

MINUTES OF THE ANKENY CITY COUNCIL

Monday, March 20, 2023 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, Jeff Perry, Joe Ruddy, Todd Shafer and Kelly Stearns were in attendance. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

PUBLIC FORUM

1. Dan Taube, 516 SW Southlawn Dr, Ankeny, spoke in support of UTV use on Ankeny streets.
2. Eric Baker, Greater Des Moines Sister Cities Commission, presented council with an overview.

APPROVAL OF AGENDA

1. Council Member Stearns moved, Bentz seconded, to approve and accept the March 20, 2023 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2023-25. Mayor Holm announced this is the time and place for the public hearing and meeting 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 North Four Mile Creek Trunk Sewer. Notice of this hearing was published in the Des Moines Register on the 3rd day of March, 2023.

Don Clark, Municipal Utilities Director, reported that the project will extend sanitary sewer west/northwest along NE 54th St to N. Ankeny Blvd, and then continue north along N. Ankeny Blvd for approximately 1000 lineal feet to the end of the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Stearns seconded, to close public hearing 2023-25. Ayes: 5.

2. PH 2023-26. 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 North Ankeny Boulevard & 18th Street Intersection Improvements. Notice of this hearing was published in the Des Moines Register on the 3rd day of March, 2023.

Mark Mueller, Public Works Director, reported that the intersection improvements will realign the northbound and southbound medians of US 69/ N Ankeny Blvd to provide better sightlines for left-turning drivers. The median curb will be repaired and new landscaping areas prepared. On each corner of the intersection, pedestrian pushbuttons and ramps will be reconstructed to meet the standards of the Americans with Disabilities Act. The traffic signal will be upgraded to modern and low-voltage equipment. Other associated improvements include textured and colored concrete, raised median beds for landscaping, irrigation conduit, pavement markings, traffic signal modifications, traffic control, minimal earthwork, pavement removals, and site restoration. The City of Ankeny will furnish the ATC 48VDC traffic signal cabinet with controller, conflict monitor, and accessories, and LED 48VDC signal modules for installation.

by the Contractor. The project is partially funded by Iowa Department of Transportation through an Urban-State Traffic Engineering Program (U-STEP) grant, with maximum reimbursement of \$200,000.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Stearns seconded, to close public hearing 2023-26. Ayes: 5.

3. PH 2023-27. Mayor Holm announced this is the time and place for a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2023 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 10th day of March 2023.

Jennifer Sease, Administrative Services Director, reported that the FY 2023 budget amendment includes the following changes: Amended revenues include increases in hotel/motel taxes, interest income, capital grants, water usage fees and the timing of proceeds from the issuance of Water SRF Notes. Amended expenditures include increases related to inflation (e.g. costs of goods and services), hotel/motel tax commitments, public safety overtime, vehicle repairs and maintenance and the timing of capital projects.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Shafer moved, Ruddy seconded, to close public hearing 2023-27. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of March 6, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of February 21, 2023.
3. Receive and file minutes of the Civil Service Commission meeting of February 13, 2023.

Licenses and Permits

4. Issuance of solid waste permits for April 1, 2023– March 31, 2024.
5. Issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

Finance/Budget

6. Receive and file Financial Reports for February 2023.
7. Receive and file Building Permit Report for February 2023.
8. Receive and file Utility Billing Report for February 2023.
9. Change Order #4 increasing the contract amount by \$1,500.00 to McAninch Corporation for construction services on the Irvinedale Drive Transmission Main - Phase 3 project.
10. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$47,200.00 with MSA Professional Services for design engineering and bid phase services for Uptown Parking Improvements.

11. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$84,555.00 with RDG Planning and Design for final design and bidding phase services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
12. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$222,600.00 with Short Elliot Hendrickson Inc., for construction services on the S. Ankeny Blvd. Transmission Main Project.
13. Payment #11, \$14,595.26 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
14. Payment #9, \$16,170.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
15. Payment #16, \$26,469.25 to HR Green, Inc., for construction administration and construction inspection services on the NE 36th St Reconstruction Project - I-35 to NE Four Mile Dr.
16. Payment #7, \$1,687.50 to HR Green, Inc., for engineering services on the SW State St Fiber Optic Relocation project.
17. Payment #9, \$6,744.00 to McAninch Corporation, for construction services on the Irvinedale Dr Water Main Improvements - Phase 3 project.
18. Payment #11, \$55,396.27 to McClure Engineering Company, for engineering services on the NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd. (Design) project.
19. Payment #2, \$6,550.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
20. Payment #3, \$1,112.50 to Nilles Associates, Inc., for engineering services on the SW DSM Street Park - Phase 1 project.
21. Payment #19, \$107,890.47 to Reilly Construction Company Inc., for construction services on the West First St Widening and Improvements - Phase 1 project.
22. Payment #8, \$4,447.44 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
23. Payment #4, \$204,678.96 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
24. Payment #6, \$187,059.96 to W RH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
25. March 20, 2023 Accounts Payable by fund: General 195,404; Road Use Tax 25,484; Police/Fire Pension 1,977; Library Foundation 44; Water 917,608; Sewer 527,119; Storm Water 17,534; Golf Course 7,409; Enterprise Project 437,184; Revolving 45,096; Risk Management 18,376; Capital Projects 241,602; Payroll Totals 1,305,907; Transfers/ACH (196,781); Agenda Payments approved separately (632,802); Grand Total \$2,911,161.
26. HVAC services contract with Excel Mechanical Company Inc., of Des Moines, Iowa, and authorize the Mayor to sign Letter of Agreement.

Personnel

27. **RESOLUTION 2023-130** authorizing the fiscal year 2023 and 2024 pay scales for seasonal employees.
28. Civil Service Commission certified lists for appointment to: Civil Engineer I, Police Officer, Utilities Operator and Fire Deputy Chief; subject to passing any further departmental requirements.

Community Development

29. **RESOLUTION 2023-131** accepting the final plat for Treasure Acres Plat 1, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Requirements.
30. **RESOLUTION 2023-132** receiving and filing application for annexation, and providing for the giving of notice for annexation, of certain territory located adjacent to the southeast quadrant of the City of Ankeny.

31. **RESOLUTION 2023-133** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa on a 28E Agreement approving an Annexation Boundary Agreement with the City of Alleman, Iowa. (date of hrg: 5/1/23 @ 5:30 p.m.)

Engineering

32. **RESOLUTION 2023-134** accepting a proposal from HMG Land Management in the amount of \$29,942.50 for the construction of the 2023 Native Vegetation Maintenance project.

Administrative

33. **RESOLUTION 2023-135** authorizing and directing the City Manager and legal counsel to execute required documents for the City of Ankeny to opt in to a nationwide opioid litigation settlement.

Approval of Consent Agenda Items

1. Council Member Bentz moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-33. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2132.** 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 NGR Inc. Council Member Ruddy moved, Bentz seconded, to accept third consideration of Ordinance 2132, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
2. **Ord 2133.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to general traffic regulations. Council Member Ruddy moved, Stearns seconded, to accept third consideration of Ordinance 2133, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
3. **Ord 2134.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 76 Bicycle Regulations. Council Member Ruddy moved, Stearns seconded, to accept third consideration of Ordinance 2134, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
4. **Ord 2135.** An ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to multi-use recreational trails. Council Member Bentz moved, Ruddy seconded, to accept third consideration of Ordinance 2135, sending it on its final passage and publication as required by law. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
5. **Ord 2136.** An Ordinance vacating a water main easement on Lots 1-4 of Park Sight Office Park at Prairie Trail Plat 4. (PH 2023-16). Council Member Stearns moved, Ruddy seconded, to accept second consideration of Ordinance 2136. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. **Ord 2137.** An Ordinance amending Chapter 15 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to mayor appointments. Council Member Stearns moved, Bentz seconded, to accept second consideration of Ordinance 2137. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
7. **Ord 2138.** An Ordinance amending Chapter 31 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to human rights commission appointed. Council Member Bentz moved, Stearns seconded, to accept second consideration of Ordinance 2138. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

