

MINUTES OF THE ANKENY CITY COUNCIL

Monday, August 19, 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, Joe Ruddy, and Todd Shafer were in attendance. Council Member Jeff Perry joined the meeting electronically. 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. David Carney, 2613 NW 30th Lane, addressed council about construction standards.

APPROVAL OF AGENDA

1. Council Member Shafer moved, Bentz seconded, to approve and accept the August 19, 2024 agenda without amendment. Ayes: 4.

PUBLIC HEARING

1. PH 2024-46. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2178 vacating a series of public easements east of SE Delaware Avenue, west of Interstate 35, and north of SE Corporate Woods Drive. Notice of this hearing was published in the Des Moines Register on the 9th day of August, 2024.

Eric Jensen, Director of Community Development, reported that Kwik Trip, Inc. has requested the vacation of a series of public easements located east of SE Delaware Avenue, West of Interstate 35 to facilitate future development of the site.

Mayor Holm then asked for any public comment regarding the proposed vacation. Hearing no comments, Council Member Shafer moved, Bentz seconded, to close public hearing 2024-46. Ayes: 4.

2. PH 2024-47. 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 Otter Creek Clubhouse Renovations project. Notice of this hearing was published in the Des Moines Register on the 2nd day of August, 2024.

Nick Lenox, Parks & Recreation Director, reported that project improvements include: painting and replacement of doors and carpet.

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 2024-47. Ayes: 4.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of August 5, 2024, as published.

2. Receive and file minutes of the Plan and Zoning Commission meeting of July 16, 2024.
3. Receive and file the minutes of the Zoning Board of Adjustment meeting of July 2, 2024.

Licenses and Permits

4. Issuance of a special permit to Eric Weichers for bow hunting on private property within the city limits.
5. Issuance of cigarette/tobacco/nicotine/vapor permit in the City of Ankeny.
6. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

7. Receive and file Financial Reports for July 2024.
8. Receive and file Building Permit Report for July 2024.
9. Receive and file Utility Billing Report for July 2024.
10. Change Order #1 increasing the contract amount by \$1,750.00 to Caliber Concrete, LLC, for construction services on the 2024 Pavement Preservation Program - SE Shurfine Drive project.
11. Change Order #1 increasing the contract amount by \$2,145.00 to Manatt's Inc., for construction services on the SW Magazine Road & SW State Street Intersection Improvements - West Leg project.
12. Change Order #1 increasing the contract amount by \$25,970.00 to On Track Construction, LLC, for construction services on the 2023 Annual Storm Sewer Repairs project.
13. Change Order #2 increasing the contract amount by \$19,569.60 to Sternquist Construction, for construction services on the 2024 PCC Reconstruction Program - NW Westwood Street project.
14. Payment #5 in the amount of \$40,973.02 to Absolute Concrete Construction, for construction services on the NW Northlawn Area Utility Improvements - Phase 3 project.
15. Payment #1 in the amount of \$161,582.65 to Absolute Concrete Construction, for construction services on the SW Oralabor Road & SW Edgewood Lane Intersection Improvements project.
16. Payment #1 in the amount of \$192,310.40 to Caliber Concrete, LLC, for construction services on the 2024 Pavement Preservation Program - SE Shurfine Drive project.
17. Payment #16 in the amount of \$6,229.10 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
18. Payment #1 in the amount of \$63,913.10 to Civil Design Advantage for engineering services on the SE Creekview Drive Extension (RISE) project.
19. Payment #5 in the amount of \$27,442.00 to Civil Design Advantage, LLC, for engineering services on the Westlawn Place Area Utility Improvements - Conceptual Design project.
20. Payment #2 in the amount of \$249,040.74 to Concrete Technologies, Inc., for construction services on the 2024 PCC Reconstruction Program - NW Ash Drive project.
21. Payment #13 in the amount of \$992,744.38 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
22. Payment #9 in the amount of \$17,060.99 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.
23. Payment #26 in the amount of \$17,487.92 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
24. Payment #20 in the amount of \$12,700.04 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
25. Payment #8 in the amount of \$2,115.65 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
26. Payment #4 in the amount of \$365,183.80 to HPC, LLC for construction services associated with the Ankeny Fire Station No. 4 project.
27. Payment #3 in the amount of \$78,773.24 to Iowa Civil Contracting, Inc., for construction services on the 2024 PCC Pavement Preservation Program - Crack and Jointing Filling project.
28. Payment #13 in the amount of \$4,400.00 to I&S Group for design and construction work on the High Trestle Trail Park Phase 1 project.

