

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

Tuesday, September 5, 2017 – 5:00 PM  
Ankeny City Hall - City Council Chambers  
410 West First Street, Ankeny, Iowa

Gary Lorenz, Mayor

Bobbi Bentz, Mayor Pro tem

Council Members: Mark Holm, Jim McKenna, Wade Steenhoek, Kerry Walter-Ashby

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Mayor Lorenz called the meeting to order at 5:00 p.m. All members were present. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Lorenz led the Pledge of Allegiance.

### A. PUBLIC FORUM:

1. Open Forum: none

### B. APPROVAL OF AGENDA:

1. Approval of the September 5, 2017 Agenda:

**Action# B1-1. Walter-Ashby made the motion to approve and accept the September 5, 2017 agenda, without amendment, seconded by Holm.**

**ROLL CALL**

**2017-0905.B1-1                      YES    5            NO    0**

### C. PUBLIC HEARING(S):

1. **PH 2017-52:** Proposed amendment to provisions of the zoning Ordinance of the City of Ankeny, Iowa, regarding regulations associated with fireworks sales.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 25<sup>th</sup> day of August, 2017.

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

Eric Jensen, Planning and Building Director, reported on the proposed amendment to the Municipal Code of the City of Ankeny to remove the requirement for a Special Use Permit for Fireworks Retail Sales Facilities in the M-2, Heavy Industrial Zoning District.

**Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2017-52, seconded by Steenhoek.**

**ROLL CALL**

**2017-0905.C1-1                      YES    5            NO    0**

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

1. Plan and Zoning Representative, Todd Ripper, reported on the activities of the Plan and Zoning Commission.

### E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

**CA - 1** Approval of official council actions of the regular meeting of August 21, 2017, as published, subject to correction, as recommended by the City Clerk.

**CA - 2** Receive and file minutes of the Plan and Zoning Commission meeting of August 8, 2017.

**CA - 3** Receive and file minutes of the Library Board of Trustees meeting of July 20, 2017.

**CA - 4** Receive and file minutes of the Park Board meeting of June 27, 2017.

- **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 #2 in the amount of \$207,484.75 to Construct, Inc., for construction services on the 2017 PCC Reconstruction Program - SE 3rd Street project.

**CA - 7** Consider motion to approve Payment #1 in the amount of \$ to DDVI, Inc., for construction services on the Fire Station #3 project.

**CA - 8** Consider motion to approve Payment #5 in the amount of \$6,635.00 to Nilles Associates, Inc., for engineering services on the Chautauqua Park Lake Recreational Trail project.

**CA - 9** Consider motion to approve Payment #6 in the amount of \$47,697.50 to Nilles Associates, Inc., for engineering services on the SW District Drive & SW Merchant Street project.

**CA - 10** Consider motion to approve Payment #5 in the amount of \$17,012.10 to Nilles Associates, Inc., for engineering services on the SW Plaza Parkway and SW College Avenue Detention Basins project.

**CA - 11** Consider motion to approve Payment #13 in the amount of \$36,625.00 to Nilles Associates, Inc., for engineering services on the SW Prairie Trail Parkway - East Extension project.

**CA - 12** Consider motion to approve Payment #3 in the amount of \$11,144.50 to Snyder & Associates, Inc., for engineering services on the Ankeny Blvd & First St Intersection Improvements project.

**CA - 13** Consider motion to approve Payment #2 in the amount of \$20,428.82 to Snyder & Associates, Inc., for engineering services on the Ash Tower Feeder Main project.

**CA - 14** Consider motion to approve Payment #8 in the amount of \$550.00 to Snyder & Associates, Inc., for engineering services on the Crestbrook Park Splash Pad project.

**CA - 15** Consider motion to approve Payment #80 in the amount of \$1,734.50 to Snyder & Associates, Inc., for engineering services on the E. 1st Street Interchange Reconstruction project.

**CA - 16** Consider motion to approve Payment #58 in the amount of \$2,210.00 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st Street Interchange to NE 36th St project.

**CA - 17** Consider motion to approve Payment #30 in the amount of \$37,548.03 to Snyder & Associates, Inc., for engineering services on the NE 36th St. Bridge Widening & Roadway Reconstruction project.

**CA - 18** Consider motion to approve Payment #4 in the amount of \$16,419.32 to Snyder & Associates, Inc., for engineering services on the NE Delaware Avenue Pedestrian Bridge & Sidewalk Connection project.

**CA - 19** Consider motion to approve Payment #4 in the amount of \$12,459.70 to Snyder & Associates, Inc., for engineering services on the SE Creekview Drive Drainage & Pavement Improvements project.

