

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, February 5, 2018 – 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, Kerry Walter-Ashby, Kelly Whiting

Mayor Pro tem Holm called the meeting to order at 5:30 p.m. Council member Bobbi Bentz was absent. 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: Mark Densmore, representing the Ankeny Area Chamber of Commerce, reported on the events of the Chamber.

B. APPROVAL OF AGENDA:

1. Approval of the February 5, 2018 Agenda:

Action# B1-1. Walter-Ashby made the motion to approve and accept the February 5, 2018 agenda, with amendment – addition of Consent Agenda Item CA-48, seconded by Whiting.

ROLL CALL

2018-0205.B1-1

YES 4 NO 0

C. PUBLIC HEARING(S):

1. **PH 2018-05:** SE East Lawn Area Utility Improvements - Phase 1 Project

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of January, 2018.

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

Mark Mueller, Public Works Director, reported this project includes the removal and replacement of PCC street pavement, sanitary sewer, water main and storm sewer generally located on SE Sherman Drive and on SE Peterson Drive from the intersection of SE Sherman Drive to just east of SE Sharon Drive in the City of Ankeny.

The bid opening for the project was held on Tuesday, January 30, 2018 at which six (6) bids were received with low bid submitted by MPS Engineers, PC dba Kingston Services, PC in the amount of \$981,563.00.

The engineer's estimate for the project was \$1,079,788.00. City staff reviewed the bid results internally and with the project's engineering consultant. MPS Engineers, PC dba Kingston Services, PC has completed projects of a similar nature for the City and they

have the experience to complete this project. It is recommended that the project be awarded to MPS Engineers, PC dba Kingston Services, PC.

Action# C1-1. Whiting made the motion to close Public Hearing 2018-05, seconded by Walter-Ashby.

ROLL CALL

2018-0205.C1-1 YES 4 NO 0

2. **PH 2018-06:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by Roger Bauer from R-1 to M-1 with use restrictions.

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of January, 2018.

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

Eric Jensen, Planning & Building Director, reported Roger Bauer is requesting an amendment to the zoning classification of approximately 3.94 acres of land generally located west of SE Delaware Avenue and south of SE 54th Street. The request is to change the zoning from R-1, One-Family Residence District to M-1, Light Industrial District, with use restrictions. This is the same zoning and use restrictions approved in 2012 and 2013 for the Toro and Chapman properties immediately to the east and south.

Action# C2-1. Whiting made the motion to close Public Hearing 2018-06, seconded by McKenna.

ROLL CALL

2018-0205.C2-1 YES 4 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

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

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the regular meeting of January 15, 2018, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Zoning Board of Adjustment meeting of December 5, 2017.

CA - 3 Receive and file minutes of the Civil Service Commission meeting of December 11, 2017.

CA - 4 Receive and file minutes of the Park Board meeting of December 18, 2017.

CA - 5 Receive and file minutes of the Plan and Zoning Commission meeting of January 2, 2018.

- **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.

- **Finance/Budget**

CA - 7 Consider motion to approve Payment #5 in the amount of \$10,163.77 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project.

CA - 8 Consider motion to approve Payment #4 in the amount of \$4,934.50 to Civil Design Advantage for engineering services on the Deer Creek Trunk Sewer Extension Design project.

CA - 9 Consider motion to approve Amendment #2 to the Professional Services Agreement increasing the contract amount by \$18,675.00 with HR Green, Inc., for additional construction engineering services on the Tradition Park Stormwater Detention Basin Remediation project.

CA - 10 Consider motion to approve Payment #3 in the amount of \$15,540.00 to Kirkham Michael Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.

CA - 11 Consider motion to approve Payment #3 in the amount of \$11,893.57 to MSA Professional Services Inc., for engineering services on the 2018 SW 3rd Street Water Main Improvements (Design) project.

CA - 12 Consider motion to approve final Payment #4 in the amount of \$19,292.50 to Nilles Associates, Inc., for engineering services on the SW Des Moines Street Sanitary Sewer - Phase I project.

CA - 13 Consider motion to approve Payment #9 in the amount of \$18,020.00 to Nilles Associates, Inc., for engineering services on the SW District Drive & SW Merchant Street project.

