



## **ANKENY CITY COUNCIL**

### **Regular Meeting**

**Monday, February 20, 2023**

**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 Stearns

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#### **ELECTRONIC MEETING INFORMATION**

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9Pd09>

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: none**

**A. PUBLIC FORUM: none**

**B. APPROVAL OF AGENDA:**

1. Approval of the February 20, 2023 Agenda

**Action# B1-1. Consider motion to approve and accept the February 20, 2023 agenda, with/without amendment.**

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

1. PH 2023-12 Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by NGR Inc., from R-1 to M-1, Light Industrial District.

**Action# C1-1. Consider motion to close Public Hearing 2023-12.**

2. PH 2023-13 Proposed State Revolving Fund (SRF) Loan - NW Water Tower.

**Action# C2-1. Consider motion to close Public Hearing 2023-13.**

3. PH 2023-14 Proposed 2023 PCC Street Patching Program

**Action# C3-1. Consider motion to close Public Hearing 2023-14.**

4. PH 2023-15 Proposed 2023 PCC Reconstruction Program - SE Creekview Drive

**Action# C4-1. Consider motion to close Public Hearing 2023-15.**

**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 6, 2023, 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 January 18, 2023.
- CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of January 4, 2023.
- CA - 4** Receive and file minutes of the Library Board of Trustee meeting of November 17, 2022.
- CA - 5** Receive and file minutes of the Civil Service Commission meeting of January 9, 2023.

- **Licenses and Permits**

- CA - 6** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

- CA - 7** Consider motion to receive and file Financial Reports for January 2023.
- CA - 8** Consider motion to receive and file Building Permit Report for January 2023.
- CA - 9** Consider motion to receive and file Utility Billing Report for January 2023.
- CA - 10** Consider motion to approve Change Order #2 increasing the contract amount by \$33,273.74 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 11** Consider motion to approve Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$16,465.00 with JEO Consulting Group for construction engineering services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 12** Consider a motion to approve Amendment No. 10 to the Professional Services Agreement increasing the contract amount by \$10,000.00 with Shive-Hattery for construction administration services associated with the Albaugh Senior Community Center project.
- CA - 13** Consider motion to approve Payment #9 in the amount of \$26,667.80 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
- CA - 14** Consider motion to approve Payment #4 in the amount of \$136,937.94 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
- CA - 15** Consider motion to approve Payment #8 in the amount of \$18,480.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
- CA - 16** Consider motion to approve Payment #6 in the amount of \$6,005.00 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
- CA - 17** Consider motion to approve Payment #8 in the amount of \$6,340.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
- CA - 18** Consider motion to approve Payment #7 in the amount of \$389.45 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 19** Consider motion to approve Payment #10 in the amount of \$6,887.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
- CA - 20** Consider motion to approve Payment #2 in the amount of \$9,177.00 to Redbud, LLC, for construction services on the Landscaping Improvements for High Trestle Extension project.
- CA - 21** Consider motion to approve Payment #28 in the amount of \$3,812.51 to Shive Hattery for development services associated with the Ankeny Senior Community Center project.
- CA - 22** Consider motion to approve Payment #7 in the amount of \$1,671.99 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
- CA - 23** Consider motion to approve Payment #3 in the amount of \$265,766.84 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main &

Drainage Improvements project.

- CA - 24** Consider motion to approve Payment #5 in the amount of \$344,303.48 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 - Well Pump and Control Building project.
- CA - 25** Consider motion to approve the February 20, 2023 Accounts Payable. (Finance Committee: T. Shafer, Chp, K. Stearns, B. Bentz)
- CA - 26** Consider motion to approve the custodial services contract with Mary's Cleaning Care Inc., of Urbandale, Iowa, and authorize the Mayor to sign Letter of Agreement.

- **Personnel Items**

- CA - 27** Consider motion to accept the Civil Service Commission certified lists for appointment to Equipment Operator and GIS Specialist, subject to passing any further departmental requirements.
- CA - 28** Consider motion to approve an amendment to the labor agreement with Ankeny Police Department Employee's Union dated July 1, 2022-June 30, 2026.
- CA - 29** Consider motion to approve the labor agreement between the American Federation of State, County, and Municipal Employees Union (AFSCME) AFL-CIO Local #1868 and the City of Ankeny commencing July 1, 2023-June 30, 2025 and to execute said agreement.

- **Community Development Items**

- CA - 30** Consider motion to adopt **RESOLUTION** accepting final plat and warranty deed to streets, for Georgetown Plat 12.
- CA - 31** 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 13.
- CA - 32** Consider motion to adopt **RESOLUTION** accepting final plat, platted easements and parksite dedication agreement for Kimberley Crossing Plat 2.

