

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

Monday, July 1, 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

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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:** none

### A. PUBLIC FORUM:

1. Open Forum: Peter Nolte, 4202 SW Bluegrass Dr., representing Kwik Star, stated they are very excited to be opening two new stores in the Ankeny Community with one location on Oralabor and one on 36<sup>th</sup>. He stated one of their missions is “to make a difference in someone’s life”

### B. APPROVAL OF AGENDA:

1. Approval of the July 1, 2019 Agenda:

**Action# B1-1. Holm made the motion to approve and accept the July 1, 2019 agenda, without amendment, seconded by Whiting.**

**ROLL CALL**

**2019-0701.B1-1 YES 5 NO 0**

### C. PUBLIC HEARING(S):

1. **PH 2019-45:** A request to vacate a portion of public right-of-way described as Street Lot A, Otter Creek Commercial Plat 2, containing 0.45 acres, and more commonly known as NE Otterview Cir.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 21<sup>st</sup> day of June, 2019.

Eric Jensen, Planning & Building Director, reported the City has received a request to vacate a portion of public right-of-way located on NE Otterview Cir., within Otter Creek Commercial Plat 2. The right-of-way was originally deeded to the City with the approval of Otter Creek Commercial Plat 2 final plat in 2015. The purpose of the proposed right-of-way vacation is to prepare the property for reconstruction of the existing cul-de-sac approximately 150 feet south of its current location, allowing for larger development on Lots 2, 3 and 4. A subsequent Otter Creek Commercial Plat 3 final plat will reflect this modification.

**Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2019-45, seconded by Bentz.**

**ROLL CALL**  
**2019-0701.C1-1      YES 5    NO 0**

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

1. Plan and Zoning Commission Representative, Trina Flack, 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 June 17, 2019, as published, subject to correction, as recommended by the City Clerk.

**CA - 2** Receive and file minutes of the Zoning Board of Adjustment meeting of May 21, 2019.

**CA - 3** Receive and file minutes of the Library Board of Trustees meeting of May 16, 2019.

**CA - 4** Receive and file minutes of the Plan and Zoning Commission meeting of June 4, 2019.

- **Licenses and Permits**

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

- **Finance/Budget**

**CA - 6** Consider motion to approve Payment #15 in the amount of \$25,350.80 to C.L. Carroll Co., Inc., for construction services on the Northwest Booster Station project.

**CA - 7** Consider motion to approve Payment #5 in the amount of \$9,770.50 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 - 8** Consider motion to approve Change Order #1 increasing the contract amount by \$4,296.00 to Des Moines Asphalt and Paving for construction services on the 2019 Asphalt Street Resurfacing Program project.

**CA - 9** Consider motion to approve Payment #1 in the amount of \$133,093.10 to Des Moines Asphalt and Paving, for construction services on the 2019 Asphalt Street Resurfacing Program project.

**CA - 10** Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$23,000.00 with Fox Engineering, for additional design services on the SE Magazine Road Water Main Improvements project.

**CA - 11** Consider motion to approve Payment #2 in the amount of \$80,199.00 to Halbrook Excavating, for construction services on the SE East Lawn Area Utility Improvements-Phase 2 project.

**CA - 12** Consider motion to approve Payment #20 in the amount of \$10,096.83 to HR Green, Inc., for engineering services on the NW Irvinedale Drive Reconstruction (Design) project.

**CA - 13** Consider motion to approve Payment #3 in the amount of \$6,576.30 to MSA Professional Services, Inc., for engineering services on the SE Magazine Road Sidewalk Upgrades-Phase 3 (Design) project.

**CA - 14** Consider motion to approve Payment #1 in the amount of \$89,760.00 to Nilles Associates, Inc., for engineering services on the SW Des Moines Street - Magazine to 11th project.

**CA - 15** Consider motion to approve Payment #3 in the amount of \$17,565.50 to Nilles Associates, Inc., for engineering services on the SW State Street & SW Prairie Trail Parkway Traffic Signal Improvements project.

**CA - 16** Consider motion to approve Payment #5 in the amount of \$21,698.00 to Nilles Associates, Inc., for engineering services on the SW Des Moines Street Improvements project.

**CA - 17** Consider motion to approve Change Order #1 decreasing the contract amount by \$17,662.00 to On Track Construction, for construction services on the SW Irvinedale Dr. Transmission Main - Phase 1 project.

**CA - 18** Consider motion to approve Payment #1 in the amount of \$3,470.50 to Snyder & Associates, Inc., for engineering services on the Wildflower Basin Improvements project.

