

MINUTES OF THE ANKENY CITY COUNCIL

Monday, January 3, 2022 5:30 PM

Ankeny Kirkendall Library - City Council Chambers

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro tem

Council Members: Jeff Perry, Joe Ruddy, Kelly Whiting

Mayor Mark Holm called the meeting to order at 5:30 PM. Council Member Bobbi Bentz joined the meeting electronically. Council Members 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.

CEREMONY

1. The Oath of Office was administered to Mayor Mark Holm by City Clerk Hoy and to Council Members Joe Ruddy and Kelly Whiting by Mayor Holm.
2. Mayor Holm proclaimed January 17, 2022 as Martin Luther King Jr. Day.

PUBLIC FORUM

1. Renee Potts thanked Mayor Holm and Council Members for their support for recognizing Martin Luther King Jr. Day and shared upcoming plans for the day.
2. Melissa Cox, newly hired CEO for the Ankeny Chamber, introduced herself and shared upcoming events.

APPROVAL OF AGENDA

1. Council Member Whiting moved, Ruddy seconded, to approve and accept the January 3, 2022 agenda as presented. Ayes: 4.

PUBLIC HEARINGS

1. PH 2022-01. Mayor Holm announced that this is the time and place for a public hearing on the matter of a proposed Ordinance 2093 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Stubbs Development and Lemar Koethe. Notice of this hearing was published in the Des Moines Register on the 23rd day of December, 2021 and notices were mailed to affected property owners as required by law

Eric Jensen, Director of Community Development, reported that Stubbs Development is proposing an amendment to portions of the Canyon Landing PUD. The request is for 155 acres within the development to be amended, adding additional single-family residential along NE Deerfield Drive and adding a new twin home land use with designated area directly south of Canyon Landing Plat 1. The subject property is roughly 155 acres located in the northeast quadrant of Ankeny, generally located west of NE 38th St, south of NE 18th St. The land to the north and east of the subject property is located in the county and is zoned Agricultural Transition District. The properties to the west are partially zoned R-1 and Deer Creek PUD. The land to the south is zoned Deer Creek PUD. The Ankeny Comprehensive Plan indicates the subject area as Low Density with a section of Medium Density at the intersection of NE 18th St and NE 38th St. The proposed amendments to the PUD wouldn't dramatically change the low density to medium density ratio, with the majority of the PUD remaining low density or single-family residential. Therefore, with these amendments, the PUD would remain consistent with the Future Land Use Map.

Mayor Holm then asked for any public comment regarding the proposed Ordinance. Hearing no comments, Council Member Whiting moved, Ruddy seconded, to close public hearing 2022-01. Ayes: 4.

2. PH 2022-02. Mayor Holm announced that this is the time and place for a public hearing on the matter of the proposed Ordinance 2094 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 from its current R-1, One-Family Residence District, to R-3, Multi-Family Residence District, restricted to One-Family Residences and R-3 Multi-Family Residence District, restricted to 12 units per acre. Notice of this hearing was published in the Des Moines Register on the 23rd day of December, 2021 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Dan and Beverly Jury are requesting to rezone property from R-1, One-Family Residence District, to R-3 Multi-Family Residence District, restricted to One-Family Residences and R-3 Multi-Family Residence District, restricted to 12 units per acre. The area subject to the proposed rezoning—consisting of two parcels—is approximately 30.94 acres (+/-), and is generally located north of NW 18th Street and approximately 800 feet east of NW Abbie Drive and 1,300 feet west of NW Weigel Dr. The property is zoned R-1, One-Family Residence District; and properties to the north and west are similarly zoned. Properties to the east are zoned R-3, Multiple-Family Residence District, restricted to 10 units per acre and the property to the south is zoned Grove Landing PUD. These properties were annexed as one of the petitioned properties in the 1,867-acre 80/20 voluntary Northwest Annexation in 2007. The applicant is now proposing to rezone 13.56 of the 30.94 acres – southern half of the proposed rezoning directly adjacent to NW 18th St – from the current R-1, One-Family Residence District, to R-3 Multi-Family Residence District, restricted to 12 units per acre; and the remaining northern 17.38 acres from R-1, One-Family Residence District, to R-3 Multi-Family Residence District, restricted to One-Family Residences. The proposed rezoning generally aligns with The Ankeny Plan 2040 Future Land Use Map, which defines these properties as High-Density Residential, Medium-Density Residential and Low-Density Residential.

Mayor Holm then asked for any public comment regarding the proposed Ordinance. Hearing no comments, Council Member Whiting moved, Perry seconded, to close public hearing 2022-02. Ayes: 4.

3. PH 2022-03. Mayor Holm announced that 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 SE Crosswinds Drive RISE – Phase 2 project. Notice of this hearing was published in the Des Moines Register on the 17th day of December 2021.

