

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

Monday, June 1, 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 council members Perry, Walter-Ashby, Whiting joined the meeting via conference call. Council Members Bobbi Bentz and Mark Holm were present. City Manager David Jones, and City Attorney Amy Beattie were also present.

Todd Wehr, Shive-Hattery Project Manager, presented a 3D version of the proposed Ankeny Senior Community Center to be located west of Fire Station No. 1 off of NW Ash in Ankeny. This project is a joint City of Ankeny and Polk County venture. Mayor and council members had a few questions, but overall liked the concept of the building.

### **PUBLIC FORUM**

1. Mary Jo Blumer, 1723 SW Franklin Dr, Ankeny, Iowa presented pictures regarding a fence that is located in a drainage area at the rear of her home by her neighbor to the back of her. She believes this fence is causing drainage back up and flooding her backyard. City Manager agreed to have staff look at a drainage intake located near her home and submit a report for council on what the city controls in this situation.
2. Dan Manning, Attorney with Lillis O'Malley Olson Manning Pose Templeman LLP, 317 6<sup>th</sup> Ave, Des Moines, representing Deer Creek Estates, LLC, voiced concerns regarding the approval of a policy for improvements on street crossings of existing waterways within the City of Ankeny. He asked council to not approve the policy that will be considered later in the meeting. This is a policy that was deferred on April 20 and has since been revised.

### **APPROVAL OF AGENDA**

1. Council member Holm moved, second by Walter-Ashby, to approve and accept the June 1, 2020 agenda, without amendment. Ayes: 5.

### **PUBLIC HEARINGS**

1. PH 2020-32. Mayor Lorenz announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2014 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by DTK Properties, LLC from its current R-1, One-Family Residence District to M-1, Light Industrial District. Notice of this hearing was published in the Des Moines Register on the 22nd day of May 2020, and notices were mailed to affected property owners as required by law.

Eric Carstens, Planning and Building, filling in for Director Eric Jensen, reported that the applicant, DTK Properties, LLC, is requesting to rezone property from R-1, One-Family Residence District to M-1, Light Industrial District. The area subject to the proposed rezoning—comprised of two parcels—is approximately 12.8 acres (+/-), located southwest of the intersection at SE Four Mile Drive and SE Corporate Woods Drive, and is zoned R-1, One-Family Residence District. The proposed rezoning to M-1, Light Industrial District,

is aligned with The Ankeny Plan 2040 Future Land Use Map, which defines this parcel as light industrial and open space/floodplain.

Mayor Lorenz then asked for any public comment regarding the proposed Ordinance 2014 amending the zoning regulations. Hearing no comments, Council Member Whiting moved to close public hearing 2020-32, Walter-Ashby seconded. Ayes: 5.

2. PH 2020-33. Mayor Lorenz announced that this is the time and place for a public hearing for the proposed Ordinance 2015 vacating a portion of an entrance easement located on Lot 1 and Street Lot 'A', Corporate Woods Business Park Plat 5. Notice of this hearing was published in the Des Moines Register on the 22nd day of May, 2020.

Eric Carstens, Planning and Building, filling in for Director Eric Jensen, reported the City has received a request to vacate a portion of a 40-foot entrance easement located on Lot 1 and Street Lot 'A', Corporate Woods Business Park Plat 5. The purpose of the vacation request is to allow construction of the future extension of SE Convenience Boulevard, south of SE Corporate Woods Drive.

Mayor Lorenz then asked for any public comment regarding the proposed Ordinance 2015 vacating a portion of an entrance easement located on Lot 1 and Street Lot 'A', Corporate Woods Business Park Plat 5. Hearing no comments, Council Member Holm moved to close public hearing 2020-33, Bentz seconded. Ayes: 5.

3. PH 2020-34. Mayor Lorenz announced that this is the time and place for a public hearing on the matter to consider a proposed conveyance of improvements, property and permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority. Notice of this hearing was published in the Des Moines Register on the 22nd day of May, 2020.

Paul Moritz, Assistant City Manager, provided a report that as part of the terms and conditions for the WRA to own and maintain the Rock Creek Sewer, each affected city including Ankeny was directed to convey easements for the sewer to the WRA. These easements are located across the street rights-of-way or are located on other city-owned property. All necessary sewer easements across private property were acquired prior to construction.

Mayor Lorenz then asked for any public comment regarding the conveyance of the sewer easements to the WRA. Hearing no comments, Council Member Walter-Ashby moved to close public hearing 2020-34, Whiting seconded. Ayes: 5.

