

**MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL**

Monday, July 16, 2018 – 5:30 PM  
Ankeny City Hall - City Council Chambers  
410 West First Street, Ankeny, Iowa  
Gary Lorenz, Mayor

Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jim McKenna, Kerry Walter-Ashby, Kelly Whiting

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Mayor Pro tem Holm called the meeting to order at 5:30 p.m. Council member Whiting was absent. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Pro tem Holm led the Pledge of Allegiance.

**CEREMONY:** none

**A. PUBLIC FORUM:**

1. Open Forum: Mike Albers, 2634 NW 17<sup>th</sup> Street; Jason Hatch, 322 SE Grant St., Michelle Williams, 701 NW Scott St., Alex Stratton, 218 NW College Ave., Jason Cusack, 721 NW Scott St.; Martin Vogel, 2698 NE 102<sup>nd</sup> Ave., and John Sabol, 3609 SE Redbud Ct., addressed the Council regarding damage sustained to their homes as the result of the heavy rains received on June 30, 2018.

Mayor Pro tem Holm stated that the residents who addressed the Council with regard to damage sustained to their homes as a result of the heavy rains received on June 30, 2018 should sign in leaving their contact information. Each person will then be contacted by City Staff.

Roger Stephani, 513 NE 3<sup>rd</sup>, addressed the Council regarding potential illegal fireworks near his home.

**B. APPROVAL OF AGENDA:**

1. Approval of the July 16, 2018 Agenda:

**Action# B1-1. Bentz made the motion to approve and accept the July 16, 2018 agenda, without amendment, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.B1-1**

**YES 4 NO 0**

**C. PUBLIC HEARING(S):**

1. **PH 2018-48:** Proposed Development Agreement with Chamness Biodegradables, LLC

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 6<sup>th</sup> day of July, 2018 and notices were mailed to affected property owners as required by law.

No written objections were filed and no oral objections were offered from the audience.

Derek Lord, Economic Development Director, reported Chamness Biodegradables, LLC (CBD) currently operates a research and development, manufacturing, warehouse and distribution facility in Camarillo, CA. Company officials are proposing to move their entire operation to approximately 27,500 square feet of leased space at 700 SE Oralabor Road,

Suite B, in Ankeny to support their growing line of biodegradable serve ware, bakeware and packaging.

Staff is proposing to provide a \$40,000, 50% forgivable, 50% repayable loan to assist with the buildout of advanced manufacturing and office space. Under the terms of the loan, CBD has committed to creating 22 new positions, with 13 of the positions, exceeding 120% of the area median laborshed wage rate of \$29.12/hour. CBD will also be seeking financial assistance from IEDA and this award from the City will meet IEDA's local match requirement. The loan will be secured with a UCC1 and funds will not be released until after proof of occupancy.

Jon Callen, representing Chamness Biodegradables, LLC, stated the company is very excited to be relocating to Ankeny from Camarillo, California.

**Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2018-48, seconded by Bentz.**

**ROLL CALL**

**2018-0716.C1-1**

**YES 4**

**NO 0**

**D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

1. Park Board Representative, Amber Angaran, reported on the activities of the Park Board.
2. Library Board of Trustee, Tamara Fujinaka, reported on the activities of the Library Board.

**E. APPROVAL OF CONSENT AGENDA:**

• **Minutes**

**CA - 1** Approval of official council actions of the regular meeting of July 2, 2018, as published, subject to correction, as recommended by the City Clerk.

**CA - 2** Receive and file minutes of the Plan and Zoning Commission meeting of June 5, 2018.

**CA - 3** Receive and file minutes of the Zoning Board of Adjustment meeting of June 19, 2018.

**CA - 4** Receive and file minutes of the Civil Service Commission meeting of May 14, 2018.

• **Licenses and Permits**

**CA - 5** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

• **Finance/Budget**

**CA - 6** Consider motion to receive and file Financial Reports for June 2018.

**CA - 7** Consider motion to receive and file the Building Permits Report for June 2018.

**CA - 8** Consider motion to receive and file Utility Billing Report for June 2018.

**CA - 9** Consider motion to approve Payment #9 in the amount of \$12,473.08 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project.

**CA - 10** Consider motion to approve Payment #11 in the amount of \$1,695.98 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 1 and SE Peterson/SE Trilein Storm Sewer Improvements project.

**CA - 11** Consider motion to approve Change Order #2 increasing the contract amount by \$2,934.44 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

**CA - 12** Consider motion to approve Payment #3 in the amount of \$254,339.74 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

**CA - 13** Consider motion to approve Payment #11 in the amount of \$256,593.00 to DDVI, Inc., for construction services on the Ankeny Fire Station No. 3 project.

