

## MINUTES OF THE ANKENY CITY COUNCIL

Monday, October 21, 2019 5:30 PM

Ankeny City Hall - City Council Chambers

Gary Lorenz, Mayor

Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jim McKenna, Kelly Whiting, Kerry Walter-Ashby

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Mayor Lorenz called the meeting to order at 5:30 PM. Council Member McKenna was absent. City Manager, David Jones and City Attorney, Amy Beattie were present. Mayor Lorenz led the Pledge of Allegiance.

### PUBLIC FORUM:

1. Tim Mills, Ankeny Chamber, informed council of upcoming events planned by the Chamber and encouraged council to attend.

### APPROVAL OF AGENDA:

1. Whiting moved, Walter-Ashby seconded, to approve the October 21, 2019 Agenda as presented. Ayes 4.

### PUBLIC HEARING:

1. PH 2019-61: Mayor Lorenz stated that this is the time and place for a public hearing on the matter of the proposed Ordinance 1986 vacating a portion of a public storm sewer easement located on Lot 3, John Deere Place Plat 5. Notice of this hearing was published in the Des Moines Register on the 11th day of October, 2019.

Eric Jensen, Director of Planning and Building, provided the following report on this proposed vacation. The City received a request to vacate a portion of a 20-foot Public Storm Sewer Easement located on Lot 3, John Deere Place Plat 5, to facilitate site development. The easement area will be restructured by adding four feet to the westerly easement boundary in order to be more centered along the existing storm sewer.

Hearing no other comments and receiving no written correspondence, Council member Holm moved, Whiting seconded, to close public hearing 2019-61. Ayes: 4.

### REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Park Board Representative, Amber Smith, reported on the Park Boards recent activities.

### CONSENT AGENDA:

#### Minutes:

1. Official minutes of the October 7, 2019 regular council meeting, as published.
2. Receive and file minutes of the Civil Service Commission meeting of September 9, 2019.
3. Receive and file minutes of the Plan & Zoning Commission meeting of September 17, 2019.
4. Receive and file minutes of the Zoning Board of Adjustment meeting of September 4, 2019.

#### Licenses and Permits:

5. Issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

## Finance/Budget

6. Receive and file Financial Reports for September 2019.
7. Receive and file the Building Permits Report for September 2019.
8. Receive and file Utility Billing Report for September 2019.
9. Payment #6 in the amount of \$264,422.16 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
10. Payment #16 in the amount of \$12,499.14 to Civil Design Advantage for engineering services on the Deer Creek Trunk Sewer Extension Design project.
11. Payment #9 in the amount of \$1,985.70 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 2 project.
12. Payment #1 in the amount of \$27,418.70 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 3 project.
13. Payment #6 in the amount of \$23,925.64 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.
14. Payment #6 in the amount of \$2,078.12 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.
15. Payment #4 in the amount of \$74,860.00 to Con-Struct, Inc., for construction services on the SW State Street & SW Prairie Trail Parkway Intersection Improvements project.
16. Payment #2 in the amount of \$146,950.75 to Halbrook Excavating, for construction services on the High Trestle Trail Extension SW Ordinance to SE Magazine project.
17. Payment #6 in the amount of \$143,863.01 to Halbrook Excavating, for construction services on the SE East Lawn Area Utility Improvements-Phase 2 project.
18. Payment #6 in the amount of \$192,913.11 to Herberger Construction Co, Inc. for construction services at NE 54th Street Bridge Replacement over Branch of Fourmile Creek project.
19. Payment #2 in the amount of \$14,915.00 to JEO Consulting Group, Inc., for engineering services on the SE 8th Street Reconstruction - Phase 1 project.
20. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$30,077.90 with Kirkham Michael & Associates, Inc. for construction engineering services on the Westwinds Channel Flood Repair project.
21. Payment #2 in the amount of \$124,076.87 to McAninch Corporation, for construction services on the SW Des Moines Street - Magazine to 11th project.
22. Payment #3 in the amount of \$47,320.86 to OMG Midwest, Inc. dba Des Moines Asphalt & Paving for construction services on the SE Creekview Drive Roadway Improvements project.
23. Change Order #2 increasing the contract amount by \$255.00 to RedBud Landscaping LLC, for construction services on the Ankeny Boulevard and First Street Intersection Landscaping project.
24. Payment #4 in the amount of \$242.24 to RedBud Landscaping, LLC for construction services on the Ankeny Boulevard and First Street Intersection Landscaping project.
25. Change Order #1 decreasing the contract amount by \$46,143.00 to Rognes Corporation for construction services on the Deer Creek Trunk Sewer Extension project.
26. Payment #3 in the amount of \$305,879.10 to Rognes Corporation for construction services on the Deer Creek Trunk Sewer Extension project.
27. Payment #3 in the amount of \$51,917.02 to Shekar Engineering, for construction services on the 2019 - Crestbruck Park Recreation Trail Replacements & Miscellaneous Trail Patches project.

