

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, May 6, 2019 – 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. Council member Bentz was absent present. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Lorenz led the Pledge of Allegiance.

CEREMONY:

1. Mayor Lorenz read a Proclamation proclaiming May 9, 2019 as the ninth Kids to Parks Day.

Mayor Lorenz recognized Boy Scout Troop #85 who are working on earning their Communications Management Badge.

Council Member Bentz arrived at 5:39 p.m.

A. PUBLIC FORUM:

1. Special Presentation: Elizabeth Presutti, CEO and Luis Montoya, Planning and Development Manager of DART presented a power point presentation on 2019 Service Planning.
2. Open Forum: Mark Gray, addressed the Council confirming Council had received a letter withdrawing the written protest dated April 15, 2019 received from Daniel M. Manning, Jr., representing landowners located within 200 feet to the exterior of proposed rezoning of property owned by Rose Marie Reinhart. He stated the developer has agreed to include restrictions within the rezoning with buffers and single family detached homes with an area containing single family twin homes.

Brad Whipple, 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 May 6, 2019 Agenda:

Action# B1-1. Whiting made the motion to approve and accept the May 6, 2019 agenda, without amendment, seconded by Bentz.

ROLL CALL

2019-0506.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2019-33:** Proposed N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization Project

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Mark Mueller, Public Works Director, reported this project includes installation of a new traffic signal, pavement removal and widening, sidewalk and pedestrian ramp improvements and storm sewer relocation.

The bid opening for the project was held on Tuesday April 30, 2019, at which six (6) bids were received with low bid submitted by Absolute Concrete Construction, Inc., of Slater, Iowa, in the amount of \$590,415.22.

The engineer's estimate for the project was \$498,802.00 and the bids ranged from approximately 6% to 54% above the engineer's estimate. Public Works staff reviewed the bid results internally, with JEO Consulting Group, Inc., the engineering firm that designed the project and with the Iowa DOT due to the state funding involved. It is recommended that the project be awarded to Absolute Concrete Construction, Inc., of Slater, Iowa.

Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2019-33, seconded by Holm.

ROLL CALL

2019-0506.C1-1 YES 5 NO 0

2. **PH 2019-34:** Proposed NE Delaware Avenue Sidewalk Connection

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Mark Mueller, Public Works Director, reported this project includes 8' sidewalk construction along NE Delaware Avenue from just north of NW 18th Street to 150' north of NE 24th Court in the City of Ankeny, Iowa.

The bid opening for this project was held on Tuesday, April 30, 2019, at which six (6) bids were received with low bid submitted by Howrey Construction, Inc., of Rockwell City, Iowa, in the amount of \$167,688.05.

The Engineer's Estimate for the project was \$195,190.00. The bids ranged from approximately 14% below to 17% above the estimate. The City has worked with Howrey Construction, Inc., in the past and their recent work on other projects has been good. It is recommended that the project be awarded to Howrey Construction, Inc., of Rockwell City, Iowa.

Action# C2-1. Holm made the motion to close Public Hearing 2019-34, seconded by Whiting.

ROLL CALL

2019-0506.C2-1 YES 5 NO 0

3. **PH 2019-35:** Proposed 2019 Asphalt Street Resurfacing Program

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Mark Mueller, Public Works Director, reported the this project includes existing asphalt street milling and overlaying of NW Weigel Drive between W First Street and NW 5th Street and NW 8th Street between NW Polk City Drive/IA Highway 415 and NW Cypress Avenue along with some full-depth asphalt patches in the north Prairie Ridge Sports Complex parking lot in the City of Ankeny.

The bid opening for this project was held on Tuesday, April 30, 2019, at which two (2) bids were received with low bid submitted by OMG Midwest, Inc., dba Des Moines Asphalt & Paving of Des Moines, Iowa, in the amount of \$144,302.00.

The Engineer's Estimate for the project was \$151,480.00. The bids ranged from approximately 5% below to 16% above the estimate. The City has worked with OMG Midwest, Inc., dba Des Moines Asphalt & Paving in the past and their recent work on other projects has been good. It is recommended that the project be awarded to OMG Midwest, Inc., dba Des Moines Asphalt & Paving of Des Moines, Iowa.

