



ANKENY CITY COUNCIL

Regular Meeting

Monday, March 7, 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, Kerry Walter-Ashby, Kelly Whiting

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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: Denise Hoy, City Clerk

PLEDGE OF ALLEGIANCE: Mark Holm, Mayor

CEREMONY: none

A. PUBLIC FORUM: none

B. APPROVAL OF AGENDA:

1. Approval of the March 7, 2022 Agenda:

Action# B1-1. Consider motion to approve and accept the March 7, 2022 agenda, with/without amendment.

C. PUBLIC HEARING(S):

1. PH 2022-20 Proposed Ordinance creating and defining Entertainment Districts within the City of Ankeny, Iowa.

Action# C1-1. Consider action to close Public Hearing 2022-20.

2. PH 2022-21 A proposal to vacate a Public Utility Easement associated with Lot 1, The District at Prairie Trail Plat 11.

Action# C2-1. Consider motion to close Public Hearing 2022-21.

3. PH 2022-22 Proposed SE Delaware Avenue HMA Widening

Action# C3-1. Consider motion to close Public Hearing 2022-22.

4. PH 2022-23 Proposed 2022 PCC Pavement Preservation Program - SW State Street (Northbound Lanes)

Action# C4-1. Consider motion to close Public Hearing 2022-23.

5. PH 2022-24 Proposed N Ankeny Boulevard Fiber Optic Upgrade from 1st Street to 18th Street

Action# C5-1. Consider motion to close Public Hearing 2022-24.

6. PH 2022-25 Proposed 2022 PCC Reconstruction Program - SE Peachtree Drive

Action# C6-1. Consider motion to close Public Hearing 2022-25.

7. PH 2022-26 Proposed NE Four Mile Drive RCB - Deer Creek

Action# C7-1. Consider motion to close Public Hearing 2022-26.

8. PH 2022-27 Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2022 - June 30, 2023

Action# C8-1. Consider motion to close Public Hearing 2022-27.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION: none

E. APPROVAL OF CONSENT AGENDA:

- Minutes

- CA - 1** Approval of official council actions of the regular meeting of February 21, 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 February 8, 2022.
- CA - 3** Receive and file minutes of the Library Board of Trustee meeting of January 20, 2022.
- CA - 4** Receive and file minutes of the Human Rights Commission meetings of February 24, 2022

- **Licenses and Permits**

- CA - 5** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

- CA - 6** Consider motion to approve Amendment No. 4 to the Professional Services Agreement increasing the contract amount by \$452,600.00 with Foth Infrastructure and Environment, LLC for 2022 construction engineering services on the West First Street Widening and Improvements - Phase 1 project.
- CA - 7** Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$383,500.00 with Fox Engineering, for construction services on the ASR #3 project.
- CA - 8** Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$166,120.00 with JEO Consulting Group for construction engineering services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 9** Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$112,645.00 with Kirkham Michael & Associates, Inc., for construction engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
- CA - 10** Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$9,500.00 with MSA Professional Services, Inc. for design and bidding engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
- CA - 11** Consider motion to approve Change Order #1 decreasing the contract amount by \$3,008.00 to Precision Underground Utilities, LLC for construction services on the Fiber Optic Connection to Ankeny Senior Center.
- CA - 12** Consider motion to approve Amendment No. 3 to the Professional Services Agreement with Snyder & Associates, Inc., for construction services on the second phase of improvements for the SE Crosswinds Drive - RISE Project in an amount not to exceed \$228,650.00 and authorize the Mayor to execute said Agreement.
- CA - 13** Consider motion to approve Payment #17 in the amount of \$14,570.81 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
- CA - 14** Consider motion to approve Payment #8 in the amount of \$41,650.56 to HR Green, Inc. for engineering services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
- CA - 15** Consider motion to approve Payment #10 in the amount of \$3,540.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street

Improvements - Phase 1 project.

