

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

Monday, May 1, 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 and Todd Shafer were in attendance. Council Member Joe Ruddy joined the meeting electronically at 5:36 p.m. Council Member Kelly Stearns was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

### **PUBLIC FORUM**

1. Steve Udelhofen, 853 SE Delaware Ave, Ankeny, Iowa expressed concerns with noise and the pond at Miller's Pointe.
2. Margaret Hammer, 821 SE Delaware Ave, Ankeny, Iowa expressed concerns with the pond at Miller's Pointe.

### **APPROVAL OF AGENDA**

1. Council Member Shafer moved, Perry seconded, to approve and accept the May 1, 2023 agenda as presented. Ayes: 4.

### **PUBLIC HEARING**

3. PH 2023-32. Mayor Holm announced this is the time and place for the public hearing on the matter of the proposed Ordinance 2142 vacating a portion of roadway easement along SW 3rd Street at 2943 SW 3rd Street. Notice of this hearing was published in the Des Moines Register on the 21st day of April, 2023.

Eric Jensen, Director of Community Development, reported that the current property owners have requested a portion of the Roadway Easement be vacated at 2943 SW 3rd Street. The easement was filed and recorded February 11, 1947 by the United States of America. Polk County assigned the easement to the City of Ankeny in 1970. November 1973, a plat of survey was recorded, which did acknowledge the full width of the Roadway Easement and a building permit for a single-family home was issued. A Certificate of Occupancy was issued February 1975. May 1982, the City Engineer sent a letter to the property owners regarding this easement. The property has since transferred ownership. A home sale is now pending due to the home's location within the Roadway Easement area. The Public Works Department has requested that the City retain at least 30-feet from the centerline of the road. The applicant has surveyed the property and requested that the City vacate the excess Roadway Easement area as shown on the vacation plat. City staff has reviewed the request, and has determined that the vacation is appropriate.

Mayor Holm then asked for any public comment regarding the proposed vacation. Hearing no comments, Council Member Perry moved, Bentz seconded, to close public hearing 2023-32. Ayes: 4.

4. PH 2023-33. Mayor Holm announced this is the time and place for a public hearing on the matter of a proposed development agreement between the City of Ankeny and SPAL-USA, Inc. related to business expansion. The Notice of Hearing on this proposal was published in the Des Moines Register on the 21st day of April, 2023.

Derek Lord, Director of Economic Development, reported that SPAL-USA, Inc. is proposing construction of an approximately \$25 million, 215,000 square foot U.S. headquarters and production facility on 25 acres located at the northeast corner of SE 77th Street and SE Convenience Blvd. in the Crosswinds Business Park. The total project cost is expected to exceed \$35 million. The agreement allows for five years of property tax rebates equal to 100% of the TIF eligible amount of property taxes paid on this new facility. The maximum amount of TIF rebates over the five-year term will not exceed \$1,200,000. This investment is also expected to qualify for industrial property tax exemption. The terms of this agreement requires construction to commence within twelve months of approval of this agreement and requires SPAL to create no less than 39 net new jobs at specific wages outlined in the development agreement.

Mayor Holm then asked for any public comment regarding the proposed agreement. Anne Wegner and Tom Phillips, representing SPAL-USA, Inc. spoke about the company and the project, thanking the City. Council Member Bentz moved, Perry seconded, to close public hearing 2023-33. Ayes: 4.

5. PH 2023-34. Mayor Holm announced this is the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority and the issuance to the Iowa Finance Authority of not to exceed \$3,248,000 Water Revenue Capital Loan Notes, of the City of Ankeny, State of Iowa, to evidence the obligations of the City under the said Loan and Disbursement Agreement, in order to provide funds to pay the costs of: acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Water Utility, including those costs associated with the South Ankeny Boulevard Transmission Main. Notice of this public hearing was published in the Des Moines Register on the 25th day of April 2023 pursuant to the provisions of Sections 384.24A and 384.83 of the Code of Iowa.

Jennifer Sease, Administrative Services Director, reported that the not to exceed \$3,248,000 Water Revenue Capital Loan Notes are being proposed to fund the design and construction of the South Ankeny Boulevard Transmission Main project in the 2023 Capital Improvement Program.

Mayor Holm then asked for any public comment regarding the proposed loan and disbursement agreement and capital loan note issuance. Hearing no comments, Council Member Shafer moved, Perry seconded, to close public hearing 2023-34. Ayes: 4.

## **APPROVAL OF CONSENT AGENDA**

### **Minutes**

1. Official council actions of the regular meeting of April 17, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of April 4, 2023.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of March 21, 2023.
4. Receive and file minutes of the Park Board meeting of February 27, 2023.
5. Receive and file minutes of the Library Board of Trustee meeting of March 16, 2023.

### **Licenses and Permits**

6. Issuance of a fireworks permit within the City of Ankeny to J & M Displays, to be held following the Sips & Songs event, June 30, 2023 at Promenade Park.
7. Issuance of liquor licenses and / or beer / wine permits in the City of Ankeny.

