

MINUTES OF THE ANKENY CITY COUNCIL

Monday, February 5, 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, 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. Greg Edwards, Trina Flack, and Brock Konrad, Catch Des Moines, presented council with an annual report.
2. Joseph Herst, Ankeny Area Chamber of Commerce, provided an update on membership numbers and upcoming events.

APPROVAL OF AGENDA

1. Council Member Perry moved, Ruddy seconded, to approve and accept the February 5, 2024 agenda without amendment. Ayes: 5.

PUBLIC HEARING

1. PH 2024-03. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2161 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Beasley Farms Inc., Stephen L. Banning Trust, and Bettye J Banning Trust from its current R-1, One-Family Residence District, C-2, General Retail, Highway Oriented and Central Business District, and M-1, Light Industrial District designations to PUD, Planned Unit Development. Layman's Description – approximately 21.04 acres (+/-) of land located at the northwest corner of the intersection of SE Corporate Woods Drive and SE Four Mile Drive. Notice of this hearing was published in the Des Moines Register on the 26th day of January, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the area subject to the proposed rezoning consists of three parcels totaling approximately 22.03 acres (+/-) located near the SE Corporate Woods Drive and SE Four Mile Drive intersection. The parcels subject to the rezoning have three different zoning classifications for each property; R-1, One-Family Residence District, C-2, General Retail, Highway Oriented and Central Business District, and M-1, Light Industrial District. The project area is surrounded by properties that are zoned R-1 to the northwest & southeast, M-1 to the north, and PUD to the west and south. The Ankeny Plan 2040 Comprehensive plan identifies the project area as being suitable for Light Industrial development.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Stearns moved, Shafer seconded, to close public hearing 2024-03. Ayes: 5.

2. PH 2024-04. Mayor Holm announced this is the time and place for a public hearing on a proposed amendment to the Ankeny Plan 2040 Future Land Use Map for the City of Ankeny. From: Low Density Residential to High Density Residential. Property Description:

approximately 16.2-acres (+/-) located south of NE 126th Avenue and East of N Ankeny Boulevard. Notice of this hearing was published in the Des Moines Register on the 26th day of January, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Hope Kimberley LLC is requesting an amendment to the Ankeny Plan 2040 Comprehensive Plan, Future Land Use Map. This amendment is accompanied by two rezonings. The properties subject to the proposed map amendment and rezonings consist of five parcels that are approximately 64.76 acres; and are located south of NE 126th Avenue, and west of NE Delaware Avenue. The property subject to the proposed Land Use Plan Amendment consists of three parcels comprising of approximately 16.20 acres; and is located south of NE 126th Avenue and 1,600 feet west of the NE Delaware and NE 126th Avenue intersection. The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, currently classifies the subject area as Low Density Residential. The applicant is now proposing to reclassify the future land use to High Density Residential. The Future Land Use Map indicates surrounding properties to the amendment area as Low Density Residential.

Mayor Holm then asked for any public comment regarding the proposed amendment. Erin Ollendike, Civil Design Advantage, spoke on behalf of Hope Kimberley LLC and offered to answer council questions. Jeremy Nefzger, 1558 NE 126th Ave, Alleman, spoke in opposition. Emily Huss, 1957 NE 126th Ave, Alleman, spoke in opposition. Council Member Ruddy moved, Perry seconded, to close public hearing 2024-04. Ayes: 4. Abstain: Stearns due to family connection with business owner.