29. Payment #4 in the amount of \$104,379.83 to Jasper Construction Services, Inc., for construction services on the SE Delaware Avenue and SE 54th Street Traffic Signal project.
30. Payment #1 in the amount of \$34,394.12 to JCG Land Services, Inc., for construction services on the NW 18th Street Reconstruction - NW Ash Drive to N Ankeny Blvd project.
31. Payment #10 in the amount of \$17,175.91 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
32. Payment #11 in the amount of \$21,534.93 to Kirkham Michael & Associates, Inc., for engineering services on the NE 62nd St Box Culvert Design project.
33. Payment #3 in the amount of \$92,689.37 to Manatt's Inc., for construction services on the SW Magazine Road & SW State Street Improvements - West Leg project.
34. Payment #5 in the amount of \$18,762.50 to McClure Engineering Company, for construction engineering services on the SW Des Moines Street Utility Improvements project.
35. Payment #3 in the amount of \$25,945.45 to On Track Construction, LLC for construction services on the 2023 Annual Storm Sewer Repairs project.
36. Payment #1 in the amount of \$69,243.12 to On Track Construction, LLC for construction services on the 2024 Annual Storm Sewer Repairs project.
37. Payment #11 in the amount of \$293,919.08 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
38. Payment #4 in the amount of \$134,730.62 to Rognes Corporation, for construction services on the SE 3rd Street Improvements – Phase 2 project.
39. Payment #7 in the amount of \$17,000.00 to Romtec Companies for construction services on the Rally Complex Restroom project.
40. Payment #3 in the amount of \$3,843.03 to Snyder & Associates, for engineering services on the Sawgrass Park Dam Improvements project.
41. Payment #2 in the amount of \$65,380.57 to Sterquist Construction, for construction services on the 2024 PCC Reconstruction Program - NW Westwood Street project.
42. Payment #16 in the amount of \$8,764.94 to SVPA Architects Inc. for design services associated with the Ankeny Fire Station No. 4 project.
43. Payment #4 in the amount of \$96,957.95 to TK Concrete, Inc., for construction services on the 2024 PCC Street Patching project.
44. Payment #2 in the amount of \$76,864.50 to Vice Construction, for construction services on the 2024 Pedestrian Ramp Improvements Program - Northbrook project.
45. August 19, 2024 Accounts Payable by fund: General \$541,932; Fire Gift \$371,459; Road Use Tax \$552,506; Police/Fire Pension \$2,981; Library Foundation \$350; Water \$638,235; Sewer \$697,419; Storm Water \$22,068; Golf Course \$50,047; Enterprise Project \$550,633; Revolving \$64,054; Risk Management \$120,214; Health Insurance \$3,659; BAN/Bond Activity \$3,500; Capital Projects \$3,566,297; Payroll Totals \$1,625,293; Transfers/ACH (\$215,297); Agenda Payments Approved Separately (\$3,458,376); Grand Total \$5,136,974.
46. Purchase of a 2025 Ford Passenger Van AWD for the Parks & Recreation Department in an amount not to exceed \$55,460.95.

Community Development

47. **RESOLUTION 2024-333** accepting final plat, warranty deed to streets, and platted easements for the Crossings at Deer Creek Plat 15.
48. **RESOLUTION 2024-334** accepting a public gas and public utility easement associated with the development of Manatt Estates.
49. **RESOLUTION 2024-335** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on the property at 810 SE 54th Street and associated with the development of the Chicago Tube and Iron Dock Addition Site Plan.
50. **RESOLUTION 2024-336** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, to reclassify certain property owned by Moeckly Family Farm, LLC from

Medium Density Residential to Neighborhood Commercial located at the northeast corner of the intersection at NW 18th Street and NW Weigel Drive. (date of hrg: 9/3/24 @ 5:30p.m.)

51. **RESOLUTION 2024-337** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Moeckly Family Farm, LLC located north of NW 18th Street and East of NW Weigel Drive. (date of hrg: 9/3/24 @ 5:30 p.m.)

Engineering

52. **RESOLUTION 2024-338** accepting a proposal from HMG Land Management in the amount of \$55,350.00 for the construction of the 2024 Native Vegetation Maintenance project.
53. **RESOLUTION 2024-339** authorizing the execution of a Construction of Curb Ramps funding agreement between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa, for the sharing of construction costs for the proposed North Ankeny Boulevard Improvements - 1st Street to 11th Street project.
54. **RESOLUTION 2024-340** authorizing the execution of a Federal-Aid Agreement for Iowa's Clean Air Attainment Program (ICAAP) funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa for the sharing of project costs for the proposed North Ankeny Boulevard Improvements - 1st Street to 11th Street project.
55. **RESOLUTION 2024-341** authorizing the execution of an Urban-State Traffic Engineering Program (U-STEP) funding agreement between the Iowa Department of Transportation and the City of Ankeny, Iowa, for the sharing of construction costs for the proposed North Ankeny Boulevard Improvements - 1st Street to 11th Street project.
56. **RESOLUTION 2024-342** accepting maintenance bond for utilities in The Crossings at Deer Creek Plat 15.
57. **RESOLUTION 2024-343** accepting maintenance bond for subgrade in The Crossings at Deer Creek Plat 15.
58. **RESOLUTION 2024-344** accepting maintenance bond for paving within in The Crossings at Deer Creek Plat 15 subdivision.

