

MINUTES OF THE ANKENY CITY COUNCIL

Monday, November 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

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.

PUBLIC FORUM

1. Amanda Wanke, DART CEO, presented council with an update on DART services in Ankeny and funding and future service planning.
2. Leola Jasinski introduced herself as Ankeny's representative to Transit Rider Advisory Committee (TRAC) and voiced her support of DART.
3. Byron Gustafson expressed his gratitude to the council and city staff in response to his questions about the proposed Hope Kimberley 2.0 annexation. He is moving forward with his petition consenting to annexation.
4. Emily Huss addressed council, stating that her civil rights have been violated as the city continues to annex land and she is consulting a lawyer.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Bentz seconded, to approve and accept the November 20, 2023 agenda without amendment. Ayes: 5.

PUBLIC HEARING

1. PH 2023-60. Mayor Holm announced this is the time and place for a public hearing on the matter of annexation of certain territory located adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC. Layman's Description: Approximately 33.941 acres (+/-) of land adjacent to the southeast quadrant of Ankeny and generally located north of NE 54th Avenue, east of SE Four Mile Drive. Notices were mailed to affected property owners as required by law and notice of this hearing was published in the Des Moines Register on the 27th day of October, 2023.

Eric Jensen, Director of Community Development, reported that the annexation area is located within two miles of the City of Des Moines and the City of Altoona, which per Iowa Code, classifies the request as an urbanized annexation. The annexation territory encompasses approximately 35.521 acres (+/-). At this time, 1 of the 2 properties included in the proposed annexation has provided petitions consenting to the request. If petitions are not received for both properties, the Code of Iowa allows cities to annex up to 20% of the total land area to be annexed from non-consenting owners to avoid the creation of islands and to create uniform boundaries. The current petitioned land area is approximately 33.941 acres (+/-), which equals 95.55% of the 35.521 (+/-) total calculated acres, excluding Polk County road right-of-way. The land area of the non-petitioned property totals 1.58 acres (+/-), equaling 4.45% of the calculated land area, excluding Polk County road right-of-way.

The annexation area is identified in the Ankeny Plan 2040 Comprehensive Plan as being suitable for Light Industrial (LI), and Open Space (OS). If the annexation request is approved by the City Development Board, it will initially be zoned R-1, One-Family Residence District,

consistent with all newly incorporated properties into the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed annexation. Richard W Groves spoke in opposition of the proposed annexation. Council Member Ruddy moved, Bentz seconded, to close public hearing 2023-60. Ayes: 5.

2. PH 2023-61. 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 NW Northlawn Area Utility Improvements – Phase 3 project. Notice of this hearing was published in the Des Moines Register on the 3rd day of November, 2023.

Mark Mueller, Public Works Director, reported that the NW Northlawn Area Utility Improvements – Phase 3 project includes the replacement of PCC street pavement, sanitary sewer, water main, and storm sewer located on NW 2nd Street from NW Kline Street to NW Des Moines Street and on NW Kline Street from W 1st Street to NW 3rd Street in the Northlawn neighborhood in the City of Ankeny.

Mayor Holm then asked for any public comment regarding the proposed project. Hearing no comments, Council Member Bentz moved, Ruddy seconded, to close public hearing 2023-61. Ayes: 5.

3. PH 2023-62. Mayor Holm announced this is the time and place for a public hearing on the matter of the authorization of a Master Services and Purchasing Agreement in the amount of not to exceed \$200,000 payable from the General Fund, in order to provide funds to pay costs of equipping the police department. Notice of this hearing was published in the Des Moines Register on the 10th day of November, 2023.

Jennifer Sease, Administrative Services Director, reported that the Police Department is requesting to replace its current taser fleet of 45 Axon Taser X26P with 45 Axon Taser 10. This has become necessary due to a portion of the current fleet reaching the end of its useful life and warranty period. Darius Potts, Police Chief, and Rob Kovacs, Lieutenant, answered council questions about the current tasers, stating that 25 of the 45 tasers are out of warranty.

Mayor Holm then asked for any public comment regarding the proposed agreement. Hearing no comments, Council Member Shafer moved, Perry seconded, to close public hearing 2023-62. Ayes: 5.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of November 6, 2023, as published.
2. Receive and file minutes of the Zoning Board of Adjustment meeting of October 3, 2023.
3. Receive and file minutes of the Plan and Zoning Commission meeting of October 3, 2023.
4. Receive and file the minutes of the Civil Service Commission meeting of September 11, 2023.

