

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

Monday, April 18, 2022 5:30 PM

Ankeny Kirkendall Library - City Council Chambers

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro tem

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

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

### **CEREMONY**

1. The Oath of Office was administered to Council Member Todd Shafer by Mayor Holm.
2. By proclamation, Mayor Holm designated May 2022 as Neurofibromatosis Awareness Month.

### **APPROVAL OF AGENDA**

1. Council Member Whiting moved, Ruddy seconded, to approve and accept the April 18, 2022 agenda as presented. Ayes: 5.

### **PUBLIC HEARINGS**

1. PH 2022-37. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed voluntary urbanized annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC.

Eric Jensen, Director of Community Development, reported this public hearing has been postponed due to a notification error.

Council Member Whiting moved, Bentz seconded, to close public hearing 2022-37. Ayes: 5.

2. PH 2022-38. 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 2022 Asphalt Street Resurfacing Program – SW Ordinance Road. Notice of this hearing was published in the Des Moines Register on the 1<sup>st</sup> day of April, 2022.

Mark Mueller, Public Works Director, reported the project includes asphalt milling and hot mix asphalt (HMA) overlay of SW Ordinance Road from SW Railroad Drive to South Ankeny Boulevard in the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Perry seconded, to close public hearing 2022-38. Ayes: 5.

3. PH 2022-39. 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, estimate of cost and enhancement of payment for construction of certain public improvements described in general as construction of the NE 36<sup>th</sup> Street Reconstruction Project – Interstate 35 to NE Four Mile Drive. Notice of this hearing was published in the Des Moines Register on the 1<sup>st</sup> day of April, 2022.

Mark Mueller, Public Works Director, reported the project involves reconstruction of NE 36<sup>th</sup> Street from just east of I-35 and proceeding east approximately 2,000 feet to the NE Four Mile

Drive intersection. The improvement project includes reconstruction of NE Four Mile Drive from NE 36<sup>th</sup> Street north approximately 600 feet and from NE 36<sup>th</sup> Street south approximately 400 feet. The improvement project also includes reconstruction of Polk County NE 110<sup>th</sup> Avenue from the NE Four Mile Drive intersection east approximately 500 feet.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Ruddy moved, Whiting seconded, to close public hearing 2022-39. Ayes: 5.

4. PH 2022-40. Mayor Holm announced that this is the time and place for a public hearing on the matter of a proposed Ordinance 2108 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Helen Moeckly Trust and Edward Ferrier and Annette Voegtlin. Notice of this hearing was published in the Des Moines Register on the 1<sup>st</sup> day of April, 2022 and notices were mailed to affected property owners as required by law

Eric Jensen, Director of Community Development, reported Fourstar Development, LLC is requesting to rezone property from R-1 to PUD. The subject property is roughly 194 acres located in the northwest quadrant of Ankeny, more specifically east of NW Irvinedale Drive and south of NW 54<sup>th</sup> Street.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Perry moved, Shafer seconded, to close public hearing 2022-40. Ayes: 5.

#### **REPORTS OF ADVISORY BOARDS AND COMMISSION:**

1. Cami Brazelton, President of the Library Board of Trustees, gave an update to the Council regarding happenings at the Ankeny Kirkendall Public Library.

#### **APPROVAL OF CONSENT AGENDA**

##### Minutes

1. Official council actions of the regular meeting of April 4, 2022, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of March 22, 2022.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of March 22, 2022.

##### Licenses and Permits

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

##### Finance/Budget

5. Receive and file Financial Reports for March 2022.
6. Receive and file Building Permit Report for March 2022
7. Receive and file Utility Billing Report for March 2022.
8. Change Order #1 increasing the contract amount by \$30,045.48 to Absolute Concrete Construction, Inc., for construction services on the SE 3rd Street Utility Improvements-Phase 1 project. This change order will also adjust the late start date to April 25, 2022 due to private utility relocation work and material supply issues.
9. Change Order No. 1, increasing the contract amount by \$4,630.00 to RedBud LLC for native vegetation maintenance as part of the 2022 Native Vegetation Maintenance project.
10. Change Order #3 increasing the contract amount by \$11,578.00 to Reilly Construction Co., Inc., for construction services on the West First St Widening & Improvements-Phase 1 project.