4. PH 2020-35. 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 Heritage Park Parking Lot Resurfacing project. Notice of this hearing was published in the Des Moines Register on the 15th day of May 2020.

Nick Lenox, Park and Recreation Director, reported that the Heritage Park Parking Lot Resurfacing project includes the rehabilitation and widening of the existing parking lot at Heritage Park along Frisk Drive in Ankeny, Iowa. The project also consists of earthwork, PCC curb and gutter, driveway replacement, painted pavement markings, pipe culvert

installation, erosion control, surface restoration, and other associated work necessary to complete the project, generally located within the Heritage Park parking lot.

Mayor Lorenz then asked for any public comment regarding the Heritage Park Parking Lot Resurfacing project. Hearing no comments, Council Member Bentz moved to close public hearing 2020-35, Perry seconded. Ayes: 5.

5. PH 2020-36. Mayor Lorenz announced that this is the time and place for a public hearing on the matter of a proposed development agreement between the City of Ankeny and Ryan Companies US, Inc. related to business expansion. The Notice of Hearing on this proposal was published in the Des Moines Register on the 22nd day of May 2020.

Derek Lord, Director of Economic Development, reported that Ryan Company is proposing to construct an approximately \$20 million, 350,000 sf warehouse on approx. 35 acres on the west side of SE Delaware Ave., immediately south of the Toro Distribution Center. Ryan Companies is currently working with a prospective tenant who would lease the entire facility.

Mayor Lorenz then asked for any public comment regarding the Heritage Park Parking Lot Resurfacing project. David Wilson, Ryan Companies, thanked council for their consideration. Hearing no other comments, Council Member Holm moved to close public hearing 2020-36, Whiting seconded. Ayes: 5.

## **APPROVAL OF CONSENT AGENDA**

### **Minutes**

1. Approval of official council actions of the regular meeting of May 18, 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 May 5, 2020.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of March 17, 2020.
4. Receive and file minutes of the Library Board meeting from April 23, 2020

### **Licenses and Permits**

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

### **Finance/Budget**

6. Change Order #1 decreasing the contract amount by \$2,238.50 to Alliance Construction Group, for construction services on the SE Hulsizer Road Realignment project.
7. Payment #2 in the amount of \$246,947.44 to Alliance Construction Group for construction services on the SE Hulsizer Road Realignment project.
8. Payment #16 in the amount of \$3,245.38 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek - Construction Engineering project.
9. Payment #23 in the amount of \$59,767.27 to HR Green, Inc., for engineering services on the NW Irvinedale Drive Reconstruction (Design) project.
10. Payment #10 in the amount of \$578.75 to JEO Consulting Group, Inc., for engineering services on the NE 18th Street and NE Trilein Drive Signalization project.
11. Payment #9 in the amount of \$1,293.75 to JEO Consulting Group, Inc., for engineering services on the SE 8th Street Reconstruction - Phase 1 project.

12. Payment #2 in the amount of \$6,272.50 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Area Storm Sewer Evaluation and Improvements Concept project.
13. Payment #1 in the amount of \$3,061.73 to Kirkham Michael and Associates, for engineering services on the SE Delaware Ave and SE Corporate Woods Dr Intersection Improvements project.
14. Change Order #3 increasing the contract amount by \$51,944.00 to McAninch Corporation, for construction services on the SW Des Moines Street - Magazine to 11th project.
15. Payment #7 in the amount of \$53,895.40 to McAninch Corporation, for construction services on the SW Des Moines Street - Magazine to 11th project.
16. Amendment #1 to the Professional Services Agreement increasing the contract amount by \$5,750.00 with MSA Professional Services, Inc., for additional design engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
17. Payment #2 in the amount of \$15,211.20 to MSA Professional Services, Inc., for engineering services on the NW 36th Street and NW Weigel Drive Water Main project.
18. Payment #5 in the amount of \$143,061.64 to Shive Hattery for design\development services on the Ankeny Senior Community Center.
19. Payment #30 in the amount of \$1,821.90 to Snyder & Associates, Inc., for engineering services on the NE Delaware Avenue Pedestrian Bridge & Sidewalk Connection project.
20. Payment #17 in the amount of \$16,132.61 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Extension SW Ordance to SE Magazine project.
21. Payment #26 in the amount of \$1,220.86 to Snyder & Associates, Inc., for engineering services on the S Ankeny Blvd & SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
22. Payment #12 in the amount of \$9,972.75 to Snyder & Associates, Inc., for engineering services on the Wildflower Basin Improvements project.
23. Payment #1 in the amount of \$12,845.11 to Snyder & Associates, Inc., for engineering services on the SE Delaware Ave and SE 8th St Widening and Traffic Signalization project.
24. Payment #1 in the amount of \$4,445.25 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements project.
25. .Payment #3 in the amount of \$12,496.11 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
26. Payment #3 in the amount of \$11,583.63 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
27. Payment #7 in the amount of \$3,847.38 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements project.
28. Payment #12 in the amount of \$7,460.59 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive – RISE project.
29. Payment #16 in the amount of \$18,320.23 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.
30. Payment #4 in the amount of \$241,721.01 to Sternquist Construction, for construction services on the SE Crosswinds Drive – RISE project.
31. Payment #7 in the amount of \$3,952.00 to SystemWorks, LLC for commissioning services on the Ankeny Kirkendall Public Library project.
32. June 1, 2020 Accounts Payable: General \$102,358; Road Use Tax \$70,825; Debt Service \$20,267,706; Water \$91,754; Water Sinking \$1,740,377; Sewer \$42,976; Sewer Sinking 500; Stormwater \$1,038; Golf Course \$19,747; Enterprise Project \$57,961;