Licenses and Permits

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

Finance/Budget

6. Receive and file Financial Reports for October 2023.
7. Receive and file Building Permit Report for October 2023.
8. Receive and file Utility Billing Report for October 2023.
9. Change Order #1 increasing the contract amount by \$3,969.60 to Caliber Concrete, LLC, for construction services on the Aspen Ridge Trail project.
10. Change Order #2 increasing the contract amount by \$3,500.00 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
11. Change Order #1 decreasing the contract amount by \$26,210.40 to J&K Contracting, for construction services on the Westwinds, Plat 9, Storm Sewer Extension project.
12. Amendment No. 11 to the Professional Services Agreement increasing the contract amount by \$7,500.00 with Shive-Hattery for construction administration services associated with the Albaugh Senior Community Center project.
13. Amendment No. 3 to the Professional Services Agreement increasing the contract amount by \$51,000.00 with Snyder & Associates, Inc. for additional construction engineering services on the NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard project.
14. Payment #3 in the amount of \$64,645.17 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
15. Payment #1 in the amount of \$63,656.71 to Caliber Concrete, LLC, for construction services on the Aspen Ridge Trail project.
16. Payment #6 in the amount of \$2,216.00 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
17. Payment #2 in the amount of \$8,742.50 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
18. Payment #19 in the amount of \$8,828.03 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
19. Payment #8 in the amount of \$54,071.50 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
20. Payment #6 in the amount of \$330,892.32 to Granite Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.
21. Payment #2 in the amount of \$162,017.75 to Howrey Construction Inc., for construction services on the Creekside Park Improvements project.
22. Payment #8 in the amount of \$2,040.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
23. Payment #4 in the amount of \$257,584.49 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
24. Payment #1 in the amount of \$119,018.94 to J&K Contracting, for construction services on the Westwinds, Plat 9, Storm Sewer Extension project.
25. Payment #3 in the amount of \$15,797.50 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
26. Payment #12 in the amount of \$8,938.49 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
27. Payment #5 in the amount of \$41,250.00 to Romtech Companies, for construction services on the restroom facility at Midway Park.
28. Payment #7 in the amount of \$25,211.41 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
29. Payment #1 in the amount of \$221,445.00 to Tanksco Inc., for construction services on the Delaware Ground Storage Reservoir Rehabilitation project.
30. November 20, 2023 Accounts Payable by fund: General \$276,259; Hotel Motel Tax \$712; Parks Improvements \$3,190; Road Use Tax \$11,521; Police/Fire Pension Fund \$1,599; Debt Service \$2,266,001; Solid Waste \$5,456; Water \$756,856; Water Sinking \$284,269; Sewer \$598,488; Storm Water \$6,363; Golf Course \$51,554; Enterprise Project \$985,582; Revolving

\$51,274; Risk Management \$48,888; Health Insurance \$4,175; Capital Projects \$631,481; Payroll Totals \$1,418,838; Transfers/ACH (\$207,389); Agenda Payments Approved Separately (\$1,586,866); Grand Total \$5,608,251.

Personnel

31. Approve the side letter agreement with the Ankeny Police Department Teamsters Local Union #238 and to authorize the City Manager to execute the agreement.
32. Approve the revisions to the Drug and Alcohol Policy and Testing Program for Individuals Not Required to Possess a Commercial Drivers License.
33. Approve the revisions to the Drug and Alcohol Testing Policy for positions requiring a Commercial Drivers License.
34. Accept the Civil Service Commission certified lists for appointment to: Fire Engineer and Traffic Technician, subject to passing any further departmental requirements.

Community Development

35. **RESOLUTION 2023-427** accepting a Public Sanitary Sewer Easement located on Lots 1 & 2, Delaware Centre Plat 2; and associated with the development of 2012 SE Delaware Avenue, Chase Bank site plan.
36. Approve correction of the legal description in Ordinance 2131, originally approved on February 20, 2023.

Capital Improvement Projects

37. **2023 PCC Reconstruction Program - SE Creekview Drive:** a) Final Change Order #4 decreasing the contract amount by \$5,587.00; b) Certificate of Completion; c) **RESOLUTION 2023-428** accepting the public improvements with Alliance Construction Group, LLC in the amount of \$503,670.50; and d) Final Payment #6 in the amount of \$11,349.85 and Release of Retainage in the amount of \$25,183.53.
38. **NW 36th Street Widening - NW Ash Drive to North Ankeny Boulevard:** a) Final Change Order #6 decreasing the contract amount by \$25,077.95; b) Certificate of Completion; c) **RESOLUTION 2023-429** accepting the public improvement with Absolute Concrete Construction, Inc. in the amount of \$4,022,885.08; and d) Final Payment #16 in the amount of \$944.30; and Retainage Payment in the amount of \$144,144.25.
39. **Uptown Parking Improvements:** a) Final Change Order #2 decreasing the contract amount by \$12,011.62; b) Certificate of Completion; c) **RESOLUTION 2023-430** accepting the public improvements with Caliber Concrete, LLC in the amount of \$179,014.17; and d) Final Payment #2 in the amount of \$9,937.43 and Release of Retainage in the amount of \$8,950.71.
40. **RESOLUTION 2023-431** ordering construction on the 2024 PCC Reconstruction Program - NW Ash Drive project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 12/12/23 @ 10:30 A.M. / date of hrg: 12/18/23 @ 5:30 P.M.)

