

MINUTES OF THE ANKENY CITY COUNCIL

Monday, March 4, 2024 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, and Todd Shafer were in attendance. Council Member Kelly Stearns was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the March 4, 2024 agenda without amendment. Ayes: 4.

PUBLIC HEARING

1. PH 2024-12. 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 Magazine Ground Storage Reservoir Rehabilitation project. Notice of this hearing was published in the Des Moines Register on the 16th day of February, 2024.

Don Clark, Municipal Utilities Director, reported that the project includes abrasive blast cleaning the reservoir exterior to a commercial standard with containment and the application of a four-coat zinc epoxy urethane fluoropolymer system, along with abrasive blast cleaning and application of a 2-coat epoxy system to the reservoir foundation, and the installation of an impressed current cathodic protection system.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Bentz seconded, to close public hearing 2024-12. Ayes: 4.

2. PH 2024-13. 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 2024 PCC Pavement Preservation Program – SE Shurfine Drive project. Notice of this hearing was published in the Des Moines Register on the 16th day of February, 2024.

Mark Mueller, Public Works Director, reported that the project includes full depth patching from east of South Ankeny Blvd to just west of SE Hulsizer Rd, crack and joint cleaning and filling from SE Green Park Circle to just west of SE Hulsizer Rd, and diamond grinding from just east of SE Cortina Dr to just west of SE Hulsizer Rd.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Ruddy seconded, to close public hearing 2024-13. Ayes: 4.

3. PH 2024-14. 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 SW Magazine Road & SW State Street Intersection Improvements – West Leg project. Notice of

this hearing was published in the Des Moines Register on the 16th day of February, 2024.

Mark Mueller, Public Works Director, reported that the project includes widening SW Magazine Road to add a second eastbound through lane, beginning approximately 575 feet west of SW State Street.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Shafer seconded, to close public hearing 2024-14. Ayes: 4.

4. PH 2024-15. Mayor Holm announced this is the time and place for a public hearing on the matter of the issuance of not to exceed \$17,500,000 General Obligation Bonds in order to provide funds to pay the costs of: opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon, the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches, the acquisition, installation, and repair of sidewalks and pedestrian underpasses and overpasses, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, fixtures and improvements, and traffic control devices, and the acquisition of any real estate needed for any of the foregoing purposes; the acquisition, construction, reconstruction, enlargement, improvement, and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches thereto; the acquisition, construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property situated within the corporate limits of cities from floods or high waters, and for the protection of property in cities from the effects of flood waters, including the deepening, widening, alteration, change, diversion, or other improvement of watercourses, within or without the city limits, the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements, and for the collection and disposal of surface waters and streams; the rehabilitation and improvement of parks already owned, including the removal, replacement and planting of trees in the parks, and facilities, equipment, and improvements commonly found in city parks, including trails; equipping of the fire, police, sanitation, street, and civil defense departments and the acquiring, developing, and improving of a geographic computer data base system suitable for automated mapping and facilities management; and acquisition of peace officer communication equipment and other emergency services communication equipment and systems, for essential corporate purposes. Notice of this public hearing was published in the Des Moines Register on the 20th day of February 2024 pursuant to the provisions of Section 384.25 of the Code of Iowa.

Jennifer Sease, Administrative Services Director, reported that the not to exceed \$17,500,000 General Obligation Bonds (for essential corporate purposes) are being proposed to fund the 2024 Capital Improvement Program.

Mayor Holm then asked for any public comment regarding the proposed bond issuance. Hearing no comments, Council Member Bentz moved, Shafer seconded, to close public hearing 2024-15. Ayes: 4.

