

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, February 6, 2017 – 5:30 PM
Ankeny City Hall - City Council Chambers
410 West First Street, Ankeny, Iowa

Gary Lorenz, Mayor
Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jim McKenna, Wade Steenhoek, Kerry Walter-Ashby

Mayor Lorenz called the meeting to order at 5:30 p.m. All Council members were present. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Lorenz led the Pledge of Allegiance.

CEREMONY: none

A. PUBLIC FORUM

1. Open Forum: None
2. Special Presentation: John Swanson, Watershed Management Authority Coordinator for the Polk Soil & Water Conservation District, provided a report on the watershed planning efforts including the Four Mile Creek Watershed area.

B. APPROVAL OF AGENDA:

1. Approval of the February 6, 2017 Agenda:

Action# B1-1. Holm made the motion to approve and accept the February 6, 2017 agenda, without amendment, seconded by Walter-Ashby.

ROLL CALL

2017-0206.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2017-04:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by DRA Properties, LC, to amend the Prairie Trail Mixed Use Neighborhood Planned Unit Development document revising Exhibit B, Land Use Plan map.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on January 20, 2017.

No written objections were filed and no oral objections were offered from the audience.

Eric Jensen, Director of Planning & Building, reported the location of the proposed PUD amendment is generally located in the southeast quadrant of the SW State Street and SW 11th St intersection. The proposed amendment includes revisions to the Prairie Trail Master Plan Land Use Plan to change the 2.36-acre subject area from Residential Mixed Use Neighborhood to Business Park. The intent of the request is to complete the business-oriented corridor along SW State Street in lieu of a very small amount of residential units either fronting or backing up to SW State Street.

Action# C1-1. Walter-Ashby made the motion to close PH 2017-04, seconded by Steenhoek.

ROLL CALL

2017-0206.C1-1 YES 5 NO 0

2. **PH 2017-05:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by DRA Properties, LC, to amend the Prairie Trail Mixed Use Neighborhood Planned Unit Development document revising Exhibit B, Land Use Plan map.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on January 20, 2017.

No written objections were filed and no oral objections were offered from the audience.

Eric Jensen, Director of Planning & Building, reported the location of the proposed PUD amendment is generally located near the northeast corner of SW Irvinedale Drive and SW Oralabor Road, south of SW Prairie Trail Parkway. The Prairie Trail PUD Land Use Plan map shows the subject area as Business Park. The proposed amendment includes revisions to the Prairie Trail Master Plan Land Use Plan to change Outlot X of the subject area from Business Park to Neighborhood Commercial and Outlot Y from Business Park to Residential Mixed Use Neighborhood.

Action# C2-1. Holm made the motion to close Public Hearing 2017-05, seconded by McKenna.

ROLL CALL

2017-0206.C2-1 YES 5 NO

3. **PH 2017-06:** Proposed General Obligation Refunding Bonds, Series 2009B - Redirecting Funds .

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on January 20, 2017.

No written petitions or objections were filed and no oral objections were offered from the audience.

Jennifer Sease, Director of Administrative Services, reported the proposed resolution redirects remaining bond proceeds in the amount of \$261,905.70 from the Police Department Headquarters Building project to the SE Oralabor Road and SE Delaware Avenue Intersection Improvements project.

Action# C3-1. Steenhoek made the motion to close Public Hearing 2017-06, seconded by Walter-Ashby.

ROLL CALL

2017-0206.C3-1 YES 5 NO 0

4. **PH 2017-07:** Proposed Development Agreement between the City of Ankeny and Accelerated Ag Technologies, LLC.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on January 27, 2017.

No written objections were filed and no oral objections were offered from the audience.

Derek Lord, Director of Economic Development, reported AAT is proposing to relocate from Urbandale to existing flex space located at 2302 SE Creekview Drive in the Metro North Business Park, where they plan to lease approximately 10,000 square feet. Staff is proposing to provide a \$24,000, 50% forgivable, 50% repayable, loan to assist with the build out of lab space, work stations/offices, and equipment. Under the terms of the loan, AAT has committed to creating 8 new positions, with wages ranging from 90% to 200+% Ankeny's median laborshed wage rate. AAT plans to relocate 8 jobs from Urbandale, which are not incented as part of this agreement. The loan will be secured with a UCC1 and funds will not be released until after proof of occupancy.

Action# C4-1. Holm made the motion to close Public Hearing 2017-07, seconded by Bentz.

