

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

Tuesday, January 2, 2024 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, and Todd Shafer were in attendance. Council Member Kelly Stearns was absent. City Manager David Jones and City Attorney Douglas Fulton were also present. Mayor Holm led in the Pledge of Allegiance.

### **CEREMONY**

1. Mayor Holm administered the Oath of Office to Council Member Jeff Perry.

### **APPROVAL OF AGENDA**

1. Council Member Bentz moved, Shafer seconded, to approve and accept the January 2, 2024 agenda with amendment, removing item J2-1 (Proposed 2024 State Legislative Priorities.)  
Ayes: 4.

### **PUBLIC HEARING**

1. PH 2024-01. Mayor Holm announced this is the time and place for a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2024 by changing estimates of revenue and expenditure appropriations. There will be no increase in tax levies to be paid. Any increase in expenditures set out will be met from the increase of non-property tax revenues and cash balances not budgeted or considered in this current budget. Notice of this hearing was published in the Des Moines Register on the 21st day of December 2023.

Jennifer Sease, Administrative Services Director, reported that public works expenditures are being amended to include the estimated cost of the special census. It was originally anticipated that these costs would occur in FY 2025, but the U.S. Census Bureau has requested payment in advance for the work to be scheduled in CY 2024.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Bentz moved, Shafer seconded, to close public hearing 2024-01. Ayes: 4.

### **APPROVAL OF CONSENT AGENDA**

#### Minutes

1. Official council actions of the regular meeting of December 18, 2023, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of December 5, 2023.
3. Receive and file minutes of the Human Rights Commission meeting of October 26, 2023.

#### Licenses and Permits

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

#### Finance/Budget

5. Change Order #2 increasing the contract amount by \$1,137.32 to All-Star Concrete LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
6. Amendment No. 5 to the Professional Services Agreement increasing the contract amount by \$67,870.00 with JEO Consulting Group for construction engineering services on the SE 3rd Street Utility Improvements - Phase 1 project.
7. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$30,320.01 with McClure Engineering Company for construction services on the NW Irvinedale Drive Transmission Main - Phase 3 project.
8. Payment #13, \$14,042.89 to Absolute Concrete Construction, Inc., for construction services on the NE 36th Street Reconstruction Project - I-35 to NE Four Mile Drive.
9. Payment #4, \$52,183.52 to All-Star Concrete, LLC, for construction services on the SE Oralabor Rd & Convenience Blvd/Creekview Dr Traffic Signal Replacement project.
10. Payment #2, \$23,724.35 to Concrete Connection, LLC, for construction services on the Midway Park - Phase 2 Improvements project.
11. Payment #20, \$8,265.16 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
12. Payment #3, \$4,830.10 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
13. Payment #9, \$38,365.40 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
14. Payment #32, \$1,441.00 to FOX Strand, for engineering services on the Ankeny ASR project.
15. Payment #8, \$22,750.00 to FOX Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
16. Payment #9, \$20,932.50 to JEO Consulting Group, Inc., for engineering services on the Transportation Master Plan.
17. Payment #4, \$11,897.50 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
18. Payment #19, \$5,096.35 to McClure Engineering Company, for construction engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
19. Payment #23, \$30,320.01 to McClure Engineering Company, for engineering services on the Irvinedale Drive Water Main Improvements - Phase 3 project.
20. Payment #6, \$3,135.00 to Nilles Associates, Inc., for engineering services on the NE Crestmoor Sanitary Sewer Replacement project.
21. Payment #1, \$49,278.25 to Nilles Associates, Inc., for engineering services on the SW Magazine Road & SW State Street Improvements - West Leg project.
22. Payment #1, \$9,564.12 to On Track Construction, LLC for construction services on the 2023 Annual Storm Sewer Repairs project.
23. Payment #17, \$40,178.00 to Short Elliott Hendrickson Inc., for engineering services on the S Ankeny Blvd Transmission Main project.
24. Payment #34, \$8,489.56 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.
25. Payment #33, \$5,673.75 to Snyder & Associates, Inc., for engineering services on the N Ankeny Blvd Landscape Improvements project.
26. Payment #3, \$46,633.00 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
27. Payment #29, \$13,498.93 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
28. Payment #8, \$31,836.75 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
29. Payment #8, \$4,471.78 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
30. Payment #9, \$7,005.87 to Snyder & Associates, for engineering services on the SE Oralabor Rd & SE Creekview Dr Traffic Signal Replacement project.

31. January 2, 2024 Accounts Payable by fund: General \$215,276; Road Use Tax \$1,480,167; Police/Fire Pension \$90; Library Foundation \$1,434; Solid Waste \$15,757; Water \$17,492; Sewer \$115,006; Storm Water \$7,240; Golf Course \$8,834; Enterprise Project \$290,695; Revolving \$21,492; Health Insurance \$311; Capital Projects \$625,628; Payroll Totals \$1,879,483; Transfers/ACH (\$206,067); Agenda Payments Approved Separately (\$923,415); Grand Total \$3,549,423.
32. Receive and file the City of Ankeny Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2023.
33. **RESOLUTION 2024-001** accepting a proposal from Dean Snyder Construction in the amount of \$47,941.16 for the replacement construction of a pedestrian bridge at Cascade Falls Aquatic Center.

