

MINUTES OF THE ANKENY CITY COUNCIL

Monday, February 7, 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.

PUBLIC FORUM

1. Melisa Cox, Ankeny Chamber, updated council on February events.
2. Reza Kargarzadh, Hope Development & Realty, announced that his company has purchased several hundred acres of land in Ankeny for development and he wanted to introduce himself and staff.
3. Danielle Seifert requested council consider providing an incentive for an entertainment complex she is considering building in Ankeny.
4. Renee Potts reported on activities that took place on January 17 for the MLK Day of Service.

APPROVAL OF AGENDA

1. Council Member Whiting moved, Perry seconded, to approve and accept the February 7, 2022 agenda as presented. Ayes: 5.

PUBLIC HEARINGS

1. PH 2022-07. Mayor Holm announced that this is the time and place for a public hearing on the matter of the proposed Ordinance 2096 vacating a public utility easement associated with Lot 20, Ashland Ridge Plat 2. Notice of this hearing was published in the Des Moines Register on the 28th day of January, 2022.

Eric Jensen, Community Development Director, reported that the applicant and property owner, Scott Von Hagen, is requesting that the City vacate a portion of a public utility easement, located on Lot 20, Ashland Ridge Plat 2. The request is to vacate three feet of the 10-foot public utility easement to facilitate the use of the property. The applicant has provided letters of authorization from all applicable utility companies.

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 2022-07. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Approval of official council actions of the regular meeting of January 18, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of January 4, 2022.

Licenses and Permits

3. Issuance of liquor license(s) and/or beer/wine permit(s) in the City of Ankeny.

Finance/Budget

4. Change Order #1 increasing the contract amount by \$4,059.50 to Con-Struct, Inc., for construction services on the Wastewater Plant Partial Demolition (2021) project.
5. Change Order #3 increasing the contract amount by \$100,986.00 to McAninch Corporation for construction services on the Irvinedale Drive Transmission Main - Phase 3 project.
6. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$248,000.00 with Snyder & Associates, Inc. for construction engineering services on the NW 36th Street Widening - NW Ash Dr to N Ankeny Blvd project.
7. Payment #2 in the amount of \$108,300.00 to Con-Struct, Inc., for construction services on the Wastewater Plant Partial Demolition project.
8. Payment #9 in the amount of \$52,850.19 to FOX Engineering Associates, Inc., for engineering services on the Ankeny ASR project.
9. Payment #7 in the amount of \$71,838.02 to HR Green, Inc. for engineering services on the NE 36th Street Reconstruction Project, I-35 to NE Four Mile Drive.
10. Payment #5 in the amount of \$5,701.90 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail project.
11. Payment #9 in the amount of \$4,171.25 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 1 project.
12. Payment #12 in the amount of \$4,440.00 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
13. Payment #20 in the amount of \$9,293.28 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
14. Payment #18 in the amount of \$22,485.13 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
15. Payment #11 in the amount of \$16,200.50 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
16. Payment #14 in the amount of \$8,141.50 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
17. Payment #6 in the amount of \$34,225.25 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
18. Payment #10 in the amount of \$11,774.55 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
19. Payment #14 in the amount of \$9,273.07 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
20. Payment #8 in the amount of \$561.00 to Snyder & Associates, Inc., for engineering services on the Saylor Creek Stabilization at Sanitary Manhole 20J21 project.
21. Payment #21 in the amount of \$4,456.90 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
22. February 7, 2022 Accounts Payable by Fund: General \$272,379; Hotel Motel Tax \$2,456; Road Use Tax \$112,209; Library Foundation \$557; Solid Waste \$2,918; Water \$170,959; Sewer \$34,033; Stormwater \$1,925; Golf Course \$15,026; Enterprise Project \$188,478; Revolving \$48,311; Risk Management \$75,114; Health Insurance \$543; BAN/Bond Activity \$2,000; Capital Projects \$289,091; Payroll Totals \$2,843,771; Service Transfers/ACH Drafts (\$361,338); Agenda Payments Approved Separately (\$363,713). Grand Total \$3,334,719.
23. **RESOLUTION 2022-036** authorizing the purchase of traffic signal pole assemblies for installation with the NE 36th Street Reconstruction, I-35 to NE Four Mile Drive, project.
24. **RESOLUTION 2022-037** authorizing the purchase of traffic signal cabinets and controllers for installation with the NW 36th Street Widening: NW Ash Drive to N Ankeny Blvd.
25. **RESOLUTION 2022-038** 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.

26. Reject bid awarded to Central Iowa Fencing on January 3, 2022 and approve bid received from American Fence Company for the installation of a security fence and gates at the Ankeny Police Department.

