

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

Monday, March 18, 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

---

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.

### **CEREMONY**

1. Presentation – Brian Mulcahy, Assistant Executive Director, Des Moines International Airport, presented a plaque to Mayor Holm and thanked the Council for supporting the airport terminal project.

### **PUBLIC FORUM**

1. Asa Hutton, 827 NE 5<sup>th</sup> St, Ankeny, addressed Council about increased traffic due to construction. Mr. Hutton is requesting a stop sign at NE Hayes and 5<sup>th</sup> Street.

### **APPROVAL OF AGENDA**

1. Council Member Shafer moved, Stearns seconded, to approve and accept the March 18, 2024 agenda without amendment. Ayes: 5.

### **PUBLIC HEARING**

1. PH 2024-18. 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 SE Corporate Woods Drive & SE Crosswinds Drive Traffic Signal project. Notice of this hearing was published in the Des Moines Register on the 1st day of March, 2024.

Mark Mueller, Public Works Director, reported that the project includes construction of a new traffic signal, ADA pedestrian ramp improvements, pavement markings, fiber optic infrastructure from SE Crosswinds Drive to SE Convenience Boulevard, permanent surface restoration, temporary traffic control, mobilization, and miscellaneous associated work necessary to complete the project.

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 2024-18. Ayes: 5.

### **APPROVAL OF CONSENT AGENDA**

#### Minutes

1. Official council actions of the regular meeting of March 4, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of February 20, 2024.
3. Receive and file minutes of the Human Rights Commission meeting of December 14, 2023.

#### Licenses and Permits

4. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.
5. Issuance of a parade permit in the City of Ankeny for the 2024 SummerFest Grand Parade.
6. Issuance of solid waste permits for April 1, 2024 – March 31, 2025.

#### Finance/Budget

7. Receive and file Financial Reports for February 2024.
8. Receive and file Building Permit Report for February 2024.
9. Receive and file Utility Billing Report for February 2024.
10. Change Order #1 decreasing the contract amount by \$83,000 to CB&I Storage Tank Solution LLC, for construction services on the NW Irvinedale Dr - Elevated Water Storage Tank project.
11. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$29,500.00 with Foth Infrastructure and Environment for preliminary design engineering services for the NW State Street Extension - NW 36th Street to NW 54th Street and NW Irvinedale Drive Intersection project.
12. Amendment #1 to Professional Services Agreement increasing the contract amount by \$334,200.00 with Snyder & Associates, Inc. for final design engineering, property acquisition, and bidding services for the N Ankeny Blvd Improvements - 1st Street to 11th Street project.
13. Payment #6 in the amount of \$2,244.00 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
14. Payment #1 in the amount of \$583,062.50 to CB&I Storage Tank Solutions LLC, for construction services on the NW Irvinedale Drive - Elevated Water Storage Tank project.
15. Payment #11 in the amount of \$4,705.70 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
16. Payment #5 in the amount of \$1,375.00 to DIXON Engineering, Inc., for engineering services on the Delaware Ground Storage Reservoir Rehabilitation project.
17. Payment #2 in the amount of \$1,000.00 to DIXON Engineering, Inc., for engineering services on the Magazine Ground Storage Reservoir Rehabilitation project.
18. Payment #37 in the amount of \$2,510.00 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 1 project.
19. Payment #10 in the amount of \$4,643.50 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
20. Payment #10 in the amount of \$7,538.75 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
21. Payment #8 in the amount of \$155,977.32 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
22. Payment #3 in the amount of \$21,000.00 to Romtech Companies for construction services on the restroom facility at the Rally Complex.
23. Payment #38 in the amount of \$654.96 to Shive Hattery for construction administration services associated with the Ankeny Senior Community Center project.
24. Payment #11 in the amount of \$12,824.47 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
25. March 18, 2024 Accounts Payable by fund: General \$213,365; Hotel Motel Tax \$240,141; Road Use Tax \$50,217; Water \$1,099,695; Sewer \$51,049; Storm Water \$6,299; Golf Course \$24,676; Enterprise Project \$842,040; Revolving \$23,527; Risk Management \$5,472; Capital Projects \$179,746; Payroll Totals \$1,353,237; Transfers/ACH (\$203,231); Agenda Payments Approved Separately (\$797,536); Grand Total \$3,088,697.

#### Community Development

26. **RESOLUTION 2024-100** accepting final plat, letter of credit for erosion control, performance and maintenance bond for underground improvements, platted easements, water and sewer connection fees, authorizing cost-participation for sidewalk oversizing and approving the private street name NW Olivia Lane, for The Village at the Grove Plat 1.