28. Payment #8 in the amount of \$4,899.98 to Shive-Hattery for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 1 project.
29. Change Order #23 increasing the contract amount by \$10,689.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
30. Change Order #24 increasing the contract amount by \$4,311.75.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
31. Change Order #25 increasing the contract amount by \$4,436.19.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
32. Change Order #26 increasing the contract amount by \$2,470.90.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
33. Payment #1 in the amount of \$86,018.00 to Sternquist Construction, for construction services on the SE Crosswinds Drive - RISE project.
34. Payment #4 in the amount of \$5,434.00 to Systemworks, LLC for commissioning services on the Ankeny Kirkendall Public Library Project.
35. Payment #10 in the amount of \$50,072.65 to SVPA Architects, Inc. for architectural services for the Ankeny Public Services Library Remodel project.
36. Change Order #1 increasing the contract amount by \$3,094.00 to TK Concrete, Inc. for construction services on the SE Magazine Road Sidewalk Upgrade-Phase 3 project.
37. Payment #1 in the amount of \$105,854.51 to TK Concrete, Inc., for construction services on the SE Magazine Road Sidewalk Upgrades - Phase 3 project.
38. Payment #24 in the amount of \$3,964.58 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.
39. Approve the October 21, 2019 Accounts Payable from the following funds: General \$237,119.04, Road Use Tax \$71,787.70, Library Foundation \$581.62, Contractor Bonds Trust Fund \$8,100; Ankeny Foundation Fund \$1200; Solid Waste \$67,492.11, Water \$553,795.92, Sewer \$709,325.87, Stormwater \$4,172.99; Golf Course \$14,953.04, Enterprise Project \$470,836.76, Revolving \$18,979.58, Risk Mgmt \$12,889.12, Health Insurance \$634.57, Capital Projects \$2,663,229.43, Payroll \$1,420,930.97, Less Service Transfers/ACH Drafts (\$172,029.16), Less Agenda Pymts Apprvd Separately (\$1,692,511.14).Grand Total \$4,372,488.42.

#### Personnel Items

40. Accept the Civil Service Commission certified lists for appointment for Traffic Technician-Public Works Department, Utilities Operator 1- Municipal Utilities Department, wastewater division, Records Clerk - City Clerk's Office, subject to passing any further department requirements.

#### Community Development Items

41. RESOLUTION 2019-422 accepting the final plat for Watters South Acreage subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.
42. Approve Brinmore Estates Plat 3 Preliminary Plat.
43. RESOLUTION 2019-423 accepting final plat, platted easements, letter of credit for seeding and erosion control, performance bonds for underground improvements, and acceptance of street names: SW 11th Lane, SW 12th Lane, SW Diesel Lane, and SW Floyd Lane for Chalet at Prairie Trail Plat 1.
44. RESOLUTION 2019-424 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and sanitary sewer in Chalet at Prairie Trail Plat 1.

45. RESOLUTION 2019-425 accepting final plat and platted easements for Metro North II Plat 6.
46. RESOLUTION 2019-426 accepting a public storm water management facility maintenance covenant and permanent easement agreement located on a part of Lots 1, 2, & 3 V W Smith Addition Plat 2; associated with Mister Car Wash, located at 109 S Ankeny Blvd.