Action# C3-1. Whiting made the motion to close Public Hearing 2019-35, seconded by Bentz.

ROLL CALL

2019-0506.C3-1 YES 5 NO 0

4. **PH 2019-36:** A request to vacate a portion of right-of-way located at the intersection of SE Crosswinds Dr and SE 77th St, within the Crosswinds Business Park Planned Unit Development.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Eric Jensen, Planning & Building Director, reported the City has received a request to vacate a portion of right-of-way located at the intersection of SE Crosswinds Dr., and SE 77th St, within the Crosswinds Business Park Planned Unit Development. The purpose of the proposed right-of-way vacation is to prepare the property for platting in accordance with the Crosswinds Neighborhood Plan #4, which was approved on April 15, 2019. The neighborhood plan realigns SE 77th St for a westerly extension, with no southerly extension of SE Crosswinds Dr. through the existing intersection.

City staff has reviewed the vacation request and has determined that the vacation request is appropriate. As such, staff recommendation is that the Plan & Zoning Commission recommend City Council approval of the request to vacate a portion of public right-of-way located at the intersection of SE Crosswinds Dr., and SE 77th St, within the Crosswinds Business Park Planned Unit Development.

Action# C4-1. Holm made the motion to close Public Hearing 2019-36, seconded by Walter-Ashby.

ROLL CALL

2019-0506.C4-1 YES 5 NO 0

5. **PH 2019-37:** A request to vacate a portion of a sanitary sewer easement located at the intersection of SE Crosswinds Dr and SE 77th St, within the Crosswinds Business Park Planned Unit Development.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Eric Jensen, Planning & Building Director, reported the City has received a request to vacate a portion of a Sanitary Sewer Easement located within the Crosswinds Business Park Planned Unit Development to facilitate platting in conformance with the Crosswinds Business Park Neighborhood Plan #4. The sanitary sewer extending westerly from SE Four Mile Dr is being redirected north from the existing sanitary sewer alignment, requiring vacation of the easement over the abandoned portion of the sanitary sewer.

Action# C5-1. Walter-Ashby made the motion to close Public Hearing 2019-37, seconded by Bentz.

ROLL CALL

2019-0506.C5-1 YES 5 NO 0

6. **PH 2019-38:** Proposed amendment to The Ankeny Plan 2040 (Figure 12.10) Future Land Use Map for the City of Ankeny, Iowa

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 19th day of April, 2019.

Eric Jensen, Planning & Building Director, reported Rose Marie Reinhart, the property owner, is requesting an amendment to The Ankeny Plan 2040 (Figure 12.10) Future Land Use Map. The area of the proposed map amendment consists of approximately 10 acres (+/-) of land, generally located 400 feet east of the intersection of NW State Street and NW 36th Street. The *Ankeny Plan 2040* currently shows this area as High-Density Residential. The proposed land use is Neighborhood Commercial.

Action# C6-1. Holm made the motion to close Public Hearing 2019-38, seconded by Whiting.

ROLL CALL

2019-0506.C6-1 YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Plan and Zoning Commission Representative, Glenn Hunter, reported on the activities of the Plan and Zoning Commission.

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the regular meeting of April 15, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Approval of official council actions of the special meeting of April 18, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 3 Approval of official council actions of the special meeting of April 22, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 4 Receive and file minutes of the Library Board of Trustees meeting of March 28, 2019.

CA - 5 Receive and file minutes of the Plan and Zoning Commission meeting of April 2, 2019.

CA - 6 Receive and file minutes of the Zoning Board of Adjustment meeting of April 2, 2019.

- **Licenses and Permits**

CA - 7 Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

CA - 8 Consider motion to approve Change Order #5 to extend the substantial completion date from April 30, 2019, to May 31, 2019, and changing the final completion date from May 31, 2019, to June 30, 2019 for C.L. Carroll Co., Inc., at no additional cost for construction services on the Northwest Booster Station project.

CA - 9 Consider motion to approve Payment #13 in the amount of \$48,287.31 to C.L. Carroll Co., Inc., for construction services on the Northwest Booster Station project.

CA - 10 Consider motion to approve Payment #3 in the amount of \$6,551.18 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek - Construction Engineering project.

