

MINUTES OF THE ANKENY CITY COUNCIL

Monday, September 16, 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, and Todd Shafer were in attendance. 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. Kiley Liming, Ankeny resident, spoke about a petition that residents of Trestle Ridge Estates submitted to Ankeny Administrators and Council members.

APPROVAL OF AGENDA

1. Council Member Bentz moved, Shafer seconded, to approve and accept the September 16, 2024 agenda without amendment. Ayes: 4.

PUBLIC HEARING

1. PH 2024-50. 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 Office/Business Park to Low Density Residential (Area A). Property Description: approximately 53.68-acres (+/-) located east of Interstate 35, north of NE 18th Street and west of NE 29th Street/NE Four Mile Drive. Notice of this hearing was published in the Des Moines Register on the 6th day of September, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that DRA Properties, LC is the property owner of approximately 53.68 acres. The applicant is proposing to reclassify the future land use to Low Density Residential. This request is accompanied by Pine Lake Estates PUD Rezoning.

Mayor Holm then asked for any public comment regarding the proposed amendment. Adam Schoeppner, Nilles Associate, Inc., offered to answer questions about the project. Council Member Shafer moved, Ruddy seconded, to close public hearing 2024-50. Ayes: 4. Council Member Bentz moved, Shafer seconded, to adopt **RESOLUTION 2024-364** amending The Ankeny Plan 2040, comprehensive plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa. Ayes: Bentz, Shafer, Perry Ruddy.

2. PH 2024-51. 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 Low Density Residential (Area B). Property Description: approximately 26.35-acres (+/-) located east of Interstate 35, north of NE 18th Street and west of NE 29th Street. Notice of this hearing was published in the Des Moines Register on the 6th day of September, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that DRA Properties, LC and The Ankeny Community School District are the property owners. The applicant is proposing to

reclassify the future land use to Low Density Residential. This request is accompanied by Pine Lake Estates PUD Rezoning.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Ruddy moved, Bentz seconded, to close public hearing 2024-51. Ayes: 4. Council Member Perry moved, Ruddy seconded, to adopt **RESOLUTION 2024-365** amending The Ankeny Plan 2040, comprehensive plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa. Ayes: Perry, Ruddy, Bentz, Shafer.

3. PH 2024-52. 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 Low Density Residential to Medium Density Residential (Area C). Property Description: approximately 15.8-acres (+/-) located east of Interstate 35, north of NE 18th Street and west of NE 29th Street. Notice of this hearing was published in the Des Moines Register on the 6th day of September, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that DRA Properties, LC is the property owner of approximately 15.8 acres. The applicant is now proposing to reclassify the future land use to Medium Density Residential. This request is accompanied by Pine Lake Estates PUD Rezoning.

Mayor Holm then asked for any public comment regarding the proposed amendment. Hearing no comments, Council Member Shafer moved, Bentz seconded, to close public hearing 2024-52. Ayes: 4. Council Member Ruddy moved, Shafer seconded, to adopt **RESOLUTION 2024-366** amending The Ankeny Plan 2040, comprehensive plan, Figure 12.10, Future Land Use Map for the City of Ankeny, Iowa. Ayes: Ruddy, Shafer, Bentz, Perry.

4. PH 2024-53. Mayor Holm announced this is the time and place for a public hearing on the matter of the proposed Ordinance 2181 amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by DRA Properties, LC and the Ankeny Community School District from its current R-1, One-Family Residence District to PUD, Planned Unit Development. Layman's Description: approximately 124.4 acres (+/-) located east of Interstate 35, north of NE 18th Street and west of NE 29th Street/NE Four Mile Drive. Notice of this hearing was published in the Des Moines Register on the 6th day of September, 2024 and notices were mailed to affected property owners as required by law.

Eric Jensen, Director of Community Development, reported that DRA Properties, LC is requesting to rezone 124.4 acres from R-1, One-Family Residential District to PUD, Planned Unit Development. The subject area is located north of NE 18th Street, east of Interstate 35, and west of NE 29th Street/Four Mile Drive. The purpose of a PUD is to promote development by providing a greater level of flexibility than normally allowed. The uses within the PUD include single-family residential home with minimum lot widths of 65-100+ feet, a proposed 6-acre park, a section of single-family bi-attached, an outlot for education use, and an outlot for multi-family. The Master Plan lays out the general plan for development with tentative lot lines, public streets, utilities and storm water detention. A PUD book is also provided, which outlines the development's bulk regulations and landscape requirements, which include street trees on single-family lots as well as a buffering around the multi-family areas.

