

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

Monday, August 20, 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 Lorenz called the meeting to order at 5:30 p.m. All Council members were present. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Lorenz led the Pledge of Allegiance.

**CEREMONY:**

1. Special Recognition: Mayor Lorenz recognized the Ankeny Little League Intermediates All Star Team for their participation in the Little League World Series.

**A. PUBLIC FORUM:**

1. Open Forum: Todd Wehr, representing the Ankeny Area Chamber of Commerce, presented an update on the Chamber's activities and events.

John Sabol, 3609 SE Redbud Court, stated he met with Municipal Utilities Director, Don Clark, regarding storm sewers. He stated he was impressed with the process and procedures in place; it is not a simple process and expressed appreciation to Don for his hard work and taking the time to meet and explain the process to him.

**B. APPROVAL OF AGENDA:**

1. Approval of the August 20, 2018 Agenda:

**Action# B1-1. Holm made the motion to approve and accept the August 20, 2018 agenda, without amendment, seconded by Whiting.**

**ROLL CALL**

**2018-0820.B1-1      YES    5      NO    0**

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

1. **PH 2018-50:** Proposed NE 54th Street Bridge Replacement over Tributary to Fourmile Creek Project  
Public Hearing to Authorize the Acquisition of Property and Property Interests

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 3<sup>rd</sup> day of August, 2018 and notices were mailed as required by law.

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

Mark Mueller, Public Works Director, reported the action before the Council is to hold a Public Hearing to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the NE 54th

Street Bridge Replacement over Tributary to Fourmile Creek project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of easements for the project.

**Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2018-50, seconded by Whiting.**

**ROLL CALL**

**2018-0820.C1-1      YES    5      NO    0**

2. **PH 2018-51:** Proposed High Trestle Trail Extension Project  
Public Hearing to Authorize the Acquisition of Property and Property Interests

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 3<sup>rd</sup> day of August, 2018 and notices were mailed as required by law.

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

Mark Mueller, Public Works Director, reported the action before the Council is to hold a Public Hearing to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the High Trestle Trail Extension project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of property and easements for the project.

**Action# C2-1. Whiting made the motion to close Public Hearing 2018-51, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.C2-1      YES    5      NO    0**

3. **PH 2018-52:** Proposed SE Delaware Streambank Stabilization Project

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 3<sup>rd</sup> day of August, 2018

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

Paul Moritz, Assistant City Manager, reported this project includes improvements to address stream channel erosion and associated impacts along SE Tributary (B) to Fourmile Creek from SE Delaware Avenue box culvert to approximately 230 feet east in the City of Ankeny, Iowa. The project area covers approximately 130 feet of stream channel with flows characteristic of urban land use.

The bid opening for the project was held on Tuesday, August 14, 2018 at which two (2) bids were received with low bid submitted by RW Excavating Solutions, LC of Prairie City, Iowa, in the amount of \$175,101.00

The engineer's estimate for the project was \$188,800.00. After review of results, it is recommended that the project be awarded to RW Excavating Solutions, LC of Prairie City, Iowa.

**Action# C3-1. Holm made the motion to close Public Hearing 2018-52, seconded by Bentz.**

**ROLL CALL**

**2018-0820.C3-1      YES    5      NO    0**

4. **PH 2018-53:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by DRA Properties, LC from C-2, General Retail, Highway-Oriented and Central Business Commercial District, to R-3, Multiple-Family Residence District.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 10<sup>th</sup> day of August, 2018

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

Eric Jensen, Planning & Building Director, reported DRA Properties, LC, is requesting to rezone property from C-2, General Retail, Highway-Oriented and Central Business Commercial District to R-3, Multiple-Family Residence District.

The subject property is approximately 0.151 acres, located northeast of the intersection at NE Grant St and NE Oak Dr. Properties to the north and west are zoned C-2, General Retail, Highway-Oriented and Central Business Commercial District. Properties to the east and south are zoned R-3, Multiple Family-Residence District.

The Ankeny Comprehensive Plan indicates the subject area as Medium-Density Residential; therefore the proposed rezoning is consistent with the Future Land Use Map. Surrounding properties to the west are indicated as Neighborhood Mixed-Use; properties to the north are indicated as Medium-Density Residential; and properties to the east and south are indicated as Low-Density Residential.

Brent Culp of Snyder & Associates, 2727 SW Snyder Blvd., representing, DRA Properties, addressed the Council stating when Northpointe Village Center Plat 1 was platted in 2004, it was part of Lot 8 and is not developable under the current circumstance. The property owner is now ready to rezone the property so a single family home could be built on the lot.

**Action# C4-1. Whiting made the motion to close Public Hearing 2018-53, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.C4-1      YES    5      NO    0**

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

1. Park Board Representative, Nichoel Church, reported on the activities of the Park Board.
2. Library Board Representative, 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 August 6, 2018, as published, subject to correction, as recommended by the City Clerk.

