

MINUTES OF THE ANKENY CITY COUNCIL

Tuesday, January 17, 2023 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.

CEREMONY

1. Mayor Holm recognized an earlier signing ceremony of a proclamation recognizing the Rotary Club's 50 years of service in the Ankeny community.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the January 17, 2023 agenda as presented. Ayes: 4.

PUBLIC HEARING

1. PH 2023-03. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2130 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. from its current R-1, One-Family Residence District designation to M-1, Light Industrial District. Notice of this hearing was published in the Des Moines Register on the 6th day of January, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the proposed rezoning aligns with the *Ankeny Plan 2040 Future Land Use Map* which identifies the subject area as being suitable for Airport Business Park uses. Per the *Ankeny Plan 2040*, the M-1, Light Industrial District is listed as being a compatible zoning district within the Airport Business Park future land use classification.

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 2023-03. Ayes: 4.

2. PH 2023-04. Mayor 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 High Density Residential to Neighborhood Commercial. Notice of this hearing was published in the Des Moines Register on the 6th day of January, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported Bricktowne Piper LC is the property owner of approximately 4.23 acres (+/-) of land, generally located north of NW Reinhart Drive and west of N Ankeny Boulevard. The owner is requesting an amendment to the Ankeny Plan 2040, comprehensive plan, Figure 12.10 Ankeny Future Land Use Map.

Mayor Holm then asked for any public comment regarding the proposed project. Erin

Ollendike, P.E. of Civil Design Advantage, LLC spoke on behalf of Bricktowne Piper LC. Council Member Ruddy moved, Shafer seconded, to close public hearing 2023-04. Ayes: 4.

3. PH 2023-05. Mayor announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2131 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. from its current R-3, Multiple-Family Residence District to C-2, General Retail & Highway Oriented Business District. Notice of this hearing was published in the Des Moines Register on the 6th day of January, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported Bricktowne Piper LC. is requesting to rezone property from R-3 to C-2. The subject property is roughly 4 acres located in the northwest quadrant of Ankeny, more specifically west of N Ankeny Boulevard and north of NW Reinhart Drive. Land to the north and east of the subject property is zoned C-2, General Retail & Highway Oriented Business District, land to the south and west of the subject property is zoned R-3, Multiple Family Residence District. The subject property is currently zoned R-3, the proposed rezoning is identified currently as high density residential in The Ankeny Plan 2040. The subject property has a proposed Future Land Use Plan Amendment to Neighborhood Commercial. The proposed rezoning, C-2, meets the land use standards outlined in the Ankeny Plan 2040.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Ruddy seconded, to close public hearing 2023-05. Ayes: 4.

4. PH 2023-06. Mayor 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 State Street Reconstruction – Southbound Lanes project. Notice of this hearing was published in the Des Moines Register on the 30th day of December, 2022.

Mark Mueller, Public Works Director, reported The SW State Street Reconstruction – Southbound Lanes project includes the full depth removal and replacement of PCC street pavement for the southbound lanes from SW Ordinance Road to just south of West First Street in the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Shafer moved, Bentz seconded, to close public hearing 2023-06. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of January 3, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of December 20, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of December 6, 2022.
4. Receive and file minutes of the Civil Service Commission meeting of November 14, 2022.

Licenses and Permits

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

Finance/Budget

6. Receive and file Financial Reports for December 2022.
7. Receive and file Building Permit Report for December 2022.
8. Receive and file Utility Billing Report for December 2022.
9. Change Order #4 increasing the contract amount by \$40,597.58 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction - I-35 to NE Four Mile Drive project.
10. Change Order #5 increasing the contract amount by \$8,250.00 to Reilly Construction Co., Inc., for additional tree removal that damaged improvements from 2021 on the West First St Widening & Improvements-Phase 1 project.
11. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$621,800.00 with Snyder & Associates, Inc. for construction engineering services on the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project.
12. Payment #9, \$501,812.87 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
13. Payment #8, \$85,369.85 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd Street Utility Improvements - Phase 1 project.
14. Payment #31, \$23,560.68 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
15. Payment #5, \$4,357.50 to HR Green, Inc., for engineering services on the SW State Street Fiber Optic Relocation project.
16. Payment #4, \$615.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
17. Payment #10, \$1,514.23 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
18. Payment #6, \$9,948.05 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
19. Payment #18, \$13,534.50 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
20. Payment #2, \$130,628.89 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
21. Payment #4, \$158,944.50 to W RH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
22. January 17, 2023 Accounts Payable by fund: General 180,532; Hotel Motel Tax 3,420; Road Use Tax 110,032; Seizure 781; Police/Fire Pension 1,250; Library Foundation 1,005; Water 803,474; Sewer 506,004; Storm Water 210; Golf Course 5,742; Enterprise Project 382,810; Revolving 51,196; Risk Management 91,352; Health Insurance 5,581; Equipment Reserve 165,293; BAN/Bond Activity 1,000; Capital Projects 685,558; Payroll Totals 1,314,050; Transfers/ACH (197,268); Agenda Payments approved separately (994,574); Grand Total \$3,117,448.

Personnel

23. Accept the Civil Service Commission certified lists for appointment to: Police Officer-Police Department and Fire Chief-Fire Department; subject to passing any further departmental requirements.

Community Development

24. **RESOLUTION 2023-027** waiving approval of Schmidt's Acres final plat.
25. Approve Albaugh Four Mile Industrial Preliminary Plat.

