

## **MINUTES OF THE ANKENY CITY COUNCIL**

Monday, November 4, 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 Whiting was absent. City Manager, David Jones and City Attorney, Amy Beattie were present. Mayor Lorenz led the Pledge of Allegiance.

### **PUBLIC FORUM:**

1. Corey Morrison, Ankeny Chamber, informed council of that new board members had been appointed and of upcoming events planned by the Chamber and encouraged council to attend.

### **APPROVAL OF AGENDA:**

1. Holm moved, Bentz seconded, to approve and accept the November 4, 2019 agenda, without amendment. Ayes: 4.

### **PUBLIC HEARING(S):**

1. PH 2019-62: Mayor Lorenz stated that this is the time and place for a public hearing on the matter of the proposed voluntary annexation of certain parcels of real estate owned by Scott A. and Gale O'Mara and D.R.A. Properties, LLC. Notices were mailed to affected property owners as required by law and notice of this hearing was published in the Des Moines Register on the 18<sup>th</sup> day of October, 2019.

Eric Jensen, Director of Planning and Building, reported that the proposed annexation area consists of approximately 79.79-acres with right-of-way and is located adjacent to the northeast quadrant of Ankeny. More specifically, directly south of NE 126<sup>th</sup> Avenue and east of Highway 69/NE 14<sup>th</sup> Street (County). Scott A. and Gale O'Mara, the property owners of 1575 NE 126<sup>th</sup> Avenue, have requested voluntary annexation to the City of Ankeny for 78.79-acres (including right-of-way). D.R.A. Properties LLC located adjacent to the northwest corner of the O'Mara property have also requested voluntary annexation into the City for their property, which is approximately one acre (including right-of-way). The proposed annexation area consists entirely of petitioned land and is contiguous with the corporate boundary of Ankeny. The annexation area also includes any and all Polk County or State of Iowa road right-of-way to the centerline of the adjacent road.

Mayor Lorenz then asked for any public comment regarding the annexation. Jeremy Nefzger, 1558 NE 126<sup>th</sup> Avenue, Alleman, Iowa voiced concerns that the IDOT had scheduled bridge replacements in the annexed area, and that the city would incur those associated expenses. City Manager Jones and Mark Holm explained the bridges would stay under the jurisdiction of the County. Nefzger also mentioned the possible need for a traffic light at 126<sup>th</sup> and HWY 69.

John Hanson, Snyder & Associates, spoke in favor of the annexation on behalf of the developer. Hearing no other comments, Mayor Lorenz called for a motion to close public hearing 2019-62. Moved by Walter-Ashby, second by Holm. Ayes: 4.

2. PH 2019-63: Mayor Lorenz announced that this is the time and place for a public hearing on the matter of the adoption of plans, specifications, form of contract, and estimate of cost for construction of certain public improvements described in general as the NW Irvinedale Drive Water Main Improvements. Notice of this hearing was published in the Des Moines Register on the 18th day of October 2019.

Don Clark, Director of Municipal Utilities, reported that the NW Irvinedale Drive Water Main Improvements project includes improvements to the water system to complete a loop of existing water main and install a connection for the future water tower located along the east side of NW Irvinedale Drive from NW 36th Street north 875 lineal feet to tie into the existing 12" water main adjacent to the Village at Rock Creek Plat 1.

The bid opening for this project was held on Tuesday, October 29, 2019. The Engineer's Estimate for the project was \$120,100.00. The bids ranged from approximately 37% below the estimate to 11% above the estimate. The City reviewed the bid results both internally and with the project's engineering consultant. Absolute Infrastructure has completed several development projects within the City of Ankeny and most recently as a subcontractor to C.L. Carroll on the NW Booster Station. It is recommended that the project be awarded to Absolute Infrastructure of Grimes, Iowa.

Hearing no other comments, Mayor Lorenz called for a motion to close public hearing 2019-63. Moved by McKenna, second by Walter-Ashby. Ayes: 4.

#### REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Planning and Zoning Representative, Annette Renaud, reported on the upcoming Zoning meeting.

#### CONSENT AGENDA:

##### Minutes:

1. Official minutes of the October 21, 2019 regular council meeting, as published.
2. Official minutes of the October 28, 2019 special council meeting, as published.
3. Receive and file minutes of the Plan and Zoning Commission meeting of October 7, 2019.
4. Receive and file minutes of the Park Board meeting of June 24, 2019.

##### Licenses and Permits

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

##### Finance/Budget

6. Change Order #2 increasing the contract amount by \$6,734.15 to Absolute Concrete Construction for construction services on the N Ankeny Blvd and NW/NE Georgetown Blvd Intersection Improvements project.

