

MINUTES OF THE ANKENY CITY COUNCIL

Monday, December 2, 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

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

PUBLIC FORUM

1. Julie Mangles from the Ankeny Chamber of Commerce shared with council that the Chamber board recently completed their strategic planning and are excited about the upcoming year. She also informed them of upcoming events and encouraged council to attend. Information can be found at Ankeny.org

APPROVAL OF AGENDA

1. Council member Whiting moved, second by Walter-Ashby, to approve and accept the December 2, 2019 agenda. Ayes: 4.

PUBLIC HEARING(S)

1. PH 2019-67: Mayor Lorenz announced that this is the time and place for a public hearing on the matter of a proposed purchase agreement between the City of Ankeny and William Doyle, for the sale of property locally known as 0.136 acres located in the southwest quadrant of the intersection of SW Ordnance Road and SW Des Moines Street and legally described as: Outlot Z – John Deere Place Plat 5. The Notice of Hearing on this proposal was published in the Des Moines Register on the 22nd day of November, 2019.

Paul Moritz, Assistant City Manager, reported the City of Ankeny currently owns a small remnant property within the southwest quadrant of the intersection of SW Ordnance Road and SW Des Moines Street. The said property consists of a small remnant parcel that cannot be developed, has limited access, is encumbered by utility easements, and is currently maintained by the City of Ankeny.

William Doyle owns and operates Aim High Auto Repair at 1001 SW Ordnance Road, which is located adjacent and directly west of the said property. Mr. Doyle has presented a Purchase Agreement to the City of Ankeny for the intent of acquiring the said property for the purpose of a future expansion of his commercial business for \$700. Staff has reviewed the Purchase Agreement and is recommending that the property sale take place.

Hearing no comments, Council member Holm moved to close Public Hearing 2019-67, second by Whiting. Ayes: 4.

2. PH 2019-68: Mayor Lorenz announced that this is the time and place for a public hearing on the matter of a proposed amended development agreement between the City of Ankeny and Kreg Enterprises, Inc. The amended agreement will provide Kreg Enterprises, Inc. a six month extension to commence construction on their office and manufacturing facility outlined in the original development agreement. The Notice of Hearing on this proposal was published in the Des Moines Register on the 22nd day of November, 2019.

Derek Lord, Economic Development Director, informed council that this amendment adjusts the scope of Kreg Enterprises, Inc. proposed project from a 250,000 square foot facility, as originally proposed, to an approx. 175,000 square feet facility and provides Kreg an additional six (6) months to commence construction on their proposed office and production facility. The original development agreement approved December 17, 2018, required Kreg to commence construction, defined as footings in the ground, within eighteen (18) months of approval. A six (6) month extension would give Kreg until December 17, 2020 to commence construction. Construction is scheduled to begin in spring, 2020.

Hearing no comments, Council member Whiting moved to close public hearing 2019-68, Walter-Ashby seconded. Ayes: 4.

REPORTS OF ADVISORY BOARDS AND COMMISSION

1. Representative, Annette Renaud, from the Plan & Zoning Commission reported to council on items for their upcoming meeting.

CONSENT AGENDA

- Minutes

1. Official council actions of the regular meeting of November 18, 2019, as published.
2. Receive and file minutes of the Plan and Zoning Commission meeting of November 5, 2019.
3. Receive and file minutes of the Library Board meeting of October 17, 2019.

- Licenses and Permits

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

- Finance/Budget

5. Payment #10 in the amount of \$8,991.94 to Calhoun-Burns and Associates, Inc., for engineering services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek - Construction Engineering project.
6. Payment #7 in the amount of \$45,849.03 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.
7. Payment #10 in the amount of \$62,134.48 to Foth Infrastructure and Environment, Inc., for engineering services on the West First Street Widening and Improvements - Phase 1 project.
8. Payment #1 in the amount of \$10,676.62 to HR Green, Inc., for engineering services on the SW State Street Reconstruction - Northbound Lanes project.
9. Payment #1 in the amount of \$76,185.01 to Jensen Construction Company, for construction services on the Tradition Park Stormwater Detention Basin Flood Repair project.

