

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, June 3, 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 members Bentz and McKenna were absent. City Manager, David Jones and City Attorney, Amy Beattie were present.

Mayor Lorenz led the Pledge of Allegiance.

CEREMONY: none

A. PUBLIC FORUM:

1. Open Forum: Brad Whipple, 3315 NW 15th Street, 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 June 3, 2019 Agenda:

Action# B1-1. Walter-Ashby made the motion to approve and accept the June 3, 2019 agenda, with amendment: Action J3-1 should read “Sips and Sounds” on July 5 rather than “Remember our Fallen” on June 13, seconded by Whiting.

ROLL CALL

2019-0603.B1-1 YES 3 NO 0

C. PUBLIC HEARING(S):

- **PH 2019-43:** Proposed 2019 - Crestbruck Park Recreation Trail Replacement & Miscellaneous Trail Patches Project.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 17th day of May, 2019.

Nick Lenox, Parks and Recreation Director, reported this project includes the removal and replacement of the existing trail loop in Crestbruck Park with PCC pavement and removal and replacement of some existing PCC trail along SW State Street between SW 16th Street and SW Magazine Road and along SW Oralabor Road at the pedestrian bridge over the DMACC pond outlet.

The bid opening for this project was held on Wednesday, May 29, 2019 at which five (5) bids were received with low bid submitted by Shekar Engineering, P.L.C. of Des Moines, Iowa, in the amount of \$168,064.25

The Engineer's Estimate for the project was \$193,025.00 and the bids ranged from approximately 13% below to 18% above the estimate. The City of Ankeny has not worked with Shekar Engineering, P.L.C. in the past, so staff requested project references from the contractor to help gauge their past work performance. The references that were

contacted stated Shekar Engineering, P.L.C. was a responsible contractor and they did not have concerns about Shekar's past work performance and therefore It is recommended that the project be awarded to Shekar Engineering, P.L.C. of Des Moines, Iowa.

Action# C1-1. Holm made the motion to close Public Hearing 2019-43, seconded by Whiting.

ROLL CALL

2019-0603.C1-1 YES 3 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Plan and Zoning Commission Representative, Lisa West, reported on the activities of the Plan and Zoning Commission.

Council Member Bentz arrived at 5:40 p.m.

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

CA - 1 Approval of official council actions of the special meeting of May 13, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Approval of official council actions of the regular meeting of May 20, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 3 Receive and file minutes of the Civil Service Commission meeting of April 4, 2019.

CA - 4 Receive and file minutes of the Zoning Board of Adjustment meeting of May 7, 2019.

CA - 5 Receive and file minutes of the Plan and Zoning Commission meeting of May 7, 2019.

CA - 6 Receive and file minutes of the Library Board of Trustees meeting of April 18, 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 Payment #14 in the amount of \$24,520.97 to C.L. Carroll Co., Inc., for construction services on the Northwest Booster Station project.

CA - 9 Consider motion to approve Payment #4 in the amount of \$23,310.50 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 - 10 Consider motion to approve Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$108,704.00 with Civil Design Advantage, for additional construction engineering services on the Deer Creek Trunk Sanitary Sewer Extension project.

CA - 11 Consider motion to approve Payment #5 in the amount of \$90,346.10 to Foth Infrastructure and Environment, Inc., for engineering services on the West First Street Widening and Improvements - Phase 1 project.

CA - 12 Consider motion to approve Change Order #4 increasing the contract amount by \$18,752.20 to Hawkeye Paving Corporation for construction services on the Ankeny Boulevard and First Street Intersection Improvements project.

CA - 13 Consider motion to approve Payment #5 in the amount of \$87,892.29 to Hawkeye Paving Corporation for construction services on the Ankeny Blvd & First St Intersection Improvements project.

CA - 14 Consider motion to approve Payment #9 in the amount of \$15,353.35 to HDR Engineering, Inc., for Engineering Services on the Ankeny Sanitary Sewer Master Plan project.

CA - 15 Consider motion to approve Payment #4 in the amount of \$1,960.00 to JEO Consulting Group, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Flood Repair project.