Capital Improvement Projects

59. **RESOLUTION 2024-345** approving contract and bonds with Mainline Construction, Inc. in the amount of \$868,754.00 for the High Trestle Trail Experience Park - Phase 1 project.
60. **2024 Pedestrian Ramp Improvements Program - NE 18th Street**: a) Final Change Order #1 increasing the contract amount by \$16,145.00; b) Certificate of Completion; c) **RESOLUTION 2024-346** accepting the public improvements with MNM Concrete Specialist in the amount of \$168,030.00; and d) Final Payment #2 in the amount of \$73,135.75; Retainage Payment in the amount of \$8,401.50.
61. **2024 Sidewalk Gaps and Replacements Improvement Program**: a) Final Change Order #1 increasing the contract amount by \$10,156.00; b) Certificate of Completion; c) **RESOLUTION 2024-347** accepting the public improvements with Howrey Construction, Inc. in the amount of \$129,654.00; and d) Final Payment #2 in the amount of \$56,812.85 and Release of Retainage in the amount of \$6,482.70.

Administrative

62. Approve a 28E Agreement between the City of Ankeny, Iowa and the Ankeny Community School District for the purpose of information sharing.
63. Authorize the Ankeny Police Department to enter into an agreement with the Iowa Department of Public Safety to formalize the collaboration between participating law enforcement agencies to combat human trafficking.
64. Receive and file the Ankeny SummerFest 2024 Report.
65. **RESOLUTION 2024-348** authorizing the City of Ankeny, Iowa to submit an application for grant funding from the Iowa Department of Natural Resources in the amount of \$9,982.60

through the Fall 2024 Community Forestry Program, with the City match in the amount not to exceed \$4,991.30 for tree planting projects.

66. **RESOLUTION 2024-349** authorizing the City of Ankeny to submit an application for funding through the Polk County Community Development Grant Program for amenities associated with the High Trestle Trail Experience Park and commitment of matching funds for proposed improvements.

APPROVAL OF CONSENT AGENDA

1. Council Member Shafer moved, second by Bentz, to approve the recommendations for Consent Agenda Items CA-1 through CA-66. Ayes: Shafer, Bentz, Perry, Ruddy.

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **Ord 2176.** An Ordinance amending Chapter 69 Parking Regulations of the Municipal Code of the City of Ankeny, Iowa, by amending Section 69.10 No Parking on North and East Sides of Streets, and Section 69.11 No Parking on Both Sides. Council Member Ruddy moved, Bentz seconded, to accept second consideration of ORDINANCE 2176. Ayes: Ruddy, Bentz, Perry, Shafer. Council Member Shafer moved, Ruddy seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2176, sending it on its final passage and publication as required by law. Ayes: Shafer, Ruddy, Bentz, Perry.
2. **Ord 2177.** An Ordinance amending Chapter 4 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to alternative penalties. Council Member Ruddy moved, Bentz seconded, to accept second consideration of ORDINANCE 2177. Ayes: Ruddy, Bentz, Perry, Shafer. Council Member Shafer moved, Ruddy seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2177, sending it on its final passage and publication as required by law. Ayes: Shafer, Ruddy, Bentz, Perry.
3. **Ord 2178.** An Ordinance vacating a series of public easements located east of SE Delaware Avenue, west of Interstate 35 and north of SE Corporate Woods Drive. (PH 2024-46) Council Member Ruddy moved, Bentz seconded, to accept first consideration of ORDINANCE 2178. Ayes: Ruddy, Bentz, Perry, Shafer.
4. **Ord 2179.** An Ordinance amending Chapter 142 Mobile Food Vendors of the Municipal Code of the City of Ankeny, Iowa, by amending provisions pertaining to scheduled violation. Council Member Shafer moved, Ruddy seconded, to accept first consideration of ORDINANCE 2179. Ayes: Shafer, Ruddy, Bentz, Perry.

NEW BUSINESS

1. Proposed Otter Creek Clubhouse Renovations (PH 2024-47). Council Member Shafer moved, Ruddy seconded, to adopt 1) **RESOLUTION 2024-350** adopting plans, specifications, form of contract and estimate of cost \$191,800.00; 2) receive and file report of bids received August 13, 2024; 3) adopt **RESOLUTION 2024-351** making award of construction contract with Eick & Day Construction in the amount of \$173,500.00; and 4) adopt **RESOLUTION 2024-352** approving contract and bonds with Eick & Day Construction in the amount of \$173,500.00. Ayes: Shafer, Ruddy, Bentz, Perry.
2. Hubbell Realty Company on behalf of On With Life — Request to suspend enforcement of construction noise levels in the City's Noise Control ordinance, Chapter 44 of the Ankeny Municipal Code. Council Member Bentz moved, Shafer seconded, to approve the request by Hubbell Construction, on behalf of On With Life to suspend enforcement of certain provisions of Chapter 44. Ayes: Bentz, Shafer, Perry, Ruddy.

ADJOURNMENT

1. Meeting was adjourned at 5:58 p.m. and was immediately followed by a Council Action Planning Session.

Michelle Yuska, City Clerk

Mark E. Holm, Mayor

Published in the Des Moines Register on 8/30/24.