CA - 11 Consider motion to approve Payment #1 in the amount of \$102,779.08 to Communication Innovators for construction services on the South Ankeny Boulevard Fiber Optic Relocation project.

CA - 12 Consider motion to approve Payment #2 in the amount of \$507.00 to Foth Infrastructure and Environment, Inc., for engineering services on the 2019 North Creek Channel Flood Repair project.

CA - 13 Consider motion to approve Payment #4 in the amount of \$21,467.14 to Foth Infrastructure and Environment, Inc., for engineering services on the West First Street Widening and Improvements-Phase 1 project.

CA - 14 Consider motion to approve Payment #8 in the amount of \$8,321.71 to HDR Engineering, Inc., for Engineering Services on the Ankeny Sanitary Sewer Master Plan project.

CA - 15 Consider motion to approve Payment #3 in the amount of \$36,289.61 to Hydro-Klean, LLC for construction services on the 2018 Sanitary Sewer System Maintenance Program-CIPP Slip Lining project.

CA - 16 Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$ 76,930.00 with JEO Consulting Group, Inc., for additional design services and construction engineering services on the N

Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project.

CA - 17 Consider motion to approve Payment #6 in the amount of \$4,438.50 to JEO Consulting Group, Inc., for engineering services on the N. Ankeny Blvd and NE/NW Georgetown Blvd Intersection Signalization project.

CA - 18 Consider motion to approve Payment #3 in the amount of \$15,750.00 to JEO Consulting Group, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Flood Repair project.

CA - 19 Consider motion to approve Payment #8 in the amount of \$6,809.38 to Kirkham Michael & Associates, Inc., for engineering services on the NE Four Mile Drive RCB Culvert for Deer Creek project.

CA - 20 Consider motion to approve Payment #7 in the amount of \$220,954.47 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 #1 in the amount of \$14,528.67 to MSA Professional Services, Inc., for engineering services on the SW Magazine Road Sidewalk Upgrades-Phase 3 (Design) project.

CA - 22 Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$234,000.00 with Nilles Associates, Inc., for construction engineering services on the SW Des Moines Street - Prairie Trail to Magazine project.

CA - 23 Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$ 83,500.00 with Nilles Associates, Inc., for additional design services and construction engineering services on the SW State Street and SW Prairie Trail Parkway Intersection Improvements project.

CA - 24 Consider motion to approve Payment #9 in the amount of \$25,742.15 to RDG Planning & Design for construction services on the Stormwater Management Study and Master Plan project.

CA - 25 Consider motion to approve Payment #6 in the amount of \$17,532.31 to Shive-Hattery for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 1 project.

CA - 26 Consider motion to approve Payment #1 in the amount of \$5,424.54 to Snyder & Associates, Inc., for engineering services on the Hawkeye Park Improvements - Fishing Pier and Pond Dredging project.

CA - 27 Consider motion to approve Payment #1 in the amount of \$52,442.90 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.

CA - 28 Consider motion to approve Payment #3 in the amount of \$12,664.44 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.

CA - 29 Consider motion to approve Payment #12 in the amount of \$2,121.00 to Snyder & Associates, Inc., for engineering services on the I-35 Southbound Ramps & SE Corporate Dr., Traffic Signal project.

CA - 30 Consider motion to approve Payment #13 in the amount of \$8,448.62 to Snyder & Associates, Inc., for engineering services on the S Ankeny Blvd & SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.

CA - 31 Consider motion to approve Payment #15 in the amount of \$3,726.08 to Snyder & Associates, Inc., for design services associated with the SE Convenience Boulevard Extension project.

CA - 32 Consider motion to approve Payment #20 in the amount of \$5,039.53 to Snyder & Associates, Inc., for engineering services on the Ankeny Blvd & First St Intersection Improvements project.

CA - 33 Consider motion to approve Payment #69 in the amount of \$2,627.00 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st St., Interchange to NE 36th St., project.

CA - 34 Consider motion to approve Payment #99 in the amount of \$25,332.51 to Snyder & Associates, Inc., for engineering services on the E. 1st Street Interchange Reconstruction project.