CA - 14 Consider motion to approve Payment #3 in the amount of \$37,842.50 to Nilles Associates, Inc., for engineering services on the SW Market Street Extension project.

CA - 15 Consider motion to approve Payment #7 in the amount of \$19,290.00 to Nilles Associates, Inc., for engineering services on the SW Plaza Parkway and SW College Avenue Detention Basins project.

CA - 16 Consider motion to approve Payment #16 in the amount of \$26,945.00 to Nilles Associates, Inc., for engineering services on the SW Prairie Trail Parkway - East Extension project.

CA - 17 Consider motion to approve Payment #9 in the amount of \$5,492.50 to Nilles Associates, Inc., for engineering services on The District Public Parking Lot - Phase 4 project.

CA - 18 Consider motion to approve Payment #12 in the amount of \$118,937.24 to OPN Architects for architectural design services on the Ankeny Kirkendall Library project.

CA - 19 Consider motion to approve Payment #6 in the amount of \$46,825.43 to RW Excavating Solutions, LC for construction services on the Tradition Park Stormwater Detention Basin Remediation project.

CA - 20 Consider motion to approve Payment #8 in the amount of \$6,653.50 to Snyder & Associates, Inc., for engineering services on the Ankeny Blvd & First St Intersection Improvements project.

CA - 21 Consider motion to approve Payment #7 in the amount of \$13,123.55 to Snyder & Associates, Inc., for engineering services on the Ash Tower Feeder Main project.

CA - 22 Consider motion to approve Payment #1 in the amount of \$3,676.00 to Snyder & Associates, Inc., for engineering services on the City Welcome Sign Project.

CA - 23 Consider motion to approve Payment #84 in the amount of \$1,798.50 to Snyder & Associates, Inc., for engineering services on the E. 1st Street Interchange Reconstruction project.

CA - 24 Consider motion to approve Payment #35 in the amount of \$3,261.33 to Snyder & Associates, Inc., for engineering services on the NE 36th St. Bridge Widening & Roadway Reconstruction project.

CA - 25 Consider motion to approve Payment #9 in the amount of \$18,663.88 to Snyder & Associates, Inc., for engineering services on the NE Delaware Avenue Pedestrian Bridge & Sidewalk Connection project.

CA - 26 Consider motion to approve Payment #9 in the amount of \$8,516.00 to Snyder & Associates, Inc., for engineering services on the SE Creekview Dr Drainage & Pavement Improvements project.

CA - 27 Consider motion to approve Payment #1 in the amount of \$4,500.00 to Snyder & Associates, Inc., for the engineering services for the Sunset Park Restroom Remodel Project.

CA - 28 Consider motion to approve Payment #1 in the amount of \$27,555.45 to Snyder & Associates, Inc., for engineering services on the Traffic Signal System Timings Update project.

CA - 29 Consider motion to approve the February 5, 2018 Accounts Payable from the following funds: General \$139,000.69, Road Use Tax \$122,299.81, Seizure \$608.44, Library Foundation \$410.99, Ankeny Foundation \$219.42, Solid Waste \$1,819.04, Water \$108,234.08, Sewer \$93,374.08, Stormwater \$11,200.52, Golf Course \$8,919.27, Enterprise Project \$123,165.69, Revolving \$70,941.83, Risk Mgmt \$1,335.00, Health Insurance \$3,281.00, Capital Projects \$452,176.26, Payroll \$1,132,420.99, Less Srvc Trnsfrs/ACH Drafts (\$151,862.30), Less Agenda Pymts Approved Separately (\$490,930.56), Grand Total \$1,626,614.25 (Finance Committee: M. Holm, Chp, J. McKenna, K. Whiting)

CA - 30 Consider motion to adopt RESOLUTION 2018-033 authorizing the setting of a hearing on a proposal to assess unpaid costs of cutting or eliminating vegetation pursuant to Chapter 167 of the Ankeny Municipal Code (date of hrg: 2/19/18 @ 5:30 p.m.).

- **Personnel Items**

CA - 31 Consider motion to approve the Civil Service Commission list of applicants certified eligible for appointment to the position of Community Service Officer - Police Department, subject to passing all other requirements.

- **Community Development Items**

CA - 32 Consider motion to adopt RESOLUTION 2018-034 accepting final plat, platted easements, letter of credit for seeding and erosion control, subdivision bond for public infrastructure and restrictive covenants prohibiting residential development in lieu of park site dedication in Briarwood Plat 22.