#### Finance/Budget

8. Payment #12, \$1,951.69 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
9. Payment #1, \$25,629.81 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
10. Payment #34, \$14,149.82 to Foth Infrastructure and Environment, LLC for engineering services on the West First St Widening and Improvements - Phase 1 project.
11. Payment #1, \$18,156.59 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
12. Payment #1, \$1,812.00 to HR Green, Inc., for engineering services on the NW Irvinedale Dr & NW 18th St Intersection Improvements project.
13. Payment #6, \$170.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
14. Payment #10, \$1,901.25 to JEO Consulting Group, Inc., for engineering services on the SE 3rd St Improvements - Phase 2 project.
15. Payment #19, \$1,987.50 to JEO Consulting Group, Inc., for engineering services on the SE Delaware Ave HMA Widening project.
16. Payment #1, \$6,332.50 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan project.
17. Payment #12, \$33,864.41 to McClure Engineering Company, for engineering services on the NW 18th St Reconstruction - NW Ash Dr to N Ankeny Blvd project.
18. Payment #3, \$30,275.00 to MSA Professional Services, Inc., for engineering services on the Uptown Parking Improvements project.
19. Payment #12, \$10,615.50 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
20. Payment #9, \$6,876.96 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
21. Payment #10, \$2,091.59 to Snyder & Associates, Inc., for engineering services on the Cherry Glen Ballfield Development project.
22. Payment #26, \$19,862.85 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
23. Payment #27, \$8,694.69 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
24. Payment #21, \$21,058.49 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5<sup>th</sup> St to NE 18th St project.
25. Payment #29, \$18,725.83 to Snyder & Associates, Inc., for engineering services on the NW 36th St Widening - NW Ash Dr to N Ankeny Blvd project.
26. Payment #13, \$2,793.61 to Snyder & Associates, Inc., for engineering services on the NW Northlawn Area Utility Improvements - Phase 2 project.
27. Payment #40, \$3,203.67 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Dr – RISE project.
28. Payment #3, \$14,524.20 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
29. Payment #4, \$9,392.75 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.
30. Payment #7, \$252,487.20 to WRH, Inc., for construction services on the Well No. 7/ASR No. 3 - Bid Package 2 – Well Pump and Control Building project.

31. May 1, 2023 Accounts Payable by fund: General 296,946; Parks Improvements 200; Road Use Tax 124,577; Library Foundation 1,006; Solid Waste 98,003; Water 130,184; Sewer 5,327; Storm Water 525; Golf Course 79,237; Enterprise Project 298,275; Revolving 33,077; Risk Management 138,414; Health Insurance 547; Capital Projects 276,350; Payroll Totals 1,875,289; Transfers/ACH (196,434); Agenda Payments approved separately (506,558); Grand Total \$2,654,965.
32. **RESOLUTION 2023-188** authorizing the acceptance of proposals from Romtec, Inc. for the purchase and installation of restrooms at Midway Park and the Rally Complex.
33. **RESOLUTION 2023-189** authorizing the purchase of office furniture from All Makes for the Ankeny Police Department.
34. Set public hearing on an Amendment of Current City Budget for Fiscal Year July 1, 2022 - June 30, 2023 and direct City Clerk to publish notice of such hearing (date of hrg: 05/15/23 @ 5:30 p.m.).

#### Personnel

35. **RESOLUTION 2023-190** authorizing benefit changes for the July 1, 2023 - June 30, 2024 plan year.

#### Community Development

36. **RESOLUTION 2023-191** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider an 80/20 voluntary urbanized annexation of certain territory owned by Hope K Farms, LLC and Clayton Mitchell Living Trust, located adjacent to the southeast quadrant of the City of Ankeny (date of hrg: 6/5/23 @ 5:30 pm)
37. **RESOLUTION 2023-192** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement associated with the development of Lot 2, Campus Town Plat 1.
38. **RESOLUTION 2023-193** accepting final plat, warranty deed to streets, acquisition plat, subdivision bonds for seeding and erosion control, performance and maintenance bonds for public improvements, and platted easements for Delaware Landing Plat 1.
39. **RESOLUTION 2023-194** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, and subgrade in Delaware Landing Plat 1.
40. **RESOLUTION 2023-195** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street paving in Delaware Landing Plat 1.
41. **RESOLUTION 2023-196** authorizing the Mayor to sign a Development Agreement with Parlay Ankeny, LLC, concerning the reimbursement of fifty percent (50%) of the costs related to the preparation, construction, and installation of a traffic signal on SE Delaware Avenue associated with the development of the Copeland Commercial Site Plan.
42. **RESOLUTION 2023-197** receiving and filing application for the annexation of, and providing for the giving of notice for annexation of certain territory located adjacent to the northwest quadrant of Ankeny.
43. Receive and file correspondence from Snyder & Associates on behalf of Legacy Cutler, LLC, Legacy Reichardt, LLC, and Legacy Housby, LLC dated April 14, 2023, requesting to vacate a portion of City owned right-of-way for the westerly 54-feet of Street Lot B, Crosswinds Business Park Plat 1.