Community Development

27. **RESOLUTION 2022-039** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider a request to vacate 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. (date of hrg: 2/21/22 @ 5:30 p.m.)
28. **RESOLUTION 2022-040** 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 Four Mile Distribution Center Plat 1.
29. **RESOLUTION 2022-041** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of sanitary sewer in Four Mile Distribution Center Plat 1.
30. **RESOLUTION 2022-042** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Four Mile Distribution Center Plat 1.
31. **RESOLUTION 2022-043** accepting final plat, platted easements, off-site easement, and subdivision bond for seeding and erosion control for The District at Prairie Trail Plat 11.
32. **RESOLUTION 2022-044** accepting final plat, minimum protection elevations, warranty deed for streets, and platted easements for Deer Creek Village Plat 2.
33. Approve the Hansen Plat 1 Preliminary Plat, subject to applicable Polk County Subdivision Requirements in lieu of the City of Ankeny Subdivision Regulations.
34. **RESOLUTION 2022-045** accepting the final plat for Hansen Plat 1, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
35. Approve the Bauer Heights Plat 4 preliminary plat, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.
36. **RESOLUTION 2022-046** accepting final plat, subdivision performance bonds for seeding and silt fence, performance and maintenance bonds for underground improvements, platted easements, and sewer connection fee, for Chapman Brothers Farm Plat 3.
37. **RESOLUTION 2022-047** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and storm sewer in Chapman Brothers Farm Plat 3.
38. **RESOLUTION 2022-048** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of paving in Chapman Brother Farms Plat 3.
39. **RESOLUTION 2022-049** initiating the annexation of, and providing for the giving of notice and the filing of an application for annexation of certain territory located adjacent to the Northeast Quadrant of Ankeny.
40. **RESOLUTION 2022-050** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, platted easements, and sewer and water connection fee, for Housby Ankeny Plat 1.

Engineering

41. **RESOLUTION 2022-051** accepting maintenance bond for water main and sanitary sewer in Deer Creek Village Plat 2.
42. **RESOLUTION 2022-052** accepting a proposal from Shekar Engineering, PLC in the amount of \$126,728.95 for the construction of the 2022 Pedestrian Ramp Improvements Program - Ashland Meadows project.

43. **RESOLUTION 2022-053** accepting a proposal from Howrey Construction, Inc. in the amount of \$126,125.25 for the construction of the 2022 Sidewalk Gaps and Trail Replacement project.
44. **RESOLUTION 2022-054** accepting a proposal from Redbud, LLC in the amount of \$66,642.00 for the construction of the Landscaping Improvements for High Trestle Extension - SE Magazine Road to SE Oralabor Road project.
45. **RESOLUTION 2022-055** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (811 NW 37th Court - Dabrowska aka Perry)
46. **RESOLUTION 2022-056** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (807 NW 37th Court - Houghton)
47. **RESOLUTION 2022-057** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (460 NW 36th Street - OSPC Ankeny Real Estate, LLC)
48. **RESOLUTION 2022-058** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (240 NW 36th Street - Forselles II Partners, LLC)
49. **RESOLUTION 2022-059** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (120 NW 36th Street - CF Investors, LLC)
50. **RESOLUTION 2022-060** accepting a purchase agreement and approving documents for the acquisition of permanent sidewalk easement and temporary construction easement for the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project in Ankeny, Iowa. (Piper Properties Plat 2 Condominiums - Harvester Land Holdings, L.C.)

Administrative

51. **RESOLUTION 2022-061** approving construction contract and bond with Gingerich Well & Pump Service, LLC of Kalona, Iowa, in the amount of \$3,234,033.00 for the Well #7 - ASR #3 - Bid Package 1 - Well Construction project.
52. **RESOLUTION 2022-062** authorizing matching funds as part of the City of Ankeny's application to the U.S. Economic Development Administration's Travel, Tourism & Outdoor Recreation Grant program for the High Trestle Trail Experience Park.
53. **RESOLUTION 2022-063** setting a public hearing on an infrastructure agreement between the City of Ankeny and Costco Wholesale Corporation. (date of hrg: 2/21/2022 @ 5:30 p.m.)
54. **RESOLUTION 2022-064** fixing date of regular council meetings which fall on a Monday that are designated as an official holiday with the City of Ankeny Employee Handbook.
55. **RESOLUTION 2022-065** setting a public hearing on creating an Entertainment District by City Ordinance. (date of hrg: 03/07/2022 @ 5:30 p.m.)

Approval of Consent Agenda Items

1. Council Member Bentz moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-55. Ayes: Bentz, Ruddy, Perry, Walter-Ashby, Whiting.