**CA - 19** Consider motion to Payment #3 in the amount of \$10,321.75 to Snyder & Associates, Inc., for engineering services on the Hawkeye Park Improvements - Fishing Pier and Pond Dredging Project.

**CA - 20** Consider motion to approve Payment #3 in the amount of \$45,285.34 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.

**CA - 21** Consider motion to approve Payment #5 in the amount of \$17,778.50 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.

**CA - 22** Consider motion to approve Payment #7 in the amount of \$2,895.00 to Snyder & Associates Inc., for engineering services for the Sunset Park Restroom Remodel Project.

**CA - 23** Consider motion to approve Payment #8 in the amount of \$52,454.32 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Extension SW Ordinance to SE Magazine project.

**CA - 24** Consider motion to approve Payment #15 in the amount of \$22,015.62 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 #47 in the amount of \$12,871.32 to Snyder & Associates, Inc., for engineering services on the NE 36th St. Bridge Widening & Roadway Reconstruction project.

**CA - 26** Consider motion to approve Payment #71 in the amount of \$33,286.75 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st St., Interchange to NE 36th St.

**CA - 27** Consider motion to approve Payment #101 in the amount of \$4,789.00 to Snyder & Associates, Inc., for engineering services on the E. 1st Street Interchange Reconstruction project.

**CA - 28** Consider motion to approve Change Order #17 increasing the contract amount by \$6,922.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

**CA - 29** Consider motion to approve Change Order #18 increasing the contract amount by \$1,328.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

**CA - 30** Consider motion to approve Change Order #19 increasing the contract amount by \$8,228.00 to Stahl Construction, Inc., for construction services on the Ankeny Kirkendall Public Library project.

**CA - 31** Consider motion to approve Payment #11 in the amount of \$871,393.75 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

**CA - 32** Consider motion to approve the July 1, 2019 Accounts Payable from the following funds: General \$273,961.87, Fire Gift \$3,704.67, Road Use Tax \$74,131.85, Tax Increment Financing \$1,488,305.00, Library Foundation \$321.92, Solid Waste \$16,740.14, Water \$98,687.74; Sewer \$673,389.89, Stormwater \$1,437.01, Golf Course \$17,190.22, Enterprise Project \$108,411.69, Revolving \$2,071.39, Risk Mgmt \$36,386.46, Health Insurance \$16.50, BAN/Bond Activity \$1,000.00, Capital Projects \$1,524,542.82, Payroll \$1,611,126.46, Less Svc Trnsfrs/ACH Drafts (\$176,657.79), Less Agenda Pymts Apprvd Separately (\$1,591,419.32), Grand Total \$4,163,348.52. (Finance Committee: M. Holm, Chp, J. McKenna, K. Whiting)

**CA - 33** Consider motion to adopt RESOLUTION 2019-275 approving fiscal year 2020 fund transfers.

**CA - 34** Consider motion to adopt RESOLUTION 2019-276 authorizing the purchase of steel shelving, end panels and canopy tops for the Ankeny Kirkendall Public Library.

- **Personnel Items:** none

- **Community Development Items**

**CA - 35** Consider motion for preliminary approval of Aspen Ridge Estates Plat 2 Final Plat.

**CA - 36** Consider motion for preliminary approval of Aspen Ridge Estates Plat 3 Final Plat.

**CA - 37** Consider motion to adopt RESOLUTION 2019-277 accepting final plat, PUD site plan, and Public Utility Easement for The Woodland Reserve Plat 11 and Woodland Edge Townhomes.

- **Engineering Items:** none

- **Capital Improvement Projects**

**CA - 38 SB I-35 and SE Corporate Woods Drive Southbound Ramps Traffic Signal:** Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-278 accepting the public improvement with Iowa Signal, Inc., in the amount of \$204,834.79; and c) Final Payment #3 in the amount of \$102,255.70 / Release of Retainage in the amount of \$10,241.74.

**CA - 39 2018 Ash Drive Water Tower Repair and Coating Project:** Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-279 accepting the public improvements with WW Sandblasting, Inc., in the amount of \$165,000.00; and c) Release of Retainage in the amount of \$8,250.00.

**CA - 40** Consider motion to adopt RESOLUTION 2019-280 to transfer funding within the 2019-2023 Capital Improvements Program to finance additional full depth patching on the SE Four Mile Drive Asphalt Overlay Project within the City of Ankeny.

- **Administrative Items**

**CA - 41** Consider motion to adopt RESOLUTION 2019-281 authorizing the City of Ankeny to enter into a grant agreement with Bravo Greater Des Moines for a Public Art Master Plan for the High Trestle Trail.

**CA - 42** Consider a motion to adopt RESOLUTION 2019-282 setting a public hearing on a development agreement between the City of Ankeny and Crosswinds Business Park Building I, LLC (date of hrg: 7/15/2019 @ 5:30 p.m.)