5. PH 2024-16. Mayor Holm announced this is the time and place for a public hearing on the matter of the issuance of not to exceed \$500,000 General Obligation Urban Renewal Bonds in order to provide funds to pay the costs of: aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of chapter 403 and the Urban Renewal Plan for the 1989 Ankeny Economic Development Urban Renewal Area, as amended, including the

West 1st Street Improvements – Phase 2 project, for essential corporate urban renewal purposes. Notice of this public hearing was published in the Des Moines Register on the 20th day of February 2024 pursuant to the provisions of Sections 384.24(3)(q), 384.25 and 403.12 of the Code of Iowa.

Jennifer Sease, Administrative Services Director, reported that the not to exceed \$500,000 General Obligation Urban Renewal Bonds (for essential corporate urban renewal purposes) are being proposed to fund the West 1st Street Widening and Improvements - Phase 2 project in the 2024 Capital Improvement Program. The project is located in the 1989 Ankeny Economic Development Urban Renewal Area.

Mayor Holm then asked for any public comment regarding the proposed bond issuance. Hearing no comments, Council Member Bentz moved, Shafer seconded, to close public hearing 2024-16. Ayes: 4.

6. PH 2024-17. Mayor Holm announced this is the time and place for a public hearing on the matter of the issuance of not to exceed \$4,500,000 Water Revenue Bonds in order to provide funds to pay the costs of: acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Water Utility, including the Saylorville Feeder Main Purchase Capacity, NE 36th Street and NE 38th Street Water Main Loop, and SE Magazine Ground Storage Tank Repaint projects. Notice of this public hearing was published in the Des Moines Register on the 20th day of February 2024 pursuant to the provisions of Sections 384.82 and 384.83 of the Code of Iowa.

Jennifer Sease, Administrative Services Director, reported that the not to exceed \$4,500,000 Water Revenue Bonds are being proposed to fund the Saylorville Feeder Main Purchase Capacity, NE 36th Street and NE 38th Street Water Main Loop and SE Magazine Ground Storage Tank Repaint projects in the 2024 Capital Improvement Program.

Mayor Holm then asked for any public comment regarding the proposed bond issuance. Hearing no comments, Council Member Shafer moved, Perry seconded, to close public hearing 2024-17. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of February 19, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of January 17, 2024.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of December 5, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of January 18, 2024.

Licenses and Permits

5. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

6. Payment #5 in the amount of \$13,381.72 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
7. Payment #11 in the amount of \$8,549.50 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
8. Payment #22 in the amount of \$9,252.56 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.

9. Payment #11 in the amount of \$14,068.75 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
10. Payment #14 in the amount of \$3,558.75 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
11. Payment #27 in the amount of \$10,000.50 to JEO Consulting Group, Inc. for construction engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
12. Payment #6 in the amount of \$8,675.00 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
13. Payment #1 in the amount of \$8,385.95 to Snyder & Associates, Inc., for engineering services on the Watercrest Park expansion project.
14. Payment #5 in the amount of \$11,117.93 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
15. Payment #10 in the amount of \$76,620.64 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
16. Payment #31 in the amount of \$12,592.88 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
17. Payment #36 in the amount of \$9,921.65 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
18. Payment #10 in the amount of \$6,234.25 to Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
19. Payment #34 in the amount of \$1,166.00 to Strand, for engineering services on the Ankeny ASR project.
20. March 4, 2024 Accounts Payable by fund: General \$334,453; Parks Improvements \$750; Police Gift \$480; Road Use Tax \$112,479; Library Foundation \$1,405; Solid Waste \$106,681; Water \$28,758; Sewer \$10,480; Storm Water \$9,694; Golf Course \$12,201; Enterprise Project \$73,570; Revolving \$32,245; Risk Management \$33,869; Health Insurance \$126; BAN/Bond Activity \$2,000; Capital Projects \$293,620; Payroll Totals \$1,353,543; Transfers/ACH (\$204,181); Agenda Payments Approved Separately \$220,099; Grand Total \$2,422,272.

Personnel

21. A new classification position description for Deputy Building Official in the Community Development Department.
22. Side letter agreement with the Ankeny Police Department Teamsters Local Union 238 and to authorize the City Manager to execute the agreement.