Revolving \$10,168; Risk Mgmt \$5,942; BAN/Bond Activity \$42,500; Capital Projects \$1,019,836; Payroll \$1,494,342; Less Service Transfers/ACH Drafts (\$173,532); Less Agenda payments (\$890,960). Grand Total \$23,903,538.

33. Consider motion to adopt **RESOLUTION 2020-236** amending the original schedule of fees for Pet Licensing as set by City Council on 4/23/2020 by Resolution 2020-162.

#### Community Development Items

34. **RESOLUTION 2020-237** setting a public hearing on a proposal to vacate a public utility and drainage easement located on a part of Lot 1, Metro North (date of hrg: 6/15/20 @ 5:30 p.m.)
35. Approve the Centennial Estates Preliminary Plat.

#### Capital Improvement Projects

36. **SE Creekview Drive Roadway Improvements:** approve: a) Final Change Order #4 decreasing the contract amount by (\$1,039.60); b) Certificate of Completion; c) **RESOLUTION 2020-238** accepting the public improvement with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$806,765.30; and d) Final Payment #6 in the amount of \$3,242.00 / Release of Retainage in the amount of \$8,563.80.
37. **RESOLUTION 2020-239** ordering preparation of final plat and schedule of assessments for the SE Creekview Drive Roadway Improvements Project.

#### Administrative Items

38. Professional Services Agreement with MSA Professional Services, Inc. for Parking Analysis and Improvement Recommendations for Uptown Ankeny in an amount not to exceed \$14,500 and authorize the City Manager to execute said Agreement.
39. **RESOLUTION 2020-240** authorizing execution of an indemnification agreement between the City of Ankeny and Kinzler Construction Services, Inc. for Iowa Department of Transportation Revitalizing Iowa's Sound Economy (R.I.S.E.) funding for the SE Hulsizer Drive re-alignment project.
40. Waive Ankeny Little League's 2020 user fees for the Prairie Ridge Sports Complex

#### Approval of Consent Agenda Items

1. Council member Walter-Ashby moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-40. Ayes: Walter-Ashby, Bentz, Holm, Perry, Whiting.

### LEGISLATIVE BUSINESS:

#### Ordinances:

1. **Ord 2013:** An **Ordinance** amending Chapter 56 Dog and Cat Licenses Required of the Municipal Code of the City of Ankeny, Iowa, 2008. Council member Holm moved to accept second consideration of ORDINANCE 2013, Walter-Ashby seconded. Ayes: Holm, Walter-Ashby, Bentz, Perry, Whiting.
2. **Ord 2014:** 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 DTK Properties, LLC. Council member Whiting moved to accept the first reading or ORDINANCE 2014, Walter-Ashby seconded. Ayes: Whiting, Walter-Ashby, Bentz, Holm, Perry.

3. **Ord 2015:** An **Ordinance** vacating a portion of an Entrance Easement located on Lot 1 and Street Lot 'A', Corporate Woods Business Park Plat 5. Council member Whiting moved to accept the first reading of ORDINANCE 2015, Perry seconded. Whiting, Perry, Bentz, Holm, Walter-Ashby.