ROLL CALL

2017-0206.C4-1 YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Plan & Zoning Commission Representative, Larry Anderson, reported on the activities of the Plan and Zoning Commission. He also presented an update, as representative for the Ankeny Area Chamber of Commerce, on the activities and events of the Ankeny Chamber.

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the regular meeting of January 16, 2017, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Approval of official council actions of the special meeting of January 23, 2017, as published, subject to correction, as recommended by the City Clerk.

CA - 3 Receive and file minutes of the Plan and Zoning Commission meeting of January 3, 2017.

CA - 4 Receive and file minutes of the December 19, 2016 Park Board meeting.

- **Licenses and Permits**

CA - 5 Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

CA - 6 Consider motion to approve Payment #5 in the amount of \$2,570.00 to Civil Design Advantage for engineering services on the Hidden Creek Trunk Sewer Extension Design project.

CA - 7 Consider motion to approve Payment #1 in the amount of \$19,400.00 to Concrete Technologies, Inc., for construction services on the NE 36th Street Reconstruction - Phase 2 project.

CA - 8 Consider motion to approve Change Order #1 increasing the contract amount by \$0.00 to Concrete Technologies, Inc., for construction services on the NE 36th Street Reconstruction - Phase 2 project.

CA - 9 Consider motion to approve Payment #4 in the amount of \$22,273.98 to HR Green, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Remediation project.

CA - 10 Consider motion to approve Payment #7 in the amount of \$14,708.22 to Kirkham Michael for engineering services on the NW 13th Street RCB Culvert for Rock Creek project.

CA - 11 Consider motion to approve Payment No. 1 in the amount of \$7,322.54 to OPN Architects for design services on the Ankeny Public Library Construction project.

CA - 12 Consider motion to approve Payment #17 in the amount of \$3,011.40 to Snyder & Associates, Inc., for engineering services on the SW Vintage Pkwy Connection project.

CA - 13 Consider motion to approve Payment #54 in the amount of \$35,240.70 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st Street Interchange to NE 36th St project.

CA - 14 Consider motion to approve Payment #73 in the amount of \$91,670.10 to Snyder & Associates, Inc., for engineering services on the East 1st Street Interchange Reconstruction project.

CA - 15 Consider motion to approve Payment #23 in the amount of \$15,365.09 to Snyder & Associates, Inc., for engineering services on the NE 36th St., Bridge Widening & Roadway Reconstruction project.

CA - 16 Consider motion to approve Payment #10 in the amount of \$1,624.00 to Snyder & Associates, Inc., for engineering services on the SW State Street & SW White Birch Drive Traffic Signal project.

CA - 17 Consider motion to approve Payment #11 in the amount of \$186.75 to Snyder & Associates, Inc. for the engineering services for the Sunrise Park Improvements Project.

CA - 18 Consider motion to approve Payment #1 in the amount of \$2,100 to Snyder & Associates, Inc., for engineering services for the Crestbruck Park Splash Pad project.

CA - 19 Consider motion to approve the February 6, 2017 Accounts Payable from the following funds: General \$145,799.71, Hotel Motel Tax \$8000.00, Road Use Tax \$84,591.43, Seizure Fund \$521.52, Library Foundation \$2646.44, Ankeny Foundation \$134.83, Water \$135,875.48, Sewer \$12,368.32, Stormwater \$6,266.08, Golf Course \$8,731.05, Enterprise Project \$88,803.78, Revolving \$31,370.01, Risk Management \$21,035.51, Health Insurance \$19,581.11, Economic Development Revolving \$8000.00,

Capital Projects \$474,381.48, Payroll \$1,055,911.78; Less Srvc Trnsfrs/ACH Drafts (\$144,086.68) Less Agenda Pmts Apprvd Separately (\$454,047.76) Grand Total \$1,505,884.09 (Finance Committee: J. McKenna, Chp., W. Steenhoek, B. Bentz)

- **Personnel Items:**

CA - 20 Consider motion to adopt RESOLUTION 2017-047 amending City of Ankeny Employee Handbook

- **Community Development Items**

CA - 21 Consider motion to adopt RESOLUTION 2017-048 providing for the notice and hearing of the City Council of the City of Ankeny regarding the voluntary urbanized annexation of property owned by JDEV LLC. (date of hrg: 3/6/17 @ 5:30)

CA - 22 Consider motion to adopt RESOLUTION 2017-049 providing for the giving of notice and hearing of the City Council of the City of Ankeny on an amendment to the 2010 Ankeny Comprehensive Plan Future Land Use Plan Map, Figure 5.13, for land owned by JDEV LLC (date of hrg: 2/20/17 @ 5:30 p.m.)

