

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

Monday, April 20, 2020 5:30 PM

Ankeny Kirkendall Library - City Council Chambers

Gary Lorenz, Mayor

Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jeff Perry, Kerry Walter-Ashby, Kelly Whiting

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Mayor Lorenz called the meeting to order at 5:30 PM. Due to Covid-19 Pandemic all council members joined the meeting via conference call. City Manager, David Jones and City Attorney, Amy Beattie were also present.

### **PUBLIC FORUM**

- Daniel Manning, Sr., an attorney from Lillis O'Malley Olson Manning Pose Templeman LLP, addressed council on behalf of the Deer Creek, LLC Development. Manning filed a formal objection to item CA-32, a policy for developer cost sharing on proposed street crossings of existing named waterways. He requested that the item be removed from the consent agenda and that the proposed policy not be adopted by city council.

### **APPROVAL OF AGENDA**

1. Council member Whiting moved, second by Holm, to approve and accept the April 20, 2020 agenda, with the amendment of removing item CA-32, a policy for developer cost sharing on proposed street crossings of existing named waterways, from consent agenda and placing it on the agenda for separate discussion/action. Ayes: 5.

### **PUBLIC HEARING**

1. PH 2020-26. Mayor Lorenz announced that this is the time and place for a public hearing on the matter of the acquisition of property and property interests for the public improvement to be known as West First Street Widening & Improvements – Phase 1 project. Notice of this hearing was published in the Des Moines Register on the 10th day of April, 2020 and notices were mailed as required by law.

Mark Mueller, Public Works Director, reported the action before the Council is to hold a Public Hearing to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the West First Street Widening and Improvements - Phase 1 project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of fee title, permanent easements, and temporary easements for the project.

Mayor Lorenz then asked for any public comment regarding the West First Street Widening & Improvements – Phase 1 project. JoAnn Barten, representing Jerald Barten, 102 SW Pleasant Street, Ankeny, Iowa, asked council if a feasibility study had been done to consider using only the north side of West First Street which is mostly government owned instead of taking from private taxpayers. Mark Mueller answered the questions

JoAnn presented. Hearing no further comments, Council Member Whiting moved to close public hearing 2020-26, Bentz seconded. Ayes: 5.

2. PH 2020-27. Mayor Lorenz announced that this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for construction of certain public improvements described in general as construction of the 2020 PCC Street Patching Program. Notice of this hearing was published in the Des Moines Register on the 10<sup>th</sup> day of April 2020.

Mark Mueller, Public Works Director, reported that The 2020 PCC Street Patching Program project includes the full depth removal and replacement of PCC street pavement at the SE Trilein Drive and SE 10th Street intersection and along SW Country Club Lane south of West 1st Street.

Mayor Lorenz then asked for any public comment regarding the proposed 2020 PCC Street Patching Program. Hearing no comments, Council Member Holm moved to close public hearing 2020-27, Walter-Ashby seconded. Ayes: 5.

3. PH 2020-28. Mayor Lorenz announced that this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for construction of certain public improvements described in general as construction of the 2020 CIPP Lining Project. Notice of this hearing was published in the Des Moines Register on the 10th day of April 2020.

Don Clark, Director of Municipal Utilities, reported that this project includes cured in place pipe (CIPP) slip lining existing sanitary sewer collection mains in various neighborhoods within the City of Ankeny. The construction improvements include minor traffic control, establishing a Public Information and Notification Program, cleaning, video inspection, service and obstruction locating, establishing and executing a sewage bypassing plan, removing obstructions by trenchless methods, verifying all sanitary sewer service reconnections, cleanup and miscellaneous associated work necessary to complete the project.

Mayor Lorenz then asked for any public comment regarding the proposed 2020 CIPP Lining Project. Hearing no comments, Council Member Bentz moved to close public hearing 2020-28, Perry seconded. Ayes: 5.

4. PH 2020-29. Mayor Lorenz announced that this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost for construction of certain public improvements described in general as construction of the Ankeny Parks Maintenance Facility Renovation – Phase 1 project. Notice of this hearing was published in the Des Moines Register on the 10th day of April 2020.

