

## **MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL**

Monday, June 19, 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

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Mayor Pro tem Holm 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 Pro tem Holm led the Pledge of Allegiance.

**CEREMONY:** none

### **A. PUBLIC FORUM:**

#### 1. Open Forum:

Derek Maddux, 925 NE 53<sup>rd</sup> Ct., addressed the Council regarding traffic safety concerns in the Northgate Development.

City Manager stated staff would get in touch with Mr. Maddux regarding his concerns.

Heather Lillienthal, representing the Ankeny Area Chamber of Commerce, presented an update on the Chamber's activities and events.

### **B. APPROVAL OF AGENDA:**

#### 1. Approval of the June 19, 2017 Agenda:

**Action# B1-1. Walter-Ashby made the motion to approve and accept the June 19, 2017 agenda, without amendment, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.B1-1**

**YES 5**

**NO 0**

### **C. PUBLIC HEARING(S):**

#### 1. **Appeal Hearing**

Solicitor License Appeal Hearing - Briane Colwill

Mayor Pro tem Holm opened the public hearing.

Larry Iddings, a PATH Program guide with Broadlawns Medical Center, stated he has been mentoring Briane Colwill through the Polk County community support program (PATH Program), and provided Briane's accomplishments in the past few years since mentoring him as it relates to his mowing/landscape business. He stated as his mentor

he encouraged Briane to exercise his right to appeal the denial decision and seek another outcome for his request to obtain a solicitor license.

Briane Colwill, 410 Cherry Street, Apt. #6, reported he would like to expand his clientele base for lawn mowing and landscaping by soliciting door to door and asked council to reconsider the denial decision based upon his clean record of the past several years.

**Action# C1-1. Bentz made the motion to close appeal hearing, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.C1-1                      YES    5            NO    0**

**Action# C1-2. McKenna made the motion to allow the solicitor's license but only for purposes of delivering handbills to a location with the stipulation that the license would be revoked if there is a conviction during the license period. Motion failed for lack of second.**

**Action# C1-2. Steenhoek made the motion to reverse the denial of solicitor license, seconded by McKenna.**

**ROLL CALL**

**2017-0619.C1-2                      YES    3            NO    2 (Bentz, Walter-Ashby)**

2. **PH 2017-40:** Proposed vacation of a pedestrian walkway easement located on Lot 31, Sawgrass Park Plat 3.

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 9<sup>th</sup> day of June, 2017.

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

Eric Jensen, Planning & Building Director, reported property owner, Matt Alleman, is requesting the vacation of a pedestrian walkway easement located on the north 10 feet of Lot 31, Sawgrass Park Plat 3. The easement will no longer be used for a pedestrian access to Sawgrass Park.

**Action# C2-1. Walter-Ashby made the motion to close Public Hearing 2017-40, seconded by Bentz.**

**ROLL CALL**

**2017-0619.C2-1                      YES    5            NO    0**

3. **PH 2017-41:** Proposed Sale of City Property - 211 SW Walnut Street

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 9<sup>th</sup> day of June, 2017.

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

Derek Lord, Economic Development Director, reported the City has received an offer to purchase for the former Police Department building located at 211 SW Walnut Street. The property has been marketed broadly, including being listed on Xceligent, a widely used commercial real estate listing service used by nearly all regional commercial brokers.

Staff recommends approving the purchase agreement in the amount of \$700,000. Terms include \$5,000 earnest money, 45 days to secure financing, and 60 days due diligence with 30 days to close after waiver of due diligence. If buyer does not close after waiving due diligence, the City shall retain the earnest money. The city will pay 3% real estate commission, estimated at \$21,000. The buyers will be allowed to market the building "for lease" prior to closing.

**Action# C3-1. Walter-Ashby made the MOTION to close Public Hearing 2017-41, seconded by Bentz.**

**ROLL CALL**

**2017-0619.C3-1**

**YES 5 NO 0**

#### **D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

1. Park Board Representative, Lisa McDaniel reported on the activities of the Park Board.

#### **E. APPROVAL OF CONSENT AGENDA:**

- **Minutes**

**CA - 1** Approval of official council actions of the special meeting of May 30, 2017, as published, subject to correction, as recommended by the City Clerk.