#### Engineering Items

47. RESOLUTION 2019-427 accepting a proposal from Redbud Landscaping in the amount of \$77,441.00 for the construction of the SW Des Moines Street - Prairie Trail to Magazine Native Planting Project.
48. RESOLUTION 2019-428 accepting a proposal from Jasper Construction Services, Inc. in the amount of \$36,300.00 for the construction of the West First Street Bridge Abutment Flood Repair Project.
49. RESOLUTION 2019-429 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of public sanitary sewer main improvements for the Safekeep Storage Public Improvements (Polk County) project.
50. RESOLUTION 2019-430 accepting public improvements in Trestle Ridge Estates Plat 2 for utilities.
51. RESOLUTION 2019-431 accepting public improvements in Trestle Ridge Estates Plat 2 for paving.
52. RESOLUTION 2019-432 accepting public improvements in The Grove Plat 5 for utilities.
53. RESOLUTION 2019-433 accepting public improvements in The Grove Plat 5 for paving.
54. RESOLUTION 2019-434 accepting public improvements in 1020 NE 18th Street (Elwell Sanitary Extension) for utilities.

#### Capital Improvements

55. NW Booster Station: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-435 accepting the public improvement with C.L. Carroll Co., Inc. in the amount of \$2,347,376.15; and c) Final Payment #18 in the amount of \$0.00 / Release of Retainage in the amount of \$117,368.81.

#### Administrative Items

56. RESOLUTION 2019-436 authorizing the Partial Termination Certificate of the Development Agreement between the City of Ankeny, Iowa and Deer Creek Estates, LLC for the Deer Creek Trunk Sewer Phase 4 – Crossings Plat 1.
57. RESOLUTION 2019-437 authorizing the Partial Termination Certificate of the Development Agreement between the City of Ankeny, Iowa and Deer Creek Estates, LLC for the Deer Creek Trunk Sewer Phase 4 – Crossings Plat 2.
58. RESOLUTION 2019-438 authorizing the Partial Termination Certificate of the Development Agreement between the City of Ankeny, Iowa and Deer Creek Estates, LLC for the Deer Creek Trunk Sewer Phase 4 – Crossings Plat 4.
59. RESOLUTION 2019-439 authorizing the execution of a Facility Rental Agreement between the City of Ankeny, Iowa Police Department and Iowa State University regarding the use of the Lied Center located in Ames, Iowa.
60. Consider motion to adopt RESOLUTION 2019-440 awarding the Ankeny Kirkendall Public Library moving services agreement to Library Furniture International, Inc.

#### Approval of Consent Agenda Items

1. Council member Whiting moved, Bentz seconded, to approve consent agenda Items 1 - 60.  
Ayes: Whiting, Bentz, Holm, Walter-Ashby. Nays: none.

#### LEGISLATIVE BUSINESS:

##### Ordinances:

1. Ord 1982: 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 D.R. Horton - Iowa LLC. Council member Holm moved, Whiting seconded, to accept the third consideration of Ordinance 1982; sending it on its final passage and publication as required by law Ayes: Holm, Whiting, Bentz, Walter-Ashby.

2. Ord 1983: An Ordinance vacating a portion of an Access Easement located within Vernon Associates Addition Plat 1, Lot 1 . Council member Walter-Ashby moved, Whiting seconded, to accept second consideration of ORDINANCE 1983. Ayes: Walter-Ashby, Whiting, Bentz, Holm.

Council member Holm moved, Whiting seconded, to accept the applicants request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1983, sending it on its final passage and publication as required by law. Ayes: Holm, Whiting, Bentz, Walter-Ashby.

Council member Whiting moved, Walter-Ashby seconded, to adopt RESOLUTION 2019-441 authorizing the sale of real estate vacated by the City of Ankeny to Vernon Associates, Inc. Ayes: Whiting, Walter-Ashby, Holm, Bentz.