**CA - 20** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$32,500.00 with Nilles Associates for construction engineering services on the SW Des Moines Street Sanitary Sewer - Phase I project.

**CA - 21** Consider motion to approve Payment #21 in the amount of \$17,004.52 to Snyder & Associates, Inc., for engineering services on the SW Vintage Pkwy Connection project.

**CA - 22** Consider motion to approve the September 5, 2017 Accounts Payable from the following funds: General \$218,929.88, Hotel Motel Tax \$236,252.08, Road Use Tax \$153,027.20, Library Foundation \$91.48, Ankeny Foundation \$2,901.54, Water \$144,218.59, Sewer \$14,311.18, Stormwater \$185.30, Golf Course \$32,858.04, Enterprise Project \$38,789.18, Revolving \$14,837.90, Risk Mgmt \$54,937.66, Health Insurance \$36.55, Capital Projects \$816,129.05, Payroll \$1,182,464.58, Less Srvc Trnsfrs/ACH Drafts (\$148,744.03), Less Agenda Pymts Apprvd Separately (\$593,954.86), Grand Total \$2,167,271.32 (Finance Committee: B. Bentz, Chp, K. Walter-Ashby, M. Holm)

**CA - 23** Consider motion to adopt RESOLUTION 2017-336 approving Street Financial Report for the Iowa Department of Transportation for fiscal year 2017 - July 1, 2016 through June 30, 2017.

**CA - 24** Consider motion to adopt RESOLUTION 2017-337 transferring funds from the General Fund to the Capital Project Reserve Fund.

**CA - 25** Consider motion to receive and file the Cash Basis Financial Report for Fiscal Year 2017.

- **Personnel Items**

**CA - 26** Consider motion to approve the Ankeny Police Department Employee's Union Teamsters Local Union #238 Labor Agreement commencing July 1, 2018 and authorize the execution of said contract.

- **Community Development Items**

**CA - 27** Consider motion to adopt RESOLUTION 2017-338 accepting final plat, deed to street, performance bonds for underground improvements, letter of credit for seeding and erosion control and platted easements for Ankeny Business Park Plat 5.

**CA - 28** Consider motion to adopt RESOLUTION 2017-339 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main in Ankeny Business Park Plat 5.

**CA - 29** Consider motion to adopt RESOLUTION 2017-340 accepting final plat, deed to streets, deed to parkland, platted easements and approval of cost participation for 15-inch sanitary sewer for Clover Ridge East Plat 2.

**CA - 30** Consider motion to adopt RESOLUTION 2017-341 accepting final plat, subdivision bond for erosion control and silt fence and platted easements for Vintage Hills Plat 4.

**CA - 31** Consider motion to adopt RESOLUTION 2017-342 accepting a Public Water Main Easement and Public Sanitary Sewer Easement associated with the future development of the southwest corner of the intersection of N. Ankeny Boulevard and NW 36th Street.

**CA - 32** Consider motion to approve the Woodside Estates West Commercial Park Plat 1 Preliminary Plat, subject to applicable Polk County subdivision regulations in lieu of the City of Ankeny subdivision regulations.

- **Engineering Items**

**CA - 33** Consider motion to adopt RESOLUTION 2017-343 accepting maintenance bond for utilities in Clover Ridge East Plat 2.

**CA - 34** Consider motion to adopt RESOLUTION 2017-344 accepting maintenance bond for paving in Clover Ridge East Plat 2.

**CA - 35** Consider motion to adopt RESOLUTION 2017-345 accepting public improvements in Brinmore Estates Plat 1 for utilities.

**CA - 36** Consider motion to adopt RESOLUTION 2017-346 accepting public improvements in Brinmore Estates Plat 1 for paving.

**CA - 37** Consider motion to adopt RESOLUTION 2017-347 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, storm sewer and sanitary sewer in Signature Village - State Street Connection.

**CA - 38** Consider motion to adopt RESOLUTION 2017-348 accepting annexation agreement from Richard W. Groves and Peggy J. Groves and allowing connection to the Crosswinds Sanitary Trunk Sewer of real property legally described as S 416F N 493F W 225F SW 1/4 SW 1/4 LESS RD SEC 8-79-23; locally known as 5569

NE 29TH Street.

- **Capital Improvement Projects:** none

- **Administrative Items:**

**CA - 39** Consider motion to adopt RESOLUTION 2017-349 adopting a certain supplement prepared by Iowa Codification, Inc., as an official supplement to the 2008 Code of Ordinances. (Covering ordinances through 1919)

**CA - 40** Consider motion to adopt RESOLUTION 2017-350 authorizing the execution of a Facility Rental Agreement between the City of Ankeny, Iowa Police Department and Iowa State University regarding the use of the Lied Center located in Ames, Iowa.