27. **RESOLUTION 2024-101** approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and sanitary sewer in The Village at the Grove Plat 1.
28. Grant preliminary approval of The Crossings at Deer Creek Plat 13; and authorize cost participation for the extension of 16-inch water main in an amount estimated to be \$30,375, and 15-inch sanitary sewer in an amount estimated to be \$6,750.

#### Engineering

29. **RESOLUTION 2024-102** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of paving, subgrade, storm sewer, and sanitary sewer for the U-Haul Public Improvements to S Ankeny Blvd & SE Magazine Rd project.
30. **RESOLUTION 2024-103** approving a Mitigation Credit Purchase Agreement with Central Indiana Mitigation Providers, LLC in the amount of \$76,950.00 for stream credits related to the mitigation of Tributary 'A' to Four Mile Creek under NE Delaware Avenue in conjunction with the NE Delaware Avenue Reconstruction - NE 5th Street to 700 feet North of NE 18th street project.
31. **RESOLUTION 2024-104** accepting public improvements for utilities and subgrade prep in Ankeny Elementary #12.
32. **RESOLUTION 2024-105** accepting public improvements for paving associated with Ankeny Elementary #12.
33. **RESOLUTION 2024-106** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer for the Heritage Commercial at Prairie Trail Plat 1 project.
34. **RESOLUTION 2024-107** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of subgrade prep for the Heritage Commercial at Prairie Trail Plat 1 project.
35. **RESOLUTION 2024-108** approving plans and specifications and accepting the contract, performance and maintenance bonds for the construction of paving for the Heritage Commercial at Prairie Trail Plat 1 project.
36. **RESOLUTION 2024-109** approving documents for the acquisition of temporary construction easement for the NE 36th Street and NE 38<sup>th</sup> Street Water Main Loop Project in Ankeny, Iowa. (Threshold Development)
37. **RESOLUTION 2024-110** accepting a purchase agreement and approving documents for the acquisition of permanent water main easement and temporary construction easement for the NE 36th Street and NE 38th Street Water Main Loop Project in Ankeny, Iowa. (DRA Properties 3)
38. **RESOLUTION 2024-111** accepting a purchase agreement and approving documents for the acquisition of permanent water main easement and temporary construction easement for the NE 36th Street and NE 38th Street Water Main Loop Project in Ankeny, Iowa. (DRA Properties 4)
39. **RESOLUTION 2024-112** accepting a purchase agreement and approving documents for the acquisition of permanent water main easement and temporary construction easement for the NE 36th Street and NE 38th Street Water Main Loop Project in Ankeny, Iowa. (DRA Properties 5)
40. **RESOLUTION 2024-113** accepting a purchase agreement and approving documents for the acquisition of permanent water main easement and temporary construction easement for the NE 36th Street and NE 38th Street Water Main Loop Project in Ankeny, Iowa. (Susan Albaugh).
41. **RESOLUTION 2024-114** accepting a purchase agreement and approving documents for the acquisition of permanent water main easement and temporary construction easement for the NE 36th Street and NE 38th Street Water Main Loop Project in Ankeny, Iowa. (NDA Farms)

42. **RESOLUTION 2024-115** authorizing the Mayor to sign a development agreement with Prairie Trail Commercial, L.L.C., concerning intersection improvements at SW 16th Street / SW School Street and SW 18<sup>th</sup> Street / SW School Street associated with the development of the Lot 1, Heritage Commercial at Prairie Trail Plat 1, 1630 South Ankeny Boulevard Site Plan, in the City of Ankeny, Iowa.

#### Capital Improvement Projects

43. **RESOLUTION 2024-116** accepting a proposal from Granite Excavating, LLC in the amount of \$58,360.00 for the construction of the 2024 Subdrain Repairs project.
44. **RESOLUTION 2024-117** accepting a proposal from RW Excavating Solutions in the amount of \$181,925.00 for the construction of the Vintage Business Park - North Lake Maintenance project.
45. **RESOLUTION 2024-118** ordering construction on the NE 36<sup>th</sup> Street and NE 38th Street Water Main Loop project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 4/9/24 @ 10:30 A.M. / date of hrg: 4/15/24 @ 5:30 P.M.)
46. **RESOLUTION 2024-119** ordering construction on the 2024 Asphalt Street Resurfacing Program - SW Ordnance Road project and fixing a date for hearing thereon and taking of bids therefor. (date of bid opening: 04/09/24 @ 10:30 A.M. / date of hrg: 04/15/24 @ 5:30 P.M.)