Engineering

23. **RESOLUTION 2024-076** authorizing the execution of an agreement with Iowa Department of Transportation for DOT-Initiated Detour of Primary Highways onto Local Roads for the Iowa DOT's Iowa 210 PCC Pavement - Grade and New Project.

Capital Improvement Projects

24. **RESOLUTION 2024-077** approving construction contract and bond with HPC, LLC, in the amount of \$5,950,000.00 for the Ankeny Fire Station No. 4 project.
25. **Delaware Ground Storage Reservoir Rehabilitation Project:** a) Certificate of Completion; b) **RESOLUTION 2024-078** accepting the public improvements with Tanksco Inc. in the amount of \$241,500.00; and c) Final Payment #2 in the amount of \$7,980.00 / Release of Retainage in the amount of \$12,075.00.
26. **Midway Park Restroom Construction:** a) Certificate of Completion; b) **RESOLUTION 2024-079** accepting the public improvement with Romtech Companies in the amount of \$279,370.78; c) Final Payment #7 in the amount of \$6,518.28.

27. **RESOLUTION 2024-080** adopting and levying final schedule of assessments and providing for the payment thereof for the NE 36th Street Reconstruction Project: I-35 to NE Fourmile Drive.
28. **RESOLUTION 2024-081** authorizing the execution of a Cooperative Public Service Agreement between Polk County, Iowa and the City of Ankeny, Iowa for the sharing of project costs for the NE Frisk Drive Resurfacing Project: North of NE 94th Avenue (E 1st Street) to NE 102nd Avenue (NE 18th Street).
29. **RESOLUTION 2024-082** accepting a proposal from MNM Concrete Specialist in the amount of \$151,885.00 for the construction of the 2024 Pedestrian Ramp Improvements Program - NE 18th Street project.
30. **RESOLUTION 2024-083** ordering construction on the 2024 PCC Street Patching Program project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 03/26/24 @ 10:30 A.M. / date of hrg: 04/01/24 @ 5:30 P.M.)
31. **RESOLUTION 2024-084** ordering construction on the 2024 PCC Pavement Preservation Program - Crack and Joint Filling project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 03/26/24 @ 10:30 A.M. / date of hrg: 04/01/24 @ 5:30 P.M.)
32. **RESOLUTION 2024-085** ordering construction on the NE 62nd St Over Trib. to Four Mile Creek project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 03/26/24 @ 10:30 a.m./date of hrg: 04/1/24 @ 5:30 p.m.)
33. **RESOLUTION 2024-086** ordering construction on the 2024 CIPP Lining Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 03/26/24 @ 10:30 a.m./date of hrg: 04/1/24 @ 5:30 p.m.)

Administrative

34. **RESOLUTION 2024-087** declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.
35. Set a public hearing on the proposed property tax levy for Fiscal Year July 1, 2024 - June 30, 2025 for April 1, 2024 at 5:00 p.m. and direct City Clerk to publish notice of such hearing.

APPROVAL OF CONSENT AGENDA

1. Council Member Shafer moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-35. Ayes: Shafer, Bentz, Perry, Ruddy.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2162.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC R-1 One-Family Residential District to Planned Unit Development, PUD (Rezoning Area A). Council Member Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2162, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry Shafer.
2. **Ord 2163.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One-Family Residential District to R-3, Multiple-Family Residential District (Rezoning Area B). Council Member Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2163, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry Shafer.

3. **Ord 2164.** An Ordinance amending Chapter 66 Load and Weight Restrictions of the Municipal Code of the City of Ankeny, Iowa, by amending Section 66.05 Truck Routes. Council Member Bentz moved, Shafer seconded, to accept third consideration of ORDINANCE 2164, sending it on its final passage and publication as required by law. Ayes: Bentz, Shafer, Perry, Ruddy.
4. **Ord 2165.** 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 first consideration of ORDINANCE 2165. Ayes: Ruddy, Bentz, Perry Shafer.