**CA - 14** Consider motion to approve Payment #1 in the amount of \$133,501.12 to Edge Commercial, LLC for engineering services on the Community Entrance Signs project.

**CA - 15** Consider motion to approve Payment #2 in the amount of \$57,005.89 to HDR Engineering, Inc., for construction services on the Ankeny Sanitary Master Plan project.

**CA - 16** Consider motion to approve Change Order #1 increasing the contract amount by \$3,263.60 to Manatt's Inc., for construction services on the SW Plaza Parkway and SW College Avenue Extension project.

**CA - 17** Consider motion to approve Payment #1 in the amount of \$127,302.65 to Manatt's Inc., for construction services on the SW Plaza Parkway and SW College Avenue Extension project.

**CA - 18** Consider motion to approve Change Order #1 increasing the contract amount by \$220.00 to MNM Concrete Specialist, for construction services on the 2018 PCC Reconstruction - NW Prairie Ridge Drive project.

**CA - 19** Consider motion to approve Payment #1 in the amount of \$135,936.69 to MNM Concrete Specialist for construction services on the 2018 PCC Reconstruction - NW Prairie Ridge Drive project.

**CA - 20** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$71,800.00 with Snyder & Associates, Inc., for construction services on the SE Convenience Boulevard Extension Project.

**CA - 21** Consider motion to approve Change Order #1 decreasing the contract amount by \$800.20 to Sternquist Construction for construction services on the SW Market Street Extension project.

**CA - 22** Consider motion to approve Payment #1 in the amount of \$65,295.21 to Sternquist Construction, for construction services on the SW Market Street Extension project.

**CA - 23** Consider motion to approve Payment #14 in the amount of \$3,904.56 to SVPA Architects, Inc., for construction services for the Fire Station No. 3 project.

**CA - 24** Consider motion to approve Payment #9 in the amount of \$16,121.33 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.

**CA - 25** Consider motion to approve the July 16, 2018 Accounts Payable from the following funds: General \$292,019.09, Hotel Motel Tax \$30,000.00, Road Use Tax \$12,784.41, Police/Fire Pension \$1,564.00, Library Foundation \$688.06, Solid Waste \$51,108.41, Water \$124,454.85, Sewer \$48,073.95, Stormwater \$2,925.29, Golf Course \$34,663.87, Enterprise \$74,257.88, Revolving \$926.21, Risk Mgmt \$329,596.70, Health Insurance \$733.23, Capital Projects \$1,101,327.15, Payroll \$1,027,029.29, Less Srvc Trnsfrs/ACH Drafts (\$163,962.84), Less Agenda Pymts Approved Separately (\$1,072,020.40), Grand Total \$1,896,169.15 (Finance Committee: J. McKenna, Chp, M. Holm, B. Bentz)

**CA - 26** Moved to Supplemental and Removed Consent Agenda Items

**CA - 27** Moved to Supplemental and Removed Consent Agenda Items

**CA - 28** Moved to Supplemental and Removed Consent Agenda Items

- **Personnel Items**

**CA - 29** Consider motion to accept the Civil Service Commission certified list for appointment for Chief of Police subject to passing any further department requirements.

- **Community Development Items**

**CA - 30** Consider motion to adopt RESOLUTION 2018-343 accepting final plat, platted easements, deed to streets, subdivision bonds for seeding and silt fence, performance and maintenance bonds for paving and underground improvements, and cost participation for sidewalk and ramp widening along SW Plaza Parkway and SW College Avenue in an amount estimated to be \$14,932 for Estates at Prairie Trail Plat 7.

**CA - 31** Consider motion to adopt RESOLUTION 2018-344 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and storm sewer in Estates at Prairie Trail Plat 7.

**CA - 32** Consider motion to adopt RESOLUTION 2018-345 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Estates at Prairie Trail Plat 7.

**CA - 33** Consider motion to adopt RESOLUTION 2018-346 setting a public hearing on the vacation of 0.14 acres of public right of way located within the City of Ankeny, Iowa, along W 1st Street adjacent to Lots 3 and 4, Seasons Ridge Plat 3, Lots 1, 2 and 3, Seasons Ridge Plat 4 and Lot 12, Seasons Ridge Plat 7. (date of hrg: 8/6/2018 @ 5:30 p.m.)

- **Engineering Items**

**CA - 34** Consider motion to adopt RESOLUTION 2018-347 accepting public improvements in Prairie Lakes Plat 2, Lot 1 for utilities.