BOARDS AND COMMISSIONS

1. Council Member Perry moved, Whiting seconded, to approve the Mayors appointments to expiring Board and Commission Members as presented. Ayes: Perry, Whiting, Bentz, Ruddy, Walter-Ashby.
Economic Development Council - Bethany Langner - effective immediately - term expires 06/30/2024
Examiners & Appeals Board - Dan Woellhof - effective immediately - term expires 12/31/2024

APPROVAL OF ORDINANCES

1. **Ord 2093.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by amending the PUD zoning of certain property owned by Stubbs Development and Lemar Koethe. Council Member Whiting moved, Ruddy seconded, to accept third consideration of ORDINANCE 2093, sending it on its final passage and publication as required by law. Ayes: Whiting, Ruddy, Bentz, Perry, Walter-Ashby.
2. **Ord 2094.** 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 Dan and Beverly Jury. Council Member Walter-Ashby moved, Bentz seconded, to accept third consideration of ORDINANCE 2094, sending it on its final passage and publication as required by law. Ayes: Walter-Ashby, Bentz, Perry, Ruddy, Whiting.
3. **Ord 2095.** An Ordinance amending Chapter 30, Economic Development Council, of the Municipal Code of the City of Ankeny, Iowa. Council Member Ruddy moved, Whiting seconded, to accept second consideration of ORDINANCE 2095. Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.
4. **Ord 2096.** An Ordinance vacating a portion of a public utility easement located on Lot 20, Ashland Ridge Plat 2 (PH 2022-07). Council Member Perry moved, Whiting seconded, to accept first consideration of ORDINANCE 2096. Ayes: Perry, Whiting, Bentz, Ruddy, Walter-Ashby.

NEW BUSINESS

1. Proposed SE Delaware Avenue HMA Widening - Initiate Proceedings
Council Member Perry moved, Whiting seconded, to adopt **RESOLUTION 2022-066** ordering construction on the SE Delaware HMA Widening project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 3/1/22 @ 10:30 AM / date of hrg: 3/7/22 @ 5:30 PM) Ayes: Perry, Whiting, Bentz, Ruddy, Walter-Ashby.
2. Proposed 2022 PCC Pavement Preservation Program – SW State Street (Northbound Lanes) Initiate Proceedings
Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-067** ordering construction on the 2022 PCC Pavement Preservation Program project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 3/1/22 @ 10:30 AM / date of hrg: 3/7/22 @ 5:30 PM) Ayes: Whiting, Ruddy, Bentz, Perry, Walter-Ashby.
3. Proposed North Ankeny Boulevard Fiber Optic Upgrade - Initiate Proceedings
Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-068** ordering construction of the North Ankeny Boulevard Fiber Optic Upgrade and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 3/1/22 @ 10:30 AM / date of hrg: 3/7/22 @ 5:30 PM) Ayes: Whiting, Perry, Bentz, Ruddy, Walter-Ashby.
4. Proposed 2022 PCC Reconstruction Program - SE Peachtree Drive - Initiate Proceedings
Council Member Whiting moved, Walter-Ashby seconded, to adopt **RESOLUTION 2022-069** ordering construction on the 2022 PCC Reconstruction Program - SE Peachtree Drive project

and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 3/1/22 @ 10:30 A.M. / date of hrg: 3/7/22 @ 5:30 P.M.) Ayes: Whiting, Walter-Ashby, Bentz, Perry, Ruddy.

5. Proposed NE Four Mile Drive RCB for Deer Creek - Initiate Proceedings

Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-070** ordering construction on the NE Four Mile Drive RCB for Deer Creek project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 3/1/22 @ 10:30 a.m./date of hrg: 3/7/22 @ 5:30 p.m.) Ayes: Whiting, Perry, Bentz, Ruddy, Walter-Ashby.

6. Proposed Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements - Professional Services Agreement with HR Green, Inc.

Council Member Bentz moved, Whiting seconded, to approve the Professional Services Agreement with HR Green, Inc. for the design engineering and bidding phase services on the Oralabor Gateway Trail-SW State Street Grade Separated Crossing and SW Oralabor Road and SW State Street Safety Improvements project in an amount not to exceed \$355,700.00 and authorize the Mayor to execute said agreement. Ayes: Bentz, Whiting, Perry, Ruddy, Walter-Ashby.

7. Fiber Optic Network Master Plan - Professional Services Agreement with Olsson Associates

Council Member Ruddy moved, Walter-Ashby seconded, to approve the Professional Services Agreement with Olsson Associates for engineering services on the Fiber Optic Network Master Plan in an amount not to exceed \$85,000.00 and authorize the Mayor to execute said Agreement. Ayes: Ruddy, Walter-Ashby, Bentz, Perry, Whiting.