Paul Moritz, Assistant City Manager, reported that the Ankeny Parks Maintenance Facility Renovation - Phase 1 project includes the construction of a 50x80 engineered metal building addition with wash bay at the west end of the existing Ankeny Parks Maintenance Facility. Scope of work includes new water and sanitary service to the building, storm water detention, storm sewer, and site paving. MEP work includes interior and exterior lighting, power, technologies, unit heaters, exhaust system, compressed air piping, water heater, sand/oil separator, and connections to existing building. Phase 2 of this project is

planned for the 2021 construction season and will consist of the complete renovation of the existing building.

Mayor Lorenz then asked for any public comment regarding the proposed Ankeny Parks Maintenance Facility Renovation – Phase 1 Project. Hearing no comments, Council Member Walter-Ashby moved to close public hearing 2020-29, Perry seconded. Ayes: 5.

## **APPROVAL OF CONSENT AGENDA**

### Minutes

1. Official council actions of the regular meeting of April 6, 2020, as published, subject to correction, as recommended by the City Clerk.
2. Receive and file minutes of the Plan and Zoning Commission meeting of March 17, 2020.
3. Receive and file minutes of the Civil Service Commission meeting of March 10, 2020.
4. Receive and file minutes of the Library Board meetings of January 16, 2020 and February 20, 2020

### Licenses and Permits

5. Issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

### Finance/Budget

6. Receive and file Financial Reports for March 2020.
7. Receive and file the Building Permits Report for March 2020.
8. Receive and file Utility Billing Report for March 2020.
9. Payment #2 in the amount of \$10,124.88 to Civil Design Advantage for engineering services on the NW 18th Street Extension – NW Weigel Drive to NW Spruce Drive project.
10. Payment #6 in the amount of \$5,334.10 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 3 project.
11. Payment #11 in the amount of \$34,871.60 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.
12. Change Order #7 decreasing the contract amount by \$2,937.15 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.
13. Payment #12 in the amount of \$83,691.23 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.
14. Payment #9 in the amount of \$51,870.00 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.
15. Payment #11 in the amount of \$24,480.25 to FOX Engineering Associates, Inc., for engineering services on the 2018 SE Magazine Road Water Main Improvements project.
16. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$114,075.00 with HR Green, Inc. for traffic signal and street lighting design, and construction engineering services on the SW State Street Reconstruction - Northbound Lanes project.
17. Change Order #1 increasing the contract amount by \$11,250.00 to Minger Construction Co. Inc. for construction services on the NW Northlawn Area Sanitary Sewer Improvements project.
18. Change Order #47 increasing the contract amount by \$10,121.80 to Stahl Construction, Inc. for construction improvements on the Ankeny Kirkendall Public Library Project.

19. Payment #16 in the amount of \$17,959.70 to SVPA Architects, Inc., for services for the Public Services Building/City Hall renovation project.
20. Payment #2 in the amount of \$249,182.79 to Thorpe Water Development Co., for Construction Services on the SE Magazine Road Water Main Improvements project.
21. Payment #2 in the amount of \$25,159.80 to the Trinity Group for construction services on the Ankeny City Hall Council Chambers Renovation Project.
22. Approve the April 20, 2020 Accounts Payable: General \$181,694; Police Gift \$200; Road Use Tax \$50,298; Police/Fire Pension \$966; Library Foundation \$517; Water \$528,559; Sewer \$707,997; Stormwater \$4,281; Golf Course \$38,311; Enterprise Project \$296,282; Revolving \$8,557; Risk Mgmt \$16,072; Health Insurance \$773; BAN/Bond Activity \$3,500; Capital Projects \$343,520; Payroll \$1,321,572; Less Service Transfers/ACH Drafts (\$171,679); Less Agenda payments (\$502,674). Grand Total \$2,828,744.

#### Personnel Items

23. Accept the Civil Service Commission certified lists for Civil Engineer I in the Public Works Department and Recreation Supervisor in the Parks and Recreation Department, subject to passing any further department requirements.