CA - 35 Consider motion to approve Change Order #13 increasing the contract amount by \$858.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

CA - 36 Consider motion to approve Change Order #14 increasing the contract amount by \$2,428.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

CA - 37 Consider motion to approve the May 6, 2019 Accounts Payable from the following funds: General \$235,684.62, Road Use Tax \$80,022.75, Library Foundation \$5,758.55, Ankeny Foundation \$650.00, Solid Waste \$571.70, Water \$119,060.83, Sewer \$28,183.47, Sewer Sinking 3,004,981.89, Stormwater \$10,909.22, Golf Course \$45,381.76, Enterprise \$166,918.61, Revolving \$44,452.64, Risk Mgmt \$38,751.60, Health Insurance \$1,738.86, Capital Projects \$573,994.84, Payroll \$2,266,473.37, Less Svc Trnsfrs/ACH Drafts (\$350,864.44), Less Agenda Pymts Apprvd Separately (\$685,295.63), Grand Total \$5,587,374.64. (Finance Committee: J. McKenna Chp, K. Whiting, B. Bentz)

- **Personnel Items**

CA - 38 Consider motion to appoint Denise Hoy as City Clerk effective June 24, 2019.

CA - 39 Consider motion to approve the new job descriptions for the following positions approved in the FY20 budget: Criminal Intelligence Analyst in the Police Department and Utilities Operator IV in the Municipal Utilities Department.

- **Community Development Items**

CA - 40 Consider motion to adopt RESOLUTION 2019-183 providing for the notice and hearing of the City Council of the City of Ankeny to rezone certain property owned by Loren and Younghee Steenhoek / Panama Transfer and located west of SE Delaware Avenue and south of SE 54th Street. (date of hrg: 5/20/2019 @ 5:30 p.m.)

CA - 41 Consider motion to adopt RESOLUTION 2019-184 accepting final plat, platted easements, warranty deed for streets and parkland dedication, performance bond for erosion control, and performance and maintenance bonds for paving and underground improvements for Parkway South at Prairie Trail Plat 1.

CA - 42 Consider motion to adopt RESOLUTION 2019-185 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Parkway South at Prairie Trail Plat 1.

CA - 43 Consider motion to adopt RESOLUTION 2019-186 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Parkway South at Prairie Trail Plat 1.

CA - 44 Consider motion to adopt RESOLUTION 2019-187 accepting the final plat for the Pines at Rock Creek, subject to applicable Polk County Subdivision Requirements in lieu of the City of Ankeny Subdivision Regulations.

CA - 45 Consider motion to adopt RESOLUTION 2019-188 accepting a public sidewalk easement located on Lot 1, Friendly Hills; and associated with the development of Toro Distribution Facility Phase 2 Expansion, located at 5500 SE Delaware Ave.

CA - 46 Consider motion to adopt RESOLUTION 2019-189 accepting a public storm water management facility maintenance covenant and permanent easement agreement located on a part of Lot 1, Friendly Hills; and a part of certain unplatted property in the City of Ankeny; and associated with the development of Toro Distribution Facility Phase 2 Expansion, located at 5500 SE Delaware Ave.

CA - 47 Consider motion to adopt RESOLUTION 2019-190 accepting final plat, subdivision bonds for seeding and erosion control, warranty deed for streets, payment in lieu of park site dedication and platted easements for Ankeny Lofts Plat 1.

CA - 48 Consider motion to adopt RESOLUTION 2019-191, authorizing the Mayor to sign a private storm sewer easement located on Lot 1, Ankeny Fire Station No. 2.

CA - 49 Consider motion to adopt RESOLUTION 2019-192 authorizing the Mayor to sign a hold harmless agreement allowing Ankeny Apartment Partners, L.P. to place a sign in a portion of the City's Public Utility Easement and Public Gas Easement for property located at 2810 SE Rio Dr.

CA - 50 Consider motion to adopt RESOLUTION 2019-193 accepting a Public Utility Easement associated with the development of The Villas at Brinmore Estates Plat 1.

CA - 51 Consider motion to approve Kimberley Estates Preliminary Plat.

CA - 52 Consider motion to adopt RESOLUTION 2019-194 receiving and filing an application for the annexation of and providing for the giving of notice for annexation of

certain territory located adjacent to the northeast quadrant of Ankeny owned by Randy and Carol Miller.