3. PH 2024-05. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2162 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC. from its current R-1, One-Family Residence District to Planned Unit Development, PUD (Rezoning Area A). Layman's Description – approximately 36.60 acres (+/-) located south of NE 126th Avenue, east of N Ankeny Boulevard. Notice of this hearing was published in the Des Moines Register on the 26th day of January, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that accompanying the Land Use Plan Amendment request is a request to rezone 36.60 acres (Rezoning Area A) from R-1 One-Family Residential District to Planned Unit Development, PUD. Properties to the north are zoned Agricultural District, Polk County and properties to the east, west and south are zoned PUD. The Hope Kimberley Property PUD's concept shows a total of 40 single-family lots and three outlots. Outlot Y is being proposed as multi-family, Outlot Z would be dedicated to the City as parkland and Outlot X will be privately owned and maintained by the developer where they plan to build a clubhouse and other amenities. The bulk regulations for the single-family area within the PUD are: Minimum Lot Width – 50 ft, Minimum Two-Family Lot Width – 75 ft, Front Yard Setback – 25 ft, Rear Yard Setback – 25 ft, Side Yard Setback – min 5 ft one side. The bulk regulations for the multi-family area would be: Front Yard – 25 ft, Rear Yard – 35 ft, Side Yard – 15 ft, with a maximum density of 18 units per acre. The PUD book also details a berm with landscaping around the perimeter of the multi-family area, different types of architecture character for single-family and multi-family and specific building material requirements for the multi-family area with a minimum of 60% primary building materials required on all elevations.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Bentz moved, Ruddy seconded, to close public hearing 2024-05. Ayes: 4. Abstain: Stearns due to family connection with business owner.

4. PH 2024-06. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2163 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Hope Kimberley LLC. from its current R-1, One-Family Residence District to R-3, Multiple-Family Residence District, Rezoning Area B. Layman's Description – approximately 28.16 acres (+/-) located south of NE 126th Avenue, west of NE Delaware Avenue. Notice of this hearing was published in the Des Moines Register on the 26th day of January, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the applicant is requesting to rezone 28.16 acres (Area B) from R-1 One-Family Residential District to R-3, Multiple Family Residence District. The area subject to the rezoning consists of portions of two parcels and is generally located south of NE 126th Avenue and west of NE Delaware Avenue. Properties to the north are zoned R-1, One-Family Residence District and C-2, General Retail, Highway-Oriented and central Business Commercial District, properties to the west are zoned R-3, Multiple-Family Residence District, restricted to single family, properties to the south are zoned R-1, One-Family Residence District and PUD, while properties to the east are zoned R-1, One-Family Residence District. This rezoning request is in conformance with the Ankeny Plan 2040 Comprehensive Plan Figure 12.10, Future Land Use Map, which shows the requested area as High Density Residential.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Perry moved, Bentz seconded, to close public hearing 2024-06. Ayes: 4. Abstain: Stearns due to family connection with business owner.

5. PH 2024-07. Mayor Holm announced this is the time and place for a public hearing to grant a Permanent Electric Easement to the MidAmerican Energy Company to provide electric services for the NW Elevated Water Storage Tank in Ankeny, Iowa. Notice of this hearing was published in the Des Moines Register on the 19th day of January, 2024.

Don Clark, Municipal Utilities Director, reported that the Municipal Utilities Department has completed the design for the NW Water Tower Project that will need to provide a Permanent Electrical Easement to Mid-American Energy so they can provide electrical service to the tower. The purpose of this project is to provide additional water storage and more reliable water pressure and flow to the northwest quadrant of the City of Ankeny. This NW Water Tower will be sourced with water from the NW Booster Station.

Mayor Holm then asked for any public comment regarding the proposed easement. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2024-07. Ayes: 5.

6. PH 2024-08. 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 Oralabor Road and SW Edgewood Lane Intersection Improvements project. Notice of this hearing was published in the Des Moines Register on the 19th day of January, 2024.

Mark Mueller, Public Works Director, reported that the project includes adding turn lanes on SW Oralabor Road at SW Edgewood Lane and SW Stonehaven Lane.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Bentz seconded, to close public hearing 2024-08. Ayes: 5

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of January 16, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of January 3, 2024.
3. Receive and file minutes of the Library Board of Trustee meeting of November 16, 2023.