Administrative Items

41. **RESOLUTION 2023-432** fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$11,295,000 Water Revenue Capital Loan Notes of the City of Ankeny, State of Iowa, and providing for publication of notice thereof (date of hrg: 12/4/23 @ 5:30 p.m.).
42. Approve an Intergovernmental Transfer of Public Funds Agreement between the Department of Human Services and the Ankeny Fire Department.
43. **RESOLUTION 2023-433** approving the Annual Urban Renewal Report for Urban Renewal Areas within the City of Ankeny.

44. **RESOLUTION 2023-434** approving debt certification forms, appropriating funds and directing filing of certifications.
45. **RESOLUTION 2023-435** approving supplement to 2023 Senior Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community.
46. **RESOLUTION 2023-436** setting a public hearing on the Amendment to Telecommunications & Grounds Space Lease by the City of Ankeny and Cell Tower Lease Amendment with CCATT LLC. (date of hrg: 12/4/23 @ 5:30 p.m.)

Approval of Consent Agenda Items

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

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2160** An Ordinance Amending Ordinance Nos. 1039, 1189, 1423, 1446, 1741, 1943, 1947, 1965, 2038, and 2072, and providing that general property taxes shall no longer be divided on certain property located within the Amended 1989 Ankeny Economic Development Urban Renewal Area, in City of Ankeny, County of Polk, State of Iowa (Removing "Amendment No. 1 Area", "Amendment No. 2 Area", and "Amendment No. 3 Area" from division of taxes only). Council Member Stearns moved, Ruddy seconded, to accept second consideration of ORDINANCE 2160. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer. Council Member Bentz moved, Stearns seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2160, sending it on its final passage and publication as required by law. Ayes: Bentz, Stearns, Perry, Ruddy, Shafer.

NEW BUSINESS

1. Proposed 80/20 voluntary urbanized annexation of certain territory adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC. (PH 2023-60) Council Member Perry moved, Stearns seconded, to receive and file the September 25, 2023 Consultation Meeting Report. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer. Council Member Stearns moved, Ruddy seconded, to file correspondence. Ayes: Stearns, Ruddy, Bentz, Perry, Shafer. Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2023-437** annexing certain territory located adjacent to the southeast quadrant of Ankeny requested by Legacy Housby, LLC. Ayes: Ruddy, Bentz, Perry, Shafer, Stearns.
2. Proposed NW Northlawn Area Utility Improvements - Phase 3 (PH 2023-61) Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2023-438** adopting plans, specifications, form of contract, estimate of cost \$1,727,593.00 and enhancement of payment; 2) receive and file report of bids received November 14, 2023; 3) adopt **RESOLUTION 2023-439** making award of construction contract with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$1,122,982.75; and 4) adopt **RESOLUTION 2023-440** approving contract and bonds with Absolute Concrete Construction, Inc. dba Absolute Group in the amount of \$1,122,982.75. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
3. \$200,000 Master Services and Purchasing Agreement (Police Department - Tasers) (PH 2023-62) Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2023-441** instituting proceedings to take additional action for the authorization and issuance of a Master Services and Purchasing Agreement payable from the general fund in the principal amount of not to exceed \$200,000 for personal property for use by the City. Ayes: Ruddy, Bentz, Perry,

Stearns. Nays: Shafer. Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2023-442** authorizing action for a Master Services and Purchasing Agreement payable from the General Fund in the principal amount of \$192,467.06 for personal property for use by the City. Ayes: Ruddy, Perry, Bentz, Stearns. Nays: Shafer.

4. Proposed 80/20 Voluntary Urbanized Annexation of certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC, BK Linnemeyer Trust, Brian K. and Kelli K. Linnemeyer, Richard R. and Stacey Martin, A. Byron Gustafson, Northstar, LTD., and Gene C. Hildreth, Jr. (Hope Kimberley 2.0) Council Member Ruddy moved, Bentz seconded, to adopt **RESOLUTION 2023-443** annexing certain territory located adjacent to the northeast quadrant of Ankeny requested by Hope Kimberley, LLC, BK Linnemeyer Trust, Brian K. and Kelli K. Linnemeyer, Richard R. and Stacey Martin, A. Byron Gustafson, Northstar, LTD., and Gene C. Hildreth, Jr. (Hope Kimberley 2.0). Ayes: Ruddy, Bentz, Perry, Shafer. Abstain due to conflict of interest: Stearns.

ADJOURNMENT

1. Meeting was adjourned at 6:48 p.m.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 12/1/23.