8. Proposed NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard - Professional Services Agreement with McClure Engineering Company

Council Member Whiting moved, Bentz seconded, to approve the Professional Services Agreement with McClure Engineering Company for the design engineering and bidding phase services on the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard project in an amount not to exceed \$385,000.00 and authorize the Mayor to execute said agreement. Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.

9. Proposed S. Ankeny Blvd. Transmission Main Project - Professional Services Agreement with Short Elliot Hendrickson, Inc. (SEH)

Council Member Whiting moved, Perry seconded, to approve the Professional Services Agreement with SEH, for the design engineering and bidding phase services on the S. Ankeny Blvd. Transmission Main Project in an amount not to exceed \$216,800.00 and the Mayor to execute said agreement. Ayes: Whiting, Perry, Bentz, Ruddy, Walter-Ashby.

10. Proposed N. Ankeny Blvd. Water Main Project - Professional Services Agreement with Short Elliot Hendrickson, Inc. (SEH)

Council Member Walter-Ashby, second by Ruddy, to approve the Professional Services Agreement with SEH, for the design engineering and bidding phase services on the N. Ankeny Blvd. Water Main Project in an amount not to exceed \$19,700.00 and the Mayor to execute said agreement. Ayes: Walter-Ashby, Ruddy, Bentz, Perry, Whiting.

11. Proposed Not to Exceed \$28,500,000 General Obligation Bonds - Initiate Proceedings

Council Member Perry moved, Whiting seconded, to adopt **RESOLUTION 2022-071** fixing date for a meeting on the proposition of the issuance of not to exceed \$28,500,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for essential corporate purposes), and providing for publication of notice thereof (date of hrg: 2/21/22 @ 5:30 p.m.). Ayes: Perry, Whiting, Bentz, Ruddy, Walter-Ashby.

12. Proposed Not to Exceed \$7,600,000 General Obligation Urban Renewal Bonds - Initiate Proceedings

Council Member Whiting moved, Bentz seconded, to adopt **RESOLUTION 2022-072** fixing date for a meeting on the proposition of the issuance of not to exceed \$7,600,000 General Obligation Urban Renewal Bonds of the City of Ankeny, State of Iowa (for essential corporate urban renewal purposes), and providing for publication of notice thereof (date of hrg: 2/21/22 @ 5:30 p.m.). Ayes: Whiting, Bentz, Perry, Ruddy, Walter-Ashby.

13. Proposed Not to Exceed \$400,000 General Obligation Bonds - Initiate Proceedings
Council Member Ruddy moved, Whiting seconded, to adopt **RESOLUTION 2022-073** fixing a date for a meeting on the proposition of the issuance of not to exceed \$400,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes), and providing for publication of notice thereof (date of hrg: 2/21/22 @ 5:30 p.m.). Ayes: Ruddy, Whiting, Bentz, Perry, Walter-Ashby.
14. Proposed Not to Exceed \$3,000,000 Water Revenue Capital Loan Notes - Initiate Proceedings
Council Member Walter-Ashby moved, Perry seconded, to adopt **RESOLUTION 2022-074** fixing date for a meeting on the authorization of a loan and disbursement agreement and the issuance of not to exceed \$3,000,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date hrg: 2/21/22 @ 5:30 p.m.). Ayes: Walter-Ashby, Perry, Bentz, Ruddy, Whiting.
15. Proposed Not to Exceed \$235,000 Water Revenue Capital Loan Notes - Initiate Proceedings
Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-075** fixing date for a meeting on the authorization of a loan and disbursement agreement and the issuance of not to exceed \$235,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date hrg: 2/21/22 @ 5:30 p.m.). Ayes: Whiting, Ruddy, Bentz, Perry, Walter-Ashby.
16. Proposed Not to Exceed \$174,600 Water Revenue Capital Loan Notes - Initiate Proceedings
Council Member Perry moved, Whiting seconded, to adopt **RESOLUTION 2022-076** fixing date for a meeting on the authorization of a loan and disbursement agreement and the issuance of not to exceed \$174,600 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date hrg: 2/21/22 @ 5:30 p.m.). Ayes: Perry, Whiting, Bentz, Ruddy, Walter-Ashby.
17. Proposed Not to Exceed \$400,000 Water Revenue Capital Loan Notes - Initiate Proceedings
Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2022-077** fixing date for a meeting on the Authorization of a loan and disbursement agreement and the issuance of not to exceed \$400,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date hrg: 2/21/22 @ 5:30 p.m.). Ayes: Bentz, Ruddy, Perry, Walter-Ashby, Whiting.

ADJOURNMENT

1. Meeting was adjourned at 6:15 PM.

Denise L. Hoy, City Clerk

Mark E. Holm, Mayor

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