Licenses and Permits

4. Issuance of tobacco/nicotine/vapor permits in the City of Ankeny.
5. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

6. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$528,787.00 with HDR Engineering, Inc. (HDR), for construction services on the NW Elevated Water Storage Tank Project.
7. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$43,500.00 with Snyder & Associates, Inc. for construction engineering services on the NW Northlawn Area Utility Improvements - Phase 3 project.
8. Payment #1 in the amount of \$7,175.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.
9. Payment #21 in the amount of \$9,290.74 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
10. Payment #4 in the amount of \$1,909.04 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
11. Payment #10 in the amount of \$32,300.10 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
12. Payment #14 in the amount of \$35,957.25 to HR Green, Inc., for construction engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
13. Payment #26 in the amount of \$57,869.50 to JEO Consulting Group, Inc. for construction engineering services on the SE 3rd Street Utility Improvements Phase 1 project.
14. Payment #10 in the amount of \$16,697.50 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
15. Payment #5 in the amount of \$12,672.03 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
16. Payment #20 in the amount of \$11,790.00 to McClure Engineering Company, for construction engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
17. Payment #2 in the amount of \$14,000.00 to Romtech Companies, for construction services on the restroom facility at the Rally Complex.
18. Payment #37 in the amount of \$442.70 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.

19. Payment #18 in the amount of \$7,066.00 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
20. Payment #35 in the amount of \$5,319.77 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
21. Payment #4 in the amount of \$74,484.90 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
22. Payment #30 in the amount of \$8,450.07 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
23. Payment #9 in the amount of \$63,574.18 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
24. Payment #10 in the amount of \$1,426.40 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
25. Payment #9 in the amount of \$4,450.75 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
26. Payment #33 in the amount of \$1,089.00 to Strand, for engineering services on the Ankeny ASR project.
27. Payment #9 in the amount of \$3,500.00 to Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
28. February 5, 2024 Accounts Payable by fund: General \$240,885; Hotel/Motel \$920; Police Gift \$75; Road Use Tax \$183,903; Library Foundation \$1,252; Solid Waste \$213,945; Water \$796,257; Sewer \$21,396; Sewer Sinking \$608; Golf Course \$8,231; Enterprise Project \$110,982; Revolving \$40,230; Risk management \$31,738; Health Insurance \$132; Capital Projects \$764,089; Payroll Totals \$3,360,899; Transfers/ACH (\$408,387); Agenda Payments Approved Separately (\$683,315); Grand Total \$4,683,840.
29. **RESOLUTION 2024-026** authorizing the purchase of a one-ton, four-wheel drive pickup truck for the Public Works Department (replace existing truck #274).

Engineering

30. **RESOLUTION 2024-027** 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 U.S. 69 Bridge Replacement - PPCB Project.

Capital Improvement Projects

31. **RESOLUTION 2024-028** ordering construction on the SW Magazine Road & SW State Street Intersection Improvements - West Leg Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 2/27/24 @ 10:30 A.M. / date of hrg: 3/4/24 @ 5:30 P.M.)
32. **RESOLUTION 2024-029** ordering construction on the Magazine Ground Storage Reservoir Rehabilitation project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 2/27/24 @ 10:30 A.M. / date of hrg: 3/4/24 @ 5:30 P.M.)
33. **RESOLUTION 2024-030** ordering construction on the 2024 PCC Pavement Preservation Program - SE Shurfine Drive project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 2/27/24 @ 10:30 A.M. / date of hrg: 3/4/24 @ 5:30 P.M.)
34. **RESOLUTION 2024-031** to authorize 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 NW 36th Street and NW Weigel Drive HMA Resurfacing Project.

Administrative

35. Approve K-9 purchase agreement for the sale of retired K-9 Officer Bosco, and authorize the Mayor to sign purchase agreement.
36. **RESOLUTION 2024-032** approving a mowing contract for Ankeny's Facilities Zone, between the City of Ankeny and Sustainable Sites Snow and Maintenance.