- **Engineering Items**

CA - 53 Consider motion to adopt RESOLUTION 2019-195 accepting a proposal from RedBud Landscaping, LLC in the amount of \$76,755.00 for the construction of the Ankeny Boulevard and First Street Intersection Landscaping project.

CA - 54 Consider motion to adopt a RESOLUTION 2019-196 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project in Ankeny, Iowa. (110 NW Georgetown Blvd - The Gardens of Georgetown - Homeowners Association)

CA - 55 Consider motion to adopt a RESOLUTION 2019-197 accepting a purchase agreement and approving documents for the acquisition of temporary construction easement for the N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project in Ankeny, Iowa. (2305 N Ankeny Blvd - D & D Fitness, LLC)

CA - 56 Consider motion to adopt a RESOLUTION 2019-198 accepting a purchase agreement and approving documents for the acquisition of permanent street right-of-way and temporary construction easement for the N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project in Ankeny, Iowa. (Aldi Inc. (Minnesota))

CA - 57 Consider motion to adopt a RESOLUTION 2019-199 accepting a purchase agreement and approving documents for the acquisition of permanent street right-of-way and temporary construction easement for the N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project in Ankeny, Iowa. (DLE Seven, LLC)

CA - 58 Consider motion to adopt a RESOLUTION 2019-200 accepting a purchase agreement and approving documents for the acquisition of permanent right-of-way and temporary construction easement for the N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project in Ankeny, Iowa. (Veridian Credit Union)

CA - 59 Consider motion to adopt RESOLUTION 2019-201 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of traffic signal and related work for The Woods at Rock Creek.

CA - 60 Consider motion to adopt RESOLUTION 2019-202 accepting a proposal from Rognes Corp., in the amount of \$49,010.00 for the construction of the 2019 SW 3rd Street Sanitary Sewer Spot Repair.

- **Capital Improvement Projects**

CA - 61 2018 - PRSC Field 31 Improvements: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-203 accepting the public improvement with Iowa Cubs Sports Turf Management, in the amount of \$63,968.00; and c) Final

Payment #2 in the amount of \$34,312.10 and Retainage Payment in the amount of \$3,198.40.

- **Administrative Items**

CA - 62 Consider motion to receive and file correspondence dated March 9, 2019 received from: Tracy Gugger, 1610 NW 31st Street, Michael & Ashley Behm, 3008 NW Northpark Street, Minh and Trinh Huynh, 1312 NW 26th Street, Chad & Angela Armour, 1019 NW 32nd Street, John & Nicole Meyer, 1020 NW 32nd Street, Heather & Daniel Stoll, 3012 NW Northpark Street, and Kevin & Annette Bailey, 2910 NW Northpark Street, regarding the rezoning of property owned by Rose Marie Reinhart and to receive and file Written Protest dated April 15, 2019 received from Daniel M. Manning, Jr., representing landowners located within 200 feet to the exterior of proposed rezoning of property owned by Rose Marie Reinhart and to receive and file correspondence and Rezoning Maps for Area A and Area B, dated April 29, 2019 from Darryl Bresson, Diamond Development, LLC.

CA - 63 Consider motion to donate the old Ankeny Fire Safety House to the City of Bondurant Fire Department.

CA - 64 Consider motion to adopt RESOLUTION 2019-204 appointing UMB Bank, N.A. of Kansas City, Missouri, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement (\$20,740,000 General Obligation Bonds, Series 2019A).

CA - 65 Consider motion to adopt RESOLUTION 2019-205 amending the "Resolution authorizing the issuance of \$9,340,000 General Obligation Bonds, Series 2019A, and levying a tax for the payment thereof", passed and approved on February 18, 2019, by substituting a new resolution therefor, approving and authorizing a form of loan agreement, authorizing and approving the issuance of \$20,740,000 General Obligation Bonds, Series 2019A, and levying a tax for the payment thereof and approving the tax exemption certificate and continuing disclosure certificate.

CA - 66 Consider motion to adopt RESOLUTION 2019-206 appointing UMB Bank, N.A. of Kansas City, Missouri, to serve as paying agent, bond registrar, and transfer agent, approving the paying agent and bond registrar and transfer agent agreement and authorizing the execution of the agreement (\$5,090,000 Water Revenue Bonds, Series 2019B).