- CA - 16** Consider motion to approve Payment #7 in the amount of \$24,167.88 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Avenue HMA Widening project.
- CA - 17** Consider motion to approve Payment #7 in the amount of \$324,033.13 to McAninch Corporation, for construction services on the Irvinedale Drive Water Main Improvements - Phase 3 project.
- CA - 18** Consider motion to approve Payment #1 in the amount of \$47,645.35 to Precision Underground Utilities, LLC, for construction services on the Fiber Optic Connection to Ankeny Senior Center project.
- CA - 19** Consider motion to approve Payment #21 in the amount of \$2,275.40 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
- CA - 20** Consider motion to approve Payment #12 in the amount of \$14,679.78 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
- CA - 21** Consider motion to approve Payment #15 in the amount of \$1,255.50 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements project.
- CA - 22** Consider motion to approve Payment #19 in the amount of \$13,664.68 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
- CA - 23** Consider motion to approve Payment #22 in the amount of \$6,470.00 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
- CA - 24** Consider motion to approve Payment #11 in the amount of \$4,773.62 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
- CA - 25** Consider motion to approve Payment #15 in the amount of \$14,364.98 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
- CA - 26** Consider motion to approve Payment #15 in the amount of \$4,194.00 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
- CA - 27** Consider motion to approve Payment #7 in the amount of \$15,226.25 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
- CA - 28** Consider motion to approve the March 7, 2022 Accounts Payable. (Finance Committee: K. Whiting, Chp, B. Bentz, J. Perry)

- **Personnel Items - none**

- **Community Development Items**

- CA - 29** Consider motion to approve the 5th Amended Vintage Business Park at Prairie Trail Neighborhood Plan and rescind the previous plan approved September 20, 2021.
- CA - 30** Consider motion to adopt **RESOLUTION** accepting final plat, platted easements, deed to street, and subdivision bond for seeding and erosion control for The District at Prairie Trail Plat 12
- CA - 31** Consider motion to adopt **RESOLUTION** approving plans and specifications and

accepting contracts and performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer associated with development of The District at Prairie Trail Plat 12.

- CA - 32** Consider motion to adopt **RESOLUTION** approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of street paving associated with The District at Prairie Trail Plat 12.
- CA - 33** Consider motion to adopt **RESOLUTION** accepting the final plat for Forest Ridge Estates Plat 2, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
- CA - 34** Consider motion to adopt **RESOLUTION** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, performance and maintenance bonds for public improvements, and platted easements for Georgetown Plat 11.
- CA - 35** Consider motion to adopt **RESOLUTION** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of sanitary sewer in Georgetown Plat 11.
- CA - 36** Consider motion to approve The Reserve at the Grove Preliminary Plat, and accept the public street name NW Savannah Drive and the private street name NW Olivia Lane.

- **Engineering Items**

- CA - 37** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a development agreement with DRA Properties LC, concerning the construction of a traffic signal at the intersection of SW State Street and SW 11th Street in the City of Ankeny, Iowa.
- CA - 38** Consider motion to adopt a **RESOLUTION** approving documents for the acquisition of temporary construction easement for the NW 36th Street & NW State Street Interim Improvements in Ankeny, Iowa. (Northwest corner of NW 36th Street and NW State Street - Hy-Vee, Inc.)
- CA - 39** Consider motion to adopt a **RESOLUTION** authorizing the execution of a Federal-Aid Agreement for Iowa's Clean Air Attainment Program (ICAAP) funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa for the sharing of project costs for the proposed SW Oralabor Road and SW State Street Intersection Safety Improvements project.
- CA - 40** Consider motion to adopt a **RESOLUTION** authorizing the execution of a Federal-Aid Agreement for Iowa's Transportation Alternatives Program (Iowa's TAP) funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa for the sharing of project costs for the proposed Oralabor Gateway Trail - SW State Street Underpass project.
- CA - 41** Consider motion to adopt a **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for a traffic signal for the construction of SW State Street and SW 11th Street Intersection Improvements.
- CA - 42** Consider motion to adopt a **RESOLUTION** approving plans and specifications and accepting contracts, performance and maintenance bonds for paving, storm sewer, and subgrade prep for the construction of SW State Street and SW 11th Street Intersection Improvements.
- CA - 43** Consider motion to adopt a **RESOLUTION** approving documents for the acquisition of permanent easements and a temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Four Mile Drive in Ankeny, Iowa. (north of NE 36th Street - Threshold Otter Creek, LLC)

- **Capital Improvement Projects - none**

- **Administrative Items**

CA - 44 Consider motion to adopt **RESOLUTION** approving construction contract and bond with WRH, Inc. of Amana, Iowa, in the amount of \$2,989,800.00 for the Well #7 - ASR #3 - Bid Package 2 - Well Pump and Control Building project.