11. Amendment #1 to Professional Services Agreement increasing the contract amount by \$605,490.00 with Snyder & Associates, Inc. for preliminary and final design engineering services for the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th Street project.
12. Payment #24 in the amount of \$6,985.97 to Civil Design Advantage for engineering services on the NW 18th Street Extension - NW Weigel Drive to NW Spruce Drive project.
13. Payment #8 in the amount of \$207,095.31 to Cramer & Associates, Inc., for construction services on the High Trestle Trail Ext Magazine Rd to Oralabor Rd project.
14. Payment #18 in the amount of \$3,688.65 to Graphite Construction Group, Inc. for construction services on the Ankeny Senior Community Center.
15. Payment #1 in the amount of \$9,975.00 to Gus Construction, for construction services on the NE Four Mile Drive RCB Culvert for Deer Creek project.
16. Payment #1 in the amount of \$45,993.75 to HR Green, Inc., for engineering services on the Oralabor Gateway Trail-SW State Street Underpass and SW Oralabor Road and SW State Street Safety Improvements project.
17. Payment #5 in the amount of \$5,069.08 to I & S Group, Inc., for engineering services on the Saylor Creek Repairs and Restoration project.
18. Payment #1 in the amount of \$75,028.75 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. (Design) project.
19. Payment #1 in the amount of \$36,292.50 to Nilles Associates, Inc. for engineering services on the SW Des Moines Street Parks Phase 1 project.
20. Payment #1 in the amount of \$624,826.42 to On Track Construction, LLC, for construction services on the NW 36th Street and NW Weigel Drive Water Main (Construction) project.
21. Payment #1 in the amount of \$5,198.88 to RedBud Landscaping, LLC for construction services on the 2022 Native Vegetation Maintenance Project.
22. Payment #9 in the amount of \$3,883.12 to RedBud Landscaping, LLC for construction services on the SW Des Moines Street - Prairie Trail to Magazine Native Planting project.
23. Payment #9 in the amount of \$11,578.00 to Reilly Construction Company Inc., for construction services on the West First Street Widening and Improvements - Phase 1 project.
24. April 18, 2022 Accounts Payable by Fund: General 277,813; Road Use Tax 66,356; Police/Fire Pension 3,118; Library Foundation 4,586; Solid Waste 84,767; Water 744,146; Sewer 534,646; Stormwater 14,415; Golf Course 17,638; Enterprise Project 636,391; Revolving 51,692; Risk Management 3,004; Health 74; Capital Projects Funds 678,528; Payroll Totals 1,182,883; Transfers/ACH (180,028); Agenda Payments approved separately (1,035,615); Grand Total \$3,084,414.
25. **RESOLUTION 2022-201** authorizing the purchase of a street sweeper for use in the Public Works Department's fleet (replace existing unit #228).

#### Personnel Items

26. Temporary adjustment to the FY22 and FY23 Authorized Staffing Plan to allow for two additional Firefighters.

#### Community Development

27. **RESOLUTION 2022-202** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by TJL Investments, LLC located northeast of the intersection at NW 18th Street and NW Abbie Drive (date of hrg: 5/2/22 @ 5:30 p.m.)
28. **RESOLUTION 2022-203** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa on a 28E Agreement renewing an Annexation Agreement Boundary with the City of Polk City, Iowa. (date of hrg: 6/6/22 @ 5:30 p.m.)
29. **RESOLUTION 2022-204** accepting final plat, platted easements and subdivision bond for seeding and erosion control for Vintage Business Park at Prairie Trail Plat 10.

30. **RESOLUTION 2022-205** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and sanitary sewer for Vintage Business Park at Prairie Trail Plat 10.

#### Engineering

31. **RESOLUTION 2022-206** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent drainage easement and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Todd's Flying Service, Inc.).
32. **RESOLUTION 2022-207** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Edna M. Todd).
33. **RESOLUTION 2022-208** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent access road easement and temporary construction easement for the NE 36th Street Reconstruction Project: Interstate 35 to NE Fourmile Drive in Ankeny, Iowa. (Otter Creek Land & Cattle, LC).
34. **RESOLUTION 2022-209** accepting a proposal from Iowa Signal, Inc. in the amount of \$116,053.50 for the construction of the SE Delaware Avenue Fiber Optic Connection.
35. **RESOLUTION 2022-210** accepting a purchase agreement and approving documents for the acquisition of street right-of-way, permanent easement and temporary construction easement for the NW 36th Street & NW State Street Interim Improvements in Ankeny, Iowa. (Five Star Development No. I, LLC).
36. **RESOLUTION 2022-211** accepting a permanent sanitary sewer easement, storm sewer easements, and a temporary construction easement for the SE Crosswinds RISE - Phase 2 project in Ankeny, Iowa. (Legacy Housby, LLC, Legacy Reichardt, LLC, and Legacy Cutler, LLC).

#### Administrative

37. Purchase of two fire engines from Reliant Fire Apparatus, Inc. of Slinger, Wisconsin, in the amount of \$1,454,316 through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing agreement.
38. **RESOLUTION 2022-212** authorizing the setting of a hearing on approval of First Amendment to Interim Tower Lease Agreement by and between the City of Ankeny and T-Mobile Central, LLC. (date of hrg: 5/2/22 @ 5:30 p.m.).

#### Approval of Consent Agenda Items

1. Council Member Whiting moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-38. Ayes: Whiting, Perry, Bentz, Ruddy, Shafer.