- **Engineering Items**

- CA - 33** Consider motion to adopt a **RESOLUTION** authorizing the execution of an agreement with Iowa Department of Transportation for DOT-Initiated Detour of Primary Highways onto Local Roads for I-35 access at NE 126th Avenue PCC Pavement and Grading project.
- CA - 34** Consider motion to adopt **RESOLUTION** accepting maintenance bond for water main and sanitary sewer in Kimberley Crossing Plat 2.
- CA - 35** Consider motion to adopt **RESOLUTION** accepting public improvements in Courtyards at Harvest Ridge Plat 4 for utilities (sanitary sewer & water main).
- CA - 36** Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign a development agreement with DRA Properties, L.C., concerning the construction of a traffic signal at the intersection of SW District Drive and SW Magazine Road in the City of Ankeny, Iowa.
- CA - 37** Consider motion to adopt **RESOLUTION** accepting a proposal from Howrey Construction, Inc. in the amount of \$108,881.00 for the construction of the 2023 Sidewalk Gaps and Replacements Improvement Program project.
- CA - 38** 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 NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in Ankeny, Iowa. (DLE Seven, LLC)

**CA - 39** Consider motion to adopt a **RESOLUTION** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in Ankeny, Iowa. (Denny Elwell Family, LC)

**CA - 40** Consider motion to adopt a **RESOLUTION** accepting and approving documents for the acquisition of Permanent Water Main Easement for the S. Ankeny Blvd. Transmission Main project in Ankeny, Iowa. (DMACC)

**CA - 41** Consider motion to adopt **RESOLUTION** setting a public hearing on a proposal to vacate a public water main easement located across lots 1, 2, 3, and 4 of Park Sight Office Park at Prairie Trail Plat 4. (date of hrg: 3/6/23 @ 5:30 p.m.)

- **Capital Improvement Projects**

**CA - 42** **N. Ankeny Blvd. Water Main:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with Priority Excavating, LLC in the amount of \$118,042.00; c) Change Order #1 for (\$1,290.00); d) Final Payment #3 in the amount of \$7,980.00 / Release of Retainage in the amount of \$5,902.10.

**CA - 43** **Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction:** Consider motion to approve: a) Certificate of Completion; b) **RESOLUTION** accepting the public improvements with Gingerich Well & Pump Service, LLC in the amount of \$3,434,544.69; c) Change Order #4 for (\$2,754.64); d) Final Payment #6 in the amount of \$18,948.10 / Release of Retainage in the amount of \$171,727.23.

**CA - 44** **SE Delaware Avenue Fiber Optic Connection:** Consider motion to approve: a) Change Order #1 & Final in amount of \$86.25; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Iowa Signal, Inc. in the amount of \$116,139.75; and d) Final Payment in the amount of \$14,667.76; and Retainage Payment in the amount of \$5,806.99.

- **Administrative Items**

**CA - 45** Consider motion to adopt **RESOLUTION** approving construction contract and bond with Granite Excavating, in the amount of \$2,649,525.00 for the S. Ankeny Boulevard Transmission Main project.

**CA - 46** Consider motion to approve the Ankeny Kirkendall Public Library Meeting Room Use Policy.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-46.

**Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-46.**

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

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

**H. LEGISLATIVE BUSINESS:**

- **Approval of Ordinances:**

1. Ord 2130 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.

**Action# H1-1. Consider motion to accept third consideration of ORDINANCE 2130, sending it on its final passage and publication as required by law.**

2. Ord 2131 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 Bricktowne Piper LC.

**Action# H2-1. Consider motion to accept third consideration of ORDINANCE 2131, sending it on its final passage and publication as required by law.**

3. 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. (PH 2023-12)

**Action# H3-1. Consider motion to accept first consideration of ORDINANCE 2132.**

4. Ord 2133 An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to general traffic regulations.

**Action# H4-1. Consider motion to accept first consideration of ORDINANCE 2133.**

5. Ord 2134 An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 76 Bicycle Regulations.

**Action# H5-1. Consider motion to accept first consideration of ORDINANCE 2134.**

6. Ord 2135 An ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to multi-use recreational trails.

**Action# H6-1. Consider motion to accept first consideration of ORDINANCE 2135.**

**I. OLD BUSINESS: none**

**J. NEW BUSINESS:**

1. Proposed Environmental Review for SRF Loan Projects (PH 2023-13)

**Action# J1-1. Consider motion to adopt RESOLUTION accepting the environmental information document for SRF loan application with the Iowa Department of Natural Resources.**

2. Proposed 2023 PCC Street Patching Program (PH 2023-14)

**Action# J2-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$896,860.00; 2) receive and file report of bids received February 14, 2023; 3) adopt RESOLUTION making award of construction contract with TK Concrete, Inc. in the amount of \$840,250.00; and 4) adopt RESOLUTION approving contract and bonds with TK Concrete, Inc. in the amount of \$840,250.00.**

3. Proposed 2023 PCC Reconstruction Program - SE Creekview Dr (PH 2023-15)

**Action# J3-1. Consider motion to adopt 1) RESOLUTION adopting plans, specifications, form of contract and estimate of cost \$553,815.00; 2) receive and file report of bids received February 14, 2023; 3) adopt RESOLUTION making award of construction contract with Alliance Construction Group, LLC in the amount of \$491,807.50; and 4) adopt RESOLUTION approving contract and bonds with Alliance Construction Group, LLC in the amount of \$491,807.50.**

4. Proposed NW Prairie Ridge/ Ash Drive/ 9th Street Concept Study  
Professional Services Agreement with Bolton & Menk, Inc.