NEW BUSINESS

1. Proposed Magazine Ground Storage Reservoir Rehabilitation (PH 2024-12). Council Member Ruddy moved, Bentz seconded, to adopt 1) **RESOLUTION 2024-088** adopting plans, specifications, form of contract and estimate of cost \$386,000.00; 2) receive and file report of bids received February 27, 2024; and 3) adopt **RESOLUTION 2024-089** making award of construction contract with O & J Coatings in the amount of \$289,000.00. Ayes: Ruddy, Bentz, Perry, Shafer.
2. Proposed 2024 PCC Pavement Preservation Program - SE Shurfine Drive (PH 2024-13) Council Member Perry moved, Bentz seconded, to adopt 1) **RESOLUTION 2024-090** adopting plans, specifications, form of contract and estimate of cost \$344,650.00; 2) receive and file report of bids received February 27, 2024; 3) adopt **RESOLUTION 2024-091** making award of construction contract with Caliber Concrete, LLC in the amount of \$290,338.00; and 4) adopt **RESOLUTION 2024-092** approving contract and bonds with Caliber Concrete, LLC in the amount of \$290,338.00. Ayes: Perry, Bentz, Ruddy, Shafer.
3. Proposed SW Magazine Road & SW State Street Intersection Improvements - West Leg (PH 2024-14). Council Member Bentz moved, Ruddy seconded, to adopt 1) **RESOLUTION 2024-093** adopting plans, specifications, form of contract and estimate of cost \$405,610.00; 2) receive and file report of bids received February 27, 2024; 3) adopt **RESOLUTION 2024-094** making award of construction contract with Manatt's, Inc. in the amount of \$295,089.02; and 4) adopt **RESOLUTION 2024-095** approving contract and bonds with Manatt's, Inc. in the amount of \$295,089.02. Ayes: Bentz, Ruddy, Perry, Shafer.
4. Proposed Issuance of Not to Exceed \$17,500,000 General Obligation Bonds (PH 2024-15). Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2024-096** instituting proceedings to take additional action for the issuance of not to exceed \$17,500,000 General Obligation Bonds. Ayes: Ruddy, Perry, Bentz, Shafer.
5. Proposed Issuance of Not to Exceed \$500,000 General Obligation Urban Renewal Bonds (PH 2024-16). Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2024-097** instituting proceedings to take additional action for the issuance of not to exceed \$500,000 General Obligation Urban Renewal Bonds. Ayes: Perry, Ruddy, Bentz, Shafer.
6. Proposed Issuance of Not to Exceed \$4,500,000 Water Revenue Bonds (PH 2024-17). Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2024-098** instituting proceedings to take additional action for the issuance of not to exceed \$4,500,000 Water Revenue Bonds. Ayes: Ruddy, Bentz, Perry, Shafer.
7. Proposed Issuance of \$17,425,000 General Obligation Bonds, Series 2024A. Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2024-099** authorizing the issuance of \$17,425,000 General Obligation Bonds, Series 2024A, and levying a tax for the payment thereof. Ayes: Ruddy, Bentz, Perry, Shafer.
8. Request for Council Initiated Rezoning from R-1 One-Family Residential District to R-3 Multi-Family Residence District restricted to 10 units per acre. Hope K Farms, LLC. Council Member Bentz moved, Ruddy seconded, to receive and file correspondence dated February 9, 2024, regarding a rezoning request for 15.71 acres (Area B) located west of Interstate 35 and east of NE Delaware Avenue. Ayes: Bentz, Ruddy, Perry, Shafer. Council Member Ruddy moved, Bentz seconded, to initiate a rezoning request for 15.71 acres (Area B) located west

of Interstate 35 and east of NE Delaware Avenue and refer to the Plan and Zoning Commission for review and recommendation. Ayes: Ruddy, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 6:09 p.m.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

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