

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, October 15, 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

Mayor Lorenz called the meeting to order at 5:30 p.m. All Council members were present. City Manager, David Jones and City Attorney, Matt Brick were present.

Mayor Lorenz led the Pledge of Allegiance.

CEREMONY: none

A. PUBLIC FORUM:

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

B. APPROVAL OF AGENDA:

1. Approval of the October 15, 2018 Agenda:

Action# B1-1. Holm made the motion to approve and accept the October 15, 2018 agenda, without amendment, seconded by Whiting.

ROLL CALL

2018-1015.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2018-55:** Proposed annexation of certain real estate owned by Myron Strain

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 28th day of September, 2018 and notices were mailed as required by law.

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

Eric Jensen, Planning & Building Director, reported Myron Strain, the property owner, has requested annexation to the City of Ankeny. The land is approximately 36 acres, adjacent to the southeast quadrant of the City of Ankeny. The property is generally located north of Interstate 80 and west of SE Four Mile Drive/NE 29th Street (County). The annexation area consists entirely of petitioned land and is contiguous with the corporate boundary of Ankeny.

Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2018-55, seconded by Bentz.

ROLL CALL

2018-1015.C1-1 YES 5 NO 0

2. **PH 2018-56:** Proposed S Ankeny Blvd and SE Shurfine Dr / SW Prairie Trail Pkwy Intersection Improvements 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 28th day of September, 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 this public hearing is being held to allow affected property owners the opportunity to present their views regarding the proposed acquisition of property and property interests for the S Ankeny Blvd and SE Shurfine Dr / SW Prairie Trail Pkwy Intersection Improvements project. Further action includes consideration of a Resolution approving the commencement of the public improvement including negotiations to facilitate the acquisition of fee title, permanent easements, and temporary easements for the project.

Action# C2-1. Holm made the motion to close Public Hearing 2018-56, seconded by Whiting.

ROLL CALL

2018-1015.C2-1 YES 5 NO 0

3. **PH 2018-57:** Proposed vacation of a portion of a 15-foot Water Main Easement associated with Village at Trestle Crossing Plat 1

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 5th day of October, 2018.

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

Eric Jensen, Planning & Building Director, reported Caliber Iowa, LLC is proposing to vacate a portion of a 15-foot water main easement associated with the Village at Trestle Crossing Plat 1 final plat. A City of Ankeny water main easement was shown on part of Lot 47 and Outlot "Y" of the Village at Trestle Crossing Plat 1 final plat. The water main easement was originally platted with the initial phase of development but installation was not anticipated until a future phase.

The future extension of this water main will now be accomplished in a different location, therefore, this existing water main easement is no longer needed.

Action# C3-1. Whiting made the motion to close Public Hearing 2018-57, seconded by Walter-Ashby.

ROLL CALL

2018-1015.C3-1 YES 5 NO 0

4. **PH 2018-58:** Proposed Amended Development Agreement - Casey's Retail Company

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 5th day of October, 2018.

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

Derek Lord, Economic Development Director, reported this amendment is to allow Casey's Retail Company an additional twelve (12) months to commence construction on

their approximate 60,000 square foot expansion. The original development agreement, approved January 15, 2018, required Casey's to commence construction, defined as footings in the ground, within twelve (12) months of approval. A twelve (12) month extension would give Casey's Retail Company until January 15, 2020 to commence construction.

Action# C4-1. Holm made the motion to close Public Hearing 2018-58, seconded by Whiting.

ROLL CALL

2018-1015.C4-1

YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION: none

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the regular meeting of October 1, 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 September 18, 2018.

CA - 3 Receive and file minutes of the Civil Service Commission meeting of September 13, 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.

- **Finance/Budget**

CA - 5 Consider motion to receive and file Financial Reports for September 2018.

CA - 6 Consider motion to receive and file the Building Permits Report for September 2018.

CA - 7 Consider motion to receive and file Utility Billing Report for September 2018.

CA - 8 Consider motion to approve Change Order #2 decreasing the contract amount by \$12,922.87 to Absolute Concrete Construction, Inc., for construction services on the SW State Street and SW Magazine Road Intersection Improvements project.

CA - 9 Consider motion to approve Payment #3 in the amount of \$35,214.22 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 #8 in the amount of \$1,923.75 to Applied Ecological Services, Inc., for construction services on the Southeast Prairie Trail Native Planting project.

CA - 11 Consider motion to approve Payment #12 in the amount of \$26,819.34 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 #6 in the amount of \$116,946.27 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 #3 in the amount of \$124,125.10 to Concrete Technologies, Inc., for construction services on the SE Convenience Blvd. Extension Project.

