

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, December 17, 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

A special council retirement reception was held from 3:30 to 5:00 p.m. honoring Pam DeMouth, City Clerk. No official business occurred during this time.

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. Special Presentation: Mayor Lorenz recognized City Clerk, Pam DeMouth by presenting her with a proclamation in appreciation for 28 years of dedicated service, 1990 – 2018.
2. Open Forum: Joey Beech, Executive Director of the Ankeny Economic Development Corporation (AEDC), 1631 SW Main St., presented an update on the activities and events of the AEDC.

Lydia Hornung, 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 December 17, 2018 Agenda:

Action# B1-1. Holm made the motion to approve and accept the December 17, 2018 agenda, without amendment, seconded by Bentz.

ROLL CALL

2018-1217.B1-1	YES	5	NO	0
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C. PUBLIC HEARING(S):

1. **PH 2018-61:** Proposed Development Agreement - Kreg Enterprises, Inc.

Derek Lord, Economic Development Director, reported Kreg Enterprises, Inc. is proposing to construct an approximate 250,000 square foot office and manufacturing facility on 25 acres in the Crosswinds Business Park, adjacent to Interstate 35 and west of SE 77th Street. The total capital investment for this project is approximately \$34 million. The proposed project includes associated site improvements and extending public infrastructure to serve the property. Infrastructure improvements and building construction will begin in 2019.

Kreg has committed to creating 20 new jobs as a result of this expansion with wages exceeding 120% of the area median laborshed wage of \$30.32/hour, plus benefits. The proposed development agreement includes claw-back provisions on all 20 jobs at the wages noted above. In addition to the new positions being created, Kreg will be relocating approximately 230 positions from their current facilities in Huxley. The City of Ankeny has received a sign off letter from the City of Huxley, which is required prior to providing local incentives for an in-state relocation project such as this.

Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2018-61, seconded by Whiting.

ROLL CALL

2018-1217.C1-1 YES 5 NO 0

2. **PH 2018-62:** Proposed Development Agreement - Northern Tool & Equipment Company, Inc., and Ryan Companies, US, Inc.

Derek Lord, Economic Development Director, reported after a two year competitive process, Northern Tool & Equipment Company (NTE) has chosen Ankeny for their new 600,000 square foot, \$75 million distribution center. NTE will use this distribution center to serve their 100+ retail stores and online customers around the country. Ryan Cos. will construct and own the facility and lease to NTE for an initial lease term of 15 years. This facility will be on 66 acres in the Crosswinds Business Park, located along the north side of NE 54th Avenue, between NE 29th Street and Interstate 35. Construction is expected to begin in early 2019, with project completion expected in 2020.

NTE has committed to creating 183 new jobs as part of this investment, with wages for 19 positions exceeding 120% of the area median laborshed wage of \$30.32/hour, plus benefits. The wages for the additional jobs will range from \$16/hour to \$24+/hour, plus benefits. The proposed development agreement includes claw-back provisions on all 183 jobs.

The development agreement also covers a potential expansion of the facility within five years. If NTE expands by no less than 350,000 square feet within five years, creates an additional 75 new jobs, and extends their lease on the entire facility by no less than five years, additional incentives for this expansion will be provided as outlined in the proposed agreement.

Duane Boris, Director of Real Estate Development for Northern Tool & Equipment Co., thanked the Mayor and Council for taking the time and partnering with them through this lengthy process to construct a facility that will allow them to expand their retail growth across the country and the Midwest.

Brian Clark with Ryan Companies, thanked Mayor and Council for their support of the project for Northern Tool. He stated they enjoyed working with City staff throughout the planning process and look forward to delivering a great project for Northern Tool.

Action# C2-1. Holm made the motion to close Public Hearing 2018-62, seconded by Whiting.

ROLL CALL

2018-1217.C2-1 YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Park Board Representative, Fred Scherle, reported on the activities of the Park Board.

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the regular meeting of December 3, 2018, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Civil Service Commission meeting of October 8, 2018.

CA - 3 Receive and file minutes of the Plan and Zoning Commission meeting of November 20, 2018.

- **Licenses and Permits:** none

- **Finance/Budget**

CA - 4 Consider motion to receive and file Financial Reports for November 2018.

CA - 5 Consider motion to receive and file the Building Permits Report for November 2018.

