

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

Tuesday, September 3, 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 Kelly Stearns were in attendance. Council Member Todd Shafer was absent. City Manager David Jones and City Attorney Amy Beattie were also present. Mayor Holm led in the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

1. Council Member Bentz moved, Stearns seconded, to approve and accept the September 3, 2024 agenda without amendment. Ayes: 4.

### **PUBLIC HEARING**

1. PH 2024-48. Mayor Holm announced this is the time and place for a public hearing on a proposed amendment to the Ankeny Plan 2040 (Figure 12.10) Future Land Use Map for the City of Ankeny. From Medium Density Residential to Neighborhood Commercial. Property Description: approximately 8 acres (+/-) of land located at the northeast corner of the intersection at NW 18th Street and NW Weigel Drive. Notice of this hearing was published in the Des Moines Register on the 23rd day of August, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that Slusky, CRE, LLC, is requesting an amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map. The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use map, currently classifies the subject area as being suitable for Medium Density Residential land uses. The applicant is proposing to amend the subject area on the Future Land Use Map to Neighborhood Commercial. The proposed amendment lines up and will run in conjunction with The Sterling at Rock PUD Rezoning, which shows approximately 8 acres (+/-) of neighborhood commercial in the same area as the subject Land Use Plan amendment.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Stearns moved, Ruddy seconded, to close public hearing 2024-48. Ayes: 4.

2. PH 2024-49. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2180 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Moeckly Family Farm, LLC from its current PUD, Planned Unit Development designation, to PUD, Planned Unit Development. Layman's Description – approximately 34.51 acres (+/-) of land located at the northeast corner of the intersection of NW 18th Street and NW Weigel Drive. Notice of this hearing was published in the Des Moines Register on the 23rd day of August, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that the applicant, Slusky CRE, LLC, is requesting to rezone property from PUD, Planned Unit Development, to PUD, Planned Unit Development. The property is currently zoned PUD, Planned Unit Development, and is a part of the Brandywine PUD that was approved in 2022. The subject area is surrounded by properties to the north and northwest that are zoned R-3, Multiple Family Residence District

w/Restrictions, properties to the south that are zoned R-2, One-Family and Two-Family Residence District w/ Restrictions, and a property to the west that is zoned R-1, One-Family Residence District. Additionally, there is a property at the northwest corner of the intersection at NW 18th Street and NW Weigel Drive that is zoned C-1, Neighborhood Commercial District and a property that sits in the center of the subject property that is zoned R-1, One-Family Residence District.

Mayor Holm then asked for any public comment regarding the proposed rezoning. Hearing no comments, Council Member Bentz moved, Stearns seconded, to close public hearing 2024-49. Ayes: 4.

## **APPROVAL OF CONSENT AGENDA**

### Minutes

1. Official council actions of the regular meeting of August 19, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of August 6, 2024.
3. Receive and file the minutes of the Zoning Board of Adjustment meeting of August 6, 2024.
4. Receive and file minutes of the Library Board of Trustee meeting of July 18, 2024.

### Licenses and Permits

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

### Finance/Budget

6. Change Order #1 increasing the contract amount by \$41,150.00 to Brothers Cleaning Corporation (DBA Brothers Concrete) for construction services on the Rally Complex Park Development project.
7. Change Order #2 increasing the contract amount by \$24,184.00 to Brothers Cleaning Corporation (DBA Brothers Concrete), for construction services on the Rally Complex Park Development project.
8. Payment #9 in the amount of \$150,917.00 to Absolute Concrete Construction, Inc. for construction services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
9. Payment #1 in the amount of \$77,987.52 to Dave's Dozing and Excavating, for construction services on the 2024 Storm Culvert & Trail Repair project.
10. Payment #3 in the amount of \$37,528.40 to Foth Infrastructure and Environment, LLC for engineering services on the West First Street Widening and Improvements - Phase 2 project.
11. Payment #3 in the amount of \$61,261.43 to HR Green, Inc., for engineering services on the NW Irvinedale Drive & NW 18th Street Intersection Improvements project.
12. Payment #17 in the amount of \$7,544.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
13. Payment #18 in the amount of \$4,734.00 to JEO Consulting Group, Inc., for engineering services on the SE 3rd Street Improvements - Phase 2 project.
14. Payment #6 in the amount of \$21,458.42 to MSA Professional Services, Inc., for engineering services on the SW Walnut Street and SW Ordnance Road Water Main project.
15. Payment #4 in the amount of \$35,909.00 to Nilles Associates, Inc., for engineering services on the SW Magazine Road & SW State Street Improvements - West Leg project.
16. Payment #18 in the amount of \$29,025.00 to RDG Planning & Design for engineering services on the Fourmile Creek and Tributary to Fourmile Creek Restoration project.
17. Payment #41 in the amount of \$1,961.49 to Snyder & Associates, Inc., for engineering services on the HTT Transmission Main and Drainage Improvements project.

