

MINUTES OF THE ANKENY CITY COUNCIL

Monday, April 3, 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

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

PUBLIC FORUM

1. Mayor Holm recognized Boy Scout Troop 85.
2. Kevin Hyler, 3301 SW 29th St, Ankeny, addressed council concerning climate neutrality in Ankeny.

APPROVAL OF AGENDA

1. Council Member Ruddy moved, Stearns seconded, to approve and accept the April 3, 2023 agenda as presented. Ayes: 5.

PUBLIC HEARING

1. PH 2023-28. Mayor Holm announced this is the time and place for the public hearing and meeting on the matter of the adoption of the proposed Amendment No. 13 to the 1989 Ankeny Economic Development Urban Renewal Plan. Notice of this hearing was published in the Des Moines Register on the 17th day of March, 2023.

Derek Lord, Economic Development Director, reported that the proposed Amendment includes the addition of the following public improvement projects: SW State Street reconstruction from SW Ordinance Road to West 1st Street (southbound lanes); SW Oralabor Road and SW State intersection improvements and construction of a pedestrian underpass and; West 1st Street widening and improvements - Phase 2. These projects were not included in previous plan updates and projects are required to be in the plan if tax increment financing is used to support public improvements. This amendment also includes the addition of land to allow for the inclusion of the West First 1st Street widening project.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2023-28. Ayes: 5.

2. PH 2023-29. 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 Asphalt Resurfacing Program – SW Ordinance Road. Notice of this hearing was published in the Des Moines Register on the 17th day of March, 2023.

Mark Mueller, Public Works Director, reported that the project includes asphalt milling and hot mix asphalt (HMA) overlay of SW Ordinance Road from approximately 500' west of SW Cherry Street to approximately 700' east of SW Railroad Drive.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Perry moved, Stearns seconded, to close public hearing 2023-29. Ayes: 5.

3. PH 2023-30. Mayor Holm announced this is the time and place for a public hearing on the proposed budget for Fiscal Year July 1, 2023 – June 30, 2024. Estimated tax levy per \$1,000 of regular property tax valuation \$9.90. Estimated tax levy per \$1,000 of agricultural land valuation \$3.00375. Notice of this hearing was published in the Des Moines Register on the 22nd day of March, 2023.

David Jones, City Manager, presented Fiscal Year July 1, 2023 – June 30, 2024 budget recommendations and reported that the property tax levy is proposed to remain at \$9.90 per \$1,000 of taxable property tax valuation.

Mayor Holm then asked for any public comment regarding the proposed budget. Hearing no comments, Council Member Ruddy moved, Stearns seconded, to close public hearing 2023-30. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of March 20, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of March 7, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of February 21, 2023.
4. Receive and file minutes of the Library Board of Trustee meeting of February 16, 2023.

Licenses and Permits

5. Issuance of liquor licenses, beer / wine permits, and / or Automatic Renewal Program of class "E" retail alcohol licenses in the City of Ankeny.

Finance/Budget

6. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$36,900.00 with Snyder & Associates, Inc. for construction engineering services on the N Ankeny Blvd Landscape Improvements, specifically at the N Ankeny Blvd & 18th St intersection.
7. Payment #1, \$1,403.00 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Dr/9th St Concept Study project.
8. Payment #33, \$4,225.03 to Civil Design Advantage for engineering services on the NW 18th St Extension – NW Weigel Dr to NW Spruce Dr project.
9. Payment #1, \$14,652.14 to Civil Design Advantage for engineering services on the NW 36th St and NW Weigel Dr HMA Resurfacing project.
10. Payment #33, \$13,790.00 to Foth Infrastructure and Environment, LLC for engineering services on the West First St Widening and Improvements - Phase 1 project.
11. Payment #23, \$23,303.05 to FOX Strand, for engineering services on the Ankeny ASR project.
12. Payment #5, \$1,815.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
13. Payment #20, \$16,465.00 to JEO Consulting Group, Inc. for engineering services on the SE 3rd St Utility Improvements Phase 1 project.