Don Clark, Director of Municipal Utilities, announced that the SE Crosswinds Drive RISE - Phase 2 project consists of construction of PCC pavement, related storm sewer, sanitary sewer, water main extension, subdrains, earthwork, ditching, and SWPPP controls generally located on SE Convenience Drive, SE Corporate Woods Drive, and SE 90th Street east of I-35 and south of SE Corporate Woods Drive in the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Whiting seconded, to close public hearing 2022-03. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of December 20, 2021, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of December 7, 2021.

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 #11 increasing the contract amount by \$3,882.79 to Graphite Construction Group for additional construction services on the Ankeny Senior Community Center project.
5. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$84,000.00 with HR Green, Inc. for Special Assessment Services and the development of the Interchange Operations Report (IOR) on the NE 36th Street Reconstruction Project - Interstate 35 to NE Four Mile Drive.
6. Amendment #1 to the Professional Services Agreement increasing the contract amount by \$24,595.00 with JEO Consulting Group, Inc. for engineering services on the SE Delaware Avenue HMA Widening project.
7. Change Order #4 increasing the contract amount by \$15,240.00 to Sternquist Construction, for construction services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
8. Payment #21 in the amount of \$667.40 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek - Construction Engineering project.
9. Payment #15 in the amount of \$26,208.77 to Graphite Construction Group for construction services on the Ankeny Senior Community Center project.
10. Payment #16 in the amount of \$23,652.17 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
11. Payment #10 in the amount of \$760.00 to MSA Professional Services, Inc., for engineering services on the High Trestle Trail Trailhead and Parking Lot Project.
12. Payment #7 in the amount of \$6,417.70 to Olsson, Inc., for inventory services on the Fiber Network Data Conversion project.
13. Payment #19 in the amount of \$3,003.33 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
14. Payment #17 in the amount of \$26,047.76 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
15. Payment #10 in the amount of \$15,796.50 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
16. Payment #13 in the amount of \$4,001.00 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
17. Payment #5 in the amount of \$30,772.95 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
18. Payment #20 in the amount of \$2,266.00 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
19. Payment #14 in the amount of \$1,736.00 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements project.
20. Payment #13 in the amount of \$35,693.78 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
21. Payment #9 in the amount of \$6,841.35 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.

22. Payment #9 in the amount of \$487,258.09 to Sternquist Construction, for construction services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
23. January 3, 2022 Accounts Payable by Fund: General 204,333.08; Hotel Motel Tax 9,149.56; RUT 91,827.96; Debt Service 2,300; Library Foundation 1,407.65; Solid Waste 3,801.65; Water 61,017.95; Water Sinking 1,050; Sewer Fund 6,186.79; Storm Water 353.68; Golf Course 9,778.45; Enterprise Project 16,953.83; Risk Management 4,763.48; Health Insurance 567.99; Capital Projects 693,410.36; Payroll 1,616,265.16; ACH Drafts (181,071.68); Agenda Payments (682,515.87). Grand Total \$1,860,990.28.
24. Receive and file the City of Ankeny Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2021.
25. **RESOLUTION 2022-001** related to the revision of the Financial Policy of the Standard Administrative Policy and Procedures Manual of the City of Ankeny, Iowa.
26. **RESOLUTION 2022-002** naming authorized bank signers for the City of Ankeny.
27. Bid from Central Iowa Fencing for the installation of a security fence and gates at the Ankeny Police Department.
28. Consider motion to approve the bid from Walsh Door & Security for the installation of the hardware necessary to activate the security gates at the Ankeny Police Department.

Community Development

29. **RESOLUTION 2022-003** accepting Public Utility Easements associated with the development of Grove Landing Plat 1.
30. **RESOLUTION 2022-004** accepting the final plat for Forest Ridge Estates Plat 1, subject to applicable Polk County Subdivision Requirements in lieu of City of Ankeny Subdivision Regulations.

Engineering

31. **RESOLUTION 2022-005** accepting a proposal from Redbud LLC in the amount of \$27,195.00 for the construction of the 2022 Native Vegetation Maintenance project.
32. **RESOLUTION 2022-006** accepting public improvements to Dewey - SE Delaware Entrance (Turn Lane Addition) for paving.
33. **RESOLUTION 2022-007** authorizing the City of Ankeny to apply for Federal Surface Transportation Block Grant Program funding to the Des Moines Area Metropolitan Planning Organization (MPO) for the partial funding of the West First Street Widening Improvement Phase 2 project -east of Greenwood Street to just west of State Street, and further approving the application which obligates the City of Ankeny to matching funds for the construction of said project.
34. **RESOLUTION 2022-008** authorizing the City of Ankeny to apply for Federal Surface Transportation Block Grant Program - Transportation Alternative Program (TAP) Funding to the Des Moines Area Metropolitan Planning Organization (MPO) for the partial funding of the Oralabor Gateway Trail Grade Separation of South Ankeny Boulevard and further approving the application which obligates the City of Ankeny to matching funds for the construction of said project.