**CA - 2** Approval of official council actions of the regular meeting of June 5, 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 May 16, 2017.

**CA - 4** Receive and file minutes of the Civil Service Commission meeting of March 29, 2017.

**CA - 5** Receive and file minutes of the Ankeny Cultural Arts Board meeting of May 22, 2017.

- **Licenses and Permits**

**CA - 6** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

**CA - 7** Consider motion to approve the issuance of cigarette/tobacco permits for July 1, 2017 - June 30, 2018.

- **Finance/Budget**

**CA - 8** Consider motion to receive and file Financial Reports for May 2017.

**CA - 9** Consider motion to receive and file Building Permit Report for May 2017.

**CA - 10** Consider motion to receive and file Utility Billing Report for May 2017.

**CA - 11** Consider motion to approve Payment #10 in the amount of \$3,844.83 to Civil Design Advantage for engineering services on the Hidden Creek Trunk Sewer Extension Design project.

**CA - 12** Consider motion to approve Change Order #3 increasing the contract amount by \$4,960.00 to Concrete Technologies, Inc., for construction services on the NE 36th Street Reconstruction - Phase 2 project.

**CA - 13** Consider motion to approve Payment #4 in the amount of \$958,354.11 to Concrete Technologies, Inc., for construction services on the NE 36th Street Reconstruction - Phase 2 project.

**CA - 14** Consider motion to approve Change Order #2 increasing the contract amount by \$3,100.00 to Halbrook Excavating for construction services on the NW 18th Street 12" Water Main Connection project.

**CA - 15** Consider motion to approve Payment #2 in the amount of \$10,212.50 to Halbrook Excavating for construction services on the NW 18th Street 12" Water Main Connection project.

**CA - 16** Consider motion to approve Payment #9 in the amount of \$3,222.78 to HR Green, Inc., for engineering services on the 2016-Tradition Park Stormwater Detention Basin Remediation project.

**CA - 17** Consider motion to approve Payment #2 in the amount of \$222,678.10 to Jensen Builders LTD, for construction services on The District Public Parking Lot - Phase 4 project.

**CA - 18** Consider motion to approve final Payment #16 in the amount of \$1,104.50 to MSA Professional Services, Inc., for engineering services on the East First Street Rural Water Main Extension (Design) project.

**CA - 19** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$37,600.00 with Nilles Associates for construction engineering services on the Chautauqua Park Lake Recreational Trail project.

**CA - 20** Consider motion to approve Payment #3 in the amount of \$7,612.50 to Nilles Associates, Inc., for engineering services on the Chautauqua Park Lake Recreational Trail project.

**CA - 21** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$158,200.00 with Nilles Associates, Inc., for construction engineering services on the SW District Drive and SW Merchant Street project.

**CA - 22** Consider motion to approve Payment #4 in the amount of \$16,947.50 to Nilles Associates, Inc., for engineering services on the SW District Drive & SW Merchant Street project.

**CA - 23** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$92,400.00 with Nilles Associates for construction engineering services on the SW Plaza Parkway and SW College Avenue Detention Basins project.

**CA - 24** Consider motion to approve Payment #3 in the amount of \$27,367.50 to Nilles Associates, Inc., for engineering services on the SW Plaza Parkway and SW College Avenue Detention Basins project.

**CA - 25** Consider motion to approve Payment #10 in the amount of \$27,478.96 to Nilles Associates, Inc., for engineering services on the SW Prairie Trail Parkway - East Extension project.

**CA - 26** Consider motion to approve Payment #6 in the amount of \$14,330.00 to Nilles Associates, Inc., for engineering services on The District Public Parking Lot - Phase 4 project.

**CA - 27** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$1,650.00 with SVPA Architects, Inc., for engineering design services on the Fire Station No. 3 project.

**CA - 28** Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$5,900.00 with SVPA Architects, Inc., for architectural design services on the Fire Station No. 3 project.