10. Payment #12 in the amount of \$8,365.00 to JEO Consulting Group, Inc., for engineering services on the N. Ankeny Blvd and NE/NW Georgetown Blvd Intersection Signalization project.
11. Payment #4 in the amount of \$12,415.00 to JEO Consulting Group, Inc., for engineering services on the NE 18th Street and NE Trilein Drive Signalization project.
12. Payment #4 in the amount of \$7,066.50 to JEO Consulting Group, Inc., for engineering services on the SE 8th Street Reconstruction - Phase 1 project.
13. Payment #9 in the amount of \$10,132.50 to JEO Consulting Group, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Flood Repair project.
14. Payment #1 in the amount of \$5,977.50 to McClure Engineering Company, for engineering services on the NW State Street Water Main Improvements-Phase 1 project.
15. Amendment No. 2 to the Professional Services Agreement increasing the contract amount by \$835.00 with MSA Professional Services, Inc. for additional construction engineering services on the SE Magazine Road Sidewalk Upgrade - Phase 3 project.
16. Payment #7 in the amount of \$7,511.50 to MSA Professional Services, Inc., for engineering services on the SE Magazine Road Sidewalk Upgrade - Phase 3 project.
17. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$168,500.00 with Nilles Associates, Inc. for construction engineering services on the SW Des Moines Street - Magazine to 11th Street project.
18. Payment #9 in the amount of \$31,472.50 to Nilles Associates, Inc., for engineering services on the SW Des Moines Street Improvements project.
19. Change Order #3 increasing the contract amount by \$5,927.74 to OMG Midwest, Inc., dba Des Moines Asphalt & Paving, for construction services on the SE Creekview Drive Roadway Improvements project.
20. Payment #4 in the amount of \$7,570.43 to OMG Midwest, Inc. dba Des Moines Asphalt & Paving for construction services on the SE Creekview Drive Roadway Improvements project.
21. Payment #9 in the amount of \$9,712.82 to Shive-Hattery for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 1 project.
22. Payment #6 in the amount of \$14,185.89 to Snyder & Associates, Inc., for engineering services on the Wildflower Basin Improvements project.
23. Payment #27 in the amount of \$3,888.02 to Snyder & Associates, Inc., for engineering services on the NE Delaware Avenue Pedestrian Bridge & Sidewalk Connection project.
24. Payment #20 in the amount of \$22,911.65 to Snyder & Associates, Inc., for engineering services on the S Ankeny Blvd & SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
25. Payment #10 in the amount of \$3,245.17 to Snyder & Associates, Inc., for engineering services on the SW Irvinedale Dr., Transmission Main - Phase 2 project.
26. Payment #7 in the amount of \$11,683.03 to Snyder & Associates, Inc., for engineering services on the SE Crosswinds Drive - RISE project.
27. Payment #13 in the amount of \$11,735.34 to Snyder & Associates, Inc., for engineering services on the High Trestle Trail Extension SW Ordinance to SE Magazine project.
28. Change Order #32 increasing the contract amount by \$3,874.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
29. Change Order #33 increasing the contract amount by \$1,050.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
30. Change Order #34 increasing the contract amount by \$2,742.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

31. Change Order #35 increasing the contract amount by \$5,284.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
32. Change Order #36 increasing the contract amount by \$2,828.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
33. Change Order #37 increasing the contract amount by \$26,867.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
34. Change Order #38 increasing the contract amount by \$1,375.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
35. Change Order #39 increasing the contract amount by \$2,684.70 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
36. Payment #17 in the amount of \$441,796.93 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.
37. December 2, 2019 Accounts Payable by fund: General \$174,776, Fire Gift Fund \$2,357, Hotel Motel Tax \$1,166; Road Use Tax \$263,145, Debt Service \$2,435,991, Library Foundation \$135; Ankeny Foundation \$120, Solid Waste \$7,339, Water \$157,980, Water Sinking \$309,868, Sewer \$17,939, Sewer Sinking \$750; Stormwater \$11,483, Golf Course \$10,084, Enterprise Project \$123,901, Revolving \$36,788, Risk Mgmt \$12,010, Health Insurance \$5,946, Capital Projects \$986,791, Payroll \$1,567,166, Less Service Transfers/ACH Drafts (\$171,650), Agenda Pymts Apprvd Separately (\$871,828). Grand Total \$5,082,257.