CA - 33 Consider motion to adopt RESOLUTION 2018-035 approving plans and specifications and accepting a subdivision bond for the construction of sanitary sewer in Briarwood Plat 22.

CA - 34 Consider motion to adopt RESOLUTION 2018-036 providing for the notice and hearing of the City Council of the City of Ankeny to rezone certain property owned by Classic Development, LLC located south of NW 36th Street and west of NW Abilene Road (date of hrg: 2/19/18 @ 5:30 p.m.)

CA - 35 Consider motion to approve the Pines at Rock Creek Preliminary Plat subject to applicable Polk County Subdivision requirements in lieu of the City of Ankeny Subdivision Regulations. (County)

CA - 36 Consider motion to approve the Centennial Ridge Preliminary Plat.

- **Engineering Items**

CA - 37 Consider motion to adopt a RESOLUTION 2018-037 accepting a Public Water Main Easement associated with the construction of the Ash Tower Feeder Main project.

CA - 38 Consider motion to adopt RESOLUTION 2018-038 authorizing the execution of an Agreement for Urban-State Traffic Engineering Program (U-STEP) funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa, for the sharing of project costs for the proposed Interstate 35 (I-35) Southbound Ramps and SE Corporate Woods Drive Traffic Signal project.

CA - 39 Consider motion to adopt RESOLUTION 2018-039 approving preliminary design services for the planned NW 36th Street Reconstruction - Irvinedale to Abilene Project.

CA - 40 Consider motion to adopt RESOLUTION 2018-040 accepting public improvements in The Crossings at Deer Creek Plat 1 for utilities.

CA - 41 Consider motion to adopt RESOLUTION 2018-041 accepting public improvements in The Crossings at Deer Creek Plat 1 for paving.

- **Capital Improvement Projects**

CA - 42 SW Des Moines Street Sanitary Sewer - Phase 1 - Consider motion to approve: a) Final Change Order #1 decreasing the contract amount by \$13,172.00; b) Certificate of Completion; c) RESOLUTION 2018-042 accepting the public improvements with Sandstone Management, Ltd., in the amount of \$146,455.32; and d) Final Payment #2 in the amount of \$0.00 / Release of Retainage in the amount of \$7,322.77.

CA - 43 2017 - Chautauqua Park Lake Recreational Trail Project: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2018-043 accepting the public improvements with JAS Construction, LLC in the amount of \$176,927.45; and c) Release of retainage in the amount of \$8,846.37.

CA - 44 SW Southlawn Area Utility Improvements - Phase 5: Consider motion to approve: a) Final Change Order #6 decreasing the contract amount by \$3,050.99; b) Certificate of Completion; c) RESOLUTION 2018-044 accepting the public improvements with MPS Engineers in the amount of \$997,813.91; and d) Final Payment #7 in the amount of \$0.00 / Release of Retainage in the amount of \$46,836.20.

CA – 45 The District Public Parking Lot - Phase 4: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2018-045 accepting the public improvement with Jensen Builders LTD in the amount of \$454,212.43; and c) Release of Retainage Payment in the amount of \$5,000.00.

- **Administrative Items**

CA - 46 Consider motion to receive and file correspondence received from the Iowa Department of Transportation, dated January 22, 2018, regarding the 2018 PCC patching on I-80 construction project within the city limits.

CA - 47 Consider motion to adopt RESOLUTION 2018-046 approving the application for tax abatement under the Urban Revitalization Plan for the City of Ankeny, Iowa, submitted for the property locally known as 211 SW Walnut St., Ankeny, Iowa.

- **Final Consent Agenda Additions**

CA – 48 Consider motion to approve a Cooperative Service Agreement with the USDA Wildlife Services for the control of beavers within North Creek Park.

- Approval of Consent Agenda Items

1. Consent Agenda Items CA-1 through CA-48:

Action# E1-1. Walter-Ashby made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-48, seconded by Whiting.

ROLL CALL

2018-0205.E1-1 YES 4 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 1933:** An Ordinance vacating an ingress/egress easement located on Lots 4, 5 and 6 of Northpointe Village Center Plat 1.