Mayor Holm then asked for any public comment regarding the proposed ordinance. Hearing no comments, Council Member Ruddy moved, Shafer seconded, to close public hearing 2024-53. Ayes: 4. Council Member Perry moved, Ruddy seconded, to accept first

consideration of ORDINANCE 2181. Ayes: Perry, Ruddy, Bentz, Shafer.

APPROVAL OF CONSENT AGENDA

Minutes

1. Official council actions of the regular meeting of September 3, 2024, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of August 20, 2024.

Licenses and Permits

3. Issuance of a special permit to David A. Yount for the purpose of bow hunting of deer for the hunting season effective October 1, 2024 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
4. Issuance of liquor licenses and beer/wine permits in the City of Ankeny.

Finance/Budget

5. Receive and file Financial Reports for August 2024.
6. Receive and file the Utility Billing Report for August 2024.
7. Receive and file Building Permit Report for August 2024.
8. Change Order #1 increasing the contract amount by \$4,616.00 to Heartland Underground Solutions (Kline Electric, Inc.) for construction services on the SE Corporate Woods Drive & SE Crosswinds Dr Traffic Signal.
9. Change Order #1 increasing the contract amount by \$2,753.94 to On Track Construction, LLC, for construction services on the 2024 Annual Storm Sewer Repairs project.
10. Change Order #2 increasing the contract amount by \$1,350.00 to On Track Construction, LLC, for construction services on the NW Northlawn Area Utility Improvements-Phase 2 project.
11. Change Order #3 increasing the contract amount by \$19,143.30 to Sternquist Construction, for construction services on the 2024 PCC Reconstruction Program - NW Westwood Street project.
12. Payment #6 in the amount of \$138,868.39 to Absolute Concrete Construction, for construction services on the NW Northlawn Area Utility Improvements - Phase 3 project.
13. Payment #2 in the amount of \$21,598.25 to Absolute Concrete Construction, for construction services on the SW Oralabor Road & SW Edgewood Lane Intersection Improvements project.
14. Payment #1 in the amount of \$7,091.27 to Alpha Landscapes LLC, for construction services on the 2024 City-Wide Permanent Surface Restoration project.
15. Payment #9 in the amount of \$814.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
16. Payment #2 in the amount of \$122,536.04 to Brothers Cleaning Corporation (DBA Brothers Concrete) for construction services at the Rally Complex Park Development project
17. Payment #2 in the amount of \$69,188.50 to Caliber Concrete, LLC, for construction services on the 2024 Pavement Preservation Program - SE Shurfine Drive project.
18. Payment #17 in the amount of \$4,377.00 to Civil Design Advantage for engineering services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
19. Payment #2 in the amount of \$45,238.73 to Civil Design Advantage for engineering services on the SE Creekview Drive Extension (RISE) project.
20. Payment #6 in the amount of \$16,234.75 to Civil Design Advantage, LLC, for engineering services on the Westlawn Place Area Utility Improvements - Conceptual Design project.
21. Payment #3 in the amount of \$119,222.96 to Concrete Technologies, Inc., for construction services on the 2024 PCC Reconstruction Program - NW Ash Drive project.
22. Payment #14 in the amount of \$851,353.17 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
23. Payment #10 in the amount of \$13,458.30 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Trunk Sewer - Phase 2 project.