CA - 45 Consider motion to authorize City staff to apply for the Iowa All-Star Community Award

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-45.

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-45.

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
 - Kyle Robinson - effective immediately - term expires 04/30/2025 SEAT 1

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

- **Approval of Ordinances:**

1. Ord 2096 An Ordinance vacating a portion of a public utility easement located on Lot 20, Ashland Ridge Plat 2.

Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2096, sending it on its final passage and publication as required by law.

Action# H1-2. Consider motion to adopt RESOLUTION authorizing the sale of property vacated by the City of Ankeny, Iowa, to Scott N. Von Hagen.

2. 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.

Action# H2-1. Consider motion to accept second consideration of ORDINANCE 2097.

3. Ord 2098 An Ordinance creating section 143 - Entertainment Districts in the City of Ankeny, Iowa. (PH 2022-20)

Action# H3-1. Consider motion to accept first consideration of ORDINANCE 2098.

4. Ord 2099 An Ordinance amending Chapter 44.06 Noise Ordinance by adding a section

referencing Chapter 143 - Entertainment Districts

Action# H4-1. Consider motion to accept first consideration of ORDINANCE 2099.

5. Ord 2100 An Ordinance amending Chapter 130.07 Outdoor Seating addressing Chapter 143 - Entertainment Districts

Action# H5-1. Consider motion to accept first consideration of ORDINANCE 2100.

6. Ord 2101 An Ordinance amending Chapter 196.02 Special Use Permits addressing Chapter 143 - Entertainment Districts

Action# H6-1. Consider motion to accept first consideration of ORDINANCE 2101.

7. Ord 2102 An Ordinance vacating a Public Utility Easement associated with Lot 1, The District at Prairie Trail Plat 11. (PH 2022-21)

Action# H7-1. Consider motion to accept first consideration of ORDINANCE 2102.

8. Ord 2103 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to water rates.

Action# H8-1. Consider motion to accept first consideration of ORDINANCE 2103.

9. Ord 2104 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to sewer service charges.

Action# H9-1. Consider motion to accept first consideration of ORDINANCE 2104.

10. Ord 2105 An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to stormwater management fees.

Action# H10-1. Consider motion to accept first consideration of ORDINANCE 2105.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed SE Delaware Avenue HMA Widening (PH 2022-22)

Action# J1-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$875,000.00; 2) receive and file report of bids received March 1, 2022; 3) adopt RESOLUTION making award of construction contract with Grimes Asphalt and Paving Corp. in the amount of \$915,737.43; and 4) adopt RESOLUTION approving contract and bonds with Grimes Asphalt and Paving Corp. in the amount of \$915,737.43.

2. Proposed 2022 Pavement Preservation Program - SW State Street (Northbound Lanes) (PH 2022-23)

Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications,

form of contract and estimate of cost \$385,025.00; 2) receive and file report of bids received March 1, 2022; 3) adopt RESOLUTION making award of construction contract with Iowa Civil Contracting, Inc. in the amount of \$356,049.20; and 4) adopt RESOLUTION approving contract and bonds with Iowa Civil Contracting, Inc. in the amount of \$356,049.20.

3. Proposed North Ankeny Boulevard Fiber Optic Upgrade (PH 2022-24)

Action# J3-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$256,480.00; 2) receive and file report of bids received March 1, 2022; 3) adopt RESOLUTION making award of construction contract with Communication Data Link in the amount of \$178,979.00; and 4) adopt RESOLUTION approving contract and bonds with Communication Data Link in the amount of \$178,979.00.

4. Proposed 2022 PCC Reconstruction Program - SE Peachtree Drive (PH 2022-25)

Action# J4-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$787,965.00; 2) receive and file report of bids received March 1, 2022; 3) adopt RESOLUTION making award of construction contract with Con-Struct, Inc. in the amount of \$805,555.00; and 4) adopt RESOLUTION approving contract and bonds with Con-Struct, Inc. in the amount of \$805,555.00.

5. Proposed NE Four Mile Drive RCB - Deer Creek (PH 2022-26)

Action# J5-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$1,161,988.00; 2) receive and file report of bids received March 1, 2022; 3) adopt RESOLUTION making award of construction contract with Gus Construction in the amount of \$1,027,970.68; and 4) adopt RESOLUTION approving contract and bonds with Gus Construction in the amount of \$1,027,970.68.

