC Street Patching Program. Notice of this hearing was published in the Des Moines Register on the 4th day of March, 2022.

Mark Mueller, Public Works Director, reported this program includes the full depth removal and replacement of PCC street pavement at five separate locations, generally located on: SE Delaware Ave (southbound lanes) between SE Oralabor Road and SE Magazine Road, SE Michael Dr between SE Chaparal Dr and SE Magazine Road and SE Chaparal Dr between SE

Michael Dr and SE Hayes Dr, SE Uehlamar Dr at SE Delaware Ave, West 1st St between NW Weigel Dr and NW Irvinedale Dr and NW 9th St at N. Ankeny Blvd.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Whiting moved, Bentz seconded, to close public hearing 2022-29. Ayes: 5.

3. PH 2022-30. 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 2022 PCC Reconstruction Program – NW 5th Street project. Notice of this hearing was published in the Des Moines Register on the 4th day of March, 2022.

Mark Mueller, Public Works Director, reported the 2022 PCC Reconstruction Program – NW 5th Street project includes pavement reconstruction and minor utility improvements along NW 5th Street from just east of NW Greenwood St to just west of NW Applewood St in the City of Ankeny.

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 2022-30. Ayes: 5.

4. PH 2022-31. Mayor Holm announced that this is the time and place for a public hearing on the matter of the Resolution of Necessity, as proposed for the NE 36th Street Reconstruction Project – Interstate 35 to NE Four Mile Drive. Notice of this hearing was published in the Des Moines Register on the 4th day of March, 2022 and on the 11th day of March, 2022 and notices were mailed to affected property owners.

Mark Mueller, Public Works Director, reported the action before the City Council is to hold a public hearing to allow affected property owners the opportunity to present their views regarding the proposed Resolution of Necessity for the NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive. Further action included consideration of a resolution adopting the Resolution of Necessity for the special assessments and consideration of a resolution directing preparation of detailed plans and specifications, form of contract and notice to bidders.

The limits of the NE 36th Street Reconstruction Project – Interstate 35 to NE Four Mile Drive begin just east of Interstate and proceed east approximately 2,600 feet to east of the NE Four Mile Drive Intersection. The project includes approximately 1,000 feet of improvements on NE Four Mile Drive. The reconstruction project will include the expansion of the 2-lane rural roadway to a 4-lane, divided urban roadway for NE 36th Street. Construction work includes roadway grading, subgrade treatment/preparation, modified subbase, storm sewer, longitudinal subdrain, a sanitary sewer crossing, a water main crossing, four-lane Portland Cement Concrete (PCC) paving with median, curb and gutter, sidewalk, erosion control, seeding, street lighting, and access improvements. A portion of the project will be funded through special assessments. The assessable roadway improvement items include excavation, PCC street pavement, modified subbase, subgrade preparation, longitudinal subdrains, sidewalks, erosion control, seeding, street lighting and pavement markings.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-31. Ayes: 5.

5. PH 2022-32. Jennifer Sease, Administrative Services Director reported the Proposed Amendment of the Current Budget for Fiscal Year Ending June 30, 2022 cannot be considered

for adoption due to a publication error by the Des Moines Register.

Council Member Whiting moved, Perry seconded, to close public hearing 2022-32. Ayes: 5.

6. PH 2022-33. Mayor Holm announced that this is the time and place for a public hearing on the proposed budget for Fiscal Year July 1, 2022 – June 30, 2023. Estimated tax levy per \$1,000 of regular property tax valuation \$9.90. Estimated tax levy per \$1,000 of agricultural land valuation \$3.00375. Notice of this hearing was published in the Des Moines Register on the 11th day of March, 2022.

David Jones, City Manager, provided a report to the Council on the proposed budget.

Mayor Holm then asked for any public comment regarding the proposed budget for Fiscal Year July 1, 2022 – June 30, 2023. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-33. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of March 7, 2022, as published.
2. Official council actions of the special meeting of March 8, 2022, as published.
3. Receive and file minutes of the Plan and Zoning Commission meeting of February 22, 2022.

Licenses and Permits

4. Approve solid waste permits for April 1, 2022 – March 31, 2023.
5. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.