CA - 16 Consider motion to approve Payment #7 in the amount of \$919.00 to JEO Consulting Group, Inc., for engineering services on the N. Ankeny Blvd., and NE/NW Georgetown Blvd., Intersection Signalization project.

CA - 17 Consider motion to approve Payment #1 in the amount of \$74,665.96 to MNM Concrete Specialist for construction services on the 2018 - SW 2nd Street and SW Flynn Drive Drainage Improvements Project.

CA - 18 Consider motion to approve Payment #2 in the amount of \$12,235.25 to MSA Professional Services, Inc., for engineering services on the SE Magazine Road Sidewalk Upgrades - Phase 3 (Design) project.

CA - 19 Consider motion to approve Payment #4 in the amount of \$9,660.00 to Nilles Associates, Inc., for engineering services on the Ankeny Kirkendall Public Library project.

CA - 20 Consider motion to approve Payment #4 in the amount of \$73,638.60 to Nilles Associates, Inc., for engineering services on the SW Des Moines Street Improvements project.

CA - 21 Consider motion to approve Payment #2 in the amount of \$4,918.75 to Snyder & Associates, Inc., for engineering services on the Hawkeye Park Improvements - Fishing Pier and Pond Dredging Project.

CA - 22 Consider motion to approve Payment #2 in the amount of \$59,143.97 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.

CA - 23 Consider motion to approve Payment #4 in the amount of \$18,257.86 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.

CA - 24 Consider motion to approve Payment #14 in the amount of \$30,732.05 to Snyder & Associates, Inc., for engineering services on the S Ankeny Blvd & SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.

CA - 25 Consider motion to approve Payment #15 in the amount of \$3,531.66 to Snyder & Associates, Inc., for engineering services on the Traffic Signal System Timings Update project.

CA - 26 Consider motion to approve Payment #16 in the amount of \$1,376.25 to Snyder & Associates, Inc., for design services associated with the SE Convenience Boulevard Extension project.

CA - 27 Consider motion to approve Payment #19 in the amount of \$1,178.61 to Snyder & Associates, Inc., for engineering services on the Ash Tower Feeder Main project.

CA - 28 Consider motion to approve Payment #70 in the amount of \$34,723.00 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st St., Interchange to NE 36th St.

CA - 29 Consider motion to approve Payment #100 in the amount of \$7,469.00 to Snyder & Associates, Inc., for engineering services on the E. 1st Street Interchange Reconstruction project.

CA - 30 Consider motion to approve Change Order #16 increasing the contract amount by \$17,181.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

CA - 31 Consider motion to approve Payment #20 in the amount of \$3,376.36 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.

CA - 32 Consider motion to approve the June 3, 2019 Accounts Payable from the following funds: General \$249,318.18, Fire Gift \$4,038.83, Hotel/Motel \$16,416.25, Rose Use Tax \$69,626.32, Debt Service \$19,505,556.27, Library Foundation \$898.77, Water \$133,336.25, Water Sinking \$1,377,906.89, Sewer \$13,262.31, Stormwater \$1,520.75, Golf Course \$34,424.41, Enterprise Project \$144,986.11, Revolving \$16,475.90, Risk Mgmt \$10,195.36, Capital Projects \$470,221.06, Payroll \$1,592,931.36, Less Svc Trnsfrs/ACH Drafts (\$174,920.31), Less Agenda Pymts Apprvd Separately (\$581,209.53), Grand Total \$22,884,985.18 (Finance Committee: B. Bentz, Chp, K. Walter-Ashby, M. Holm)

CA - 33 Consider motion to adopt RESOLUTION 2019-243 authorizing the purchase of a snow blower for a Public Works Department wheel loader.

- **Personnel Items**

CA - 34 Consider motion to accept the Civil Service Commission certified lists for appointment to Park Maintenance Technician I, Police Criminal Intelligence Analyst, Civil Engineering Technician I and Civil Engineer I and for promotion to Combination Inspector II, Civil Engineering Technician II, Civil Engineering Technician III and Utilities Operator IV, subject to passing any further department requirements.