CA - 23 Consider motion to adopt RESOLUTION 2017-050 accepting final plat, deed to street, letter of credit for erosion control, performance and maintenance bonds for and paving and underground improvements and paving, platted easements, and payment in lieu of parksite dedication for Camden West Plat 7.

CA - 24 Consider motion to adopt RESOLUTION 2017-051 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Camden West Plat 7.

CA - 25 Consider motion to adopt RESOLUTION 2017-052 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Camden West Plat 7.

CA - 26 Consider motion for preliminary approval of Clover Ridge East Plat 2 final plat.

CA - 27 Consider motion to adopt RESOLUTION 2017-053 accepting off site easements associated with the development of Clover Ridge East Plat 2.

CA - 28 Consider motion to adopt RESOLUTION 2017-054 accepting final plat and platted easements for the District at Prairie Trail Plat 6

- **Engineering Items**

CA - 29 Consider motion to adopt RESOLUTION 2017-055 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of paving in SW Main Street and SW Park Square Drive project.

CA - 30 Consider motion to adopt RESOLUTION 2017-056 accepting public improvements in Northpointe Village Townhomes Plat 1 for utilities.

CA - 31 Consider motion to adopt RESOLUTION 2017-057 accepting public improvements in SW Plaza Parkway Extension (The Sterling) for utilities.

CA - 32 Consider motion to adopt RESOLUTION 2017-058 accepting public improvements in SW Plaza Parkway Extension (The Sterling) for paving.

CA - 33 Consider motion to adopt RESOLUTION 2017-059 accepting public improvements in Resurrection Lutheran Sanitary Sewer Improvements for utilities.

CA - 34 Consider motion to adopt RESOLUTION 2017-060 accepting public improvements in Autumn Crest Plat 6 for utilities.

CA - 35 Consider motion to adopt RESOLUTION 2017-061 accepting public improvements in Brinmore Estates Trunk Sewer for utilities.

CA - 36 Consider motion to adopt RESOLUTION 2017-062 accepting public improvements in Windsor Village Plat 5 for utilities.

CA - 37 Consider motion to adopt RESOLUTION 2017-063 accepting public improvements in Piper Properties Plat 2 (Piper Apartments) for utilities.

CA - 38 Consider motion to adopt RESOLUTION 2017-064 accepting public improvements in Piper Properties Plat 2 (Piper Apartments) for paving.

CA - 39 Consider motion to adopt RESOLUTION 2017-065 accepting public improvements in Trestle Crossing Plat 1 for utilities.

CA - 40 Consider motion to adopt RESOLUTION 2017-066 accepting public improvements in Trestle Crossing Plat 1 for paving.

CA - 41 Consider motion to adopt RESOLUTION 2017-067 accepting public improvements in Rock Creek Trail Plat 1 for utilities.

CA - 42 Consider motion to adopt RESOLUTION 2017-068 accepting public improvements in Rock Creek Trail Plat 1 for paving.

CA - 43 Consider motion to adopt RESOLUTION 2017-069 accepting public improvements in Prairie Trail Plat 1 for utilities.

- **Capital Improvement Projects**

CA - 44 2016 Sanitary Sewer System Maintenance Program - Manhole

Adjustments: Consider motion to approve: a) Change Order #1 increasing the contract amount by \$3,255.56; b) Certificate of Completion; c) RESOLUTION 2017-070 accepting the public improvement with RW Excavating & Dozing, LC in the amount of \$54,359.80; and d) Final Payment #1 in the amount of \$51,641.81 and Retainage Payment in the amount of \$2,717.99.

CA - 45 NE 36th Street Bridge Widening Over Fourmile Creek: Consider motion to approve: a) Final Change Order #4 increasing the contract amount by \$7,269.19; b) Certificate of Completion; c) RESOLUTION 2017-071 accepting the public improvements with Jensen Construction Co. in the amount of \$2,097,524.54; and d) Final Payment #9 in the amount of \$79,338.95 / Release of Retainage in the amount of \$104,876.23.

- **Administrative Items**

CA - 46 Consider motion to adopt RESOLUTION 2017-072 setting dates of a consultation and a public hearing on a proposed Amendment No. 7 to the 1989 Ankeny Economic Development Urban Renewal Plan in the City of Ankeny, State of Iowa. (date of hearing: 3/6/17 @ 5:30 p.m.)