#### **OLD BUSINESS:**

1. Council member Walter-Ashby moved, second by Perry, to adopt **RESOLUTION 2020-241** approving a Policy for Improvements on Proposed Street Crossings of Existing Named Waterways. Ayes: Walter-Ashby, Perry, Bentz, Holm, Whiting.

#### **NEW BUSINESS:**

1. **Proposed conveyance of improvements, property and permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority (PH 2020-34)**  
Council member Holm moved, second by Perry, to adopt **RESOLUTION 2020-242** authorizing conveyance of improvements, property and permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority. Ayes: Holm, Perry, Bentz, Walter-Ashby, Whiting.
2. **Proposed Heritage Park Parking Lot Resurfacing (PH 2020-35)**  
Council member Bentz moved, Whiting seconded to adopt 1) **RESOLUTION 2020-243** adopting plans, specifications, form of contract and estimate of cost \$175,000.00; 2) receive and file report of bids received May 26, 2020; and 3) adopt **RESOLUTION 2020-244** making award of construction contract with InRoads, LLC in the amount of \$75,655.00. 4) adopt **RESOLUTION 2020-245** approving contract and bonds with InRoads, LLC in the amount of \$75,655.00. Ayes: Bentz, Whiting, Holm, Perry, Walter-Ashby.
3. **Proposed Development Agreement between the City of Ankeny and Ryan Companies US, Inc. (PH 2020-36)**  
Council member Bentz moved, Whiting seconded to adopt **RESOLUTION 2020-246** approving a development agreement between the City of Ankeny and Ryan Companies US, Inc. Ayes: Bentz, Whiting, Holm, Perry, Walter-Ashby.
4. **Request for a barbed wire fence at 5800 SE Delaware Avenue**  
Council member Bentz moved, Walter-Ashby seconded, to approve the request for barbed wire fencing at 5800 SE Delaware Ave. Ayes: Bentz, Walter-Ashby, Holm, Perry, Whiting.
5. Council member Whiting moved to open Cascade Falls Aquatic Center for open swim, lap swim, water walking and swim lessons for the 2020 season beginning the week of June 15, subject to subsequent legal authority being granted by Governor Reynolds. Motion died due to lack of a second.
6. Council member Whiting moved to open Prairie Ridge Aquatic Center for swim lessons for the 2020 season beginning the week of June 15. Motion died due to lack of a second.

#### **ADMINISTRATIVE BUSINESS**

- David Jones informed City Council that he planned on moving forward with a small number of new positions that were planned for in the budget.
- Mayor Lorenz thanked council and staff for hanging in there during the unprecedented Covid 19 challenges
- Bentz explained that she felt she didn't have enough information to consider opening the pools at this time. She stated she felt she needed more policy and state directions on opening. She noted that this is a decision that management makes and council does not typically make this type of decision.

- Holm noted that he would like to wait until closer to June 17 to make a decision on the pool. He also noted he was concerned about the loss of money, but understood that the safety of residents should come first.
- Perry inquired about the status of the Human Rights Commission. Mayor informed him that they had held off because they wanted to commence face-to-face interviews and because of Covid had put that off. Mayor Lorenz indicated that they may make arrangements to start interviews practicing social distancing.
- Walter–Ashby noted she agreed with all of the comments concerning the pool and mentioned that a work session closer to June 17 might be warranted. She also thanked Chief Potts, all the Rescue personnel, and staff for their hard work.
- Whiting also thanked Chief Potts and PD for their help in being deployed during the riots in Des Moines. She stated “in regards to the pool discussion while certainly disappointed in a lack of a second, she was not surprised. The CDC categorized visiting a public pool as less hazardous than getting a haircut so she does think the longer we pontificate and create red tape around it, the less likely it is that we will actually open it because the financial burden does get heavier. Several private clubs, pools, and obviously many home owners are about to open their pools in the city so by not opening the pool we as a city are perpetuating a situation of the haves and have-nots in terms of swimming lessons and general recreation access.”

#### ADJOURNMENT

1. At 7:00 PM Council member Holm moved, Bentz seconded to go into Executive Session, pursuant to the provisions of Iowa Code Chapter 21.5, sub-paragraph(c) "to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Ayes: Holm, Bentz, Perry, Walter-Ashby, Whiting. Council adjourned the executive meeting at 7:09 PM.
2. Council adjourned the meeting at 7:09 PM.

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

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