14. Payment #9, \$1,193.75 to JEO Consulting Group, Inc., for engineering services on the SE 3rd St Improvements - Phase 2 project.
15. Payment #29, \$750.10 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
16. Payment #25, \$22,707.12 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
17. Payment #26, \$3,409.75 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
18. Payment #20, \$16,026.72 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
19. Payment #22 and final payment, \$2,179.65 to Snyder & Associates, Inc., for engineering services on the NW 36th St and NW State St Interim Improvements project.
20. Payment #28, \$6,494.93 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
21. Payment #11, \$2,391.55 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
22. Payment #12, \$2,455.00 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
23. Payment #39, \$2,967.92 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Dr – RISE project.
24. Payment #2, \$6,938.80 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
25. Payment #3, \$15,039.75 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
26. April 3, 2023 Accounts Payable by fund: General 649,616; Road Use Tax 108,133; Library Foundation 484; Water 31,885; Sewer 18,569; Storm Water 54,057; Golf Course 37,056; Enterprise Project 134,655; Revolving 28,720; Risk Management 18,068; Health Insurance 724; Capital Projects 358,880; Payroll Totals 1,999,374; Transfers/ACH (197,075); Agenda Payments approved separately (224,138); Grand Total \$3,019,008.
27. **RESOLUTION 2023-145** approving Senior Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community.
28. **RESOLUTION 2023-146** adopting a schedule of fees and charges for certain permit activities as authorized by the City of Ankeny, Iowa Municipal Code.
29. **RESOLUTION 2023-147** adopting a schedule of fees for certain development activities as authorized by the City of Ankeny, Iowa, Municipal Code.
30. **RESOLUTION 2023-148** establishing charges for curbside recycling services for the City of Ankeny, Iowa, effective July 1, 2023.
31. **RESOLUTION 2023-149** adopting a schedule of fees for certain Police Department services.

Personnel

32. New classification position descriptions recommended in the FY 2024 budget for the following positions: Police Sergeant - Traffic Unit, Utilities Supervisor - Water and Utilities Supervisor - Wastewater.
33. **RESOLUTION 2023-150** amending the City of Ankeny Employee Handbook.
34. **RESOLUTION 2023-151** relating to the revision of the Financial Policy of the Standard Administrative Policy and Procedures Manual of the City of Ankeny, Iowa.

Community Development

35. **RESOLUTION 2023-152** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, performance and maintenance bonds for public improvements, and platted easements for Aspen Ridge Commercial Plat 2.

36. **RESOLUTION 2023-153** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Aspen Ridge Commercial Plat 2.
37. **RESOLUTION 2023-154** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of subgrade in Aspen Ridge Commercial Plat 2.
38. **RESOLUTION 2023-155** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Aspen Ridge Commercial Plat 2.
39. **RESOLUTION 2023-156** accepting a Public Water Main Easement associated with the development of Lots 2, 3, and 4, Park Sight Office Park at Prairie Trail Plat 4.
40. **RESOLUTION 2023-157** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider amending provisions of the Zoning Ordinance, Chapter 193, of the Municipal Code of the City of Ankeny, Iowa, regarding Flood Plain Regulations. (date of hrg: 4/17/2023 @ 5:30 p.m.)
41. Receive and file correspondence from Michael and Donna Westbrook, requesting to vacate a portion of City owned roadway easement located north of the home at 2943 SW 3rd St, south of W 1st St and east of SW Irvinedale Dr and refer to the Plan & Zoning Commission for its study and recommendation.

Engineering

42. **RESOLUTION 2023-158** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of utilities for the NE Four Mile Drive Creek Crossing project.
43. **RESOLUTION 2023-159** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of subgrade for the NE Four Mile Drive Creek Crossing project.
44. **RESOLUTION 2023-160** approving plans and specifications and accepting contract, performance and maintenance bonds for the construction of paving and associated road improvements for the NE Four Mile Drive Creek Crossing project and Phase 1 of The Crossings at Deer Creek Plat 15 project.
45. **RESOLUTION 2023-161** approving and authorizing a Letter of Agreement (LOA) with the Des Moines Area Regional Transit Authority (DART) for the installation of a public transit bus shelter (Shelter) located on City of Ankeny (City) property near 704 West First Street.

Capital Improvement Projects

46. **2022 CIPP Lining Project:** a) Certificate of Completion; b) **RESOLUTION 2023-162** accepting the public improvements with Hydro-Klean of \$685,368.80; c) change order #1 in the amount of \$1236.40; d) Final Payment #5 in the amount of \$31,661.55 / Release of Retainage in the amount of \$34,268.44.

Administrative

47. **RESOLUTION 2023-163** approving construction contract and bond with J&K Contracting, in the amount of \$2,000,000.00 for the North Four Mile Creek Trunk Sewer project.