8. **Ord 2139.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to water rates. Council Member Ruddy moved, Bentz seconded, to accept second consideration of Ordinance 2139. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns. Council Member Bentz moved, Perry seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2139, sending it on its final passage and publication as required by law. Ayes: Bentz, Perry, Ruddy, Shafer, Stearns.
9. **Ord 2140.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to stormwater management fees. Council Member Ruddy moved, Stearns seconded, to accept second consideration of Ordinance 2140. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

NEW BUSINESS

1. Proposed North Four Mile Creek Trunk Sewer (PH 2023-25) Council Member Stearns moved, Bentz seconded to adopt 1) **RESOLUTION 2023-136** adopting plans, specifications, form of contract and estimate of cost \$2,524,770.00; 2) receive and file report of bids received March 14, 2023; and 3) adopt **RESOLUTION 2023-137** making award of construction contract with J&K Contracting in the amount of \$2,000,000.00. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.
2. Proposed North Ankeny Boulevard and 18th Street Intersection Improvements (PH 2023-26) Council Member Perry moved, Ruddy seconded to adopt 1) **RESOLUTION 2023-138** adopting plans, specifications, form of contract and estimate of cost \$443,792.50; 2) receive and file report of bids received March 14, 2023; 3) adopt **RESOLUTION 2023-139** making award of construction contract with All Star Concrete, LLC in the amount of \$439,624.75; and 4) adopt **RESOLUTION 2023-140** approving contract and bonds with All Star Concrete, LLC in the amount of \$439,624.75. Ayes: Perry, Ruddy, Bentz, Shafer, Stearns.
3. Proposed Issuance of \$15,200,000 General Obligation Bonds, Series 2023 Council Member Ruddy moved, Stearns seconded to adopt **RESOLUTION 2023-141** authorizing the issuance of \$15,200,000 General Obligation Bonds, Series 2023, and levying a tax for the payment thereof. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
4. Proposed Amendment of Current Budget for Fiscal Year Ending June 30, 2023 (PH 2023-27) Council Member Ruddy moved, Stearns seconded to adopt **RESOLUTION 2023-129** amending the current budget for fiscal year ending June 30, 2023. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
5. Amended FY 2023 Fund Transfers Council Member Stearns moved, Ruddy seconded to adopt **RESOLUTION 2023-142** approving amendment to fiscal year 2023 fund transfers. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. Proposed Adoption of Budget and Certification of City Taxes for Fiscal Year July 1, 2023 – June 30, 2024 - Set Public Hearing Date Council Member Perry moved, Stearns seconded to set a public hearing on the Adoption of Budget and Certification of City Taxes for Fiscal Year July 1, 2023 - June 30, 2024 and direct City Clerk to publish notice of such hearing (date of hrg: 4/03/23 @ 5:30 p.m.). Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.
7. Proposed NW Irvinedale Drive & NW 18th Street Intersection Improvements - Professional Services Agreement with HR Green, Inc. Council Member Stearns moved, Ruddy seconded to approve the Professional Services Agreement with HR Green, Inc. for the traffic engineering and survey services for the NW Irvinedale Dr & NW 18th St Intersection Improvements in an amount not to exceed \$107,920.00 and authorize the Mayor to execute said agreement. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
8. Proposed NE 36th Street and NE 38th Street Water Main - Professional Services Agreement with Fox Strand Council Member Perry moved, Stearns seconded to approve the Professional Services Agreement with Fox Strand, for the design engineering and bidding phase services on the NE 36th St and NE 38th St Water Main Project in an amount not to exceed \$204,000.00 and the Mayor to execute said agreement. Ayes: Perry, Stearns, Bentz, Shafer. Abstain: Ruddy.

9. Community Project Funding Program 2024 - NW Irvinedale Elevated Storage Tank Council Member Stearns moved, Bentz seconded to adopt **RESOLUTION 2023-143** authorizing the City of Ankeny to submit an application for funding from the 2024 Community Project Funding Program – NW Irvinedale Elevated Storage Tank. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

ADJOURNMENT

1. Meeting adjourned at 6:34 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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