**CA - 2** Receive and file minutes of the Civil Service Commission meeting of July 11, 2018.

**CA - 3** Receive and file minutes of the Plan and Zoning Commission meeting of July 17, 2018.

- **Licenses and Permits**

**CA - 4** Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

**CA - 5** Consider motion to approve the issuance of cigarette permit for September 1, 2018 - June 30, 2019.

- **Finance/Budget**

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

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

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

**CA - 9** Consider motion to approve Change Order #1 increasing the contract amount by \$7,246.26 to Absolute Concrete Construction, Inc., for construction services on the SW State Street and SW Magazine Road Intersection Improvements project.

**CA - 10** Consider motion to approve Payment #1 in the amount of \$68,611.62 to Absolute Concrete Construction, Inc., for construction services on the SW State Street and SW Magazine Road Intersection Improvements project.

**CA - 11** Consider motion to approve Payment #10 in the amount of \$27,274.10 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project.

**CA - 12** Consider motion to approve Payment #12 in the amount of \$1,905.50 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 - 13** Consider motion to approve Payment #1 in the amount of \$14,937.50 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 2 project.

**CA - 14** Consider motion to approve Payment #4 in the amount of \$253,227.27 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

**CA - 15** Consider motion to approve Payment #1 in the amount of \$51,294.35 to Concrete Technologies., for construction services on the SE Convenience Blvd. Extension Project.

**CA - 16** Consider motion to approve Payment #3 in the amount of \$60,614.75 to Halbrook Excavating for construction services on the 2018 SW 3rd Street Water Main Improvements (Construction) project.

**CA - 17** Consider motion to approve Payment #13 in the amount of \$28,998.17 to HR Green, Inc., for engineering services on the NW Irvinedale Drive Reconstruction (Design) project.

**CA - 18** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$21,942.48 with JEO Consulting Group, Inc., for construction engineering services on the 2018 SE Delaware Bank Stabilization project.

**CA - 19** Consider motion to approve Payment #1 in the amount of \$144,962.88 to Kingston Services P.C., for construction services on the SE Creekview Drive Utility Improvements project.

**CA - 20** Consider motion to approve Payment #2 in the amount of \$33,694.08 to Manatt's Inc., for construction services on the SW Plaza Parkway and SW College Avenue Extension project.

**CA - 21** Consider motion to approve Payment #19 in the amount of \$19,194.20 to OPN Architects for architectural design services on the Ankeny Kirkendall Library project.

**CA - 22** Consider motion to approve Payment #8 in the amount of \$1,900.00 to RW Excavating Solutions, LC for construction services on the Tradition Park Stormwater Detention Basin Remediation project.

**CA-23** Consider motion to approve Change Order #1 increasing the contract amount by \$10,510.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

**CA - 24** Consider motion to approve Payment #2 in the amount of \$112,261.73 to Sternquist Construction, for construction services on the SW Market Street Extension project.

**CA - 25** Consider motion to approve Payment #10 in the amount of \$16,690.11 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.

**CA - 26** Consider motion to approve the August 20, 2018 Accounts Payable from the following funds: General \$255,800.95, Road Use Tax \$111,551.28, Tax Increment Financing \$127,961.00, Police/Fire Pension \$2,862.00, Library Foundation \$357.35, Solid Waste \$51,557.84, Water \$499,542.67, Sewer \$645,746.88, Stormwater \$6,817.61, Golf Course \$39,981.53, Enterprise Project \$199,566.90, Revolving \$6,440.87, Risk Mgmt \$75,715.85, Health Ins \$152.00, Capital Projects \$842,029.40, Payroll \$1,021,605.38, Less Srvc Trnsfrs/ACH Drafts (\$165,889.25), Less Agenda Pymts Apprvd Separately (\$835,566.26), Grand Total \$2,886,234.00 (Finance Committee: B. Bentz, Chp, K. Walter-Ashby, M. Holm)

**CA - 27** Consider motion to adopt RESOLUTION 2018-379 accepting and approving the bid proposal from Great Western Bank for banking services.

- **Personnel Items**

**CA - 28** Consider motion to accept the Civil Service Commission certified lists for appointment for Recreation Supervisor in Aquatics-Parks and Recreation Department and Police Officer in the Police Department, subject to passing all other requirements.

- **Community Development Items**

**CA - 29** Consider motion to approve the Deer Creek South Townhomes PUD Site Plan Amendment.

**CA - 30** Consider motion to adopt Amended and Substituted RESOLUTION 2018-360 authorizing the Mayor to sign a Hold Harmless Agreement allowing Signature Village Owners Association and Signature Village Condominiums Association to place a monument sign within a City Sanitary Sewer Easement.

