

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

Monday, February 20, 2023 5:30 p.m.

Ankeny Kirkendall Library - City Council Chambers

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro tem

Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Stearns

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Mayor Mark Holm called the meeting to order at 5:30 p.m. Council Members Bobbi Bentz, Jeff Perry, Joe Ruddy, Todd Shafer and Kelly Stearns were in attendance. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

1. Council Member Bentz moved, Shafer seconded, to approve and accept the February 20, 2023 agenda as presented. Ayes: 5.

### **PUBLIC HEARING**

1. PH 2023-12. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2132 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by NGR, Inc. Notice of this hearing was published in the Des Moines Register on the 10th day of February, 2023 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the applicant, Hubbell Realty Company, on behalf of NGR, Inc., 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 consists of one parcel and totals approximately 31.17 acres (+/-). The subject area is generally located three-quarters of a mile north of SE Corporate Woods Dr and immediately east of SE Four Mile Dr. Surrounding properties to the southwest and west are zoned M-1, Light Industrial District. Properties to the east and north are not within Ankeny's Corporate Limits. The proposed rezoning aligns with the *Ankeny Plan 2040 Future Land Use Map*, which identifies the subject parcel as being suitable for Airport Business Park uses and Open Space. Per the *Ankeny Plan 2040*, the M-1, Light Industrial District is listed as being a compatible zoning district within the Airport Business Park future land use classification.

Mayor Holm then asked for any public comment regarding the proposed rezoning. William Pearce, 6868 NE Berwick Dr, Ankeny voiced concerns and invited the Mayor and Council to visit the woods. Jim Krohse, 6734 NE Berwick Dr, Ankeny voiced concerns about the rezoning. Clint Sloss of Hubbell Development Service and Dustin Creech of Engineering Resource Group answered questions about the project. Council Member Shafer moved, Bentz seconded, to close public hearing 2023-12. Ayes: 5.

2. PH 2023-13. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed review of an application for State Revolving Fund (SRF) Loan and to make available to the public the contents of an environmental information document and the City's project plan. The proposed project involves the construction of the NW Water Tower. Notice of this hearing was published in the Des Moines Register on the 6th day of January, 2023.

Don Clark, Municipal Utilities Director, reported that the project will utilize the State Revolving Fund to provide a lower rate of interest. The purpose of this project is to provide additional

water storage and more reliable water pressure and flow to the northwest quadrant of Ankeny. This tower will be sourced with water from the NW Booster Station. This project is still being designed, but the intention is to have it out for bid in the Spring of 2023, with construction to follow in the summer of 2023 that will likely continue into 2024.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2023-13. Ayes: 5.

3. PH 2023-14. Mayor Holm announced 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 2023 PCC Street Patching Program. Notice of this hearing was published in the Des Moines Register on the 3rd day of February, 2023.

Mark Mueller, Public Works Director, reported the project includes the full depth removal and replacement of PCC street pavement at four separate locations, generally located on: Site 1 – East First St between Ankeny Blvd and Delaware Ave; Site 2 – NW State St between West First St and NW 9th St; Site 3 – SW Glenbrooke Blvd and SW 29th St intersection; and Site 4 – NE 16th St and NE Innsbruck Court intersection. Other associated improvements include sidewalk and pedestrian ramp removal and replacement, minor adjustments to sanitary and storm sewer structures, partial rebuild of an existing intake, temporary traffic control, temporary lane separator system, maintenance of postal service and solid waste collection, temporary surface restoration, mobilization, and miscellaneous associated work necessary to complete the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2023-14. Ayes: 5.

4. PH 2023-15. Mayor Holm announced 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 2023 PCC Reconstruction Program – SE Creekview Dr. Notice of this hearing was published in the Des Moines Register on the 3rd day of February, 2023.

Mark Mueller, Public Works Director, reported the project includes PCC pavement reconstruction of the northbound lanes of SE Creekview Dr from just north of SE Oralabor Rd to just north of SE Tones Dr. Other associated improvements include Class 10 excavation, subgrade preparation, modified subbase placement, subdrain removal and replacement, minor adjustments to existing storm sewer structures, pedestrian ramp improvements, temporary surface restoration, temporary traffic control, mobilization, and miscellaneous associated work necessary to complete the project.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Stearns moved, Shafer seconded, to close public hearing 2023-15. Ayes: 5.