Finance/Budget

6. Receive and file Financial Reports for February 2022.
7. Receive and file Building Permit Report for February 2022.
8. Receive and file Utility Billing Report for February 2022.
9. Change Order #2 decreasing the contract amount by \$15,000 to Con-Struct, Inc., for construction services on the Wastewater Plant Partial Demolition (2021) project.
10. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$95,200.00 with JEO Consulting Group, Inc. for engineering services on the SE Delaware Avenue HMA Widening project.
11. Change Order #1 increasing the contract amount by \$1,250.00 to Rognes Corporation, for construction services on the Otter Creek Sanitary Sewer Improvements - Phase 3 project.
12. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$19,900.00 with Snyder & Associates for engineering construction services for the N Ankeny Boulevard Fiber Optic Upgrade, a 2022 stand-alone phase of the N Ankeny Boulevard Landscape Improvements project.
13. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$64,100 with Snyder & Associates for construction engineering services for the NW 36th Street & NW State Street Interim Improvements.
14. Payment #3 in the amount of \$200,981.52 to ConStruct, Inc., for construction services on the Wastewater Plant Partial Demolition project.
15. Payment #7 in the amount of \$61,186.51 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
16. Payment #22 in the amount of \$45,333.98 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project

17. Payment #11 in the amount of \$27,490.50 to FOX Engineering Associates, Inc., for engineering services on the Ankeny ASR project.
18. Payment #8 in the amount of \$2,690.00 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
19. Payment #1 in the amount of \$440,970.53 to Rognes Corporation, for construction services on the Otter Creek Sanitary Sewer Improvements - Phase 3 project.
20. March 21, 2022 Accounts Payable: General 181,247; Fire Gift Fund 280; Road Use Tax 39,763; Seizure Fund 21; Library Foundation 505; Solid Waste 85,323; Water 774,613; Sewer 521,512; Stormwater 6,986; Golf Course 43,677; Enterprise Project 673,043; Revolving 2,726; Risk Management 19,159; Health 215; BAN/Bond Activities 3500; Capital Projects Funds 119,424; Payroll Totals 1,647,526; Transfers/ACH (181,666); Agenda Payments approved separately (778,653); Grand Total \$3,159,201.
21. **RESOLUTION 2022-147** adopting a schedule of fees and charges for certain permit activities as authorized by the City of Ankeny, Iowa Municipal Code.
22. **RESOLUTION 2022-148** establishing charges for curbside recycling services for the City of Ankeny, Iowa, effective July 1, 2022.
23. **RESOLUTION 2022-149** accepting a proposal from Cunningham Recreation in the amount of \$80,000 for the purchase and installation of a playground for Bellagio Park.
24. **RESOLUTION 2022-150** establishing charges for certain Fire Department Services for the City of Ankeny, Iowa, effective July 1, 2022.
25. **RESOLUTION 2022-151** establishing charges for Emergency Medical Services for the City of Ankeny, Iowa, effective July 1, 2022.
26. **RESOLUTION 2022-152** establishing charges for water meters for the City of Ankeny, Iowa, effective July 1, 2022.

Personnel Items

27. Consider motion to approve the new job classification position descriptions recommended in the FY2023 budget for the following positions: Airport Manager, Budget Analyst, Circulation Manager, Criminal Intelligence Analyst, Digital Marketing Specialist, Permits Technician, Recreation Coordinator, and Sports Complex Groundskeeper II.
28. **RESOLUTION 2022-153** amending the City of Ankeny Employee Handbook.
29. **RESOLUTION 2022-154** revising the financial policy - Travel and Training of the standard administrative policy and procedures manual of the City of Ankeny, Iowa.

Community Development

30. **RESOLUTION 2022-155** accepting the final plat, subdivision bonds for seeding and erosion control, and platted easements for Ankeny Endeavor Plat 1.
31. **RESOLUTION 2022-156** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on a part of Lot 1, On With Life Plat 1; and associated with the development of 715 SW Ankeny Road On With Life Campus Outpatient Site Plan.
32. **RESOLUTION 2022-157** providing for the notice and hearing of the City Council of the City of Ankeny regarding the voluntary urbanized annexation of property requested by Hope Kimberley, LLC. (date of hrg: 4/18/22 @ 5:30 p.m.)
33. Consider motion to approve the Canyon Landing Preliminary Plat Amendment.

Engineering

34. **RESOLUTION 2022-158** accepting public improvements in Landing at Deer Creek Crossing, for utilities.
35. **RESOLUTION 2022-159** accepting public improvements in Courtyards at Harvest Ridge Plat 1 for utilities.

36. **RESOLUTION 2022-160** accepting public improvements in Courtyards at Harvest Ridge Plat 2 and Courtyards at Harvest Ridge Plat 3 for utilities.

Administrative

37. Consider a motion to approve an Engagement Letter between the City of Ankeny and Baker Tilly US, LLP for strategic planning advisory services.

Approval of Consent Agenda Items

1. Council Member Walter-Ashby moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-37. Ayes: Walter-Ashby, Perry, Bentz, Ruddy, Whiting.