- Approval of Consent Agenda Items

1. Consent Agenda Items CA-1 through CA-42:

**Action# E1-1. Holm made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-42, seconded by Whiting.**

**ROLL CALL**

**2019-0701.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 1975:** An Ordinance vacating a portion of an Ingress/Egress Easement located on Lot 1, Oralabor Plaza Plat 7.

**Action# H1-1. Holm made the motion to accept second consideration of ORDINANCE 1975, seconded by Whiting.**

**ROLL CALL**

**2019-0701.H1-1 YES 5 NO 0**

**2. Ord 1976:** An Ordinance vacating a portion of public right-of-way described as Street Lot A, Otter Creek Commercial Plat 2, containing 0.45 acres, and more commonly known as NE Otterview Cir. (PH 2019-45)

**Action# H2-1. Walter-Ashby made the motion to accept first consideration of ORDINANCE 1976, seconded by Whiting.**

**ROLL CALL**

**2019-0701.H2-1 YES 5 NO 0**

- 2. Ord 1977:** An Ordinance amending Chapter 63, Speed Regulations, of the Municipal Code of the City of Ankeny, Iowa, by amending Section 63.05, Special Speed Zones, along: 1. Irvinedale Drive, from north of NW 18th Street to north of NW 36th Street; and, 2. North 36th Street, from east of NW Ash Drive to North Ankeny Boulevard (US Highway 69).

**Action# H3-1. Bentz made the motion to accept first consideration of ORDINANCE 1977, seconded by Whiting.**

**ROLL CALL**

**2019-0701.H3-1 YES 5 NO 0**

**I. OLD BUSINESS:** none

**J. NEW BUSINESS:**

1. Proposed Tradition Park Stormwater Detention Basin Flood Repair Project  
Initiate Proceedings

**Action# J1-1. Walter-Ashby made the motion to adopt RESOLUTION 2019-283 ordering construction for the Tradition Park Stormwater Detention Basin Flood Repair Project and fixing a date for hearing thereon and taking of bids therefor, seconded by Holm. (date of bid-letting: 07/30/19 @ 10:30 a.m. / date of hrg: 08/05/19 @ 5:30 p.m.)**

**ROLL CALL**

**2019-0701.J1-1 YES 5 NO 0**

2. Karl Johnk- 2937 Old Hwy 141, Hornick, Iowa  
Noise Permit - Each Tuesday - beginning July 2 through September 24, 2019 (Ankeny Food Truck Tuesday)

**Action# J2-1. Whiting made the motion to reverse the denial of Noise Permits for Karl Johnk, 2937 Old Hwy. 141, Hornick, Iowa on each Tuesday beginning July 2nd through September 24, 2019 from 5:30 p.m. to 9:30 p.m., seconded by Bentz. (Ankeny Food Truck Tuesday)**

**ROLL CALL**

**2019-0701.J2-1 YES 5 NO 0**

3. Mary McAdams Kennard - 3010 SW Coves Dr., Ankeny, Iowa  
Noise Permit - July 13, 2019 (Ankeny Area Democrats Annual BBQ)

**Action# J3-1. McKenna made the motion to reverse the denial of a Noise Permit for Mary McAdams Kennard - 3010 SW Coves Dr., Ankeny, Iowa from noon to 3:00 p.m. on July 13, 2019, seconded by Walter-Ashby. (Ankeny Area Democrats Annual BBQ)**

**ROLL CALL**

**2019-0701.J3-1      YES 5    NO 0**

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

- Report of the City Staff: none
- Report of the Governing Body:

City Council Members:

Council Member McKenna inquired about whether the City will be spraying for mosquitoes as he has had inquiries about such as it relates to drainage areas.

City Manager, David Jones and Parks & Recreation Director, Nick Lenox, stated the City has not budgeted for mosquito spraying since 2011 except for high traffic public areas such as Hawkeye Park.

#### **L. ADJOURNMENT**

1. Request for Executive Session

**Action# L1-1. Holm made the motion to go into Executive Session, pursuant to the provisions of Iowa Code Section 21.5, subparagraph (j) “to discuss the purchase or sale of particular real estate only where the premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property”, seconded by Whiting.**

**ROLL CALL**

**2019-0701.J3-1      YES 5    NO 0**

Council went into Executive Session at 6:05 p.m.

Council reconvened at 6:48 p.m.

1. There being no further business, the meeting was adjourned at 6:50 p.m.

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 12<sup>th</sup> day of July, 2019.  
Audio file of meeting is available by contacting the City Clerk's Office.