**CA - 29** Consider motion to approve Payment #4 in the amount of \$54,718.83 to SVPA Architects, Inc., for architectural design services on the Fire Station No. 3 project.

**CA - 30** Consider motion to approve Change Order #3 increasing the contract amount by \$4,200.00 to Vanderpool Construction, Inc., for construction services on the SW Prairie Trail Parkway - East Extension project.

**CA - 31** Consider motion to approve Payment #3 in the amount of \$528,446.62 to Vanderpool Construction, Inc., for construction services on the SW Prairie Trail Parkway - East Extension project.

**CA - 32** Consider motion to approve the June 19, 2017 Accounts Payable from the following funds: General \$226,322.34, Hotel/Motel Tax \$169,615.68, Parks Improvements \$2,340.00, Road Use Tax \$26,004.35, Police/Fire Pension \$724.00, Library Foundation \$545.38, Solid Waste \$50,021.20, Water \$422,356.82, Sewer \$54,855.35, Stormwater \$19,959.77, Golf Course \$41,221.72, Enterprise Project \$33,258.55, Revolving \$30,960.47, Risk Mgmt \$104,195.35, Health Insurance \$20.47, BAN/Bond Activity \$73,082.70, Capital Projects \$1,986,480.22, Payroll \$899,073.66, Less Srvc Trnsfrs/ACH Drafts \$146,025.67, Less Agenda Pymts Apprvd Separately \$1,943,422.33, Grand Total \$2,051,590.03 (Finance Committee: K. Walter-Ashby, Chp, M. Holm, J. McKenna)

**CA - 33** Consider motion to adopt RESOLUTION 2017-249 accepting a proposal from Van Meter, Inc., in the amount of \$101,549.50 for the furnishing of lighting fixtures and poles for the SW District Drive and SW Merchant Street Project.

**CA - 34** Consider motion to receive and file the Adopted Annual Budget Document for Fiscal Year 2018.

- **Personnel Items**

**CA - 35** Consider motion to approve the Civil Service Commission list of applicants certified eligible for appointment to the positions of Police Officer and Facilities

Maintenance Technician, subject to passing all other requirements; and to approve the list of employees certified eligible for promotion to Combination Inspector II.

- **Community Development Items**

**CA - 36** Consider motion to adopt RESOLUTION 2017-250 setting a public hearing on the proposal to vacate a portion of the Floodway, Golf Course and Sanitary Sewer Easement on Lot 1, Briar Creek South Plat 2. (date of hrg: 07/03/2017 @ 5:30 pm.)

**CA - 37** Consider motion to adopt RESOLUTION 2017-251 authorizing the Mayor to sign a hold harmless agreement allowing DRA Properties, LC to place a directional sign within a Storm Sewer and Water Main Easement.

**CA - 38** Consider motion to adopt RESOLUTION 2017-252 accepting final plat, deed to streets, performance and maintenance bonds for paving and underground improvements, performance bond for erosion control, platted easements, and approval of cost participation for water main upsizing along SE Corporate Woods Drive and trail upsizing along SE Corporate Woods Drive for Corporate Woods Industrial Park Plat 2.

**CA - 39** Consider motion to adopt RESOLUTION 2017-253 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Corporate Woods Industrial Park Plat 2.

**CA - 40** Consider motion to adopt RESOLUTION 2017-254 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Corporate Woods Industrial Park Plat 2.

- **Engineering Items**

**CA - 41** Consider motion to adopt a RESOLUTION 2017-255 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the West First Street Sidewalk Upgrade - Phase 2 project in Ankeny, Iowa. (2202 West First Street - Life Music Properties One, LLC)

**CA - 42** Consider motion to adopt RESOLUTION 2017-256 accepting a proposal from RW Excavating Solutions of Prairie City, Iowa in the amount of \$37,470.00 for the bridge installation at the 2017 - Chautauqua Park Lake Recreational Trail Project.

**CA - 43** Consider motion to adopt RESOLUTION 2017-257 accepting public improvements in Kidman Estates Plat 2 for utilities.