#### Administrative

47. **RESOLUTION 2024-120** authorizing the payment to the Berwick Water Association related to the right to serve customers located within the existing Berwick Water District boundary which has been annexed into the City of Ankeny.
48. Approve a portable restroom rental contract for Ankeny parks, between the City of Ankeny and Bob's Septic & Portable Restrooms.
49. **RESOLUTION 2024-121** authorizing the Certificate of Termination of Development Agreement between the City of Ankeny, Iowa and DLE Seven, LLC for the Slim Chickens Right Turn Lane Construction.
50. Approve the Consent to Collateral Assignment of Tax Increment Development Agreement and Estoppel Agreement between the City of Ankeny and Pet Parents, LLC.
51. **RESOLUTION 2024-122** authorizing the City of Ankeny to enter into an amended contract with the Iowa Economic Development Authority and Kreg Enterprises, Inc.
52. **RESOLUTION 2024-123** approving an agreement between the City of Ankeny and the Ankeny Area Chamber of Commerce.
53. Authorize the Mayor to sign a letter of support for a grant application by Polk County for enhancing regional residential weatherization programs through the U.S. Environmental Protection Agency's Climate Pollution Reduction Grant program.

#### APPROVAL OF CONSENT AGENDA

1. Council Member Bentz moved, second by Shafer, to approve the recommendations for Consent Agenda Items CA-1 through CA-53. Ayes: Bentz, Shafer, Perry, Ruddy, Stearns.

#### LEGISLATIVE BUSINESS

##### Boards/Commission Appointments

1. **Cultural Arts Board.** Council Member Shafer moved, Ruddy seconded, to approve appointment of Samuel Malkasian to the Cultural Arts Board effective 3/18/2024 - 4/30/2028 and reappointment of Aaron Thacker effective 5/01/2024 - 4/30/2028. Ayes: Shafer, Ruddy, Bentz, Perry, Stearns.

2. **Central Iowa Water Works (CIWW).** Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2024-124** appointing Don Clark as the primary representative, and Shawn Buckner as an alternative representative to the CIWW Long Range Planning and Capital Improvements Committee; and the CIWW Technical Committee. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

#### Approval of Ordinances

1. **Ord 2165.** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to water rates. Council Member Stearns moved, Bentz seconded, to accept second consideration of ORDINANCE 2165. Ayes: Stearns, Bentz, Perry, Ruddy, Shafer. Council Member Perry 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 2165, sending it on its final passage and publication as required by law. Ayes: Perry, Stearns, Bentz, Ruddy, Shafer.

#### NEW BUSINESS

1. Proposed SE Corporate Woods Drive & SE Crosswinds Drive Traffic Signal (PH 2024-18). Council Member Ruddy moved, Stearns seconded, to adopt 1) **RESOLUTION 2024-125** adopting plans, specifications, form of contract and estimate of cost \$438,470.00; 2) receive and file report of bids received March 12, 2024; 3) adopt **RESOLUTION 2024-126** making award of construction contract with Kline Electric, Inc. dba Heartland Underground Solutions in the amount of \$237,253.30; and 4) adopt **RESOLUTION 2024-127** approving contract and bonds with Kline Electric, Inc. dba Heartland Underground Solutions in the amount of \$237,253.30. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.
2. Proposed Westlawn Place Area Utility Improvements Professional Services Agreement with Civil Design Advantage. Council Member Perry moved, Shafer seconded, to approve the Professional Services Agreement with Civil Design Advantage for survey and conceptual design engineering services on the Westlawn Place Area Utility Improvements project in an amount not to exceed \$454,367.00 and authorize the Mayor to execute said Agreement. Ayes: Perry, Shafer, Bentz, Ruddy, Stearns.
3. Proposed SW Des Moines Street Utility Improvements Professional Services Agreement with McClure Engineering Company Council Member Ruddy moved, Stearns seconded, to approve the Professional Services Agreement with McClure Engineering Company for the design engineering services on the SW Des Moines Street Utility Improvements project in an amount not to exceed \$235,900.00 and authorize the Mayor to execute said agreement. Ayes: Ruddy, Stearns, Bentz, Perry, Shafer.

#### ADJOURNMENT

1. Meeting was adjourned at 6:07 p.m.

---

Michelle Yuska, City Clerk

---

Mark E. Holm, Mayor

Published in the Des Moines Register on 3/29/24.