- **Engineering Items**

**CA - 31** Consider motion to adopt a RESOLUTION 2018-380 authorizing the execution of a Federal-Aid Swap Agreement for City Highway Bridge Program (HBP) funding between the Iowa Department of Transportation (DOT) and the City of Ankeny, Iowa for the sharing of project costs for the proposed NE 54th Street Bridge Replacement Over Branch of Fourmile Creek project.

**CA - 32** Consider motion to adopt RESOLUTION 2018-381 authorizing the City of Ankeny, Iowa, to make an application to the Iowa Department of Transportation, Iowa Clean Air Attainment Program (ICAAP) for the partial funding of a project for corridor improvements along West First Street from SW Scott Street to SW Logan Street within the city limits of Ankeny. Scan in Resolutions 2018 and add West First Street Corridor Improvements – Phase 1 Project (SW Scott St to SW Logan St).

**CA - 33** Consider motion to adopt RESOLUTION 2018-382 accepting a proposal from The Underground Company Ltd., in the amount of \$38,880.00 for the construction of the 2018 - N.E. Tuscany Blvd. Sanitary Sewer Sag Repair Project.

**CA - 34** Consider motion to adopt RESOLUTION 2018-383 accepting public improvements in Trestle Ridge Estates Plat 3 - 24" Water Main for utilities.

**CA - 35** Consider motion to adopt RESOLUTION 2018-384 accepting a proposal from Environmental Consultants in the amount of \$26,932.00 for the construction of the 2018 Parks and Rec Dept. Surface Restoration project.

- **Capital Improvement Projects:** none

- **Administrative Items**

**CA - 36** Consider motion to adopt RESOLUTION 2018-385 setting a public hearing on a development agreement between the City of Ankeny and The Toro Company (date of hrg: 9/4/18 @ 5:00 p.m.)

**CA - 37** Consider motion to receive and file the Ankeny Summerfest 2018 Report.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-37:

**Action# E1-1. Walter-Ashby made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-37, seconded by Whiting.**

**ROLL CALL**

**2018-0820.E1-1 YES 5 NO 0**

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

1. Supplemental and Removed Consent Agenda

**Action# F1-1. No action taken.**

**G. RECESS:** none

**H. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

1. **Ord 1952:** An Ordinance vacating public right-of-way located within the City of Ankeny, Iowa, along W 1st Street adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2 & 3, Seasons Ridge Plat 4 and Lot 12, Seasons Ridge Plat 7.

**Action# H1-1. Holm made the motion to accept second consideration of ORDINANCE 1952, seconded by Whiting.**

**ROLL CALL**

**2018-0820.H1-1 YES 5 NO 0**

**Action# H1-2. Bentz made the motion to accept applicant's request to suspend the rule that ordinances must be considered on three separate days and accept third consideration of ORDINANCE 1952, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.H1-2 YES 5 NO 0**

**Action# H1-3. Holm made the motion to adopt RESOLUTION 2018-386 authorizing the conveyance of 0.14 acres of vacated W 1st Street public right of way located within the City of Ankeny, Iowa, adjacent to Lots 3 & 4, Seasons Ridge Plat 3, Lots 1, 2 & 3, Seasons Ridge Plat 4 and Lot 12, Seasons Ridge Plat 7 and accepting offers from Jon Hanson, Matthew and Sabrina Owen, Steven and Susan Landwehr, Rusty and Lorilei Anderson, David and Glenda Watt and Brian Weiner and Mariah Tousley to purchase said property, seconded by Whiting.**

**ROLL CALL**

**2018-0820.H1-3 YES 5 NO 0**

2. **Ord 1953:** 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 DRA Properties, LC. (PH 2018-53)

**Action# H2-1. Whiting made the motion to accept first consideration of ORDINANCE 1953, seconded by Bentz.**

**ROLL CALL**

**2018-0820.H2-1 YES 5 NO 0**

3. **Ord 1954:** An Ordinance amending certain sections of Chapter 180 Fire Code, of the Municipal Code of the City of Ankeny, Iowa.

**Action# H3-1. Walter-Ashby made the motion to accept first consideration of ORDINANCE 1954, seconded by Whiting.**

**ROLL CALL**

**2018-0820.H3-1 YES 5 NO 0**

4. **Ord 1955:** An Ordinance amending Chapter 66, Load and Weight Restrictions, of the Municipal Code of the City of Ankeny, Iowa

**Action# H4-1. Whiting made the motion to accept first consideration of Ordinance 1955, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.H4-1 YES 5 NO 0**

**I. OLD BUSINESS:** none

**J. NEW BUSINESS:**

1. Proposed NE 54th Street Bridge Replacement over Tributary to Fourmile Creek Project (PH 2018-50)

**Action# J1-1. Whiting made the motion to adopt RESOLUTION 2018-387 approving and authorizing the acquisition of property and property interests for the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek Project, seconded by Bentz.**