**CA - 35** Consider motion to adopt RESOLUTION 2018-348 authorizing the execution of a Consent for Crossing Company's Pipelines and Easements agreement between the City of Ankeny and Northern Natural Gas to facilitate the construction of water main as part of the SW Plaza Parkway and SW College Avenue Extension project.

- **Capital Improvement Projects**

**CA - 36 West First Street Sidewalk Upgrade - Phase 2:** Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2018-349 accepting the public improvements with MNM Concrete Specialist in the amount of \$124,723.10; and c) Final Payment #3 in the amount of \$1,615.00 / Release of Retainage in the amount of \$6,236.15.

- **Administrative Items**

**CA - 37** Consider motion to reimburse and defer the COPS Hiring Grant in the amount of \$99,637.37.

**CA - 38** Consider motion to receive and file petition received from residents on county NE 19th Lane and Sysco Foods, dated June 28, 2018, regarding proposed site plan on 635 SE Oralabor Road.

- Approval of Consent Agenda Items

1. Consent Agenda Items CA-1 through CA-38:

**Action# E1-1. McKenna made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-38, with the removal of CA-26, CA-27 and CA-28, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.E1-1                      YES    4            NO    0**

**F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS:**

1. Supplemental and Removed Consent Agenda

**CA-26** Consider motion to adopt RESOLUTION 2018-340 authorizing the purchase of a breathing air cylinder fill station for Fire Station No. 3.

**Action# F1-1. Bentz made the motion to approve the Supplemental and Removed Consent Agenda Item CA-26, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.F1-1                      YES    3            NO    1 (McKenna)**

**CA-27** Consider motion to adopt RESOLUTION 2018-341 authorizing the purchase of a washer/extractor and dryer for Fire Station No. 3.

Council member McKenna inquired as to whether the equipment listed in Action Ca-26 and CA-27 was included in the bond referendum and why the need for this equipment.

City Manager David Jones stated this equipment was authorized by approval of the bond referendum for Fire Station No. 3.

Fire Chief Clack stated every fire station has this type of equipment to fill air cylinders after a fire and/or training and the washer/extractor and dryer, which gets used more

than the air cylinder fill station because of the nationwide concern for carcinogens, and then stored away from the station living area. He stated Station #1 and Station #2 were designed with this type of equipment and the intent was to design Station #3 the same.

**Action# F1-2. Bentz made the motion to approve the Supplemental and Removed Consent Agenda Item CA-27, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.F1-2                    YES    3            NO    1 (McKenna)**

**CA-28** Consider motion to adopt RESOLUTION 2018-342 authorizing the purchase of an interactive fire safety training trailer for the Fire Department.

Council member McKenna inquired as to whether this training trailer is similar to the Fire Safety House.

Fire Chief Clack stated this purchase of a training trailer was used for demonstration purposes and will be purchased for one-half the purchase price, including warranty, with more capabilities than the department's current Fire Safety House.

**Action# F1-3. Walter-Ashby made the motion to approve the Supplemental and Removed Consent Agenda Item CA-28, seconded by Bentz.**

**ROLL CALL**

**2018-0716.F1-3                    YES    4            NO    0**

**G. RECESS:** None

**H. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

1. **Ord 1935:** 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 Roger Bauer.

**Action# H1-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1935, sending it on its final passage and publication as required by law, seconded by Bentz.**

**ROLL CALL**

**2018-0716.H1-1                    YES    4            NO    0**

2. **Ord 1949:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by amending the PUD zoning of certain property owned by Deer Creek Estates, LLC.

**Action# H2-1. Bentz made the motion to accept third consideration of ORDINANCE 1949, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.H2-1                    YES    3            NO    1 (McKenna)**

3. **Ord 1950:** 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 Grove Development, LLC.

**Action# H3-1. McKenna made the motion to accept second consideration of ORDINANCE 1950, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.H3-1                    YES    4            NO    0**

4. **Ord 1951:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estates owned by Rock Creek Commercial LLC from C-1, Neighborhood Retail Commercial District to C-2, General Retail, Highway Oriented, and Central Business Commercial District with restrictions.