7. Payment #3 in the amount of \$71,064.46 to Absolute Concrete Construction, Inc. for construction services on the N Ankeny Blvd and NW/NE Georgetown Blvd Intersection Improvements project.
8. Payment #9 in the amount of \$17,878.12 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek - Construction Engineering project.
9. Payment #5 in the amount of \$4,609.00 to Foth Infrastructure and Environment, Inc., for engineering services on the 2019 North Creek Channel Flood Repair project.
10. Payment #9 in the amount of \$43,295.26 to Foth Infrastructure and Environment, Inc., for engineering services on the West First Street Widening and Improvements - Phase 1 project.
11. Payment #3 in the amount of \$4,245.00 to JEO Consulting Group, Inc., for engineering services on the NE 18th Street and NE Trilein Drive Signalization project.
12. Payment #11 in the amount of \$13,868.50 to JEO Consulting Group, Inc., for engineering services on the N. Ankeny Blvd and NE/NW Georgetown Blvd Intersection Signalization project.
13. Payment #8 in the amount of \$2,605.00 to JEO Consulting Group, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Flood Repair project.
14. Payment #3 in the amount of \$17,985.00 to JEO Consulting Group, Inc., for engineering services on the SE 8th Street Reconstruction - Phase 1 project.
15. Payment #6 in the amount of \$9,540.64 to MSA Professional Services, Inc., for engineering services on the SE Magazine Road Sidewalk Upgrade - Phase 3 project.
16. Payment #5 in the amount of \$42,190.44 to On Track Construction, for construction services on the SW Irvinedale Dr. Transmission Main-Phase 1 project.
17. Payment #26 in the amount of \$2,826.73 to Snyder & Associates, Inc., for engineering services on the NE Delaware Avenue Pedestrian Bridge & Sidewalk Connection project.
18. Payment #12 in the amount of \$9,328.65 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Extension SW Ordnance to SE Magazine project.
19. Payment #5 in the amount of \$6,543.00 to Snyder & Associates, Inc., for engineering services on the Wildflower Basin Improvements project.
20. Payment #9 in the amount of \$17,256.10 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.
21. Payment #6 in the amount of \$5,664.23 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.
22. Payment #22 in the amount of \$10,508.79 to Snyder & Associates, Inc., for engineering services on the SE Creekview Dr Drainage & Pavement Improvements project.
23. Payment #19 in the amount of \$16,249.41 to Snyder & Associates, Inc., for engineering services on the S Ankeny Blvd & SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
24. Payment #5 in the amount of \$2,464.00 to Snyder & Associates, Inc., for engineering services on the Hawkeye Parks Improvements - Fishing Pier and Pond Dredging Project.
25. Change Order #27 increasing the contract amount by \$3,819.19 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
26. Change Order #28 increasing the contract amount by \$1,395.60 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
27. Change Order #29 increasing the contract amount by \$480.38 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

28. Change Order #30 increasing the contract amount by \$2,039.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
29. Payment #16 in the amount of \$256,012.65 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
30. November 4, 2019 Accounts Payable: General \$170,738.98, Fire Gift Fund \$1,915.77, Hotel Motel Tax \$2,861, Road Use Tax \$320,749.79, TIF \$49,803, Library Foundation \$211.84, Water \$110,099.25, Sewer \$13,069.08, Sewer Sinking \$107,984.39, Stormwater \$5,059.15; Golf Course \$8,503.11, Enterprise Project \$76,324.40, Revolving \$40,335.63, Risk Mgmt \$8,951.74, Health Insurance \$1,341.70, Capital Projects \$561,607.01, Payroll \$1,054,076.15, Less Service Transfers/ACH Drafts (\$172,654.41), Less Agenda Pymts Apprvd Separately (\$611,895.38). Grand Total \$1,748,527.20.

#### Personnel Items

31. Consider a new job description for the position of accountant.
32. Authorize a temporary adjustment to the FY20 Authorized Staffing Plan to allow for one additional FTE in the Fire Department.

#### Community Development Items

33. Preliminary approval of Aspen Ridge Estates Plat 5 Final Plat.
34. RESOLUTION 2019-444 accepting final plat, subdivision bonds for seeding and erosion control, contracts and performance and maintenance bonds for public improvements, sewer connection fee, water connection fee, warranty deed to streets, and platted easements for Ruan Crosswinds Plat 1.
35. RESOLUTION 2019-445 approving contracts, plans and specifications, and performance and maintenance bonds for the construction of sanitary sewer, water main, and storm sewer in Ruan Crosswinds Plat 1.
36. RESOLUTION 2019-446 approving contracts, plans and specifications, and performance and maintenance bonds for the construction of street paving in Ruan Crosswinds Plat 1.
37. RESOLUTION 2019-447 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 northwest quadrant of Ankeny owned by D.R.A. Properties, L.C.
38. Approve the Attivo Trail Ankeny Neighborhood Plan.
39. Preliminary approval of Aspen Ridge Estates Plat 4 Final Plat and cost sharing in the amount of \$600, for the construction of three cast iron domes.
40. RESOLUTION 2019-448 adopting a new official zoning map for the City of Ankeny, Iowa.

#### Engineering Items

41. RESOLUTION 2019-449 accepting a proposal from Truelsen Blumenthal, LLC d/b/a Soil-tek, in the amount of \$49,550.00 for the construction of the SW Des Moines Street - Prairie Trail to Magazine Landscaping project.

#### Capital Improvement Projects

42. S Ankeny Blvd Fiber Optic Relocation: Consider: a) Certificate of Completion; b) RESOLUTION 2019-450 accepting the public improvement with Communication Innovators, Inc. in the amount of \$150,475.36; and c) Retainage Payment in the amount of \$7,523.77.