#### Personnel Items

34. Approve Employer Agreement for Army CSP Individual Internship/Approved DoD SkillBridge Program and authorize the Police Chief to execute said agreement.

#### Community Development

35. Grant preliminary approval of Deer Creek South Plat 3 Final Plat.
36. **RESOLUTION 2024-002** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement associated with the development of First Street Commons Plat 2.

#### Capital Improvement Projects

37. **NW 36th Street Fiber Optic Redundancy**: a) Change Order #1 & Final in the amount of \$913.50; b) Certificate of Completion; c) **RESOLUTION 2024-003** accepting the public improvement with Iowa Signal, Inc. in the amount of \$57,808.50; and d) Final Payment in the amount of \$54,918.07; and Retainage Payment in the amount of \$2,890.43.
38. **NW Irvinedale Drive Transmission Main - Phase 3**: a) Final Change Order #5 decreasing the contract amount by \$52,461.96; b) Certificate of Completion; c) **RESOLUTION 2024-004** accepting the public improvement with McAninch Corporation in the amount of \$1,464,902.04; and d) Final Payment #10 in the amount of \$0.00 / Release of Retainage in the amount of \$44,441.09.
39. **NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Boulevard**: a) Final Change Order #5 decreasing the contract amount by \$62,474.49; b) Certificate of Completion; c) **RESOLUTION 2024-005** accepting the public improvements with Elder Corporation in the amount of \$4,290,894.51; and d) Final Payment #8 in the amount of \$36,105.29 and Release of Retainage in the amount of \$214,544.73.
40. **SE 3rd Street Utility Improvements - Phase 1**: a) Final Change Order #5 increasing the contract amount by \$41,864.80; b) Certificate of Completion; c) **RESOLUTION 2024-006** accepting the public improvements with Absolute Group in the amount of \$1,931,178.95; and d) Final Payment #16 in the amount of \$20,343.19 and Release of Retainage in the amount of \$96,558.95.
41. **RESOLUTION 2024-007** setting a public hearing for the approval of documents for the conveyance of proposed Permanent Electric Easement for MidAmerican Energy Company (MEC) across a portion of City-owned property at the Northwest Elevated Water Storage Tank location at 3755 NW Irvinedale Drive. (date of hrg: 2/5/2024 @ 5:30 p.m.)
42. **RESOLUTION 2024-009** ordering construction on the SW Oralabor Road and SW Edgewood Lane Intersection Improvements project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 1/30/24 @ 10:30 A.M. / date of hrg: 2/5/24 @ 5:30 P.M.)

#### Administrative Items

43. Receive and file the 2023 Human Rights Commission Annual Report.
44. **RESOLUTION 2024-010** authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the U.S. Census Bureau.

#### Approval of Consent Agenda Items

1. Council Member Perry moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-44. Ayes: Perry, Bentz, Shafer, Ruddy.

### LEGISLATIVE BUSINESS

#### Boards/Commissions Appointments

1. Council Member Ruddy moved, Bentz seconded, to approve the reappointments of Matt Ott and Brett Walker to the Zoning Board of Adjustment, effective through 12/31/28. Ayes: Ruddy, Bentz, Perry, Shafer.

### NEW BUSINESS

1. Proposed Amendment of Current Budget for Fiscal Year Ending June 30, 2024 (PH 2024-01) Council Member Bentz moved, Ruddy seconded, to adopt **RESOLUTION 2024-008** amending the current budget for fiscal year ending June 30, 2024. Ayes: Bentz, Ruddy, Perry, Shafer.
2. Proposed 2024 State Legislative Priorities. **RESOLUTION 2024-011** establishing the City of Ankeny's 2024 State Legislative Priorities was removed from the agenda in the approval and acceptance of the January 2, 2024 agenda with amendment.
3. Central Iowa Water Works 28E/28F Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2024-012** conditionally authorizing the inclusion of the City of Ankeny as a founding agency of Central Iowa Water Works; and conditionally approving the Central Iowa Water Works 28E/28F agreement; and conditionally authorizing the execution of the Central Iowa Water Works 28E/28F agreement by the City of Ankeny. Ayes: Perry, Ruddy, Bentz, Shafer.

### ADJOURNMENT

1. Moved by Shafer, seconded by Bentz, to go into Executive Session at 5:43 p.m., pursuant to the provisions of Iowa Code Section 21.5.1, subparagraph (c) "to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation". Ayes: Shafer, Bentz, Perry, Ruddy. Council adjourned the executive session at 6:00 p.m. and returned to regular session at 6:02 p.m. Moved by Shafer, seconded by Bentz, to accept settlement agreement with Velasco Ankeny, LLC. Ayes: Shafer, Bentz, Perry, Ruddy.
2. Meeting was adjourned at 6:02 p.m.

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Michelle Yuska, City Clerk

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Mark E. Holm, Mayor

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