**Action# H4-1. Walter-Ashby made the motion to accept second consideration of ORDINANCE 1951, seconded by McKenna.**

**ROLL CALL**

**2018-0716.H4-1                    YES    4            NO    0**

**Action# H4-2. McKenna made the motion 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 1951, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.H4-2                    YES    4            NO    0**

**I. OLD BUSINESS:** none

**J. NEW BUSINESS:**

1. Development Agreement - Chamness Biodegradables, LLC (PH 2018-48)

**Action# J1-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-350 approving a Development Agreement between the City of Ankeny and Chamness Biodegradables, LLC, seconded by Bentz.**

**ROLL CALL**

**2018-0716.J1-1                    YES    4            NO    0**

2. Ankeny Economic Development Urban Renewal Area Project Approval  
Chamness Biodegradable, LLC

**Action# J2-1. Bentz made the motion to adopt RESOLUTION 2018-351 approving project in the Ankeny Economic Development Urban Renewal Area and directing the filing of certification under Iowa Code Section 403.19, seconded by McKenna.**

**ROLL CALL**

**2018-0716.J2-1                    YES    4            NO    0**

3. High Quality Jobs Program Application for Chamness Biodegradables, LLC.  
Iowa Economic Development Authority.

**Action# J3-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-352 of the City Council of the City of Ankeny, Iowa approving the application of**

**Chamness Biodegradables, LLC to the Iowa Economic Development Authority  
High Quality Jobs Program, seconded by Bentz.**

**ROLL CALL**

**2018-0716.J3-1                      YES    4            NO    0**

4. NE 54th Street Bridge Replacement over Tributary to Fourmile Creek  
Notice of Intent to Commence a Public Improvement Project and to Acquire Property Interests

**Action# J4-1. McKenna made the motion to adopt a RESOLUTION 2018-353 fixing a date for hearing on intent to commence a public improvement and to acquire property interests for the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project, seconded by Walter-Ashby. (date of hrg: 8/20/18 @ 5:30 p.m.)**

**ROLL CALL**

**2018-0716.J4-1                      YES    4            NO    0**

5. High Trestle Trail Extension - SW Ordnance Road to SE Magazine Road  
Notice of Intent to Commence a Public Improvement Project and to Acquire Property Interests

**Action# J5-1. Walter-Ashby made the motion to adopt a RESOLUTION 2018-354 fixing a date for hearing on intent to commence a public improvement and to acquire property interests for the High Trestle Trail Extension - SW Ordnance Road to SE Magazine Road project, seconded by McKenna. (date of hrg: 8/20/18 @ 5:30 p.m.)**

**ROLL CALL**

**2018-0716.J5-1                      YES    4            NO    0**

6. Proposed SE Delaware Bank Stabilization Project  
Initiate Proceedings

**Action# J6-1. Bentz made the motion to adopt RESOLUTION 2018-355 ordering construction and fixing a date for hearing thereon and taking of bids therefore, seconded by Walter-Ashby. (date of bid-letting: 8/14/18 @ 10:30 a.m. / date of hrg: 8/20/18 @ 5:30 p.m.)**

**ROLL CALL**

**2018-0716.J6-1                      YES    4            NO    0**

7. Temporary Waiver of Fees and Charges for Building Permits - Flood Event

**Action# J7-1. McKenna made the motion to adopt RESOLUTION 2018-356 approving the temporary waiver of fees and charges for building permits associated with repairs caused by the recent flood event, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0716.J7-1                      YES    4            NO    0**

**K. ADMINISTRATIVE BUSINESS:**

- Report of the City Staff:

City Manager, David Jones, highlighted information received at a meeting of area City Managers and Polk County Board of Supervisors to discuss the 2018 flood. As a result of that meeting a recommendation was made for a Flood Assistance Program. That program would be implemented to assist low to moderate income residents of single-



family owner occupied homes to replace/repair water heaters, furnaces and electrical panels from damage caused by floodwater.

City Manager Jones stated once formally approved by the Polk County Board of Supervisors, the details of that program would be posted on the City's website.

- Report of the Governing Body:

Mayor Pro tem Holm reported he appreciated the work of the contractor who saw to it that the Prairie Ridge Drive/Ash Drive project was open for traffic in time for the SummerFest event. He further stated he appreciated hearing from all of the resident's who addressed their concerns as it relates to flood damage and does not take their concerns lightly. He stated a Sanitary Sewer Management Plan study is underway and tonight's comments will aid in that study. He stated they will continue to respond to resident's calls/e-mail.

Council Member Walter-Ashby reported she would like to set aside sometime at the Council's strategic plan meeting to discuss the concerns/comments made relating to the flood event.

## **L. ADJOURNMENT**

1. There being no further business, the meeting was adjourned at 6:54 p.m.

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Pamela DeMouth, City Clerk

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Mark Holm, Mayor Pro tem

Published in the Des Moines Register on the 27<sup>th</sup> day of July, 2018.  
Audio file of meeting is available by contacting the City Clerk's Office.