#### Community Development Items

24. **RESOLUTION 2020-183** accepting a public storm water management facility maintenance covenant and permanent easement agreement, located on a part of Lots 1 & 2, Ankeny Land, LLC Plat 1; and associated with the development of the Dewey Jeep Dodge Collision Center located at 3225 SE Delaware Avenue.
25. **RESOLUTION 2020-184** accepting final plat and subdivision bond for seeding and erosion control for The District at Prairie Trail Plat 9.
26. **RESOLUTION 2020-185** accepting subdivision bonds for seeding and erosion control, sanitary sewer and water connection fees, and platted easements for Lot 1, Crosswinds Business Park Plat 1; and associated with the site plan for 7500 SE Convenience Blvd, Kreg Tool World Headquarters.
27. **RESOLUTION 2020-186** accepting final plat, letter of credit for seeding and erosion control, performance and maintenance bonds for public improvements, platted easements, restrictive covenants, and sanitary sewer connection fee for The Village at Aspen Ridge Estates Plat 1.
28. **RESOLUTION 2020-187** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of water main and sanitary sewer in The Village at Aspen Ridge Estates Plat 1.

#### Engineering Items

29. **RESOLUTION 2020-188** accepting public improvements for Kwik Star Convenience Store #1057 for paving.
30. **RESOLUTION 2020-189** authorizing the execution of a Federal-Aid Swap Agreement for Surface Transportation Block Grant (STBG) Program funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa, for the sharing of project costs for the proposed West First Street Widening and Improvements - Phase 1 project.
31. Receive and File Correspondence from Dan Manning, on behalf of Deer Creek, LLC, regarding Cost Sharing Policy Regarding Item CA-32.
32. Item removed from consent agenda.

## Approval of Consent Agenda Items

1. Council member Holm moved, second by Walter-Ashby, to approve the recommendations for Consent Agenda Items CA-1 through CA-31. Ayes: Holm, Walter-Ashby, Bentz, Perry, Whiting.
2. Council member Whiting moved, second by Walter-Ashby, to **defer** the consideration of **RESOLUTION 2020-190** approving a Policy for Developer Cost Sharing on Proposed Street Crossings of Existing Named Waterways. Ayes: Whiting, Walter-Ashby, Bentz, Holm, Perry.

## LEGISLATIVE BUSINESS:

### Ordinances:

1. **Ord 2011:** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 169 Construction Site Erosion and Sediment Control. Council member Holm moved to accept third consideration of ORDINANCE 2011, sending it on its final passage and publication as required by law, Whiting seconded. Ayes: Holm, Whiting, Bentz, Perry, Walter-Ashby.
2. **Ord 2012:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by D.R.A. Council member Walter-Ashby moved to accept the second reading of Ordinance 2012, Holm seconded. Ayes: Walter-Ashby, Holm, Bentz, Perry, Whiting.

### Boards and Commission Appointments:

3. Council member Walter-Ashby moved, second by Whiting, to approve the appointment of Laura Housel, term ending 4/31/2023, and Aaron Thacker, term ending 4/31/2024, to the Cultural Arts Board. Ayes: 5.

## NEW BUSINESS:

1. West First Street Widening and Improvements - Phase 1 (PH 2020-26)  
Council member Bentz moved, second by Holm, to adopt **RESOLUTION 2020-191** approving and authorizing the acquisition of property and property interests for the West First Street Widening and Improvements - Phase 1 Project. Ayes: Bentz, Holm, Perry, Walter-Ashby, Whiting.
2. Proposed 2020 PCC Street Patching Program (PH 2020-27)  
Council member Whiting moved, Walter-Ashby seconded, to adopt 1) **RESOLUTION 2020-192** adopting plans, specifications, form of contract and estimate of cost \$495,185.00; 2) receive and file report of bids received April 14, 2020; and 3) adopt **RESOLUTION 2020-193** making award of construction contract with MNM Concrete Specialists in the amount of \$439,799.00. 4) **RESOLUTION 2020-194** approving contract and bonds with MNM Concrete Specialists in the amount of \$439,799.00. Ayes: Whiting, Walter-Ashby, Bentz, Holm, Perry.
3. Proposed 2020 CIPP Lining Project (PH 2020-28)  
Council member Holm moved, second by Perry, to adopt 1) **RESOLUTION 2020-195** adopting plans, specifications, form of contract and estimate of cost \$511,625.00; 2) receive and file report of bids received April 14, 2020; and 3) **RESOLUTION 2020-196** making award of construction contract with Municipal Pipe Tool Co., LLC. in the amount

of \$422,666.40. 4) **RESOLUTION 2020-197** approving contract and bonds with Municipal Pipe Tool Co., LLC in the amount of \$422,666.40. Ayes: Holm, Perry, Bentz, Walter-Ashby, Whiting.