Capital Improvement Projects

35. **High Trestle Trail Trailhead and Parking Lot Project:** a) Certificate of Completion; b) **RESOLUTION 2022-009** accepting the public improvements with Concrete Connections, LLC in the amount of \$215,036.50; c) Change Order #2 increasing the contract amount \$2,240.00; d) Final Payment in the amount of \$7,092.34 / Release of Retainage in the amount of \$4,300.73.

Administrative Items

36. Recycling Agreement between Metro Waste Authority and the City of Ankeny.

37. **RESOLUTION 2022-010** approving the City of Ankeny's membership in the Mid-Iowa Planning Alliance for Community Development.

Approval of Consent Agenda Items

1. Council Member Perry moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-37. Ayes: Perry, Ruddy, Bentz, Whiting.

APPROVAL OF ORDINANCES

1. **Ord 2074.** An Ordinance amending the Zoning Regulations, Chapter 195, Signs, of the Municipal Code of the City of Ankeny, Iowa, Clarifying and Modifying Requirements for Flags, Political Signs and Non-Commercial Signs. Council Member Perry moved, Whiting seconded, to accept the second reading of Ordinance 2074. Ayes: Perry, Whiting, Bentz, Ruddy.
2. **Ord 2090.** An Ordinance vacating a Public Sanitary Sewer Easement associated with Outlot X, Vintage Business Park at Prairie Trail Plat 7. Council Member Whiting moved, Ruddy seconded, to accept the third consideration of Ordinance 2090, sending it on its final passage and publication as required by law. Ayes: Whiting, Ruddy, Bentz, Perry. Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-011** authorizing the sale of real estate vacated by the City of Ankeny to DRA Properties, LC. Ayes: Whiting, Perry, Bentz, Ruddy.
3. **Ord 2091.** An Ordinance amending Chapter 3, Voting Precincts, of the Municipal Code of the City of Ankeny, Iowa. Council member Whiting moved, Ruddy seconded, to accept the second consideration of Ordinance 2091. Ayes: Whiting, Ruddy, Bentz, Perry.
Council Member Perry moved, Whiting seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2091, sending it on its final passage and publication as required by law. Ayes: Perry, Whiting, Bentz, Ruddy.
4. **Ord 2092.** An Ordinance amending Chapter 66, Load and Weight Restrictions, of the Municipal Code of the City of Ankeny, Iowa. Council member Whiting moved, Ruddy seconded, to accept the second consideration of Ordinance 2092. Ayes: Whiting, Ruddy, Bentz, Perry.
5. **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. (PH 2022-01). Council Member Perry moved, Whiting seconded, to accept first consideration of ORDINANCE 2093. Ayes: Perry, Whiting, Bentz, Ruddy.
6. **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 (PH 2022-02). Council Member Whiting moved, Ruddy seconded, to accept first consideration of ORDINANCE 2094. Ayes: Whiting, Ruddy, Bentz, Perry.

NEW BUSINESS:

1. Proposed SE Crosswinds Drive RISE - Phase 2 (PH 2022-03)
Council Member Perry moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-012** adopting plans, specifications, form of contract and estimate of cost \$2,240,491.50; 2) receive and file report of bids received November 30, 2021; 3) adopt **RESOLUTION 2022-013** making award of construction contract with Sternquist Construction in the amount of \$2,500,025.00; and 4) adopt **RESOLUTION 2022-014** approving contract and bonds with Sternquist Construction in the amount of \$2,500,025.00. Ayes: Perry, Whiting, Bentz, Ruddy.
2. Recommendation to Terminate Contract Resolution No. 2021-070, authorizing the rebidding process for the NW 36th Street and NW Weigel Drive Water Main project.

Council Member Whiting moved, Perry seconded, to adopt **RESOLUTION 2022-015** rescinding Resolution No. 2021-070, authorizing the rebidding process for the NW 36th Street and NW Weigel Drive Water Main project. Ayes: Whiting, Perry, Bentz, Ruddy.

3. Consider action on the matter of filling a city council vacancy created by council person Mark Holm assuming the position of Mayor effective January 1, 2022.

Council Member Perry moved, Ruddy seconded, to approve **RESOLUTION 2022-016** setting a special election for a city council member to fill a vacant unexpired term for March 29, 2022. Ayes: Perry, Ruddy, Bentz. Nays: Whiting.

Council Member Whiting moved, Perry seconded, to approve **RESOLUTION 2022-017** providing for notice of intent to fill City Council vacancy by temporary appointment of Kerry Walter-Ashby until such time as a replacement appointment is made or a special election to fill such vacancy is held by the City, and authorize and direct the City Clerk to publish Notice of Intent to Appoint in the time and in the manner as required by law. Ayes: Whiting, Perry, Bentz, Ruddy.

4. City of Ankeny's 2022 State Legislative Priorities

Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-018** establishing the City of Ankeny's 2022 State Legislative Priorities. Ayes: Whiting, Ruddy, Bentz, Perry.

ADJOURNMENT

1. Meeting was adjourned at 6:23 PM.

Denise L. Hoy, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 01/07/2022