24. Payment #21 in the amount of \$13,483.70 to HDR Engineering, Inc., for engineering services on the NW Irvinedale Elevated Storage Tank project.
25. Payment #1 in the amount of \$37,614.51 to Heartland Underground Solutions (Kline Electric, Inc.), for construction services on the SE Corporate Woods Dr & SE Crosswinds Dr Traffic Signal Project.
26. Payment #9 in the amount of \$2,115.65 to HGS, LLC, for construction services on the Rock Creek Greenbelt - Native Vegetation project.
27. Payment #5 in the amount of \$593,839.30 to HPC, LLC for construction services associated with the Ankeny Fire Station No. 4 project.
28. Payment #20 in the amount of \$51,297.75 to HR Green Inc. for engineering services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
29. Payment #4 in the amount of \$741,197.77 to InRoads, Inc., for construction services on the NW 36th Street and NW Weigel Drive HMA Resurfacing project.
30. Payment #4 in the amount of \$91,343.45 to Iowa Civil Contracting, Inc., for construction services on the 2024 PCC Pavement Preservation Program - Crack and Jointing Filling project.
31. Payment #15 in the amount of \$185.00 to Kirkham Michael and Associates, for engineering services on the Westwinds Storm Sewer Extension Project - SW Westwinds Drive.
32. Payment #2 in the amount of \$46,164.95 to On Track Construction, LLC for construction services on the 2024 Annual Storm Sewer Repairs project.
33. Payment #12 in the amount of \$77,954.62 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
34. Payment #5 in the amount of \$101,531.39 to Rognes Corporation, for construction services on the SE 3rd Street Improvements - Phase 2 project.
35. Payment #8 in the amount of \$15,000.00 to Romtec Companies, Inc. for construction services on the Rally Complex Restroom and Shelter project.
36. Payment #3 in the amount of \$130,696.20 to Sternquist Construction, for construction services on the 2024 PCC Reconstruction Program - NW Westwood Street project.
37. Payment #17 in the amount of \$5,262.85 to SVPA Architects Inc. for design and construction administration services associated with the Ankeny Fire Station No. 4 project.
38. Payment #5 in the amount of \$132,938.73 to TK Concrete, Inc., for construction services on the 2024 PCC Street Patching Program project.
39. September 16, 2024 Accounts Payable by fund: General \$517,505; Fire Gift \$1,047, Hotel Motel Tax \$65,477; Police Gift \$236; Road Use Tax \$274,703; Solid Waste \$109,018; Water \$836,353; Sewer \$756,850; Storm Water \$69,647; Golf Course \$60,756; Enterprise Project \$359,403; Revolving \$25,789; Risk Management \$49,053; Health Insurance \$391; Capital Projects \$3,358,501; Payroll Totals \$1,542,003; Transfers/ACH (\$219,031); Agenda Payments Approved Separately (\$3,536,305); Grand Total \$4,271,396.

Community Development

40. **RESOLUTION 2024-367** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to consider amending provisions of the Subdivision Ordinance related to Chapter 200 of the Municipal Code of the City of Ankeny, Iowa (date of hrg: 10/07/24 @ 5:30 p.m.)
41. **RESOLUTION 2024-368** accepting final plat, warranty deed to streets, and platted easements for Deer Creek South Plat 3.
42. Approve NE 36th Street Mixed Use Development Neighborhood Plan.
43. **RESOLUTION 2024-369** accepting a Public Gas Easement associated with the development of The Village at the Grove Plat 1.
44. **RESOLUTION 2024-370** accepting a Public Sanitary Sewer Easement associated with the Parcel; EX E 39A & PARCEL A BK 7162 PG 848- & -EX BEG NE COR PARCEL A THN E 501.91F S 58.15F W 365.70F SW 6.54F W 132.02F N 59.39F TO POB- E 100A NE ¼ SEC 7-80-23.

45. **RESOLUTION 2024-371** accepting a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, located on Lot 1 Community Baptist Church Plat 1; and associated with the site improvements of the Ankeny Community Baptist Church at 4703 N Ankeny Boulevard.
46. **RESOLUTION 2024-372** accepting a Public Storm Sewer Easement, located on The North 20' of the East 256' of the West 289' of the South 30' of the North 659.6' of the NW ¼ of the NW¼ of Section 24, Township 80 North, Range 24 West of the 5th P.M., City of Ankeny, Polk County, Iowa.; and associated with the site improvements at 217 S Ankeny Boulevard.
47. **RESOLUTION 2024-373** authorizing the mayor to sign a Hold Harmless Agreement allowing Ankeny Futures, LLC, to construct fenced dog kennels in a portion of the City's Public Storm Sewer Easement on The North 20' of the East 256' of the West 289' of the South 30' of the North 659.6' of the NW ¼ of the NW¼ of Section 24, Township 80 North, Range 24 West of the 5th P.M., City of Ankeny, Polk County, Iowa, associated with the site improvements at 217 S Ankeny Boulevard.