4. Proposed Ankeny Parks Maintenance Facility Renovation - Phase 1 (PH 2020-29)  
Council member Walter-Ashby moved, second by Whiting, to adopt 1) **RESOLUTION 2020-198** adopting plans, specifications, form of contract and estimate of cost \$839,106.00; 2) receive and file report of bids received April 14, 2020; 3) adopt **RESOLUTION 2020-199** making award of construction contract with All Star Concrete in the amount of \$773,100.00. 4) **RESOLUTION 2020-200** approving contract and bonds with All Star Concrete in the amount of \$773,100.00. Ayes: Walter-Ashby, Whiting, Bentz, Holm, Perry.
5. Request by Grand Capital, LC for the City Council to initiate a rezoning of certain property from R-1, One-Family Residence District to M-1, Light Industrial District.  
Council member Whiting, second by Perry, to receive and file correspondence dated April 8, 2020, regarding a rezoning request for 18.6 acres (+/-) of land, generally located east of SE Four Mile Dr, and approximately one-half mile north of SE Corporate Woods Dr, north of the railroad; and refer to the Plan and Zoning Commission for review and recommendation. Ayes: Whiting, Perry, Bentz, Holm, Walter-Ashby.

Council member Walter-Ashby moved, second by Holm, to initiate a rezoning request for 18.6 acres (+/-) of land, generally located east of SE Four Mile Dr, and approximately one-half mile north of SE Corporate Woods Dr, north of the railroad; and refer to the Plan and Zoning Commission for review and recommendation. Ayes: Walter-Ashby, Holm, Bentz, Perry, Whiting.

6. \$19,900,000 (Dollar Amount Subject to Change) General Obligation Bonds, Series 2020A  
Council member Holm moved, second by Whiting, to adopt **RESOLUTION 2020-201** directing the advertisement for sale of \$19,900,000 (dollar amount subject to change) General Obligation Bonds, Series 2020A, and approving electronic bidding procedures and official statement. Ayes: Holm, Whiting, Bentz, Perry, Walter-Ashby.
7. \$3,515,000 (Dollar Amount Subject to Change) Water Revenue Bonds, Series 2020B  
Council member Perry moved, second by Bentz, to adopt **RESOLUTION 2020-202** directing the advertisement for sale of \$3,515,000 (dollar amount subject to change) Water Revenue Bonds, Series 2020B, and approving electronic bidding procedures and official statement. Ayes: Perry, Bentz, Holm, Walter-Ashby, Whiting.
8. Proposed 2020 Sanitary Sewer Repairs Initiate Proceedings  
Council member Whiting moved, second by Walter-Ashby, to adopt **RESOLUTION 2020-203** ordering construction on the 2020 Sanitary Sewer Repairs and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 05/12/20 @ 10:30 a.m./date of hrg: 05/18/20 @ 5:30 p.m.) Ayes: Whiting, Walter-Ashby, Bentz, Holm, Perry.

## ADMINISTRATIVE BUSINESS

- City Manager David Jones briefed council on a local small business grant program that is being discussed amongst Metro Cities, Polk County, the Greater Des Moines Partnership, and private donations. Jones explained that at this time the investment required from Ankeny is unknown. After discussion council agreed that it would be difficult to commit to

the grant program without knowing a solid dollar amount in the uncertain economy caused by COVID-19. They agreed to follow the activity and potentially make a decision on whether Ankeny would invest at a later time.

- Council members Bentz & Whiting spoke briefly about the options to “open back up” from the COVID 19 shutdowns.
- Council member Holm asked if staff had noticed a difference with the cardboard drop site at the maintenance facility with an extra Saturday pickup.

## **ADJOURNMENT**

1. Council adjourned the regular meeting at 7:19 PM.

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 27th day of April, 2020.