Action# H1-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1933, sending it on its final passage and publication as required by law, seconded by Whiting.

ROLL CALL

2018-0205.H1-1 YES 4 NO 0

Action# H1-2. McKenna made the motion to accept RESOLUTION 2018-047 authorizing the sale of real estate vacated by the City of Ankeny to Georgetown, LLC c/o Mike Cunningham, seconded by Whiting.

ROLL CALL

2018-0205.H1-2 YES 4 NO 0

2. **Ord 1934:** An Ordinance vacating a public utility and drainage easement located on Lots 5 and 6, Metro North.

Action# H2-1. Walter-Ashby made the motion to accept second consideration of ORDINANCE 1934, seconded by Whiting.

ROLL CALL

2018-0205.H2-1 YES 4 NO 0

3. **Ord 1935:** 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 Roger Bauer. (PH 2018-06)

Action# H3-1. McKenna made the motion to accept first consideration of ORDINANCE 1935, seconded by Walter-Ashby.

ROLL CALL

2018-0205.H3-1 YES 4 NO 0

4. **Ord 1936:** An Ordinance addressing various terms of office of boards and commissions within the City of Ankeny, Iowa.

Action# H4-1. Walter-Ashby made the motion to accept first consideration of ORDINANCE 1936, seconded by McKenna.

ROLL CALL

2018-0205.H4-1 YES 4 NO 0

Action# H4-2. Whiting made the motion to accept staff recommendation to suspend the rule that all ordinances must be considered on three different days and accept second and third consideration of ORDINANCE 1936, sending it on its final passage and publication as required by law, seconded by McKenna.

ROLL CALL

2018-0205.H4-2 YES 4 NO 0

- **Boards/Commissions Appointments:**

Mayor Pro tem Holm requested Council consider approving Action# H5-1 through Action # H9-1 with one motion. Walter-Ashby made the motion to approve Action# H5-1 through Action# H9-1, seconded by Whiting.

ROLL CALL

2018-0205.H5-1 – H9-1 YES 4 NO 0

5. **Plan and Zoning Commission - 02/05/18 - 1/31/2020**
- Annette Renaud

Action# H5-1. Consider motion to approve, the appointment of Annette Renaud to the Plan & Zoning Commission.

6. Plan & Zoning Commission - 02/05/18 - 01/31/22
- Glenn Hunter

Action# H6-1. Consider motion to approve the appointment of Glenn Hunter to the Plan and Zoning Commission

7. Plan and Zoning Commission - 02/05/18 - 01/31/22
- Todd Ripper

Action# H7-1. Consider motion to approve the appointment of Todd Ripper to the Plan & Zoning Commission.

8. Park Board - 02/05/18 - 01/31/22
- Amber Angaran

Action# H8-1. Consider motion to approve the appointment of Amber Angaran to the Park Board.

9. Board of Examiners & Appeals - 02/05/18 - 01/31/21
- Chad Layland

Action# H9-1. Consider motion to approve the appointment of Chad Layland to the Board of Examiners & Appeals.

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed SE East Lawn Area Utility Improvements Project - Phase 1 (PH 2018-05)

Action# J1-1. Walter-Ashby made the motion to: 1) adopt RESOLUTION 2018-048 adopting plans, specifications, form of contract and estimate of cost (\$1,079,788.00); 2) receive and file report of bids received January 30, 2018; and 3) adopt RESOLUTION 2018-049 making award of construction contract with MPS Engineers, PC dba Kingston Services, PC of Des Moines, Iowa, in the amount of \$981,563.00 for the SE East Lawn Area Utility Improvements Project - Phase 1, seconded by Whiting.

ROLL CALL

2018-0205.J1-1 YES 4 NO 0

Action# J1-2. Whiting made the motion to adopt RESOLUTION 2018-050 approving construction contract and bond with MPS Engineers, PC dba Kingston Services, PC of Des Moines, Iowa, in the amount of \$981,563.00 for the SE East Lawn Area Utility Improvements Project - Phase 1, seconded by McKenna.

ROLL CALL

2018-0205.J1-2 YES 4 NO 0

2. Proposed 2018 Annual Asphalt Street Resurfacing Program
Cooperative Public Service Agreement with Polk County

Action# J2-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-051 authorizing the execution of an Agreement for Cooperative Public Service between Polk County, Iowa and the City of Ankeny, Iowa for the sharing of

projects costs for the 2018 Annual Asphalt Street Resurfacing Program, seconded by Whiting.