BOARDS AND COMMISSIONS

1. Council Member Perry moved, Bentz seconded, to approve the Mayors appointment to the Civil Service Commission – Ray Blase – Reappointment – term begins 4/1/2022; term expires 3/31/2026. Ayes: Perry, Bentz, Ruddy, Walter-Ashby, Whiting.

APPROVAL OF ORDINANCES

1. **Ord 2097.** An Ordinance vacating a portion of public land, Lot 2, The District at Prairie Trail Plat 8, located west of the intersection of SW Park Square Drive and SW Merchant Street. Council member Whiting moved, Bentz seconded, to accept third consideration of ORDINANCE 2097, sending it on its final passage and publication as required by law. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby. Council Member Whiting moved, Walter-Ashby seconded, to adopt **RESOLUTION 2022-161** authorizing the sale of property vacated by the City of Ankeny, Iowa, to DRA Properties, LC. Ayes: Whiting, Walter-Ashby, Bentz, Perry, Ruddy.
2. **Ord 2098.** An Ordinance creating section 143 - Entertainment Districts in the City of Ankeny, Iowa. Council Member Bentz moved, Whiting seconded, to accept second consideration of ORDINANCE 2098, as it is written in agenda packet with amendment to remove Thursday evenings.. Ayes: Bentz, Whiting, Perry, Ruddy, Walter-Ashby.
4. **Ord 2099.** An Ordinance amending Chapter 44.06 Noise Ordinance by adding a section referencing Chapter 143 - Entertainment Districts. Council Member Whiting moved, Bentz seconded, to accept second consideration of ORDINANCE 2099. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.
5. **Ord 2100.** An Ordinance amending Chapter 130.07 Outdoor Seating addressing Chapter 143 - Entertainment Districts. Council Member Whiting moved, Bentz seconded, to accept second consideration of Ordinance 2100. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.
6. **Ord 2101.** An Ordinance amending Chapter 196.02 Special Use Permits addressing Chapter 143 - Entertainment Districts. Council Member Whiting moved, Perry seconded, to accept second consideration of ORDINANCE 2101. Ayes: Whiting, Perry, Bentz, Ruddy, Walter-Ashby.
7. **Ord 2102.** An Ordinance vacating a Public Utility Easement associated with Lot 1, The District at Prairie Trail Plat 11. Council Member Bentz moved, Walter-Ashby seconded, to accept second consideration of ORDINANCE 2102. Ayes: Bentz, Walter-Ashby, Perry, Ruddy, Whiting.
8. **Ord 2103.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to water rates. Council Member Whiting moved, Ruddy seconded, to accept second consideration of ORDINANCE 2103. Ayes: Whiting, Ruddy, Bentz, Perry, Walter-Ashby. Council Member Whiting moved, Bentz seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2103, sending it on its final passage and publication as required by law. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.

9. **Ord 2104.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to sewer service charges. Council Member Ruddy moved, Walter-Ashby seconded, to accept second consideration of ORDINANCE 2104. Ayes: Ruddy, Walter-Ashby, Bentz, Perry, Whiting.
10. **Ord 2105.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to stormwater management fees. Council Member Perry moved, Ruddy seconded, to accept second consideration of ORDINANCE 2105. Ayes: Perry, Ruddy, Bentz, Walter-Ashby, Whiting.
11. **Ord 2106.** An Ordinance establishing street grade elevations along a portion of NE 36th Street. Council Member Ruddy moved, Whiting seconded, to accept first consideration of ORDINANCE 2106. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.
12. **Ord 2107.** An Ordinance establishing street grade elevations along a portion of NE Four Mile Drive. Council Member Whiting moved, Bentz seconded, to accept first consideration of ORDINANCE 2107. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.