18. Payment #11 in the amount of \$5,106.75 to Snyder & Associates, for engineering services on the N Ankeny Blvd Improvements 1st Street to 11th Street project.
19. Payment #37 in the amount of \$47,620.33 to Snyder & Associates, Inc., for engineering services on the NE Delaware Ave Recon - NE 5th St to NE 18th St project.
20. Payment #15 in the amount of \$40,622.00 to Snyder & Associates, for engineering services on the S Ankeny Blvd Improvements SE Peterson Dr to 1st St project.
21. Payment #15 in the amount of \$1,724.71 to Snyder & Associates, for engineering services on the SE Delaware Ave and SE 54th St Traffic Signal project.
22. Payment #7 in the amount of \$1,760.00 to Snyder & Associates, Inc. for engineering services on the Watercrest Park Expansion project.
23. Payment #37 in the amount of \$694.00 to Strand, for engineering services on the Ankeny ASR project.
24. Payment #15 in the amount of \$3,551.23 to Strand, for engineering services on the NE 36th Street & NE 38th Street Water Main Loop project.
25. September 3, 2024 Accounts Payable by fund: General \$777,910; Police Gift \$485; Road Use Tax \$115,547; Library Foundation \$1,800; Water \$98,074; Sewer \$7,857; Storm Water \$20,105; Golf Course \$33,646; Enterprise Project \$147,480; Revolving \$5,166; Risk Management \$41,949; Health Insurance \$569; Capital Projects \$437,663; Payroll Totals \$2,454,547; Transfers/ACH (\$216,500); Agenda Payments Approved Separately (\$529,405); Grand Total \$3,396,893.
26. Approve the contract with Hensley Concrete Coatings, Inc. for the repair of the apparatus bay floors at the Fire Station Headquarters.
27. Approve the purchase of six Zoll X-Series Advanced Heart Monitors for the Fire Department in an amount not to exceed \$266,562.54.
28. Approve the purchase of a 2025 Ford Police Interceptor Utility AW D for the Police Department in an amount not to exceed \$46,909.00.

#### Community Development

29. **RESOLUTION 2024-353** 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, reclassifying property owned by DRA Properties, LC (Area A) from Office/Business Park to Low Density Residential (date of hrg: 9/16/24 @ 5:30p.m.).
30. **RESOLUTION 2024-354** 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, reclassifying property owned by DRA Properties, LC and The Ankeny Community School District (Area B) from Medium Density Residential to Low Density Residential (date of hrg: 9/16/24 @ 5:30p.m.).
31. **RESOLUTION 2024-355** 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, reclassifying property owned by DRA Properties, LC (Area C) from Low Residential to Medium Density Residential (date of hrg: 9/16/24 @ 5:30p.m.).
32. **RESOLUTION 2024-356** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by DRA Properties, LC and The Ankeny Community School District from the current R-1 One Family Residential District to PUD, Planned Unit Development District. (date of hrg: 9/16/2024 @ 5:30p.m.)
33. **RESOLUTION 2024-357** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, regarding the voluntary urbanized annexation of certain territory adjacent to the northwest quadrant of Ankeny requested by Hope K. Farms, LLC (date of hrg: 10/7/24 at 5:30 p.m.)
34. **RESOLUTION 2024-358** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on the property at 4320 NW 5th Street and associated with the development of the Watercrest Park Expansion Site Plan.

## Engineering

35. **RESOLUTION 2024-359** accepting public improvements for utilities in Berwick Estates Sewer Extension Project.
36. **RESOLUTION 2024-360** accepting a proposal from Iowa Signal Inc. in the amount of \$67,515.00 for the construction of the SE Delaware Avenue Traffic Signal Upgrades - SE National Drive to SE Magazine Road.

## APPROVAL OF CONSENT AGENDA

1. Council Member Ruddy moved, second by Perry, to approve the recommendations for Consent Agenda Items CA-1 through CA-36. Ayes: Ruddy, Perry, Bentz, Stearns.

## LEGISLATIVE BUSINESS

### Approval of Ordinances

1. **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. Council Member Stearns moved, Ruddy seconded, to accept second consideration of ORDINANCE 2178. Ayes: Stearns, Ruddy, Bentz, Perry. Council Member Stearns moved, Bentz seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept third consideration of ORDINANCE 2178, sending it on its final passage and publication as required by law. Ayes: Stearns, Bentz, Perry, Ruddy. Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2024-361** authorizing the conveyance of real estate vacated by the City of Ankeny to Kwik Trip, Inc. dba Kwik Star pursuant to Iowa Code Section 354.23. Ayes: Perry, Ruddy, Bentz, Stearns. Council Member Ruddy moved, Stearns seconded, to adopt **RESOLUTION 2024-362** authorizing the conveyance of real estate vacated by the City of Ankeny to the Wilson Group, LLC pursuant to Iowa Code Section 354.23. Ayes: Ruddy, Stearns, Bentz, Perry.
2. **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 Bentz moved, Ruddy seconded, to accept second consideration of ORDINANCE 2179. Ayes: Bentz, Ruddy, Perry, Stearns.
3. **Ord 2180.** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Moeckly Family Farm, LLC. (PH 2024-49) Council Member Perry moved, Bentz seconded, to accept first consideration of ORDINANCE 2180. Ayes: Perry, Bentz, Ruddy, Stearns.

## NEW BUSINESS

1. Proposed amendment to The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa, reclassifying property owned by Moeckly Family Farm, LLC, from Medium Density Residential to Neighborhood Commercial (PH 2024-48). Council Member Ruddy moved, Perry seconded, to adopt **RESOLUTION 2024-363** amending 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. Ayes: Ruddy, Perry, Bentz, Stearns.
2. Faith Baptist College—Request to suspend: 1). enforcement of decibel levels in the City's Noise Control ordinance; and 2). discharging weapons in the Public Health and Safety Code of the Ankeny Municipal Code. Council Member Stearns moved, Ruddy seconded, to approve the request by Faith Baptist College to suspend enforcement of certain provisions of Chapter 44 and Chapter 41.09. Ayes: Stearns, Ruddy, Bentz, Perry.

## **ADJOURNMENT**

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

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Michelle Yuska, City Clerk

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Mark E. Holm, Mayor

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