43. 2019 Crestbuck Park Recreation Trail Replacement & Miscellaneous Trail Patches: Consider a) Final Change Order #1 increasing the contract amount by \$32,160.85; b) Certificate of Completion; c) RESOLUTION 2019-451 accepting the public improvements with Shekar Engineering P.L.C in the amount of \$200,225.10; and d) Final Payment #4 in the amount of \$40,225.38 / Release of Retainage in the amount of \$10,011.25.
44. RESOLUTION 2019-452 authorizing a revision to the Sanitary Sewer Projects scheduled for completion in calendar year 2020 within the 2019-2023 Capital Improvement Program for the City of Ankeny.

#### Administrative Items

45. RESOLUTION 2019-453 authorizing the setting of a public hearing on approval of an emergency watershed protection easement between the City of Ankeny, Iowa and the United States of America. (hrg: 11/18/19 @ 5:30 p.m.)

#### Approval of Consent Agenda Items

1. Council member Holm moved, Walter-Ashby seconded, to approve Consent Agenda Items

#### LEGISLATIVE BUSINESS:

##### Ordinances:

1. Ord 1986: An Ordinance vacating a portion of a Public Storm Sewer Easement located on Lot 3, John Deere Place Plat 5. Council member Bentz moved, second by Holm, to accept second consideration of ORDINANCE 1986. Ayes: Bentz, Holm, McKenna, Walter-Ashby.

#### NEW BUSINESS:

1. Proposed voluntary annexation of certain parcels of real estate owned by Scott A. and Gale O'Mara and D.R.A. Properties, L.L.C. (PH 2019-62). Council member Walter-Ashby moved, Holm seconded, to receive and file the September 5, 2019 Consultation Meeting Report. Ayes: 4.  
Council member Holm moved, second by Bentz, to adopt RESOLUTION 2019-454 annexing certain parcels of real estate owned by Scott A. and Gale O'Mara and D.R.A. Properties, L.L.C. Ayes: Holm, Bentz, McKenna, Walter-Ashby.
2. Proposed NW Irvinedale Drive Water Main Improvements (PH 2019-63) Council member Walter-Ashby moved, second by McKenna, to adopt 1) RESOLUTION 2019-455 adopting plans, specifications, form of contract and estimate of cost \$120,100.00; 2) receive and file report of bids received October 29, 2019; and 3) adopt RESOLUTION 2019-456 making award of construction contract with Absolute Infrastructure in the amount of \$87,634.00. 4) adopt RESOLUTION 2019-457 approving contract and bonds with Absolute Infrastructure in the amount of \$87,634.00. Ayes: Walter Ashby, McKenna, Bentz, Holm.
3. Ankeny Senior Community Center Council member Holm moved, second by Bentz, to approve the Professional Services Agreement with Shive Hattery, Inc. for the architectural design and construction administration services needed to facilitate the Ankeny Senior Community Center project in an amount not to exceed \$601,000.00 and authorize the Mayor to execute said agreement. Ayes: Holm, Bentz, McKenna, Walter-Ashby.
4. Agreement for Cooperative Public Service with Polk County Council member Walter-Ashby moved, Bentz seconded, to approve the 28E Agreement with Polk County to facilitate the NW

Cyprus Avenue Temporary Street Connection and authorize the Mayor to execute said agreement. Ayes: Walter-Ashby, Bentz, Holm, McKenna.

5. NW Northlawn Area Utility Improvements Council member Holm moved, Walter-Ashby seconded, to approve the Professional Services Agreement with Snyder & Associates for survey and preliminary design services on the NW Northlawn Area Utility Improvements project in an amount not to exceed \$97,600.00 and authorize the Mayor to execute said Agreement. Ayes: Holm, Walter-Ashby, Bentz, McKenna.
6. 2020 Home Builders Association of Greater Des Moines Home Show Expo Council member Bentz moved, Walter-Ashby seconded, to adopt RESOLUTION 2019-458 approving the waiver of building permit fees for the 2020 Home Show Expo by the Home Builders Association of Greater Des Moines. Ayes: Bentz, Walter-Ashby, Holm, McKenna.

#### ADMINISTRATIVE BUSINESS:

City Manager David Jones:

- Reminded Council that the Strategic Planning Meeting would be held November 15 at 9 AM at Fire House No. 3 Meeting room.
- Congratulated Chief Darius Potts on his recent appointment to the Criminal Justice Reform Group by Governor Reynolds.

Mayor Lorenz:

- Reported that he and City Manager Jones are attending meetings on the regionalization of the Des Moines Water Works.
- Reported on DART business including his position on legislative priorities and the Executive Directors Salary.

#### Request for Executive Session

At 5:58 PM Council member Walter-Ashby moved, Holm seconded, 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". Ayes: Walter-Ashby, Holm, Bentz, McKenna.

Following adjournment of the Executive Session, the regular meeting was adjourned at 6:25 PM and council moved into a Council Action Planning Session.

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 11<sup>th</sup> day of November, 2019. Audio file of this meeting is available by contacting the City Clerk's Office.