**Action# J4-1.**

**Consider motion to approve the Professional Services Agreement with Bolton & Menk, Inc., for the traffic engineering services for the NW Prairie Ridge Drive/ Ash Drive/ 9th Street Concept Study in an amount not to exceed \$34,400.00 and the Mayor to execute said agreement.**

5. Proposed Transportation Master Plan  
Professional Services Agreement with JEO Consulting Group.

**Action# J5-1.**

**Consider motion to approve the Professional Services Agreement with JEO Consulting Group, for the planning and engineering services for the Transportation Master Plan in an amount not to exceed \$269,400.00 and the Mayor to execute said agreement.**

6. Proposed North Four Mile Creek Trunk Sewer  
Initiate Proceedings

**Action# J6-1. Consider motion to adopt RESOLUTION ordering construction on the North Four Mile Creek Trunk Sewer project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 3/14/23 @ 10:30 A.M. / date of hrg: 3/20/23 @ 5:30 P.M.)**

7. Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2023 - June 30, 2024  
Set Public Hearing Date

**Action# J7-1. Consider motion to set a public hearing on the maximum property tax dollars for Fiscal Year July 1, 2023 - June 30, 2024 for March 6, 2023 at 5:30 p.m. and direct City Clerk to publish notice of such hearing.**

8. Proposed Not to Exceed \$14,000,000 General Obligation Bonds  
Initiate Proceedings

**Action# J8-1. Consider motion to adopt RESOLUTION fixing date for a meeting on the proposition of the issuance of not to exceed \$14,000,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for essential corporate purposes (ECP)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.).**

9. Proposed Not to Exceed \$300,000 General Obligation Urban Renewal Bonds

Initiate Proceedings

**Action# J9-1. Consider motion to adopt RESOLUTION fixing date for a meeting on the proposition of the issuance of not to exceed \$300,000 General Obligation Urban Renewal Bonds of the City of Ankeny, State of Iowa (for urban renewal purposes (UR)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.).**

10. Proposed Not to Exceed \$700,000 General Obligation Bonds  
Initiate Proceedings

**Action# J10-1. Consider motion to adopt RESOLUTION fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes (GCP-1)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.).**

11. Proposed Not to Exceed \$700,000 General Obligation Bonds  
Initiate Proceedings

**Action# J11-1. Consider motion to adopt RESOLUTION fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes (GCP-2)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.).**

12. Proposed Not to Exceed \$13,000 Lease Agreements  
Initiate Proceedings

**Action# J12-1. Consider motion to adopt RESOLUTION fixing date for a public hearing on the proposition to authorize lease agreements payable from the general fund in the principal amount of not to exceed \$13,000 for personal property for use by the City, and providing for publication of notice thereof (postage equipment) (date of hrg: 3/06/23 @ 5:30 p.m.).**

**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 Stearns*

- **Future Council Agenda Items:**

- ***Council Action Planning Session - 2/27/23 @ 5:30 p.m.***
- ***Public Hearing - N Ankeny Blvd & 18th St Intersection Improvements - 3/6/23 @ 5:30 p.m.***

- *Public Hearing - Oralabor Gateway Trail - SW State St Underpass & SW Oralabor Road & SW State St Intersection Imp - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Amendment No. 3 to the Amended & Restated 1991 Ankeny Urban Renewal Plan - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - vacate easements - Park Sight Office Park at Prairie Trail Plat 4 - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Maximum Property Tax Dollars - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Not to Exceed \$14,000,000 GO Bonds - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Not to Exceed \$300,000 GO Bonds - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Not to Exceed \$700,000 GO Bonds (GCP-1) - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - Not to Exceed \$700,000 GO Bonds (GCP-2) - 3/6/23 @ 5:30 p.m.*
- *Public Hearing - \$13,000 Lease Agreements - 3/6/23 @ 5:30 p.m.*
- *Council Action Planning Session - 3/9/23 @ 5:30 p.m.*
- *Public Hearing - North Four Mile Creek Trunk Sewer - 3/20/23 @ 5:30 p.m.*

**L. ADJOURNMENT**

**1. Adjournment**

**Council Action Planning Session will commence following adjournment of regular meeting.**