#### BOARDS AND COMMISSIONS

1. Council Member Bentz moved, Ruddy seconded, to approve the Mayors appointments to expiring Board and Commission Members as presented. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.
- Cultural Arts Board – Jason Follett – reappointment – terms begins 5/1/2022; term ends 4/30/2026 – JoAnne Adamson – reappointment – term begins 5/1/2022; term ends 4/30/2026 – Don Zuck – reappointment – term begins 5/1/2022; term ends 4/30/2026 – Kim Johnson-Smith – reappointment – term begins 5/1/2022; term ends 4/30/2026.
- Economic Development Council – Amy Wiederin - effective immediately - term ends 6/30/2023 (Seat 2)

## APPROVAL OF ORDINANCES

1. **Ord 2106.** An Ordinance establishing street grade elevations along a portion of NE 36<sup>th</sup> Street. Council Member Whiting moved, Ruddy seconded, to accept third consideration of ORDINANCE 2106, sending it on its final passage and publication as required by law. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
2. **Ord 2107.** An Ordinance establishing street grade elevations along a portion of NE Four Mile Drive. Council Member Bentz moved, Ruddy seconded, to accept third consideration of ORDINANCE 2107, sending it on its final passage and publication as required by law. Ayes: Bentz, Ruddy, Perry, Shafer, Whiting.
3. **Ord 2108.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain property owned by Helen Moeckly Trust and Edward Ferrier and Annette Voegtlin. Council Member Whiting moved, Ruddy seconded, to accept first consideration of ORDINANCE 2108. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

## NEW BUSINESS

1. Proposed 2022 Asphalt Street Resurfacing Program – SW Ordance Road (PH 2022-38)  
Council Member Ruddy moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-213** adopting plans, specifications, form of contract and estimate of cost \$324,371.00; 2) receive and file report of bids received April 12, 2022; 3) adopt **RESOLUTION 2022-214** making award of construction contract with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$280,201.23; and 4) adopt **RESOLUTION 2022-215** approving contract and bonds with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$280,201.23. Ayes: Ruddy, Whiting, Bentz, Perry, Shafer.
2. Proposed NE 36<sup>th</sup> Street Reconstruction – I-35 to NE Four Mile Drive (PH 2022-39)  
Council Member Bentz moved, Whiting seconded, to adopt 1) **RESOLUTION 2022-216** adopting plans, specifications, form of contract, estimate of cost \$4,733,116.00 and enhancement of payment; 2) receive and file report of bids received April 12, 2022; 3) adopt **RESOLUTION 2022-217** making award of construction contract with Absolute Concrete Construction in the amount of \$5,069,501.00; and 4) adopt **RESOLUTION 2022-218** approving contract and bonds with Absolute Concrete Construction in the amount of \$5,069,501.00. Ayes: Bentz, Whiting, Perry, Ruddy, Shafer.
3. 2022 Home Builders Association of Greater Des Moines Home Show Expo Request to waive Building Permit Fees via Refunds  
Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2022-219** approving the waiver of building permit fees via refunds for the 2022 Home Show Expo by the Home Builders Association of greater Des Moines. Ayes: Ruddy, Bentz, Perry, Shafer, Whiting.
4. Community Project Funding Program – NE Delaware Avenue Reconstruction  
Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2022-220** authorizing the City of Ankeny to submit an application for funding from the Community Project Funding Program – NE Delaware Avenue Reconstruction. Ayes: Perry, Ruddy, Bentz, Shafer, Whiting.
5. Proposed Diamond Hills Greenway – Stream Repairs  
Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-221** ordering construction on the Diamond Hills Greenway – Stream Repairs Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 5/10/22 @ 10:30 a.m./date of hrg: 5/16/22 @ 5:30 p.m.) Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.
6. \$33,685,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2022A  
Council Member Whiting moved, Ruddy seconded, to receive and file report of bids received on April 18, 2022 at 10:00 A.M. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer. Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2022-222** directing sale of \$31,665,000 General Obligation Bonds, Series 2022A. Ayes: Perry, Ruddy, Bentz, Shafer, Whiting.
7. Redemption of Outstanding General Obligation Refunding Bonds, Series 2014A

Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-223** authorizing the redemption of outstanding General Obligation Refunding Bonds, Series 2014A, of the City of Ankeny, State of Iowa, dated May 29, 2014, and directing notice be given. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

8. Redemption of Outstanding General Obligation Bonds, Series 2014B

Council Member Whiting moved, Ruddy seconded, to adopt **RESOLUTION 2022-224** authorizing the redemption of outstanding General Obligation Bonds, Series 2014B, of the City of Ankeny, State of Iowa, dated May 29, 2014, and directing notice be given. Ayes: Whiting, Ruddy, Bentz, Perry, Shafer.

## **ADJOURNMENT**

1. Meeting was adjourned at 6:30 PM.

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Michelle Yuska, City Clerk

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Mark E. Holm, Mayor

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