Engineering

26. **RESOLUTION 2023-028** 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. (Maples Condos, LC)
27. **RESOLUTION 2023-029** accepting public improvements for Veridian Credit Union - NW Georgetown Boulevard Widening for paving and related work.
28. **RESOLUTION 2023-030** accepting a proposal and Performance, Payment, and Maintenance Bond from Absolute Concrete in the amount of \$31,590.00 for the construction of the 2023 - SW Westview Drive Storm Sewer Repair project.

Capital Improvement Projects

29. NW 36th Street & NW State Street Interim Improvements: a) Certificate of Completion; b) **RESOLUTION 2023-031** accepting the public improvement with Con-Struct, Inc. in the amount of \$633,988.00; and c) Final Payment #5 in the amount of \$8,921.44; and Retainage Payment in the amount of \$9,509.82.
30. Ankeny Parks Maintenance Facility Renovation - Phase 2: a) The Architect's Certificate of Completion; b) **RESOLUTION 2023-032** accepting the public improvement with Burkett Construction, LLC in the amount of \$763,697.00; and c) Change Order #2 in the amount of \$8,076.00; d) Pay Application #9 in the amount of \$7,672.20; and e) Final Payment #10/Release of Retainage in the amount of \$38,184.85 which will be released 30 days after project acceptance.

Administrative

31. Certification to the Treasurer of State the population of the NGR Four Mile Drive annexed territory as determined by the last certified federal census of said territory.

Approval of Consent Agenda Items

1. Council Member Perry moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-31. Ayes: Perry, Shafer, Bentz, Ruddy.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2127.** An Ordinance vacating a portion of a Public Storm Sewer Easement located on Lot 1, John Deere Place Plat 4. Council Member Ruddy moved, Bentz seconded, to accept third consideration of Ordinance 2127, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer. Council Member Bentz moved, Shafer seconded, to adopt **RESOLUTION 2023-033** authorizing the sale of property vacated by the City of Ankeny, Iowa, to William Doyle, Aim High Automotive, LLC. Ayes: Bentz, Shafer, Perry, Ruddy.
2. **Ord 2128.** An Ordinance vacating a portion of a Public Ingress/Egress Easement located on Lot 1, John Deere Place Plat 4. Council Member Bentz moved, Ruddy seconded, to accept third consideration of Ordinance 2128, sending it on its final passage and publication as required by law. Ayes: Bentz, Ruddy, Perry, Shafer. Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2023-034** authorizing the sale of property vacated by the City of Ankeny, Iowa, to William Doyle, Aim High Automotive, LLC. Ayes: Ruddy, Bentz, Perry, Shafer.
3. **Ord 2129.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by modifying provisions pertaining to liquor license and wine and beer permits. Council Member Ruddy moved, Perry seconded, to accept third consideration of Ordinance 2129, sending it on its final passage and publication as required by law. Ayes: Ruddy, Perry, Bentz, Shafer.

4. **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. (PH 2023-03) Council Member Bentz moved, Shafer seconded, to accept first consideration of Ordinance 2130. Ayes: Bentz, Shafer, Perry, Ruddy.
5. **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. (PH 2023-05) Council Member Bentz moved, Ruddy seconded, to accept first consideration of Ordinance 2131. Ayes: Bentz, Ruddy, Perry, Shafer.

NEW BUSINESS

1. Proposed amendment to The Ankeny Plan 2040, comprehensive plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa (PH 2023-04). Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2023-035** amending The Ankeny Plan 2040, comprehensive plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa. Ayes: Perry, Ruddy, Bentz, Shafer.
2. Proposed SW State Street Reconstruction - Southbound Lanes (PH 2023-06). Council Member Ruddy moved, Bentz seconded, to adopt 1) **RESOLUTION 2023-036** adopting plans, specifications, form of contract and estimate of cost \$1,664,700.30; 2) receive and file report of bids received January 10, 2023; 3) adopt **RESOLUTION 2023-037** making award of construction contract with Alliance Construction Group, LLC in the amount of \$1,407,593.05; and 4) adopt **RESOLUTION 2023-038** approving contract and bonds with Alliance Construction Group, LLC in the amount of \$1,407,593.05. Ayes: Ruddy, Bentz, Perry, Shafer.
3. Proposed 2023 PCC Reconstruction Program - SE Creekview Drive Initiate Proceedings Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2023-039** ordering construction on the 2023 PCC Reconstruction Program - SE Creekview Drive project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 2/14/23 @ 10:30 AM/ date of hrg: 2/20/23 @ 5:30 PM) Ayes: Ruddy, Bentz, Perry, Shafer.
4. Proposed 2023 PCC Street Patching Program Initiate Proceedings Council Member Perry moved, Bentz seconded, to adopt **RESOLUTION 2023-040** ordering construction on the 2023 PCC Street Patching Program project and fixing a date for hearing thereon and taking of bids therefor. (date of bid letting: 02/14/23 @ 10:30 AM / date of public hearing: 02/20/23 @ 5:30 PM) Ayes: Perry, Bentz, Ruddy, Shafer.
5. 2023 SW Des Moines Street Parks Phase 2 Professional Services Agreement with Nilles Associates, Inc. Council Member Ruddy moved, Bentz seconded, to approve the Professional Services Agreement with Nilles Associates, Inc. for design, bidding phase and construction services on the SW Des Moines Street Parks Phase 2 Project in an amount not to exceed \$26,000.00 and authorize the Mayor to execute said Agreement. Ayes: Ruddy, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting adjourned at 6:07 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

Published in the Des Moines Register on 1/27/23.