Engineering

48. **RESOLUTION 2024-374** accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the N Ankeny Boulevard - 1st Street to 11th Street Improvements project in Ankeny, Iowa. (Greg S Sunner Living Trust)
49. **RESOLUTION 2024-375** accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the N Ankeny Boulevard - 1st Street to 11th Street Improvements project in Ankeny, Iowa. (Des Moines Meeting Rooms, Inc.)
50. **RESOLUTION 2024-376** for Application to Carbon Reduction Program (CRP): S Ankeny Boulevard & Oralabor Road Intersection Improvements.
51. **RESOLUTION 2024-377** accepting public improvements in Albaugh Four Mile Industrial Park Plat 1 for water main, sanitary sewer, and storm sewer.
52. **RESOLUTION 2024-378** accepting public improvements in Albaugh Four Mile Industrial Park Plat 1 for paving
53. **RESOLUTION 2024-379** accepting public improvements in Albaugh Four Mile Industrial Park Plat 1 for subgrade.
54. **RESOLUTION 2024-380** accepting the maintenance bond for water main and storm sewer in Deer Creek South Plat 3.
55. **RESOLUTION 2024-381** accepting the maintenance bond for paving in Deer Creek South Plat 3.
56. **RESOLUTION 2024-382** accepting the maintenance bond for subgrade in Deer Creek South Plat 3.
57. **RESOLUTION 2024-383** accepting public improvements for utilities in Grove Landing Plat 6.
58. **RESOLUTION 2024-384** accepting public improvements for paving in Grove Landing Plat 6.
59. **RESOLUTION 2024-385** accepting public improvements for subgrade prep in Grove Landing Plat 6.

Capital Improvement Projects

60. **Landscape Improvements for High Trestle Trail Extension - SE Magazine Road to SE Oralabor Road:** a) Final Change Order #1 decreasing the contract amount by \$12,550.00; b) Certificate of Completion; c) **RESOLUTION 2024-386** accepting the public improvements with Redbud, LLC in the amount of \$54,092.00; and d) Final Payment #3 in the amount of \$4,929.36 and Release of Retainage in the amount of \$2,704.60.
61. **2024 Pedestrian Ramp Improvements Program - Northbrook:** a) Final Change Order #1 decreasing the contract amount by \$330.00; b) Certificate of Completion; c) **RESOLUTION 2024-387** accepting the public improvements with Vice Construction in the amount of \$175,890.00; and d) Final Payment #3 in the amount of \$69,269.25; Retainage Payment in

the amount of \$8,794.50.

Administrative Items

62. **RESOLUTION 2024-388** terminating Chapter 28E Agreement by and between The City of Altoona, City of Ankeny, City of Bondurant, City of Grimes, City of Polk City, City of Urbandale, City of West Des Moines and City of Windsor Heights, Iowa, for the administration of the Metro Home Improvement Program.
63. Approve a 28E agreement with Mid Iowa Planning Alliance for Community Development (MIPA) for the administration of the Metro Home Improvement Program.
64. **RESOLUTION 2024-389** relating to the revision of the Human Resources Policy of the Standard Administrative Policy and Procedures Manual of the City of Ankeny, Iowa.
65. Approve the Master Services Agreement with LiftOff, LLC for Microsoft 365 Guided Development Services and the Customer Terms for Cloud Services Agreement US Public Sector for Office 365 Licenses.
66. Receive and file petition from property owners within Trestle Ridge Estates.

APPROVAL OF CONSENT AGENDA

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

LEGISLATIVE BUSINESS

Approval of Ordinances

1. **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 Ruddy moved, Bentz seconded, to accept third consideration of ORDINANCE 2179, sending it on its final passage and publication as required by law. Ayes: Ruddy, Bentz, Perry, Shafer.
2. **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. Council Member Perry moved, Ruddy seconded, to accept second consideration of ORDINANCE 2180. Ayes: Perry, Ruddy, Bentz, Shafer. Council Member Bentz 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 2180, sending it on its final passage and publication as required by law. Ayes: Bentz, Ruddy, Perry, Shafer.
3. **Ord 2182.** An Ordinance amending Chapter 65, Stop or Yield Required, of the Municipal Code of the City of Ankeny, Iowa, by amending provisions pertaining to pedestrians' right-of-way (Section 65.05). Council Member Perry moved, Ruddy seconded, to accept first consideration of ORDINANCE 2182. Ayes: Perry, Ruddy, Bentz, 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 second and third consideration of ORDINANCE 2182, sending it on its final passage and publication as required by law. Ayes: Shafer, Ruddy, Bentz, Perry.
4. **Ord 2183.** An Ordinance amending Chapter 152 of the code of ordinances of the City of Ankeny, Iowa, by amending provisions to maintaining sidewalks. Council Member Ruddy moved, Perry seconded, to accept first consideration of ORDINANCE 2183. Ayes: Ruddy, Perry, Bentz, Shafer. Council Member Ruddy moved, Perry seconded, to accept request to suspend the rule that all ordinances must be considered on three different days and accept second and third consideration of ORDINANCE 2183, sending it on its final passage and publication as required by law. Ayes: Ruddy, Perry, Bentz, Shafer.

ADJOURNMENT

1. Meeting was adjourned at 5:59 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 9/27/24.