## **APPROVAL OF CONSENT AGENDA**

## Minutes

1. Official council actions of the regular meeting of February 6, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of January 18, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of January 4, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of November 17, 2022.
5. Receive and file minutes of the Civil Service Commission meeting of January 9, 2023.

## Licenses and Permits

6. Issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

## Finance/Budget

7. Receive and file Financial Reports for January 2023.
8. Receive and file Building Permit Report for January 2023.
9. Receive and file Utility Billing Report for January 2023.
10. Change Order #2 increasing the contract amount by \$33,273.74 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
11. Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$16,465.00 with JEO Consulting Group for construction engineering services on the SE 3rd St Utility Improvements - Phase 1 project.
12. Amendment No. 10 to the Professional Services Agreement increasing the contract amount by \$10,000.00 with Shive-Hattery for construction administration services associated with the Albaugh Senior Community Center project.
13. Payment #9, \$26,667.80 to Absolute Concrete Construction, Inc. for construction services on the SE 3rd St Utility Improvements - Phase 1 project.
14. Payment #4, \$136,937.94 to Grimes Asphalt and Paving Corporation, for construction services on the SE Delaware Ave HMA Widening project.
15. Payment #8, \$18,480.00 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
16. Payment #6, \$6,005.00 to HR Green, Inc., for engineering services on the SW State St Fiber Optic Relocation project.
17. Payment #8, \$6,340.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd St Improvements - Phase 2 project.
18. Payment #7, \$389.45 to McClure Engineering Company, for engineering services on the SW State St Reconstruction - Southbound Lanes project.
19. Payment #10, \$6,887.75 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
20. Payment #2, \$9,177.00 to Redbud, LLC, for construction services on the Landscaping Improvements for High Trestle Extension project.
21. Payment #28, \$3,812.51 to Shive Hattery for development services associated with the Ankeny Senior Community Center project.
22. Payment #7, \$1,671.99 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
23. Payment #3, \$265,766.84 to Synergy Contracting, LLC, for construction services on the HTT Water Transmission Main & Drainage Improvements project.
24. Payment #5, \$344,303.48 to W RH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.
25. February 20, 2023 Accounts Payable by fund: General 203,074; Hotel Motel Tax 30,000; Road Use Tax 40,121; Police/Fire Pension 5,107; Library Foundation 299; Water 928,128; Sewer 535,379; Storm Water 14,071; Golf Course 4,949; Enterprise Project 875,000; Revolving 50,246; Risk Management 6,712; Health Insurance 456; Capital Projects 213,197; Payroll

Totals 1,756,300; Transfers/ACH (195,029); Agenda Payments approved separately (1,051,472); Grand Total \$3,416,538.

26. Custodial services contract with Mary's Cleaning Care Inc., Urbandale, Iowa, and authorize the Mayor to sign Letter of Agreement.

#### Personnel

27. Civil Service Commission certified lists for appointment to Equipment Operator and GIS Specialist, subject to passing any further departmental requirements.
28. Amendment to the labor agreement with Ankeny Police Department Employee's Union dated July 1, 2022-June 30, 2026.
29. Labor agreement between the American Federation of State, County, and Municipal Employees Union (AFSCME) AFL-CIO Local #1868 and the City of Ankeny commencing July 1, 2023-June 30, 2025 and to execute said agreement.

#### Community Development

30. **RESOLUTION 2023-076** accepting final plat and warranty deed to streets, for Georgetown Plat 12.
31. **RESOLUTION 2023-077** accepting final plat, platted easements and subdivision bond for seeding and erosion control for Vintage Business Park at Prairie Trail Plat 13.
32. **RESOLUTION 2023-078** accepting final plat, platted easements and parksite dedication agreement for Kimberley Crossing Plat 2.