CA - 14 Consider motion to approve Change Order #2 increasing the contract amount by \$9,367.30 to Cramer and Associates, Inc., for construction services on the NE Delaware Avenue Pedestrian Bridge and Sidewalk Connection project.

CA - 15 Consider motion to approve Payment #2 in the amount of \$13,814.62 to Cramer and Associates, Inc. for construction services on the NE Delaware Avenue Pedestrian Bridge and Sidewalk Connection project.

CA - 16 Consider motion to approve Payment #14 in the amount of \$37,813.67 to DDVI, Inc., for construction services on the Ankeny Fire Station No. 3 project.

CA - 17 Consider motion to approve Change Order #1 increasing the contract amount by \$1,765.00 to Edge Commercial, LLC for construction improvements on the Ankeny Community Entrance Signs project.

CA - 18 Consider motion to approve Payment #3 in the amount of \$54,965.49 to Edge Commercial, LLC for construction services on the Ankeny Community Entrance Signs Project.

CA - 19 Consider motion to approve Payment #3 in the amount of \$140,454.30 to Kingston Services, PC for construction services on the SE Creekview Drive Utility Improvements project.

CA - 20 Consider motion to approve Change Order #3 decreasing the contract amount by \$6,698.30 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 #4 in the amount of \$158,773.38 to Manatt's Inc., for construction services on the SW Plaza Parkway and SW College Avenue Extension project.

CA - 22 Consider motion to approve Payment #21 in the amount of \$21,881.36 to OPN Architects for construction administration services on the Ankeny Kirkendall Public Library project.

CA - 23 Consider motion to approve Payment #1 in the amount of \$57,650.75 to RW Excavating Solutions, LC for construction services on the SE Delaware Streambank Stabilization project.

CA - 24 Consider motion to approve Change Order No. 3 increasing the contract amount by \$6,766.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

CA - 25 Consider motion to approve Payment #4 in the amount of \$1,019,108.04 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

CA - 26 Consider motion to approve Payment #4 in the amount of \$105,324.90 to Sternquist Construction for construction services on the SW Market Street Extension project.

CA - 27 Consider motion to approve Payment #12 in the amount of \$9,203.50 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.

CA - 28 Consider motion to approve the October 15, 2018 Accounts Payable from the following funds: General \$173,803.97, Road Use Tax \$163,998.48, Police/Fire Pension \$3,870.00, Library Foundation \$605.32, Ankeny Foundation \$1,219.00, Water \$114,135.19, Sewer \$650,585.55, Stormwater \$22,055.19, Golf Course \$19,255.16, Enterprise Project \$357,081.08, Revolving \$40,969.56, Risk Mgmt \$50,765.50, Health Insurance \$1,343.42, Capital Projects \$2,120,712.82, Payroll \$961,956.66, Less Srvc Trnsfrs/ACH Drafts (\$171,459.97), Less Agenda Pymts Apprvd Separately (\$1,928,507.64), Grand Total \$2,582,389.29 (Finance Committee: K. Whiting, Chp, B. Bentz, K. Walter-Ashby)

CA - 29 Consider motion to adopt RESOLUTION 2018-432 naming depositories for the City of Ankeny.

- **CA - 30** Consider motion to approve the Agreement for Professional Services with SystemWorks, LLC in the amount of \$52,130.00 for providing the commissioning services for the Ankeny Kirkendall Public Library project.

- **Personnel Items**

CA - 31 Consider motion to approve the list of candidates certified eligible for promotion to the position of Fire Engineer subject to passing all other requirements and to approve the lists of candidates certified eligible for appointment to Public Works Equipment Operator and Firefighter/Paramedic subject to passing all other requirements.

- **Community Development Items**

CA - 32 Consider motion to approve Casey's Addition to Rock Creek Preliminary Plat.

CA - 33 Consider motion to adopt RESOLUTION 2018-433 accepting final plat, deed to streets, performance bonds for seeding and erosion control, performance and maintenance bonds for paving and underground improvements, payment for sidewalk, payment for future turn lane, sanitary sewer connection fee, water connection fee, park site restrictive covenants, platted easements and authorizing the Mayor to sign two petition and waivers for the NW 36th Street Improvements for Casey's Addition to Rock Creek Final Plat.

CA - 34 Consider motion to adopt RESOLUTION 2018-434 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main and sanitary sewer in Casey's Addition to Rock Creek Final Plat.

CA - 35 Consider motion to adopt RESOLUTION 2018-435 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of street paving in Casey's Addition to Rock Creek Final Plat.