CA - 6 Consider motion to receive and file Utility Billing Report for November 2018.

CA - 7 Consider motion to approve Change Order #2 increasing the contract amount by \$2,025.00 to Applied Ecological Services, Inc., for construction services on the Southeast Prairie Trail Native Planting project.

CA - 8 Consider motion to approve Payment #9 in the amount of \$1,923.75 to Applied Ecological Services, Inc., for construction services on the Southeast Prairie Trail Native Planting project.

CA - 9 Consider motion to approve Payment #14 in the amount of \$5,114.58 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project.

CA - 10 Consider motion to approve Change Order #4 increasing the contract amount by \$80,738.06 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

CA - 11 Consider motion to approve Payment #8 in the amount of \$577,189.44 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

CA - 12 Consider motion to approve Payment #5 in the amount of \$13,012.47 to Concrete Technologies, Inc., for construction services on the SE Convenience Boulevard Extension project.

CA - 13 Consider motion to approve Payment #4 in the amount of \$87,363.09 to Cramer and Associates, Inc., for construction services on the NE Delaware Avenue Pedestrian Bridge and Sidewalk Connection project.

CA - 14 Consider motion to approve Payment #4 in the amount of \$12,523.50 to Edge Commercial, LLC for construction services on the Ankeny Community Entrance Signs Project.

CA - 15 Consider motion to approve Payment #5 in the amount of \$224,380.02 to Kingston Services, PC for construction services on the SE Creekview Drive Utility Improvements project.

CA - 16 Consider motion to approve Payment #6 in the amount of \$12,034.76 to Manatt's, Inc., for construction services on the SW Plaza Parkway and SW College Avenue Extension project.

CA - 17 Consider motion to approve Change Order #4 decreasing the contract amount by \$7,812.00 to MPS Engineers, P.C., dba Kingston Services, P.C., for construction services on the SE East Lawn Area Utility Improvements - Phase 1 project.

CA - 18 Consider motion to approve Payment #7 in the amount of \$164,587.12 to MPS Engineers, P.C., dba Kingston Services, P.C., for construction services on the SE East Lawn Area Utility Improvements - Phase 1 project.

CA - 19 Consider motion to approve Payment #23 in the amount of \$12,394.20 to OPN Architects for construction administration services on the Ankeny Kirkendall Public Library project.

CA - 20 Consider motion to approve Change Order #3 decreasing the contract amount by \$26,505.21 to Sternquist Construction for construction services on the SW Market Street Extension project.

CA - 21 Consider motion to approve Payment #6 in the amount of \$78,688.71 to Sternquist Construction for construction services on the SW Market Street Extension project.

CA - 22 Consider motion to approve Payment #14 in the amount of \$9,024.52 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station – Design Services & Construction project.

CA - 23 Consider motion to approve the December 17, 2018 Accounts Payable from the following funds: General \$205,487.60, Hotel Motel Tax \$275,101.86, Road Use Tax \$22,802.41, Tax Increment Financing \$1,304.00, Police/Fire Pension \$4,048.00, Library Foundation \$191.28, Solid Waste \$58,538.06, Water \$447,832.45, Sewer \$645,019.39, Stormwater \$3,684.75, Golf Course \$12,485.65, Enterprise Project \$190,026.34, Revolving \$55,111.01, Risk Mgmt \$64,492.85, Health Insurance \$6,650.50, Capital Projects \$1,218,120.00, Payroll \$921,411.20, Less Svc Trnsfrs/ACH Drafts (\$172,872.98), Less Agenda Pymts Apprvd Separately (\$1,387,688.24), Grand Total \$2,571,746.13 (Finance Committee: J. McKenna, Chp., K. Whiting, B. Bentz)

- **Personnel Items**

CA - 24 Consider motion to approve the Civil Service Commission list of candidates certified eligible for appointment to the position of IT Technician subject to passing all other requirements.

CA - 25 Moved to Item "F", Supplemental and Removed Consent Agenda Items

CA - 26 Moved to Item "F", Supplemental and Removed Consent Agenda Items

- **Community Development Items**

CA - 27 Consider motion to adopt RESOLUTION 2018-524 accepting a storm water management facility maintenance covenant and permanent easement agreement associated with the development of Lot 1, Vintage Business Park at Prairie Trail Plat 5.