- **Community Development Items**

CA - 35 Consider motion to adopt RESOLUTION 2019-244 accepting final plat, platted easements, deed to streets, subdivision bonds for seeding and erosion control and performance and maintenance bonds for paving and underground improvements for Heritage Village at Prairie Trail Plat 2.

CA - 36 Consider motion to adopt RESOLUTION 2019-245 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Heritage Village at Prairie Trail Plat 2.

CA - 37 Consider motion to adopt RESOLUTION 2019-246 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Heritage Village at Prairie Trail Plat 2.

CA - 38 Consider motion to approve Aspen Ridge Estates Preliminary Plat.

CA - 39 Consider motion to adopt RESOLUTION 2019-247 accepting the final plat for Albaugh Industrial Park Plat 10, subject to applicable Polk County Subdivision Requirements in lieu of the City of Ankeny Subdivision Regulations.

CA - 40 Consider motion to adopt RESOLUTION 2019-248 accepting payment for sanitary sewer connection fees and the final plat for the 7AZU Development Plat 1, subject to applicable Polk County Subdivision Requirements in lieu of the City of Ankeny Subdivision Regulations.

CA - 41 Consider motion to approve the Harvest Ridge Preliminary Plat and cul-de-sac length exceeding 500 feet.

CA - 42 Consider motion to approve the Mocking Bird Hill Plat 1 Preliminary Plat, subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

CA - 43 Consider motion to adopt RESOLUTION 2019-249 accepting the final plat for Mocking Bird Hill Plat 1 subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

CA - 44 Consider motion to adopt RESOLUTION 2019-250 setting a public hearing on a proposal to vacate a portion of an ingress/egress easement located on Lot 1, Oralabor Plaza Plat 7 (date of hrg: 6/17/19 @ 5:30 p.m.)

- **Engineering Items**

CA - 45 Consider motion to adopt RESOLUTION 2019-251 accepting a proposal from Howrey Construction, Inc., in the amount of \$51,449.00 for the construction of the NE Delaware Avenue and NE 18th Street Pedestrian Improvements.

CA - 46 Consider motion to adopt RESOLUTION 2019-252 authorizing the Mayor to sign a development agreement with Kwik Trip Inc., concerning the construction of a traffic signal at the intersection of NW 36th Street and the private drive east of Kwik Star (Lot 3, Autumn Crest Plat 8) in the City of Ankeny, Iowa.

CA - 47 Consider motion to adopt RESOLUTION 2019-253 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of NW 36th Street widening and related work for Kwik Star (Lot 3, Autumn Crest Plat 8).

CA - 48 Consider motion to adopt RESOLUTION 2019-254 accepting a storm water management facility covenant and permanent easement agreement located on a part of Lot 3, Autumn Crest Plat 8, an official plat in the City of Ankeny, Polk County, Iowa and associated with 320 NW 36th Street.

- **Capital Improvement Projects**

CA - 49 Ankeny Entrance Signs Project: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-255 accepting the public improvements with Edge Commercial, LLC in the amount of \$256,935.00; and c) Release of Retainage Payment in the amount of \$2,000.00 thirty days after project acceptance, in accordance with the terms of the contracts.

- **Administrative Items:** none

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-49:

Action# E1-1. Whiting made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-49, seconded by Holm.

ROLL CALL

2019-0603.E1-1 YES 4 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 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.

Action# H1-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1971, sending it on its final passage and publication as required by law, seconded by Holm.

ROLL CALL

2019-0603.H1-1 YES 4 NO 0

Action# H1-2. Whiting made the motion to adopt RESOLUTION 2019-256 authorizing the sale of real estate vacated by the City of Ankeny to Legacy III, LLC, seconded by Walter-Ashby.

ROLL CALL

2019-0603.H1-2 YES 4 NO 0

2. Ord 1972: An Ordinance vacating a portion of a Sanitary Sewer Easement located within the Crosswinds Business Park Planned Unit Development.

Action# H2-1. Holm made the motion to accept third consideration of ORDINANCE 1972, sending it on its final passage and publication as required by law, seconded by Bentz.