CA - 36 Consider motion to adopt RESOLUTION 2018-436 accepting permanent public utility and drainage easement associated with Seasons Ridge Plats 3, 4 & 7.

CA - 37 Consider motion to adopt RESOLUTION 2018-437 accepting Final Plat and Final R-3A Site Plan for Boulder Brook Plat 16.

CA - 38 Consider motion to adopt a RESOLUTION 2018-438 authorizing the mayor to sign a Hold Harmless Agreement allowing FFI Investments, LLC to place a monument sign within a Sanitary Sewer Easement and Surface Water Flowage and Drainage Easement.

- **Engineering Items**

CA - 39 Consider motion to adopt RESOLUTION 2018-439 accepting public improvements in Trestle Ridge Estates Plat 1 - Trunk Sewer Extension for utilities.

CA - 40 Consider motion to adopt RESOLUTION 2018-440 accepting public improvements in Vintage Business Park at Prairie Trail Plat 5 for utilities.

CA - 41 Consider motion to adopt RESOLUTION 2018-441 authorizing the execution of a Federal-Aid Swap Agreement for Surface Transportation Block Grant (STBG) Program 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 - 42 Consider motion to adopt RESOLUTION 2018-442 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project in Ankeny, Iowa. (Jerry's Homes, Inc. - Parcel 1)

CA - 43 Consider motion to adopt RESOLUTION 2018-443 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NE 54th Street Bridge Replacement Over Tributary to Fourmile Creek project in Ankeny, Iowa. (Jerry's Homes, Inc. - Parcel 3)

CA - 44 Consider motion to adopt RESOLUTION 2018-444 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NE 54th Street Bridge Replacement Over Tributary to Fourmile Creek project in Ankeny, Iowa. (Ledgestone Homeowners Association)

CA - 45 Consider motion to adopt RESOLUTION 2018-445 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the NE 54th Street Bridge Replacement over Tributary to Fourmile Creek project in Ankeny, Iowa. (Northgate East Master Owners Association, Inc.)

CA - 46 Consider motion to adopt RESOLUTION 2018-446 authorizing the execution of the Certificate of Substantial Completion for the Fire Station No. 3 Construction Improvements as completed by DDVI, Inc.

CA - 47 Consider motion to adopt RESOLUTION 2018-447 accepting a proposal from Concrete Connection, LLC in the amount of \$54,797.50 for the construction of the 2018 - Glenbrooke Park Improvements project.

CA - 48 Consider motion to adopt RESOLUTION 2018-448 accepting a proposal from Hydro-Klean LLC in the amount of \$119,233.10 for the construction of the 2018 Sanitary Sewer System Maintenance Program - CIPP Slip Lining Project.

- **Capital Improvement Projects**

CA - 49 SW District Drive Landscaping: Consider motion to approve: a) Final Change Order #2 decreasing the amount of the contract by \$800.00; b) Certificate of Completion; c) RESOLUTION 2018-449 accepting the public improvements with Redbud, LLC in the amount of \$70,969.00; and d) Final Payment #2 in the amount of \$940.50 / Release of Retainage in the amount of \$3,548.45.

- **Administrative Items**

CA - 50 Consider motion to approve the issuance of a special permit to Eric Weichers for the purpose of bow hunting of deer for the hunting season effective October 1, 2018 through January 10, 2019 on private property within the city limits pursuant to Municipal Code Section 41.11(3).

CA - 51 Consider motion to adopt RESOLUTION 2018-450 approving a 28E Agreement between the City of Ankeny and the Iowa Alcoholic Beverages Division ("ABD") for a tobacco, Alternative Nicotine and Vapor Product Enforcement Program in the City of Ankeny.

- Approval of Consent Agenda Items

1. Consent Agenda Items CA-1 through CA-51:

Action# E1-1. Walter-Ashby made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-51, seconded by Whiting.

ROLL CALL

2018-1015.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 1957:** An Ordinance vacating a portion of a 15-foot Water Main Easement associated with Village at Trestle Crossing Plat 1. (PH 2018-57)

Action# H1-1. Holm made the motion to accept first consideration of ORDINANCE 1957, seconded by Bentz.

ROLL CALL

2018-1015.H1-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed voluntary annexation of certain parcels of real estate owned by Myron Strain (PH 2018-55)

Action# J1-1. Walter-Ashby made the motion to receive and file the August 23, 2018 Consultation Meeting Report, seconded by Whiting.

ROLL CALL

2018-1015.J1-1 YES 5 NO 0

Action# J1-2. Whiting made the motion to adopt RESOLUTION 2018-451 annexing certain parcels of real estate owned by Myron Strain, seconded by Walter-Ashby.