CA - 67 Consider motion to adopt RESOLUTION 2019-207 authorizing and providing for the issuance and securing the payment of \$5,090,000 Water Revenue Bonds, Series 2019B, of the City of Ankeny, State of Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of the bonds, approval of tax exemption certificate and approval of the continuing disclosure certificate.

CA - 68 Consider motion to adopt RESOLUTION 2019-208 authorizing the Ankeny Police Department to submit an ICAP Law Enforcement Policy and Training Grant Application.

CA - 69 Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Cigarette Permit Holder, Kum & Go #92, 1025 E. 1st St., Ankeny, Iowa.

CA - 70 Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Cigarette Permit Holder, Walmart, Inc / Walmart #892, 1002 SE National Dr., Ankeny, Iowa.

CA - 71 Consider motion to approve the Order Accepting Acknowledgement/Settlement Agreement with Cigarette Permit Holder, Whiskey River, 1350 SW Vintage Pkwy, Ankeny, Iowa.

CA - 72 Consider motion to approve the Order Accepting Affirmative Defense with Cigarette Permit Holder, Hy-Vee Food Store, 410 N. Ankeny, Blvd., Ankeny, Iowa in accordance with Iowa Code Section 453A.22(3).

CA - 73 Consider motion to approve the Order Accepting Affirmative Defense with Cigarette Permit Holder, Kum & Go #292, 1825 N. Ankeny Blvd., Ankeny, Iowa in accordance with Iowa Code Section 453A.22(3).

CA - 74 Consider motion to approve the Order Accepting Affirmative Defense with Cigarette Permit Holder, Kum & Go #4020, 1910 SW White Birch Circle, Ankeny, Iowa in accordance with Iowa Code Section 453A.22(3).

- Approval of Consent Agenda Items
Consent Agenda Items CA-1 through CA-74:

Action# E1-1. Whiting made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-74, seconded by Holm.

ROLL CALL

2019-0506.E1-1 YES 4 NO 0 ABS 1 (McKenna)

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 1966:** 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 JDEV, LLC.

Action# H1-1. Whiting made the motion to accept second consideration of ORDINANCE 1966, seconded by Holm.

ROLL CALL

2019-0506.H1-1. YES 5 NO 0

2. **Ord 1967:** 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 Rose Marie Reinhart. (Area A-1 - PH 2019-30)

Action# H2-1. Holm made the motion to accept first consideration of ORDINANCE 1967, seconded by Whiting.

ROLL CALL

2019-0506.H2-1 YES 5 NO 0

3. **Ord 1968:** 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 Rose Marie Reinhart. (Area A-2 - PH 2019-30)

Action# H3-1. Whiting made the motion to accept first consideration of ORDINANCE 1968, seconded by Holm.

ROLL CALL

2019-0506.H3-1. YES 5 NO 0

4. **Ord 1969:** 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 Rose Marie Reinhart. (Area B - PH 2019-30)

Action# H4-1. Whiting made the motion to accept first consideration of ORDINANCE 1969, seconded by Bentz.

ROLL CALL

2019-0506.H4-1. YES 5 NO 0

5. **Ord 1971:** An Ordinance vacating a portion of public right-of-way located at the intersection of SE Crosswinds Dr and SE 77th St., within the Crosswinds Business Park Planned Unit Development. (PH 2019-36)

Action# H5-1. Holm made the motion to accept first consideration of ORDINANCE 1971, seconded by Walter-Ashby.

ROLL CALL

2019-0506.H5-1. YES 5 NO 0

6. **Ord 1972:** An Ordinance vacating a portion of a Sanitary Sewer Easement located within the Crosswinds Business Park Planned Unit Development. (PH 2019-37)

Action# H6-1. Whiting made the motion to accept first consideration of ORDINANCE 1972, seconded by Walter-Ashby.

ROLL CALL

2019-0506.H6-1. YES 5 NO 0

7. **Ord 1973:** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa by revising Chapters 150 and 166 to update the requirements for the Maintenance of Street Trees and Irrigation Lines

Action# H7-1. Whiting made the motion to accept first consideration of ORDINANCE 1973, seconded by Bentz.