**CA - 41** Consider motion to adopt RESOLUTION 2017-351 setting a public hearing on a development agreement between the City of Ankeny and Integrity Technology Systems, Inc. (date of hrg: 10/2/2017 @ 5:30 p.m.)

**CA - 42** Consider motion to adopt a RESOLUTION 2017-352 authorizing the execution of a revised Agreement for Cooperative Public Service between Polk County and the City of Ankeny for the funding of the Watershed Coordinator Position with the Polk Soil and Water Conservation District.

**CA - 43** Consider motion to adopt RESOLUTION 2017-353 approving the City of Norwalk as a member of the Metropolitan Sister Cities Commission.

**CA - 44** Consider motion to adopt RESOLUTION 2017-354 authorizing the execution of an agreement for economic development coordination services between the City of Ankeny and the Greater Des Moines Partnership.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-44:

**Action# E1-1. Holm made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-44, seconded by McKenna.**

**ROLL CALL**

**2017-0905.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 1922:** 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 Rock Creek Commercial, LLC, located north and east of the intersection of NW 36<sup>th</sup> Street and NW Irvinedale Drive.

**Action# H1-1. Bentz made the motion to accept third consideration of ORDINANCE 1922, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0905.H1-1                      YES    4            NO    1 (Steenhoek)**

**2. Ord 1923:** 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 B&W Farms LLC and David and Charlene Harmon.

**Action# H2-1. McKenna made the motion to accept third consideration of ORDINANCE 1923, sending it on its final passage and publication as required by law, seconded by Steenhoek.**

**ROLL CALL**

**2017-0905.H2-1                      YES    5            NO    0**

**3. Ord 1925** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa by amending provisions of the Zoning Ordinance regarding fireworks sales. (PH 2017-52).

**Action# H3-1. Steenhoek made the motion to accept first consideration of ORDINANCE 1925, seconded by Bentz.**

**ROLL CALL**

**2017-0905.H3-1                      YES    5            NO    0**

**I. OLD BUSINESS:** none

**J. NEW BUSINESS:**

1. NE Four Mile Drive RCB Culvert for Deer Creek Project  
Professional Services Agreement with Kirkham Michael and Associates, Inc.

**ACTION J1-1. McKenna made the motion to approve a Professional Services Agreement with Kirkham Michael and Associates, Inc., for preliminary design, final design and bidding phase services on the NE Four Mile Drive RCB Culvert for Deer Creek project in an amount not to exceed \$67,395.00 and authorize the Mayor to execute said Agreement, seconded by Walter-Ashby.**

**ROLL CALL**

**2017-0905.J1-1                      YES    5            NO    0**

2. Deer Creek Trunk Sewer Extension Project  
Professional Services Agreement with Civil Design Advantage

**ACTION J2-1. Holm made the motion to approve a Professional Services Agreement with Civil Design Advantage for preliminary design, final design and bidding phase services on the Deer Creek Trunk Sewer Extension project in an amount not to exceed \$104,692.00 and authorize the Mayor to execute said Agreement, seconded by Steenhoek.**

**ROLL CALL**

**2017-0905.J2-1                      YES    5            NO    0**

**K. ADMINISTRATIVE BUSINESS:**

- Report of the City Staff:

City Manager reported the first Monday in January 2018 falls on New Year's Day and so typically the meeting would be held the following Tuesday by Resolution of the Council. He requested Council to advise him if they want to meet on January 2<sup>nd</sup> or move the meeting to January 8<sup>th</sup> as there are five Monday's in the month of January.

Report of the Governing Body:

Mayor Lorenz reported he and City Manager Jones would be attending a Des Moines Transit Funding Study Group meeting tomorrow afternoon, September 6<sup>th</sup> and the Ankeny School Board Election Public Forum is scheduled for Thursday, September 7<sup>th</sup> at 6:00 pm at the Prairie Ridge Middle School.

## L. ADJOURNMENT

### 1. Request for Executive Session

Following adjournment of the Executive Session, Council may take action on any matter discussed during the Executive Session.

Council went into executive session at 5:24 p.m.  
Council reconvened to regular session at 6:18 p.m.

**Action# L1-1. Holm made the motion to go into Executive Session, pursuant to the provisions of Iowa Code Section 21.5, subparagraph (j) "to discuss the purchase or sale of particular real estate only where the premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property", seconded by Steenhoek.**

**ROLL CALL**

2017-0905.L1-1	YES	5	NO	0
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### 2. Adjournment

There being no further business, the meeting was adjourned at 6:19 p.m.

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Pamela DeMouth, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 15<sup>th</sup> day of September, 2017.  
Audio file of meeting is available by contacting the City Clerk's Office.