#### Engineering

33. **RESOLUTION 2023-079** authorizing the execution of an agreement with Iowa Department of Transportation for DOT-Initiated Detour of Primary Highways onto Local Roads for I-35 access at NE 126th Ave PCC Pavement and Grading project.
34. **RESOLUTION 2023-080** accepting maintenance bond for water main and sanitary sewer in Kimberley Crossing Plat 2.
35. **RESOLUTION 2023-081** accepting public improvements in Courtyards at Harvest Ridge Plat 4 for utilities (sanitary sewer & water main).
36. **RESOLUTION 2023-082** authorizing the Mayor to sign a development agreement with DRA Properties, L.C., concerning the construction of a traffic signal at the intersection of SW District Dr and SW Magazine Road.
37. **RESOLUTION 2023-083** accepting a proposal from Howrey Construction, Inc. in the amount of \$108,881.00 for the construction of the 2023 Sidewalk Gaps and Replacements Improvement Program project.
38. **RESOLUTION 2023-084** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd project. (DLE Seven, LLC)
39. **RESOLUTION 2023-085** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd project. (Denny Elwell Family, LC)
40. **RESOLUTION 2023-086** accepting and approving documents for the acquisition of Permanent Water Main Easement for the S. Ankeny Blvd. Transmission Main project. (DMACC)
41. **RESOLUTION 2023-087** setting a public hearing on a proposal to vacate a public water main easement located across lots 1, 2, 3, and 4 of Park Sight Office Park at Prairie Trail Plat 4. (date of hrg: 3/6/23 @ 5:30 p.m.)

#### Capital Improvement Projects

42. **N. Ankeny Blvd. Water Main**: a) Certificate of Completion; b) **RESOLUTION 2023-088** accepting the public improvements with Priority Excavating, LLC in the amount of \$118,042.00; c) Change Order #1 for (\$1,290.00); d) Final Payment #3 in the amount of \$7,980.00 / Release of Retainage in the amount of \$5,902.10.
43. **Well No. 7/ASR No. 3 - Bid Package 1 - Well Construction**: a) Certificate of Completion; b) **RESOLUTION 2023-089** accepting the public improvements with Gingerich Well & Pump Service, LLC in the amount of \$3,434,544.69; c) Change Order #4 for (\$2,754.64); d) Final Payment #6 in the amount of \$18,948.10 / Release of Retainage in the amount of \$171,727.23.
44. **SE Delaware Avenue Fiber Optic Connection**: a) Change Order #1 & Final in amount of \$86.25; b) Certificate of Completion; c) **RESOLUTION 2023-090** accepting the public improvement with Iowa Signal, Inc. in the amount of \$116,139.75; and d) Final Payment in the amount of \$14,667.76; and Retainage Payment in the amount of \$5,806.99.

#### Administrative

45. **RESOLUTION 2023-091** approving construction contract and bond with Granite Excavating, in the amount of \$2,649,525.00 for the S. Ankeny Blvd Transmission Main project.
46. Ankeny Kirkendall Public Library Meeting Room Use Policy.

#### Approval of Consent Agenda Items

1. Council Member Stearns moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-46. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer.

### LEGISLATIVE BUSINESS

#### Approval of Ordinances

1. **Ord 2130.** 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 NGR Inc. Council Member Ruddy moved, Bentz seconded, to accept third consideration of Ordinance 2130, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
2. **Ord 2131.** 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 Bricktowne Piper LC. Council Member Ruddy moved, Stearns seconded, to accept third consideration of Ordinance 2131, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
3. **Ord 2132.** 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 NGR Inc. (PH 2023-12) Council Member Ruddy moved, Stearns seconded, to accept first consideration of Ordinance 2132. Ayes: Ruddy, Stearns, Bentz, Shafer. Nays: Perry. Motion passed.
4. **Ord 2133.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to general traffic regulations. Council Member Stearns moved, Ruddy seconded, to accept first consideration of Ordinance 2133. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
5. **Ord 2134.** An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 76 Bicycle Regulations. Council Member Stearns moved, Ruddy seconded, to accept first consideration of Ordinance 2134. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. **Ord 2135.** An ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to multi-use recreational trails. Council Member Bentz moved,

Stearns seconded, to accept first consideration of Ordinance 2135. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