**ROLL CALL**

**2018-0820.J1-1 YES 5 NO 0**

2. Proposed High Trestle Trail Extension Project (PH 2018-51)

**Action# J2-1. Holm made the motion to adopt RESOLUTION 2018-388 approving and authorizing the acquisition of property and property interests for the High Trestle Trail Extension Project, seconded by Bentz.**

**ROLL CALL**

**2018-0820.J2-1 YES 5 NO 0**

3. Proposed SE Delaware Streambank Stabilization Project (PH 2018-52)

**Action# J3-1. Walter-Ashby made the motion to: 1) adopt RESOLUTION 2018-389 adopting plans, specifications, form of contract and estimate of cost (\$188,800.00); 2) receive and file report of bids received August 14, 2018; and 3) adopt RESOLUTION 2018-390 making award of construction contract with Halbrook Excavating of Ankeny, Iowa, in the amount of \$175,101.00 for the 2018 SE Delaware Streambank Stabilization Project, seconded by Holm.**

**ROLL CALL**

**2018-0820.J3-1 YES 5 NO 0**



**Action# J3-2. Holm made the motion to adopt RESOLUTION 2018-391 approving construction contract and bond with Halbrook Excavating of Ankeny, Iowa, in the amount of \$175,101.00 for the 2018 SE Delaware Streambank Stabilization Project, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.J3-2        YES    5        NO    0**

4. Proposed Rock Creek Lateral Sewer Project

**Action# J4-1. Whiting made the motion to adopt RESOLUTION 2018-392 approving a Mutual Release and Settlement Agreement between Morgan Contracting, Inc., Polk County, Iowa and the City of Ankeny for the Rock Creek Lateral Sewer Project, seconded by Bentz.**

**ROLL CALL**

**2018-0820.J4-1        YES    5        NO    0**

5. Proposed Agreement between the City of Ankeny, Iowa and Confluence/Kendig Keast Collaborative for services in preparation of New Zoning and Subdivision Ordinances.

Mayor Lorenz reported that he would be serving on the steering committee, as well as, Kelly Whiting from the City Council and Trina Flack and Glenn Hunter from the Plan & Zoning Commission. He stated at the appropriate time a combined work session will be held with the City Council and the Plan & Zoning Commission to gain perspective on services needed and collect initial input as the process moves forward. He stated regularly scheduled updates and discussion points will be provided to keep the committee informed.

**Action# J5-1. Whiting made the motion to adopt RESOLUTION 2018-393 accepting staff recommendation and directing the City Manager to negotiate an agreement for services to be performed by Confluence/Kendig Keast Collaborative in the preparation of New Zoning and Subdivision Ordinances for the City of Ankeny, Iowa, seconded by Walter-Ashby.**

**ROLL CALL**

**2018-0820.J5-1        YES    5        NO    0**

#### **K. ADMINISTRATIVE BUSINESS:**

- Report of the City Staff:

City Manager, David Jones, reported the City received word today that President Trump approved a Disaster Declaration for Polk and 29 other counties related to the June 30<sup>th</sup> flood event. This program is for public assistance not individual assistance which is subject to review. Staff will soon begin working with emergency management officials to insure that as many of our eligible damaged related costs get reimbursed as there was significant damage to public facilities; he welcomed Chief of Police, Darius Potts, to his first day on the job/first Council meeting and he thanked Captain Makai Echer for her willingness to serve as Interim Police Chief; stating she did an outstanding job.

- Report of the Governing Body:

Mayor Lorenz also thanked Captain Makai Echer for serving as Interim Police Chief; he performed the swearing in ceremony for Darius Potts as the City's new Chief of Police

as well as 3 new officers. He further reported the dedication of Fire Station #3 is scheduled for August 30<sup>th</sup> at 4:00 p.m.; a DART Funding Workshop is scheduled for August 31<sup>st</sup> at Drake University and the 9/11 Remembrance Service is scheduled for Tuesday, September 11<sup>th</sup>.

Council Member Bentz reported she would not be available to attend any events scheduled for August 30<sup>th</sup> and 31<sup>st</sup>.

Council Member Walter-Ashby inquired as to whether about the strategic planning schedule.

City Manager, David Jones, reported staff is working on a timeline for the strategic planning.

Council Member Holm reported he has received quite a few calls regarding the maintenance of retention ponds. He suggested staff look at doing some minimal late summer maintenance. He also suggested discussion on maintenance of ponds during the budget process.

## **L. ADJOURNMENT**

1. There being no further business, the meeting was adjourned at 6:25 p.m.

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Pamela DeMouth, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 31<sup>st</sup> day of August, 2018.  
Audio file of meeting is available by contacting the City Clerk's Office.