Approval of Consent Agenda Items

1. Council Member Stearns moved, second by Ruddy, to approve the recommendations for Consent Agenda Items CA-1 through CA-47. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2136.** An Ordinance vacating a water main easement on Lots 1-4 of Park Sight Office Park at Prairie Trail Plat 4. Council Member Perry moved, Ruddy seconded, to accept third consideration of ORDINANCE 2136, sending it on its final passage and publication as required by law. Ayes: Perry, Ruddy, Bentz, Shafer, Stearns. Council Member Stearns moved, Ruddy seconded, to adopt **RESOLUTION 2023-164** authorizing the sale of real estate vacated by the City of Ankeny to Veridian Credit Union and DRA Properties, LC. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
2. **Ord 2137.** An Ordinance amending Chapter 15 of the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to mayor appointments. Council Member Stearns moved, Shafer seconded, to accept third consideration of ORDINANCE 2137, sending it on its final passage and publication as required by law. Ayes: Stearns, Shafer, Bentz, Perry, Ruddy.
3. **Ord 2138.** An Ordinance amending Chapter 31 of the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to human rights commission appointed. Council Member Ruddy moved, Stearns seconded, to accept third consideration of ORDINANCE 2138, sending it on its final passage and publication as required by law. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
4. **Ord 2140.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to stormwater management fees. Council Member Stearns moved, Ruddy seconded, to accept third consideration of ORDINANCE 2140, sending it on its final passage and publication as required by law. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

NEW BUSINESS

1. Proposed Amendment No. 13 to the 1989 Ankeny Economic Development Urban Renewal Plan. (PH 2023-28) Council Member Perry moved, Stearns seconded to receive and file the report from the consultation meeting held on March 15, 2023. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer. Council Member Stearns moved, Perry seconded to adopt **RESOLUTION 2023-165** determining an area of the City to be a blighted and economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting Amendment No. 13 to the 1989 Ankeny Economic Development Urban Renewal Plan. Ayes: Stearns, Perry, Bentz, Ruddy, Shafer.
2. Proposed 2023 Asphalt Street Resurfacing Program - SW Ordinance Road (PH 2023-29) Council Member Stearns moved, Ruddy seconded to adopt 1) **RESOLUTION 2023-166** adopting plans, specifications, form of contract and estimate of cost \$331,094.00; 2) receive and file report of bids received March 28, 2023; 3) adopt **RESOLUTION 2023-167** making award of construction contract with OMG Midwest dba Des Moines Asphalt & Paving in the amount of \$287,826.95; and 4) adopt **RESOLUTION 2023-168** approving contract and bonds with OMG Midwest dba Des Moines Asphalt & Paving in the amount of \$287,826.95. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
3. Proposed Fiber Optic Network Upgrade - Professional Services Agreement with Olsson, Inc. Council Member Perry moved, Stearns seconded to approve the Professional Services Agreement with Olsson, Inc. for the design engineering and survey services for the Fiber Optic Network Upgrade in an amount not to exceed \$423,644.46 and authorize the Mayor to execute said agreement. Ayes: Perry, Stearns, Bentz, Shafer, Ruddy.
4. Proposed Adoption of Budget and Certification of City Taxes for Fiscal Year July 1, 2023 – June 30, 2024 (PH 2023-30) Council Member Stearns moved, Ruddy seconded to adopt **RESOLUTION 2023-144** adopting the proposed budget for Fiscal Year July 1, 2023 - June 30, 2024. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.

5. Personnel Changes Council Member Stearns moved, Ruddy seconded to adopt **RESOLUTION 2023-169** authorizing personnel changes approved in the Fiscal Year 2023 Budget Amendment and Fiscal Year 2024 Budget. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
6. FY 2024 Hotel/Motel Tax Distribution Council Member Ruddy moved, Stearns seconded to adopt **RESOLUTION 2023-170** establishing the hotel/motel tax distribution for Fiscal Year 2024. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
7. FY 2024 Fund Transfers Council Member Stearns moved, Ruddy seconded to adopt **RESOLUTION 2023-171** approving Fiscal Year 2024 fund transfers. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer.
8. \$5,783,000 Water Revenue Capital Loan Notes, Series 2023A Council Member Ruddy moved, Stearns seconded to adopt **RESOLUTION 2023-172** approving and authorizing a form of Loan and Disbursement Agreement by and between the City of Ankeny and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$5,783,000 Water Revenue Capital Loan Notes, Series 2023A, of the City of Ankeny, State of Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of the Notes; Approval of Tax Exemption Certificate. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

ADJOURNMENT

1. Meeting adjourned at 6:11 p.m.

Michelle Yuska, City Clerk

Mark Holm, Mayor

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