ROLL CALL

2019-0506.H7-1. YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed N Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization (PH 2019-33)

Action# J1-1. Walter-Ashby made the motion to adopt 1) RESOLUTION 2019-210 adopting plans, specifications, form of contract and estimate of cost (\$498,802.00); 2) receive and file report of bids received April 30, 2019; and 3) adopt RESOLUTION 2019-211 making award of construction contract with Absolute Concrete Construction, Inc., in the amount of \$529,228.40 for the N. Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project, seconded by Whiting.

ROLL CALL

2019-0506.J1-1. YES 5 NO 0

Action# J1-2. Holm made the motion to adopt RESOLUTION 2019-212 approving construction contract and bond with Absolute Concrete Construction, Inc., in the amount of \$529,228.40 for the N. Ankeny Boulevard and NW-NE Georgetown Boulevard Intersection Improvements and Signalization project, seconded by Whiting.

ROLL CALL

2019-0506.J1-2. YES 5 NO 0

2. Proposed NE Delaware Avenue Sidewalk Connection (PH 2019-34)

Action# J2-1. Holm made the motion to adopt 1) RESOLUTION 2019-213 adopting plans, specifications, form of contract and estimate of cost (\$195,190.00); 2) receive and file report of bids received April 30, 2019; and 3) adopt RESOLUTION 2019-214 making award of construction contract with Howrey Construction, Inc. in the amount of \$167,688.05 for the NE Delaware Avenue Sidewalk Connection project, seconded by Walter-Ashby.

ROLL CALL

2019-0506.J2-1. YES 5 NO 0

Action# J2-2. Whiting made the motion to adopt RESOLUTION 2019-215 approving construction contract and bond with Howrey Construction, Inc., in the amount of \$167,688.05 for the NE Delaware Avenue Sidewalk Connection project, seconded by Holm.

ROLL CALL

2019-0506.J2-2. YES 5 NO 0

3. Proposed 2019 Asphalt Street Resurfacing Program (PH 2019-35)

Action# J3-1. Whiting made the motion to adopt 1) RESOLUTION 2019-216 adopting plans, specifications, form of contract and estimate of cost (\$151,480.00); 2) receive and file report of bids received April 30, 2019; and 3) adopt RESOLUTION 2019-217 making award of construction contract with OMG Midwest, Inc. dba Des Moines Asphalt & Paving in the amount of \$144,302.00 for the 2019 Asphalt Street Resurfacing Program, seconded by Holm.

ROLL CALL

2019-0506.J3-1. YES 5 NO 0

Action# J3-2. Walter-Ashby made the motion to adopt RESOLUTION 2019-218 approving construction contract and bond with OMG Midwest, Inc., dba Des

Moines Asphalt & Paving in the amount of \$144,302.00 for the 2019 Asphalt Street Resurfacing Program, seconded by Whiting.

ROLL CALL

2019-0506.J3-2. YES 5 NO 0

4. High Trestle Trail Jurisdictions Responsibilities & Mutual Understandings
Memorandum of Understanding

Action# J4-1. Holm made the motion to adopt RESOLUTION 2019-219 authorizing the execution of a Memorandum of Understanding between the City of Ankeny, Iowa, and the cities of Madrid, Sheldahl, Slater, and Woodward; and the Boone County Conservation Board, Polk County Conservation Board, Dallas County Conservation Board and Story County Conservation Board for joint maintenance of the High Trestle Trail, seconded by Whiting.

ROLL CALL

2019-0506.J4-1. YES 5 NO 0

5. Jurisdiction Agreement - Jefferson Highway Heritage Byway
Iowa Department of Transportation .

Action# J5-1. Walter-Ashby made the motion to adopt RESOLUTION 2019-220 authorizing the execution of a Jurisdiction Agreement with the Iowa Department of Transportation for the installation and maintenance of signage designating the Jefferson Highway Heritage Byway, seconded by Bentz.