CA - 28 Consider motion to adopt RESOLUTION 2018-525 accepting the final plat for The Woods at Rock Creek Plat 1 subject to applicable Polk County Subdivision requirements in lieu of the City of Ankeny Subdivision Regulations.

CA - 29 Consider motion to adopt RESOLUTION 2018-526 accepting final plat, subdivision bond for seeding and erosion control, and platted storm water management facility easement for Briarwood Plat 23.

- **Engineering Items**

CA - 30 Consider motion to adopt RESOLUTION 2018-527 accepting public improvements in SW Main Street & Park Square Drive Improvements (Phase 2) for utilities.

CA - 31 Consider motion to adopt RESOLUTION 2018-528 accepting public improvements in SW Main Street & SW Park Square Drive Improvements (Phase 2) for paving.

CA - 32 Consider motion to adopt RESOLUTION 2018-529 accepting public improvements in Deer Creek South Plat 2 for utilities.

CA - 33 Consider motion to adopt RESOLUTION 2018-530 accepting public improvements in Deer Creek South Plat 2 for paving.

CA - 34 Consider motion to adopt RESOLUTION 2018-531 accepting public improvements in SW Main Street & SW Park Square Drive Improvements for utilities.

CA - 35 Consider motion to adopt RESOLUTION 2018-532 accepting public improvements in SW Main Street & SW Park Square Drive Improvements for paving.

CA - 36 Consider motion to adopt RESOLUTION 2018-533 accepting public improvements in Heritage Townhomes at Prairie Trail Plat 4 for utilities.

- **Capital Improvement Projects**

CA - 37 Ash Tower Feeder Main Project: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2018-534 accepting the public improvements with Graff Excavating, Inc., in the amount of \$1,425,541.61; and c) Release of Retainage in the amount of \$71,277.08.

CA - 38 2018 - Crestbruck Park East Parking Lot: Consider motion to approve: a)

Certificate of Completion; b) RESOLUTION 2018-535 accepting the public improvement with MNM Concrete Specialist, LLC in the amount of \$118,175.00; and c) Final Payment #1 in the amount of \$112,266.25 and Retainage Payment in the amount of \$5,908.75.

- **Administrative Items**

CA - 39 Consider motion to adopt RESOLUTION 2018-536 for the partial release of reimbursement agreement for planning services in the Crosswinds Business Park.

CA - 40 Consider motion to adopt RESOLUTION 2018-537 adopting a certain supplement prepared by Iowa Codification, Inc., as an official supplement to the 2008 Code of Ordinances. (Covering ordinances through 1957)

CA - 41 Consider motion to approve 2019 Parks & Recreation Department fees.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-41:

Action# E1-1. McKenna made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-41, with the removal of CA-25 and CA-26, seconded by Holm.

ROLL CALL

2018-1217.E1-1 YES 5 NO 0

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS:

1. Supplemental and Removed Consent Agenda

CA - 25 Consider motion to adopt RESOLUTION 2018-522 amending the VantageCare Retirement Health Savings (RHS) Program.

CA - 26 Consider motion to adopt RESOLUTION 2018-523 amending City of Ankeny Employee Handbook.

Council member McKenna inquired as to the amendment to the RHS Program.

City Manager, David Jones, stated these actions collectively allow employees either a one-time cash out of their vacation leave as management currently allows all employees to do now under current policy or they can do nothing and allow that same value, no more no less, to roll over into their health care retirement savings plan at separation. There is no cost to the City. City employees who prefer to have a check minus the taxes at separation can still receive such just prior to separation.

Action# F1-1. Whiting made the motion to approve the Supplemental and Removed Consent Agenda Items CA-25 through CA-26, seconded by Walter-Ashby.

ROLL CALL

2018-1217.F1-1 YES 5 NO 0

G. RECESS: None

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:** none
- **Boards/Commissions Appointments:**

1. Polk County Joint 911 Service Board
Board Member Appointments

Action# H1-1. Holm made the motion to adopt RESOLUTION 2018-538 to appoint a member and alternate member to the Polk County 911 Service Board, seconded by Walter-Ashby.

ROLL CALL

2018-1217.H1-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Development Agreement - Kreg Enterprises, Inc. (PH 2018-61)

Action# J1-1. Whiting made the motion to adopt RESOLUTION 2018-539 approving a Development Agreement between the City of Ankeny and Kreg Enterprises, Inc., seconded by Walter-Ashby.