ROLL CALL

2019-0603.H2-1 YES 4 NO 0

Action# H2-2. Walter-Ashby made the motion to adopt RESOLUTION 2019-257 authorizing the sale of real estate vacated by the City of Ankeny to Legacy III, LLC, seconded by Whiting.

ROLL CALL

2019-0603.H2-2 YES 4 NO 0

3. 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# H3-1. Walter-Ashby made the motion to accept third consideration of ORDINANCE 1973, sending it on its final passage and publication as required by law, seconded by Holm.

ROLL CALL

2019-0603.H3-1 YES 4 NO 0

4. Ord 1974: 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 Panama Transfer.

Action# H4-1. Holm made the motion to accept second consideration of ORDINANCE 1974, seconded by Whiting.

ROLL CALL

2019-0603.H4-1 YES 4 NO 0

Action# H4-2. Whiting made the motion to accept the developer's request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1974, sending it on its final passage and publication as required by law, seconded by Holm.

ROLL CALL

2019-0603.H4-2 YES 4 NO 0

• **Boards/Commissions Appointments:**

5. Plan and Zoning Commission - 06/03/19 - 1/31/2023

- Jeffrey Woodcock

Action# H5-1. Holm made the motion to approve the appointment of Jeffrey Woodcock to the Plan & Zoning Commission, seconded by Bentz.

ROLL CALL
2019-0603.H5-1 YES 4 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed 2019 - Crestbruck Park Recreation Trail Replacement and Miscellaneous Trail Patches Project (PH 2019-43)

Council Member Bentz stated she would abstain from the votes for Action #'s J1-1 and J1-2 since she was not present for the Public Hearing.

Action# J1-1. Whiting made the motion to adopt 1) RESOLUTION 2019-258 adopting plans, specifications, form of contract and estimate of cost (\$193,025.00); 2) receive and file report of bids received May 29, 2019; and 3) adopt RESOLUTION 2019-259 making award of construction contract with Shekar Engineering, P.L.C. in the amount of \$168,064.25 for the 2019 - Crestbruck Park Recreation Trail Replacement and Miscellaneous Trail Patches Project, seconded by Walter-Ashby.

ROLL CALL

2019-0603.J1-1 YES 3 NO 0 ABS 1 (Bentz)

Action# J1-2. Holm made the motion to adopt RESOLUTION 2019-260 approving construction contract and bond with Shekar Engineering, P.L.C. in the amount of \$168,064.25 for the 2019 - Crestbruck Park Recreation Trail Replacement and Miscellaneous Trail Patches Project, seconded by Whiting.

ROLL CALL

2019-0603.J1-2 YES 3 NO 0 ABS 1 (Bentz)

2. 2019 PCC Reconstruction Program - NW 9th Street Professional Services Agreement with JEO Consulting Group, Inc.

Action# J2-1. Whiting made the motion to approve the Professional Services Agreement with JEO Consulting Group, Inc., for construction phase services on the 2019 PCC Reconstruction Program - NW 9th Street project in an amount not to exceed \$30,600.00 and authorize the Mayor to execute said Agreement, seconded by Walter-Ashby.

ROLL CALL

2019-0603.J2-1 YES 4 NO 0

3. The District Association - 1525 NE 36th Street, Ankeny, Iowa Noise Permit - July 5, 2019 (Sips and Sounds)

Action# J3-1. Holm made the motion to reverse the denial of Noise Permit for The District Association, 1525 NE 36th St., on July 5, 2019 from 5:30 p.m. to 9:30 p.m., seconded by Walter-Ashby. (Sips and Sounds)

ROLL CALL

2019-0603.J3-1 YES 4 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager: Discussion and Possible Action - Development Requirements

Action#K1-1. Whiting made the motion to accept the Memorandum as written to the Plan and Zoning Commission, dated June 3, 2019, regarding Design Standards, seconded by Holm.

ROLL CALL

2019-0603.K1-1 YES 4 NO 0

- Report of the Governing Body: none

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:00 p.m.

Debra M. Arend, Interim City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 18th day of June, 2019.
Audio file of meeting is available by contacting the City Clerk's Office.