ROLL CALL

2018-1015.J1-2 YES 4 NO 0 ABSTAIN 1 (Holm)

2. S Ankeny Blvd and SE Shurfine Dr / SW Prairie Trail Pkwy Intersection Improvements Project (PH 2018-56)

Action# J2-1. Holm made the motion to adopt RESOLUTION 2018-452 authorizing the acquisition of property and property interests with regard to the S Ankeny Blvd and SE Shurfine Dr / SW Prairie Trail Pkwy Intersection Improvements Project, seconded by Bentz.

ROLL CALL

2018-1015.J2-1 YES 5 NO 0

3. Amended Development Agreement - Casey's Retail Company (PH 2018-58)

Action# J3-1. Walter-Ashby made the motion to adopt RESOLUTION 2018-453 approving an Amended Development Agreement between the City of Ankeny and Casey's Retail Company, seconded by Whiting.

ROLL CALL

2018-1015.J3-1 YES 5 NO 0

4. Proposed N Ankeny Blvd & NW-NE Georgetown Blvd., Intersection Improvements and Traffic Signalization Project - Professional Services Agreement with JEO Consulting Group, Inc.

Action# J4-1. Holm made the motion to approve the Professional Services Agreement with JEO Consulting Group, Inc., for design engineering and bidding phase services for the N Ankeny & NW-NE Georgetown Blvd., Signalization project in an amount not-to-exceed \$86,100.00 and authorize the Mayor to execute said Agreement, seconded by Whiting.

ROLL CALL

2018-1015.J4-1 YES 5 NO 0

5. SE Creekview Drive Roadway Improvements Project
Initiate Special Assessment Proceedings

Action# J5-1. Walter-Ashby made the motion to adopt preliminary RESOLUTION 2018-454 for the construction of roadway grade improvements,

HMA paving, granular shoulder improvements and PCC driveway improvements in the City of Ankeny, State of Iowa, seconded by Bentz.

ROLL CALL

2018-1015.J5-1 YES 5 NO 0

Action# J5-2. Walter-Ashby made the motion to adopt RESOLUTION 2018-455 fixing value of lots, seconded by Whiting.

ROLL CALL

2018-1015.J5-2 YES 5 NO 0

Action# J5-3. Holm made the motion to adopt RESOLUTION 2018-456 adopting preliminary plat and schedule, estimate of cost and proposed plans and specifications for the construction of the SE Creekview Drive Roadway Improvements Project, seconded by Whiting.

ROLL CALL

2018-1015.J5-3 YES 5 NO 0

Action# J5-4. Whiting made the motion to adopt RESOLUTION 2018-457 of Necessity (proposed), seconded by Walter-Ashby.

ROLL CALL

2018-1015.J5-4 YES 5 NO 0

6. Proposed Agreement between the City of Ankeny, Iowa and Confluence for services needed to rewrite the Zoning and Subdivision Ordinances of the City of Ankeny.

Action# J6-1. Holm made the motion to adopt RESOLUTION 2018-458 approving an agreement between the City of Ankeny, Iowa, and Confluence for services needed to rewrite the Zoning and Subdivision Ordinances of the City of Ankeny, seconded by Whiting.

ROLL CALL

2018-1015.J6-1 YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

Mark Mueller, Public Works Director, gave an update on the Signal System Timing Project.

- Report of the Governing Body:

Mayor Lorenz stated he would be unavailable to attend the MPO meeting on Thursday, October 18th and asked Council member Bentz if she could attend.

Council Member McKenna, inquired about 1) time table for seeding; 2) who determines field cancellations due to inclement weather and/or diamond condition; and 3) drainage issues around Maplewood Village as a result of the I-35 and E. 1st Street Interchange project.

Mark Mueller, Public Works Director, stated temporary/dormant seeding is done for stabilization purposes; and the Iowa Department of Transportation is aware of the drainage issue related to the interchange project and working on a solution. Mark stated he would provide an update on the matter at a later date.

Nick Lenox, Parks and Recreation Director, stated the Parks and Recreation Department reserves the right to cancel activities due to inclement weather and/or diamond condition.

Council Member Whiting shared safety concerns related to the new drainage pond located west of Irvinedale Drive and south of 36th Street and its close proximity to the roadway.

City Manager, David Jones, reported there was some additional work done in that area as it relates to safety standards and the drainage pond, however, he stated he did not have those details available at this time. He will share that information with council at a later date.

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:15 p.m.

Debra M. Arend, Deputy City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 26th day of October, 2018.
Audio file of meeting is available by contacting the City Clerk's Office.