**CA - 44** Consider motion to adopt RESOLUTION 2017-258 accepting public improvements in Kidman Estates Plat 2 for paving.

**CA - 45** Consider motion to adopt RESOLUTION 2017-259 authorizing the execution of an Agreement for Cooperative Public Service between the City of Ankeny and Polk County to facilitate the construction of traffic signals at the intersection of Highway 415 and West First Street.

- **Capital Improvement Projects**

**CA - 46 2017 PCC Pavement Preservation Program - Phase 2** - Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$1,453.60; b)

Certificate of Completion; c) RESOLUTION 2017-260 accepting the public improvements with Scodeller Construction, Inc. in the amount of \$67,103.60; and d) Final Payment #1 in the amount of \$63,748.42 / Release of Retainage in the amount of \$3,355.18.

- **Administrative Items**

**CA - 47** Consider motion to adopt RESOLUTION 2017-261 adopting a certain supplement prepared by Iowa Codification, Inc., as an official supplement to the 2008 Code of Ordinances. (Covering ordinances through 1906)

**CA - 48** Consider motion to adopt RESOLUTION 2017-262 authorizing the Mayor to sign a grant application to be submitted to the Iowa State Recreational Trails Program for the High Trestle Trail Extension to Magazine Road project.

**CA - 49** Consider motion to adopt RESOLUTION 2017-263 authorizing the acceptance of the donation of an air compressor for Fire Station No. 3 by DuPont Pioneer Corporation.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-49:

**Action# E1-1. Steenhoek made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-49, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0619.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 1907:** An Ordinance vacating a Public Utility and Drainage Easement associated with Lot 1, Prairie Hawk Plat 1 & Outlot Z, Siena Hills Plat 5.

**Action# H1-1. Bentz made the motion to accept third consideration of ORDINANCE 1907, sending it on its final passage and publication as required by law, seconded by Holm.**

**ROLL CALL**

**2017-0619.H1-1                      YES    5            NO    0**

**Action# H1-2. Bentz made the motion to adopt RESOLUTION 2017-264 authorizing the sale of real estate vacated by the City of Ankeny to Ankeny Development, LLC, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0619.H1-2                      YES    5            NO    0**

**2. Ord 1908:** An Ordinance amending Chapter 175 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Building Code and 2015 International Residential Code

**Action# H2-1. Steenhoek made the motion to accept third consideration of ORDINANCE 1908, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0619.H2-1                      YES    5            NO    1 (McKenna)**

**3. Ord 1909:** An Ordinance amending Chapter 176 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Mechanical Code with amendments.

**Action# H3-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1909, sending it on its final passage and publication as required by law, seconded by Bentz.**

**ROLL CALL**

**2017-0619.H3-1                      YES    5            NO    0**

**4. Ord 1910:** An Ordinance amending Chapter 177 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Property Maintenance Code with amendments.

**Action# H4-1. McKenna made the motion to accept third consideration of ORDINANCE 1910, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0619.H4-1                      YES    5            NO    0**

**5. Ord 1911:** An Ordinance amending Chapter 178 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Plumbing Code with amendments.

**Action# H5-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1911, sending it on its final passage and publication as required by law, seconded by Bentz.**

**ROLL CALL**

**2017-0619.H5-1                      YES    5            NO    0**

**6. Ord 1912:** An Ordinance amending Chapter 180 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Fire Code with amendments.

**Action# H6-1. Steenhoek made the motion to accept third consideration of ORDINANCE 1912, sending it on its final passage and publication as required by law seconded by Bentz.**

**ROLL CALL**

**2017-0619.H6-1                      YES    5            NO    0**



**7. Ord 1913:** An Ordinance amending Chapter 181 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Fuel Gas Code with amendments.

**Action# H7-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1913, sending it on its final passage and publication as required by law, seconded by McKenna.**

**ROLL CALL**

**2017-0619.H7-1                      YES    5            NO    0**

**8. Ord 1914:** An Ordinance amending Chapter 182, of the Municipal Code of the City of Ankeny, Iowa by deleting the 2009 Energy Code and replacing with new Chapter 182 International Existing Building Code.