NEW BUSINESS

1. Proposed 2022 CIPP Lining Project (PH 2022-28)
Council Member Ruddy moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-162** adopting plans, specifications, form of contract and estimate of cost \$635,998.00; 2) receive and file report of bids received March 15, 2022; 3) adopt **RESOLUTION 2022-163** making award of construction contract with Hydro-Klean, LLC in the amount of \$684,132.40; and 4) adopt **RESOLUTION 2022-164** approving contract and bonds with Hydro-Klean, LLC in the amount of \$684,132.40. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.
2. Proposed 2022 PCC Street Patching Program (PH 2022-29)
Council Member Ruddy moved, Bentz seconded, to adopt 1) **RESOLUTION 2022-165** adopting plans, specifications, form of contract and estimate of cost \$798,210.00; 2) receive and file report of bids received March 15, 2022; 3) adopt **RESOLUTION 2022-166** making award of construction contract with Iowa Civil Contracting, Inc. in the amount of \$990,232.52; and 4) adopt **RESOLUTION 2022-167** approving contract and bonds with Iowa Civil Contracting, Inc. in the amount of \$990,232.52. Ayes: Ruddy, Bentz, Perry, Walter-Ashby, Whiting.
3. Proposed 2022 PCC Reconstruction Program – NW 5th Street (PH 2022-30)
Council Member Walter-Ashby moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-168** adopting plans, specifications, form of contract and estimate of cost \$660,997.50; 2) receive and file report of bids received March 15, 2022; 3) adopt **RESOLUTION 2022-169** making award of construction contract with Absolute Concrete in the amount of \$669,421.50; and 4) adopt **RESOLUTION 2022-170** approving contract and bonds with Absolute Concrete in the amount of \$669,421.50. Ayes: Walter-Ashby, Whiting, Bentz, Perry, Ruddy.
4. NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive – Special Assessment Project (PH 2022-31)
Council Member Ruddy moved, Whiting seconded to adopt **RESOLUTION 2022-171** with respect to the adoption of the Resolution of Necessity proposed for the NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby. Council Member Perry moved, Whiting seconded to adopt **RESOLUTION 2022-172** directing preparation of detailed plans, specifications, form of contract and notice to bidders for the NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.
5. Proposed NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive - Initiate Proceedings
Council Member Bentz moved, Whiting seconded, to adopt **RESOLUTION 2022-173** ordering bids, approving plans, specifications and form of contract and notice to bidders, fixing amount of bid security, and ordering clerk to post notice and fixing a date for receiving same, and for a public hearing on plans, specifications, form of contract, estimate of costs and enhancement of payment for the NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive.

(date of bid-letting: 4/12/2022 @ 10:30 A.M. / date of hrg: 4/18/2022 @ 5:30 P.M.) Ayes: Bentz, Whiting, Perry, Ruddy, Walter-Ashby.

6. Proposed 2022 Asphalt Street Resurfacing Program – SW Ordinance Road – Initiate Proceedings

Council Member Ruddy moved, Walter-Ashby seconded, to adopt **RESOLUTION 2022-174** ordering construction on the 2022 Asphalt Street Resurfacing Program - SW Ordinance Road project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 4/12/22 @ 10:30 AM / date of hrg: 4/18/22 @ 5:30 PM). Ayes: Ruddy, Walter-Ashby, Bentz, Perry, Whiting.

7. Proposed NE Crestmoor Sanitary Sewer Replacement Professional Services Agreement with Nilles Associates, Inc. (Nilles)

Council Member Bentz moved, Ruddy seconded, to approve the Professional Services Agreement with Nilles for the design engineering and bidding phase services on the NE Crestmoor Sanitary Sewer Replacement Project in an amount not to exceed \$37,700.00 and the Mayor to execute said agreement. Ayes: Bentz, Ruddy, Perry, Walter-Ashby, Whiting.

8. Proposed Adoption of Budget and Certification of Taxes for Fiscal Year July 1, 2022 – June 30, 2023 (PH 2022-33)

Council Member Walter-Ashby moved, Whiting seconded, to adopt **RESOLUTION 2022-146** adopting the proposed budget for Fiscal Year July 1, 2022 – June 30, 2023. Ayes: Walter-Ashby, Whiting, Bentz, Perry, Ruddy.

9. FY 2023 Fund Transfers

Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2022-175** approving Fiscal Year 2023 fund transfers. Ayes: Bentz, Ruddy, Perry, Walter-Ashby, Whiting.

10. FY 2023 Hotel/Motel Distribution

Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-176** establishing the hotel/motel tax distribution for Fiscal Year 2023. Ayes: Whiting, Perry, Bentz, Ruddy, Walter-Ashby.

11. Personnel Changes

Council Member Ruddy moved, Whiting seconded, to adopt **RESOLUTION 2022-177** authorizing personnel changes approved in the Fiscal Year 2022 Budget Amendment and Fiscal Year 2023 Budget. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.

12. Proposed Amendment of Current City Budget for Fiscal Year July 1, 2021 – June 30, 2022 – Set Public Hearing

Council Member Whiting moved, Ruddy 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: 4/04/22 @ 5:30 p.m.). Ayes: Whiting, Ruddy, Bentz, Perry, Walter-Ashby.

ADJOURNMENT

1. Meeting was adjourned at 6:58 PM.

Mandy Hanson, Records Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 4/1/22.