CA - 47 Consider motion to adopt the RESOLUTION 2017-073 authorizing the execution of an Amendment to the Iowa Department of Natural Resources Agreement #19-00940 for the Northeast Multi-Recreational Area to facilitate the conversion of Otter Creek property for the purpose of constructing Fire Station No. 3.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-47:

Action# E1-1. Bentz made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-47, seconded by Walter-Ashby.

ROLL CALL

2017-0206.E1-1 YES 5 NO 0

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS:

1. Supplemental and Removed Consent Agenda

Action# F1-1. No action taken

G. RECESS: none

H. LEGISLATIVE BUSINESS:

- Approval of Ordinances

1. **Ord 1900:** An Ordinance amending Chapter 63, Speed Regulations, of the Municipal Code of the City of Ankeny, Iowa.

Action# H1-1. Holm made the motion to accept second consideration of ORDINANCE 1900, seconded by Walter-Ashby.

ROLL CALL

2017-0206.H1-1 YES 5 NO 0

2. **Ord 1901:** An Ordinance amending Chapter 66, Load and Weight Restrictions, of the Municipal Code of the City of Ankeny, Iowa

Action# H2-1. Walter-Ashby made the motion to accept first consideration of ORDINANCE 1901, seconded by Holm.

ROLL CALL

2017-0206.H2-1 YES 5 NO 0

3. **Ord 1902:** 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

DRA Properties, LC to amend the Prairie Trail Mixed Use Neighborhood Planned Unit Development document revising Exhibit B, Land Use Plan Map. (PH 2017-04)

Action# H3-1. Bentz made the motion to accept first consideration of ORDINANCE 1902, seconded by Steenhoek.

ROLL CALL

2017-0206.H3-1 YES 5 NO 0

4. Ord 1903: 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 DRA Properties, LC to amend the Prairie Trail Mixed Use Neighborhood Planned Unit Development document revising Exhibit B, Land Use Plan Map. (PH 2017-05)

Action# H4-1. McKenna made the motion to accept first consideration of ORDINANCE 1903, seconded by Walter-Ashby.

ROLL CALL

2017-0206.H4-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Not to Exceed \$261,905.70 Portion of the Unrefunded Portion of General Obligation Refunding Bonds, Series 2009B (PH 2017-06).

Action# J1-1. Holm made the motion to adopt RESOLUTION 2017-074 instituting proceedings to take additional action for the change in use of a not to exceed \$261,905.70 portion of the unrefunded portion of General Obligation Refunding Bonds, Series 2009B, seconded by Walter-Ashby.

ROLL CALL

2017-0206.J1-1 YES 5 NO 0

2. Proposed Development Agreement between the City of Ankeny and Accelerated Ag Technologies, LLC. (PH 2017-07)

Action# J2-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-075 approving a development agreement between the City of Ankeny and Accelerated Ag Technologies, LLC, seconded by Steenhoek.

ROLL CALL

2017-0206.J2-1 YES 5 NO 0

3. Ankeny Economic Development Urban Renewal Area Project Approval Accelerated Ag Technologies, LLC

Action# J3-1. Holm made the motion to adopt RESOLUTION 2017-076 approving project in the Ankeny Economic Development Urban Renewal Area and directing the filing of certification under Iowa Code Section 403.19, seconded by Bentz.

ROLL CALL

2017-0206.J3-1 YES 5 NO 0

4. FY18 Pay Plans for the Fiscal Year ending June 30, 2018.

Action# J4-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-077 adopting the FY18 Pay Plans for the Fiscal Year ending June 30, 2018, seconded by Bentz.

Council member McKenna inquired how those positions that would have a reduction of salary maximum under the new pay plan would be handled. City Manager David Jones reviewed the process conducted that was used to determine the recommendation for the new pay plan.

ROLL CALL

2017-0206.J4-1 YES 4 NO 1 (McKenna)

5. Proposed Not to Exceed \$590,000 General Obligation Bonds (for general corporate purposes) -Initiate Proceedings

Action# J5-1. Holm made the motion to adopt RESOLUTION 2017-078 fixing date for a meeting on the proposition of the issuance of not to exceed \$590,000 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: 2/20/17 @ 5:30 p.m.), seconded by Bentz.