**Action# H8-1. Bentz made the motion to accept third consideration of ORDINANCE 1914, sending it on its final passage and publication as required by law, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.H8-1                      YES    5            NO    0**

**9. Ord 1915:** An Ordinance creating Chapter 183 Building and Property Regulations, of the Municipal Code of the City of Ankeny, Iowa, by adopting the 2015 International Swimming Pool and Spa Code.

**Action# H9-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1915, sending it on its final passage and publication as required by law, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.H9-1                      YES    5            NO    0**

**10. Ord 1918:** An Ordinance amending Chapter 63, Speed Regulations, of the Municipal Code of the City of Ankeny, Iowa, by amending Section 63.05, Special Speed Zones, along:

1. Irvinedale Drive from the north corporate limits to Southwest Oralabor Frontage Road, and
2. Polk County Northwest 78th Place to reflect Southwest Oralabor Frontage Road within the City.

**Action# H10-1. McKenna made the motion to accept second consideration of ORDINANCE 1918, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0619.H10-1                      YES    5            NO    0**

**11. Ord 1919:** An Ordinance vacating a pedestrian walkway easement associated with Lot 31, Sawgrass Park Plat 3. (PH 2017-40)

**Action# H11-1. Bentz made the motion to accept first consideration of ORDINANCE 1919, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.H11-1                      YES    5            NO    0**

**I. OLD BUSINESS:** none

**J. NEW BUSINESS:**

1. Proposed Sale of City Property - 211 SW Walnut Street  
Purchase Agreement - Steven and Tracy Grasso (PH 2017-41)

**Action# J1-1. Bentz made the motion to adopt RESOLUTION 2017-265 approving a purchase agreement between the City of Ankeny and Steven and Tracy Grasso for the sale of 211 SW Walnut Street, Ankeny, Iowa, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.J1-1                      YES    5            NO    0**

2. Proposed Fire Station No. 3 Construction Project  
Initiate Proceedings

**Action# J2-1. Steenhoek made the motion to adopt RESOLUTION 2017-266 ordering construction of Fire Station No. 3 and fixing a date for hearing thereon and taking of bids therefore, seconded by Bentz. (date of bid-letting: 7/11/17 @ 10:30 a.m./date of hrg: 7/17/17 @ 5:30 p.m.)**

**ROLL CALL**

**2017-0619.J2-1                      YES    5            NO    0**

3. Proposed 28E Agreement for Public Works Mutual Assistance  
Central Iowa Cities and Counties

**Action# J3-1. Bentz made the motion to adopt RESOLUTION 2017-267 authorizing the execution of the 28E Agreement for Public Works Mutual Assistance between the Cities and Counties within the Des Moines Metropolitan Area, seconded by Bentz.**

**ROLL CALL**

**2017-0619.J3-1                      YES    5            NO    0**

4. Solid Waste Enterprise Fund Charges - Curbside Recycling Services

**Action# J4-1. Walter-Ashby made the motion to adopt RESOLUTION 2017-268 establishing charges for curbside recycling services for the City of Ankeny, Iowa, effective July 1, 2017, seconded by Steenhoek.**

**ROLL CALL**

**2017-0619.J4-1                      YES    5            NO    0**

**K. ADMINISTRATIVE BUSINESS:**

- Report of the City Staff:

City Manager, David Jones, reported Council has received a copy of the Adopted Annual Budget document for Fiscal Year 2018 at the table tonight.

- Report of the Governing Body:

Council Member Bentz reported she would be attending a Bravo Board meeting tomorrow and also will be attending the July and August DART meetings on Mayor Lorenz's behalf.

## **L. ADJOURNMENT**

1. There being no further business, the meeting adjourned at 6:25 p.m.

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Pamela DeMouth, City Clerk

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Mark Holm, Mayor Pro tem

Published in the Des Moines Register on the 30<sup>th</sup> day of June, 2017.  
Audio file of meeting is available by contacting the City Clerk's Office.