3. Ord 1984: An Ordinance amending Chapter 122 - Non-Franchise Utility Accommodation of the Code of Ordinances of the City of Ankeny, Iowa by replacing the provisions for annual utility licenses for conduits within the street rights-of-way with provisions for occupancy permits. Council member Holm moved, Whiting seconded, to approve the second reading or ORDINANCE 1984. Ayes: Holm, Whiting, Bentz, Walter-Ashby.

Council member Bentz moved, Holm seconded, to accept the applicants request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1984, sending it on its final passage and publication as required by law. Ayes Bentz, Holm, Whiting, Walter-Ashby.

4. Ord 1985: An Ordinance amending the code of ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 139 Massage Therapists. Council member Bentz moved, Whiting seconded, to accept first consideration of ORDINANCE 1985. Ayes: Bentz, Whiting, Holm, Walter-Ashby.

Council member Holm moved, Bentz seconded, to accept staff request to suspend the rule that ordinances must be considered on three different days and accept second & third consideration of ORDINANCE 1985, sending it on its final passage and publication as required by law. Ayes: Holm, Bentz, Walter-Ashby, Whiting.

5. Ord 1986: An Ordinance vacating a portion of a Public Storm Sewer Easement located on Lot 3, John Deere Place Plat 5. (PH 2019-61) Council member Walter-Ashby moved, Holm seconded, to accept first consideration of ORDINANCE 1986. Ayes: Walter-Ashby, Holm, Bentz, Whiting.

## NEW BUSINESS:

1. SE Hulsizer Road Realignment - Notice of Intent to Commence a Public Improvement Project and to Acquire Property Interests. Council member Holm moved, Walter-Ashby seconded, to adopt a RESOLUTION 2019-442 fixing a date for hearing on intent to commence a public improvement and to acquire property interests for the SE Hulsizer Road Realignment Project. (date of hrg: 11/18/19 @ 5:30 p.m.) Ayes: Holm, Walter-Ashby, Bentz, Whiting.
2. Proposed Ankeny Public Services Library Remodel Project -Initiate Proceedings. Council member Whiting moved, second by Walter-Ashby, to adopt RESOLUTION 2019-443 ordering construction on the Ankeny Public Services Library Remodel Project and fixing a date for hearing thereon and taking of bids therefor. (date of bid-letting: 11/12/19 @ 10:30 a.m./date of hrg: 11/18/19 @ 5:30 p.m.) Ayes: Whiting, Walter-Ashby, Bentz, Holm.

## ADMINISTRATIVE BUSINESS:

City Manager, David Jones reported:

- NE 54th Street Bridge is open, however, there is a bit more cleanup work to do.
- He asked council to look at two different options that IT presented for computers to use at the new library building.
- He informed council regarding FEMA's community rating system. He explained the program and discussed the time commitment for moving forward with it. The program has 19 activities that are evaluated. It has been described as similar to the ISO process for fire suppression and building code enforcement. Staff talked to both cities participating in the program and those that evaluated it and decided not to participate. Participation could result in a discount on flood insurance premiums from 0% to theoretically 45% but the majority of Iowa cities participating are a Class 7 or 8 so a 10% to 15% discount, including Des Moines and Davenport. 12 cities participate in Iowa. Many have repetitive flooding properties and rivers to contend with and/or are buying out properties that flood repetitively. Currently Ankeny has 109 properties with a primary structure situated in the flood plain. However, he said additional staff would be needed to manage the program as it is quite involved and would be too much for existing staff to absorb. He advised council the program could be reconsidered during the budget process.

Mayor, Gary Lorenz reported:

- A meeting with the Lawson's concerning storm water had been held.
- That he and City Manager Jones will be meeting with the Chamber on a quarterly basis
- There will be a DART meeting to discuss governance and the current cost formula that he encouraged David Jones and Bobbi Bentz to attend.

Council Members: No reports.

ADJOURNMENT – 6:00 PM

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 28 day of October, 2019. Audio file of this meeting is available by contacting the City Clerk's Office.