ROLL CALL

2018-1217.J1-1 YES 5 NO 0

2. High Quality Jobs Program Application for Kreg Enterprises, Inc.
Iowa Economic Development Authority.

Action# J2-1. Holm made the motion to adopt RESOLUTION 2018-540 of the City Council of the City of Ankeny, Iowa, approving the application of Kreg Enterprises, Inc., to the Iowa Economic Development Authority High Quality Jobs Program, seconded by Bentz.

ROLL CALL

2018-1217.J2-1 YES 5 NO 0

3. Development Agreement - Northern Tool & Equipment Company, Inc., and Ryan Companies, US, Inc. (PH 2018-62)

Action# J3-1. Holm made the motion to adopt RESOLUTION 2018-541 approving a Development Agreement between the City of Ankeny and Northern Tool & Equipment Company, Inc., and Ryan Companies, US, Inc., seconded by Whiting.

ROLL CALL

2018-1217.J3-1 YES 5 NO 0

4. High Quality Jobs Program Application for Northern Tool & Equipment Company, Inc. Iowa Economic Development Authority

Action# J4-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-542 of the City Council of the City of Ankeny, Iowa, approving the application of Northern Tool & Equipment Company, Inc., to the Iowa Economic Development Authority High Quality Jobs Program, seconded by Bentz.

ROLL CALL

2018-1217.J4-1 YES 5 NO 0

5. Proposed "Revitalize Iowa's Sound Economy" Application to the Iowa Department of Transportation for transportation improvements in the Crosswinds Business Park for Northern Tool & Equipment Company, Inc., and Kreg Enterprises, Inc.

Action# J5-1. Whiting made the motion to adopt RESOLUTION 2018-543 endorsing a grant application for funding through the Iowa Department of Transportation's "Revitalize Iowa's Sound Economy" (R.I.S.E.) program for the Crosswinds Business Park, Northern Tool & Equipment Company, and Kreg Enterprises, Inc., seconded by Bentz.

ROLL CALL

2018-1217.J5-1 YES 5 NO 0

6. Proposed NE 54th Street Bridge Replacement Over Branch of Fourmile Creek
Initiate Proceedings

Action# J6-1. Holm made the motion to adopt RESOLUTION 2018-544 ordering construction on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek, and fixing a date for hearing thereon and taking of bids therefor, seconded by Walter-Ashby. (date of bid-letting: 1/16/19 @ 10:00 a.m./date of hrg: 2/4/19 @ 5:30 p.m.)

ROLL CALL

2018-1217.J6-1 YES 5 NO 0

7. SW Des Moines Street Improvements - SW Prairie Trail Parkway to SW Magazine Road
Professional Services Agreement with Nilles Associates, Inc.

Action# J7-1. Walter-Ashby made the motion to approve a Professional Services Agreement with Nilles Associates, Inc., for design and bidding phase services on the SW Des Moines Street Improvements - SW Prairie Trail Parkway to SW Magazine Road project in an amount not to exceed \$314,500.00 and authorize the Mayor to execute said Agreement, seconded by Holm.

ROLL CALL

2018-1217.J7-1 YES 5 NO 0

8. West First Street Widening and Improvements - Phase 1
Professional Services Agreement with Foth Infrastructure and Environment, LLC

Action# J8-1. Whiting made the motion to approve the Professional Services Agreement with Foth Infrastructure and Environment, LLC for the functional design engineering services on the West First Street Widening and Improvements - Phase 1 project in an amount not to exceed \$237,720.00 and authorize the Mayor to execute said agreement, seconded by Walter-Ashby.

ROLL CALL

K. ADMINISTRATIVE BUSINESS:

- **Report of the City Staff:**

City Manager, David Jones, officially congratulated retiring City Clerk, Pam DeMouth, stating she is the “Gold Standard” of Clerks.

- **Report of the Governing Body:**

Mayor and Council congratulated retiring City Clerk Pam DeMouth thanking her for her assistance through the years and wished her well in her retirement. They further welcomed Northern Tool & Equipment Company to Ankeny.

Council Member Holm updated Council on Metro Waste Authority information.

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:28 p.m.

Pamela DeMouth, City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 31st day of December, 2018.
Audio file of meeting is available by contacting the City Clerk's Office.