ROLL CALL

2019-0506.J5-1. YES 5 NO 0

6. Proposed 2019 - Crestbruck Park Recreation Trail Replacement & Miscellaneous Trail Patches
Initiate Proceedings

Action# J6-1. Holm made the motion to adopt RESOLUTION 2019-221 ordering construction on the 2019 - Crestbruck Park Recreation Trail Replacement & Miscellaneous Trail Patches Project and fixing a date for hearing thereon and taking of bids therefor, seconded by Walter-Ashby. (date of bid-letting: 5/29/19 @ 10:30 a.m. / date of hrg: 06/03/19 @ 5:30 p.m.)

ROLL CALL

2019-0506.J6-1. YES 5 NO 0

7. Proposed Amendment of Current City Budget - FY 2019 (July 1, 2018 - June 30, 2019)

Action# J7-1. Whiting made the motion to set public hearing on an amendment of the current city budget for fiscal year July 1, 2018 - June 30, 2019 and direct City Clerk to publish notice of such hearing, seconded by Walter-Ashby. (date of hrg: 05/20/19 @ 5:30 p.m.)

ROLL CALL

2019-0506.J7-1. YES 5 NO 0

8. Rose Marie Reinhart requests to amend The Ankeny Plan 2040 (Figure 12.10) Future Land Use Map from High Density Residential to Neighborhood Commercial. (PH 2019-38)

Action# J8-1. Holm made the motion to adopt RESOLUTION 2019-222 amending The Ankeny Plan 2040 (Figure 12.10) Future Land Use Map from High Density Residential to Neighborhood Commercial, seconded by Whiting.

ROLL CALL

2019-0506.J8-1. YES 5 NO 0

9. West First Street Widening and Improvements - Phase 1
Amendment #1 to Professional Service Agreement - Foth Infrastructure & Environment, LLC

Action# J9-1. Walter-Ashby made the motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$709,260.00 with Foth Infrastructure and Environment, LLC for preliminary and final design engineering services on the West First Street Widening and Improvements - Phase 1 project, seconded by Holm.

ROLL CALL

2019-0506.J9-1. YES 5 NO 0

10. The District Association - Pizza Fest Event
Approval of Noise Permit - June 1, 2019 from 4:00 p.m. to 11:00 p.m.

Action# J10-1. Holm made the motion to approve Noise Permit for The District Association, 1525 NE 36th St., - June 1, 2019 from 4:00 p.m. to 11:00 p.m., in which enforcement shall be in compliance with the ordinance in effect on date of the noise permit, seconded by Whiting, seconded by Walter-Ashby.

ROLL CALL

2019-0506.J10-1. YES 5 NO 0

11. The District Association - Pizza Fest Event
Temporary Street Closure - May 30, 2019 - June 2, 2019

Action# J11-1. Whiting made the motion to adopt RESOLUTION 2019-223 authorizing the temporary closing of SW Market Street to SW District Drive and SW Park Square Drive from the corner of SW Market Street to parking lot entrance and SW Main Street from the corner of SW District Drive to corner of SW Park Square Drive and SW Main street at the split around the Town Square and SW District Drive from the corner of SW Market Street to Hotel Parking Lot entrance and Park Square Drive from existing closure above to SW Main Street for the purpose of a Pizza Fest event, seconded by Holm.

ROLL CALL

2019-0506.J11-1. YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager, David Jones, updated Council with additional information regarding the proposed Local Option Sales and Services Tax.

Report of the Governing Body:

Mayor Lorenz reported he would be attending the DART Commission meeting scheduled tomorrow, May 7th; following the DART meeting he will be meeting with other

area Mayors and Governor Reynolds regarding concerns related to the property tax transparency Bill, as well as, a proposed referendum on local option sales and services tax; and he will be accepting the Iowa Small Business Community of the Year award on the City's behalf awarded by the U. S. Small Business Administration at the Iowa Smart Conference in Des Moines on May 9.

Council Member Bentz updated Council on the CVB Board meeting she attended a few weeks ago.

Council Member McKenna inquired about project restoration.

Council Member Walter-Ashby updated Council on the Uptown Association meeting she attended which included discussion related to the possibility of entertainment districts in Ankeny.

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 7:25 p.m.

Debra M. Arend, Interim City Clerk

Gary Lorenz, Mayor

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Audio file of meeting is available by contacting the City Clerk's Office.