37. **RESOLUTION 2024-033** approving a mowing contract for Ankeny's North Zones, between the City of Ankeny and A Cut Above.
38. **RESOLUTION 2024-034** approving a mowing contract for Ankeny's South Zones, between the City of Ankeny and ADA Mowing.
39. **RESOLUTION 2024-035** approving exclusive beverage contract between the City of Ankeny, Iowa and Atlantic Bottling Company.
40. Authorize the Mayor to sign a letter of support for a grant application by Kwik Star, Inc. for improvements through the National Electric Vehicle Infrastructure program.
41. Approve a professional services agreement with Polco to administer the National Community Survey, also known as the "Citizen Survey".

APPROVAL OF CONSENT AGENDA

1. Council Member Stearns moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-41. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

LEGISLATIVE BUSINESS

Boards Appointments

1. **Board Appointment:** Park Board, Craig Robinson effective immediately, term expires 12/31/2024. Council Member Stearns moved, Ruddy seconded, to approve the appointment of Craig Robinson to the Park Board, effective 2/05/2024 through 12/31/2024. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

Approval of Ordinances

1. **Ord 2161.** 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 Beasley Farms Inc., Stephen L Banning Trust, and Bettye J Banning Trust (PH 2024-03). Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2161. Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.
2. **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) (PH 2024-05). Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2162. Ayes: Ruddy, Bentz, Perry, Shafer. Abstain: Stearns due to family connection with business owner.
3. **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) (PH 2024-06). Council Member Bentz moved, Ruddy seconded, to accept first consideration of ORDINANCE 2163. Ayes: Bentz, Ruddy, Perry, Shafer. Abstain: Stearns due to family connection with business owner.
4. **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 Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2164. Ayes: Ruddy, Perry, Bentz, Shafer, Stearns.

NEW BUSINESS

1. Request for barbed wire fencing - Old Dominion Freight Line West PUD. Council Member Stearns moved, Shafer seconded, to approve the request for barbed wire fencing at the Old Dominion Freight Line West site. Ayes: Stearns, Shafer, Bentz, Perry, Ruddy.
2. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Hope Kimberley LLC from Low Density Residential to High Density Residential use classification (LUPA 'A') (PH 2024-04). Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2024-036** approving a proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property from Low Density Residential to High Density Residential (LUPA 'A'). Ayes: Ruddy, Bentz, Perry, Shafer. Abstain: Stearns due to family connection with business owner.
3. Proposed Permanent Electrical Easement - NW Water Tower (PH 2024-07) Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2024-037** granting permanent electrical easement to MidAmerican Energy Company to provide electrical service to the Northwest Elevated Water Storage Tank and for Mayor to execute said easement. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
4. Proposed SW Oralabor Road & SW Edgewood Lane Intersection Improvements (PH 2024-08) Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2024-038** adopting plans, specifications, form of contract and estimate of cost \$220,297.50; 2) receive and file report of bids received January 30, 2024; 3) adopt **RESOLUTION 2024-039** making award of construction contract with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$197,837.00; and 4) adopt **RESOLUTION 2024-040** approving contract and bonds with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$197,837.00. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
5. Proposed SW Walnut Street and SW Ordinance Road Water Main Professional Services Agreement with MSA Professional Services, Inc. Council Member Perry moved, Stearns seconded, to approve the Professional Services Agreement with MSA Professional Services, Inc., for the design engineering and bidding phase services on the SW Walnut Street and SW Ordinance Road Water Main Project in an amount not to exceed \$210,000.00 and the Mayor to execute said agreement. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.
6. Proposed 2024 State Legislative Priorities Council Member Shafer moved, Bentz seconded, to adopt **RESOLUTION 2024-041** establishing the City of Ankeny's 2024 State Legislative Priorities. Ayes: Shafer, Bentz, Perry, Ruddy, Stearns.

ADJOURNMENT

1. Meeting was adjourned at 6:54 p.m.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 2/16/24.