## NEW BUSINESS

1. Proposed Environmental Review for SRF Loan Projects (PH 2023-13) Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-092** accepting the environmental information document for SRF loan application with the Iowa Department of Natural Resources. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
2. Proposed 2023 PCC Street Patching Program (PH 2023-14) Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2023-093** adopting plans, specifications, form of contract and estimate of cost \$896,860.00; 2) receive and file report of bids received February 14, 2023; 3) adopt **RESOLUTION 2023-094** making award of construction contract with TK Concrete, Inc. in the amount of \$840,250.00; and 4) adopt **RESOLUTION 2023-095** approving contract and bonds with TK Concrete, Inc. in the amount of \$840,250.00. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
3. Proposed 2023 PCC Reconstruction Program - SE Creekview Dr (PH 2023-15) Council Member Bentz moved, Stearns seconded, to adopt 1) **RESOLUTION 2023-096** adopting plans, specifications, form of contract and estimate of cost \$553,815.00; 2) receive and file report of bids received February 14, 2023; 3) adopt **RESOLUTION 2023-097** making award of construction contract with Alliance Construction Group, LLC in the amount of \$491,807.50; and 4) adopt **RESOLUTION 2023-098** approving contract and bonds with Alliance Construction Group, LLC in the amount of \$491,807.50. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
4. Proposed NW Prairie Ridge/ Ash Drive/ 9th Street Concept Study - Professional Services Agreement with Bolton & Menk, Inc. Council Member Ruddy moved, Stearns seconded, to approve the Professional Services Agreement with Bolton & Menk, Inc., for the traffic engineering services for the NW Prairie Ridge Dr/ Ash Dr/ 9th St Concept Study in an amount not to exceed \$34,400.00 and the Mayor to execute said agreement. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
5. Proposed Transportation Master Plan - Professional Services Agreement with JEO Consulting Group Council Member Stearns moved, Ruddy seconded, to approve the Professional Services Agreement with JEO Consulting Group, for the planning and engineering services for the Transportation Master Plan in an amount not to exceed \$269,400.00 and the Mayor to execute said agreement. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. Proposed North Four Mile Creek Trunk Sewer - Initiate Proceedings Council Member Ruddy moved, Shafer seconded, to adopt **RESOLUTION 2023-099** ordering construction on the North Four Mile Creek Trunk Sewer project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 3/14/23 @ 10:30 A.M. / date of hrg: 3/20/23 @ 5:30 P.M.) Ayes: Ruddy, Shafer, Bentz, Perry, Stearns.
7. Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2023 - June 30, 2024 - Set Public Hearing Date Council Member Perry moved, Bentz seconded, to set a public hearing on the maximum property tax dollars for Fiscal Year July 1, 2023 - June 30, 2024 for March 6, 2023 at 5:30 p.m. and direct City Clerk to publish notice of such hearing. Ayes: Perry, Bentz, Ruddy, Shafer, Stearns.
8. Proposed Not to Exceed \$14,000,000 General Obligation Bonds - Initiate Proceedings Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2023-100** fixing date for a meeting on the proposition of the issuance of not to exceed \$14,000,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for essential corporate purposes (ECP)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.). Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
9. Proposed Not to Exceed \$300,000 General Obligation Urban Renewal Bonds - Initiate Proceedings Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2023-101** fixing date for a meeting on the proposition of the issuance of not to exceed

\$300,000 General Obligation Urban Renewal Bonds of the City of Ankeny, State of Iowa (for urban renewal purposes (UR)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.). Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

10. Proposed Not to Exceed \$700,000 General Obligation Bonds - Initiate Proceedings Council Member Bentz moved, Stearns seconded, to adopt **RESOLUTION 2023-102** fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes (GCP-1)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.). Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.
11. Proposed Not to Exceed \$700,000 General Obligation Bonds - Initiate Proceedings Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2023-103** fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 General Obligation Bonds of the City of Ankeny, State of Iowa (for general corporate purposes (GCP-2)), and providing for publication of notice thereof (date of hrg: 3/06/23 @ 5:30 p.m.). Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
12. Proposed Not to Exceed \$13,000 Lease Agreements - Initiate Proceedings Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2023-104** fixing date for a public hearing on the proposition to authorize lease agreements payable from the general fund in the principal amount of not to exceed \$13,000 for personal property for use by the City, and providing for publication of notice thereof (postage equipment) (date of hrg: 3/06/23 @ 5:30 p.m.). Ayes: Bentz, Ruddy, Perry, Shafer, Stearns.

## ADJOURNMENT

1. Meeting adjourned at 7:00 p.m.

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Michelle Yuska, City Clerk

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Mark Holm, Mayor

Published in the Des Moines Register on 3/3/23.