#### Engineering

44. **RESOLUTION 2023-198** accepting a proposal from Iowa Signal, Inc. in the amount of \$56,895.00 for construction of the NW 36th Street Fiber Optic Redundancy.

45. **RESOLUTION 2023-199** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of utilities in the Vintage Business Park at Prairie Trail Plat 9 (Fieldhouse Turn Lane) project.
46. **RESOLUTION 2023-200** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of paving improvements in the Vintage Business Park at Prairie Trail Plat 9 (Fieldhouse Turn Lane) project.
47. **RESOLUTION 2023-201** accepting maintenance bond for storm sewer in the Aim High Automotive Addition at 1001 SW Ordance Rd.

#### Capital Improvement Projects

48. **RESOLUTION 2023-202** ordering construction on the 2023 Creekside Park Improvements project, and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 5/30/23 @ 10:30 A.M. / date of hrg: 6/5/23 @ 5:30 P.M.)

#### Administrative

49. Approve agreement with Barkpass, LLC for pet licensing software as a Service (SaaS).
50. Approve the release of mortgage on property located at 2402 SE Hulsizer Road, Ankeny, Iowa.

#### Approval of Consent Agenda Items

1. Council Member Perry moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-50. Ayes: Perry, Shafer, Bentz, Ruddy.

### LEGISLATIVE BUSINESS

#### Approval of Ordinances

1. **Ord 2141.** An Ordinance amending the Zoning Ordinance, Chapter 193, of the Municipal Code of the City of Ankeny, Iowa, regarding Flood Plain Regulations. Council Member Bentz moved, Perry seconded, to accept second consideration of ORDINANCE 2141. Ayes: Bentz, Perry, Ruddy, Shafer.
2. **Ord 2142.** An Ordinance vacating a portion of Roadway Easement along SW 3rd Street at 2943 SW 3rd Street. (PH 2023-32) Council Member Bentz moved, Perry seconded, to accept first consideration of ORDINANCE 2142. Ayes: Bentz, Perry, Ruddy, Shafer. Council Member Perry moved, Shafer seconded, to accept staff's request to suspend the rule that all ordinances must be considered on three different days and accept second and third consideration of ORDINANCE 2142, sending it on its final passage and publication as required by law. Ayes: Perry, Shafer, Bentz, Ruddy. Council Member Bentz moved, Perry seconded, to adopt **RESOLUTION 2023-203** authorizing the sale of real estate vacated by the City of Ankeny to Kara Bixby Rodriguez and Joel Rodriguez Castro. Ayes: Bentz, Perry, Ruddy, Shafer.
3. **Ord 2143.** An Ordinance creating Chapter 144 of the code of ordinances of the City of Ankeny, Iowa, by creating provisions pertaining to the 2023 Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI). Council Member Bentz moved, Shafer seconded, to accept first consideration of ORDINANCE 2143. Ayes: Bentz, Shafer, Perry, Ruddy.

### NEW BUSINESS

1. Proposed Development Agreement between the City of Ankeny and SPAL-USA, Inc. (PH 2023-33) Council Member Bentz moved, Perry seconded, to adopt **RESOLUTION 2023-204**

approving a development agreement between the City of Ankeny and SPAL-USA, Inc. Ayes: Bentz, Perry, Ruddy, Shafer.

2. Proposed Iowa Economic Development Authority High Quality Jobs Program Application for SPAL-USA, Inc. Council Member Perry moved, Bentz seconded, to adopt **RESOLUTION 2023-205** of the City Council of the City of Ankeny, Iowa approving the application of SPAL-USA, Inc. to the Iowa Economic Development Authority High Quality Jobs Program. Ayes: Perry, Bentz, Ruddy, Shafer.
3. \$15,200,000 General Obligation Bonds, Series 2023B Council Member Bentz moved, Shafer seconded, to adopt **RESOLUTION 2023-206** directing the advertisement for sale of \$15,200,000 General Obligation Bonds, Series 2023B, and approving electronic bidding procedures and official statement. Ayes: Bentz, Shafer, Perry, Ruddy.
4. Proposed Issuance of Not to Exceed \$3,248,000 Water Revenue Capital Loan Notes (PH 2023-34) Council Member Bentz moved, Perry seconded, to adopt **RESOLUTION 2023-207** instituting proceedings to take additional action for the authorization of a loan and disbursement agreement and the issuance of not to exceed \$3,248,000 Water Revenue Capital Loan Notes. Ayes: Bentz, Perry, Ruddy, Shafer. Council Member Bentz moved, Perry seconded, to adopt **RESOLUTION 2023-208** 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 \$3,248,000 Water Revenue Capital Loan Notes, Series 2023C, 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: Bentz, Perry, Ruddy, Shafer.

## ADJOURNMENT

1. Meeting adjourned at 6:23 p.m.

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Michelle Yuska, City Clerk

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Mark Holm, Mayor

Published in the Des Moines Register on 5/12/23.