ROLL CALL

2017-0206.J5-1 YES 5 NO 0

6. Proposed Not to Exceed \$12,173,000 General Obligation Bonds (for essential corporate purposes) -Initiate Proceedings

Action# J6-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-079 fixing date for a meeting on the proposition of the issuance of not to exceed \$12,173,000 General Obligation Bonds for the City of Ankeny, State of Iowa (for essential corporate purposes) and providing for publication of notice thereof (date of hrg: 2/20/17 @ 5:30 p.m.), seconded by Holm.

ROLL CALL

2017-0206.J6-1 YES 5 NO 0

7. SW Plaza Parkway and SW College Avenue Detention Basins
Professional Services Agreement with Nilles Associates, Inc.

Action# J7-1. Steenhoek made the motion to approve a Professional Services Agreement with Nilles Associates, Inc., for engineering services on the SW Plaza Parkway and SW College Avenue Detention Basin project in an amount not to exceed \$106,500.00 and authorize the Mayor to execute said agreement, seconded by Bentz.

ROLL CALL

2017-0206.J7-1 YES 5 NO 0

8. Chautauqua Park Lake Recreational Trail
Professional Services Agreement with Nilles Associates, Inc.

Action# J8-1. Walter-Ashby made the motion to approve a Professional Services Agreement with Nilles Associates, Inc., for engineering services on the Chautauqua Park Lake Recreational Trail project in an amount not to exceed \$41,600.00 and authorize the Mayor to execute said agreement, seconded by Steenhoek.

ROLL CALL

2017-0206.J8-1 YES 5 NO 0

9. IA Highway 415 and West 1st Street Traffic Signal Improvements Project
Professional Services Agreement with Snyder & Associates, Inc.

Action# J9-1. Holm made the motion to approve the Professional Services Agreement with Snyder & Associates, Inc. for engineering services on the IA Highway 415 and West 1st Street Traffic Signal Improvements project in an amount not to exceed \$40,600.00 and authorize the Mayor to execute said agreement, seconded by Walter-Ashby

ROLL CALL

2017-0206.J9-1 YES 5 NO 0

10. Proposed 2017 PCC Street Patching Program
Initiate Proceedings

Action# J10-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-080 ordering construction on the 2017 PCC Street Patching Program project and fixing a date for hearing thereon and taking of bids therefore. (date of bid-letting: 02/28/17 @ 10:30 a.m./date of hrg: 03/06/17 @ 5:30 p.m.), seconded by Steenhoek.

ROLL CALL

2017-0206.J10-1 YES 5 NO 0

11. Proposed Hidden Creek Trunk Sewer Extension Project
Initiate Proceedings

Action# J11-1. Holm made the motion to adopt RESOLUTION 2017-081 ordering construction on the Hidden Creek Trunk Sewer Extension Project and fixing a date for hearing thereon and taking of bids therefore. (date of bid-letting: 02/28/17 @ 10:30 a.m./date of hrg: 03/06/17 @ 5:30 p.m.), seconded by Steenhoek.

ROLL CALL

2017-0206.J11-1 YES 5 NO 0

12. Proposed 2017 Pedestrian Ramp Improvements
Initiate Proceedings

Action# J12-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-082 ordering construction on the 2017 Pedestrian Ramp Improvements Project and fixing a date for hearing thereon and taking of bids therefore. (date of bid-letting: 02/28/17 @ 10:30 a.m./date of hrg: 03/06/17 @ 5:30 p.m.), seconded by Steenhoek.

ROLL CALL

2017-0206.J12-1 YES 5 NO 0

13. Proposed Amendment of Current City Budget for FY 2017 and Budget Estimate for FY 2018 -Set Public Hearing Date

Action# J13-1. Holm made the motion to set a public hearing on an Amendment of Current City Budget for Fiscal Year July 1, 2016 - June 30, 2017 and Budget Estimate for Fiscal Year July 1, 2017 - June 30, 2018 for March 6, 2017 at 5:30 p.m. and direct City Clerk to publish notice of such hearings, seconded by Steenhoek.

ROLL CALL

2017-0206.J13-1

YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:
City Manager, David Jones provided a legislative update and an update on the initial DART Governance Task Force meeting he attended.
- Report of the Governing Body:
Mayor Lorenz stated he would be attending a meeting with other metro mayors in which Bill Stowe, DMWW, will provide them an update on lawsuit as well as some discussion on governance of the DMWW.

Council member Steenhoek requested staff watch the legislation related to the number of unrelated adults in one residence.

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:57 p.m.

Pamela DeMouth, City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 17th day of February, 2017.
Audio file of meeting is available by contacting the City Clerk's Office.