ROLL CALL

2018-0205.J2-1 YES 4 NO 0

3. Proposed High Trestle Trail Extension - SW Ordinance Road to SE Magazine Road project
Professional Services Agreement with Snyder & Associates, Inc.

Action# J3-1. Whiting made the motion to approve the Professional Services Agreement with Snyder & Associates, Inc., for design engineering and bidding phase services on the High Trestle Trail Extension - SW Ordinance Rd., to SE Magazine Rd., project in an amount not to exceed \$134,900 and authorize the Mayor to execute said agreement, seconded by Walter-Ashby.

ROLL CALL

2018-0205.J3-1 YES 4 NO 0

4. Proposed Not to Exceed \$6,730,000 General Obligation Bonds
Initiate Proceedings

Action# J4-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-052 fixing date for a meeting on the proposition of the issuance of not to exceed \$6,730,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for essential corporate purposes), and providing for publication of notice thereof, seconded by Whiting. (date of hrg: 2/19/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J4-1 YES 4 NO 0

5. Proposed Not to Exceed \$530,000 General Obligation Bonds
Initiate Proceedings

Action# J5-1. Whiting made the motion to adopt RESOLUTION 2018-053 fixing date for a meeting on the proposition of the issuance of not to exceed \$530,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes), and providing for publication of notice thereof, seconded by McKenna. (date of hrg: 2/19/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J5-1 YES 4 NO 0

6. Proposed Not to Exceed \$450,000 General Obligation Bonds
Initiate Proceedings

Action# J6-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-054 fixing date for a meeting on the proposition of the issuance of not to exceed \$450,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes), and providing for publication of notice thereof, seconded by Whiting. (date of hrg: 2/19/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J6-1 YES 4 NO 0

7. Proposed Amendment of Current City Budget for FY 2018 and Budget Estimate for FY 2019
Set Public Hearing Date

Action# J7-1. McKenna made the motion to set a public hearing on an Amendment of Current City Budget for Fiscal Year July 1, 2017 - June 30, 2018 and Budget Estimate for Fiscal Year July 1, 2018 - June 30, 2019 for March 5, 2018 at 5:30 p.m. and direct City Clerk to publish notice of such hearings, seconded by Walter-Ashby.

ROLL CALL

2018-0205.J7-1 YES 4 NO 0

8. Proposed 2018 SW 3rd Street Water Main Improvements
Initiate Proceedings

Action# J8-1. Whiting made the motion to adopt RESOLUTION 2018-055 ordering construction on the 2018 SW 3rd Street Water Main Improvements Project and fixing a date for hearing thereon and taking of bids therefore, seconded by Walter-Ashby. (date of bid-letting: 2/27/18 @ 10:30 a.m. / date of hrg: 3/5/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J8-1 YES 4 NO 0

9. Proposed 2018 PCC Street Patching Program
Initiate Proceedings

Action# J9-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-056 ordering construction on the 2018 PCC Street Patching Program and fixing a date for hearing thereon and taking of bids therefore, seconded by Whiting. (date of bid-letting: 2/27/18 @ 10:30 a.m. / date of hrg: 3/5/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J9-1 YES 4 NO 0

10. Proposed Ankeny Kirkendall Public Library
Initiate Proceedings

Action# J10-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-057 ordering construction of the Ankeny Kirkendall Public Library project and fixing a date for hearing thereon and taking of bids therefore, seconded by Whiting. (date of bid-letting: 3/8/18 @ 10:30 a.m. / date of hrg: 3/19/18 @ 5:30 p.m.)

ROLL CALL

2018-0205.J10-1 YES 4 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager, David Jones, reported he would be sending out information to council related to House File No. 2063 (TIF bill) of which he and staff have major concerns and will keep council informed on the progress of this bill in the upcoming week(s).

Report of the Governing Body: none

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:06 p.m.

Pamela DeMouth, City Clerk

Mark Holm, Mayor Pro tem

Published in the Des Moines Register on the 16th day of February, 2018.
Audio file of meeting is available by contacting the City Clerk's Office.