6. 2022 SW Des Moines Street Parks - Phase 1
Initiate Proceedings

Action# J6-1. Consider motion to adopt RESOLUTION ordering construction on the 2022 SW Des Moines Street Parks - Phase 1 project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 3/29/22 @ 10:30 AM / date of hrg: 4/4/22 @ 5:30 PM)

7. Cherry Glen Ballfield Development Project
Professional Services Agreement with Snyder & Associates

Action# J7-1. Consider motion to approve the Professional Services Agreement with Snyder & Associates for design engineering and construction administration services on the Cherry Glenn Ballfield Development project in an amount not to exceed \$46,000.00 and authorize the Mayor to execute said Agreement.

8. Proposed Fourmile Creek and Tributary to Fourmile Creek Restoration
Professional Services Agreement with RDG Planning & Design

Action# J8-1. Consider motion to approve the Professional Services Agreement with RDG Planning & Design for the design engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project in an amount not to exceed \$223,370.00 and authorize the Mayor to execute said agreement.

9. Proposed North Four Mile Creek Trunk Sewer Professional Services Agreement with Foth Infrastructure and Environment, LLC. (Foth)

Action# J9-1. Consider a motion to approve the Professional Services Agreement with Foth, for the design engineering and bidding phase services on the North Four Mile Creek Trunk Sewer Project in an amount not to exceed \$127,100.00 and the Mayor to execute said agreement.

10. Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2022 - June 30, 2023 (PH-2022-27)

Action# J10-1. Consider motion to adopt RESOLUTION approving the maximum property tax dollars for Fiscal Year July 1, 2022 - June 30, 2023.

11. Proposed Amendment of Current City Budget for FY 2022 and Budget Estimate for FY 2023
Set Public Hearing Date

Action# J11-1. Consider motion to set a public hearing on an Amendment of Current City Budget for Fiscal Year July 1, 2021 - June 30, 2022 and Budget Estimate for Fiscal Year July 1, 2022 - June 30, 2023 for March 21, 2022 at 5:30 p.m. and direct City Clerk to publish notice of such hearings.

12. Redemption of Outstanding Sewer Revenue Bonds, Series 2014C

Action# J12-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding Sewer Revenue Bonds, Series 2014C, of the City of Ankeny, State of Iowa, dated May 15, 2014, and directing notice be given.

13. Redemption of Outstanding Water Revenue Refunding Bonds, Series 2014D

Action# J13-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding Water Revenue Refunding Bonds, Series 2014D, of the City of Ankeny, State of Iowa, dated May 15, 2014, and directing notice be given.

14. Redemption of Outstanding Water Revenue Refunding Bonds, Series 2014E

Action# J14-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding Water Revenue Refunding Bonds, Series 2014E, of the City of Ankeny, State of Iowa, dated May 15, 2014, and directing notice be given.

15. Redemption of Outstanding Sewer Revenue Refunding Bonds, Series 2014F

Action# J15-1. Consider motion to adopt RESOLUTION authorizing the redemption of outstanding Sewer Revenue Refunding Bonds, Series 2014F, of the City of Ankeny, State of Iowa, dated May 15, 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 Walter-Ashby

Council Member Whiting

- **Future Council Agenda Items:**

- ***City Clerk Interviews with Council (Executive Session) - 3/8/22 @ 3:45 p.m.***
- ***Public Informational Meeting - FY2023 Budget - 3/10/22 @ 5:30 p.m.***
- ***Public Hearing - 2022 CIPP Lining Project - 3/21/22 @ 5:30 p.m.***
- ***Public Hearing - 2022 PCC Reconstruction Program - NW 5th St - 3/21/22 @ 5:30 p.m.***
- ***Public Hearing - 2022 PCC Street Patching Program - 3/21/22 @ 5:30 p.m.***
- ***Public Hearing - Resolution of Necessity - NE 36th St Reconstruction Project - 3/21/22 @ 5:30 p.m.***
- ***Public Hearing - Amendment of Current Budget for FY22 and Budget Estimate for FY23 - 3/21/22 @ 5:30 p.m.***
- ***Public Hearing - SRF Loan Application - 4/4/22 @ 5:30 p.m.***
- ***Public Hearing - 2022 SW Des Moines Street Parks - Phase 1 - 4/4/22 @ 5:30 p.m.***

L. ADJOURNMENT

1. Adjournment