- Community Development Items

38. RESOLUTION 2019-482 accepting the final plat for Camden West Estates Plat 1 subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.
39. RESOLUTION 2019-483 accepting a public storm water management facility maintenance covenant and permanent easement agreement, located on a part of Lot 4, Prairie Ridge Center Plat 1; and associated with the development of the Ankeny Public Services Library Remodel

- Engineering Items

40. RESOLUTION 2019-484 accepting maintenance bond for water main, sanitary sewer and storm sewer in Kwik Trip/Kwik Star #1016 (202 SE Oralabor Rd.
41. RESOLUTION 2019-485 accepting public improvements in Pointes West Villas Plat 1 for utilities.
42. RESOLUTION 2019-486 accepting public improvements in 36 West Plat 1 for utilities.
43. RESOLUTION 2019-487 accepting public improvements in 36 West Plat 1 for paving.
44. RESOLUTION 2019-488 accepting public improvements in 36 West Plat 2 for utilities.
45. RESOLUTION 2019-489 accepting public improvements in 36 West Plat 2 for paving.
46. RESOLUTION 2019-490 accepting public improvements in 36 West Plat 3 for utilities.
47. RESOLUTION 2019-491 accepting public improvements in Heritage Townhomes at Prairie Trail Plat 5 for utilities.
48. RESOLUTION 2019-492 accepting public improvements in Heritage Townhomes at Prairie Trail Plat 5 for paving.
49. RESOLUTION 2019-493 accepting public improvements in Parkway South at Prairie Trail Plat 1 for utilities.

50. RESOLUTION 2019-494 accepting public improvements in Parkway South at Prairie Trail Plat 1 for paving.

- Capital Improvement Projects

51. NE Delaware Avenue & NE 18th Street Pedestrian Signal Modifications: Approve: a) Certificate of Completion; b) RESOLUTION 2019-495 accepting the public improvement with Howrey Construction, Inc., in the amount of \$52,419.50; and c) Release of Retainage in the amount of \$2,620.97.

52. Ankeny Fire Station No. 3: Approve: a) Certificate of Completion; b) RESOLUTION 2019-496 accepting the public improvements with DDVI, Inc. in the amount of \$3,370,994.38; and c) Retainage Payment in the amount of \$55,699.72.

53. RESOLUTION 2019-497 approving the construction contract and bonds with Edge Commercial for the construction of the Ankeny Public Services Library Remodel Project.

- Approval of Consent Agenda Items

1. Council member Holm moved, second by Whiting to approve the recommendations for Consent Agenda Items CA-1 through CA-53. Ayes: Holm, Whiting, McKenna, Walter-Ashby.

LEGISLATIVE BUSINESS

1. Ord 1987: An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 90 Water Service System. Council member Walter-Ashby moved, second by Whiting, to accept second consideration of ORDINANCE 1987. Ayes: Walter-Ashby, Whiting, Holm, McKenna.

2. Ord 1988: An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 91 Water Meters. Council member Holm moved, second by McKenna, to accept second consideration of ORDINANCE 1988. Ayes: Holm McKenna, Walter-Ashby, Whiting.

3. Ord 1989: An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by amending provisions pertaining to Chapter 98 Sewer Use Charges. Council member Whiting moved, second by Walter-Ashby, to accept second consideration of ORDINANCE 1989. Ayes: Whiting, Walter-Ashby, Holm, McKenna.

4. Ord 1991: An Ordinance amending Chapter 66, Load and Weight Restrictions, of the Municipal Code of the City of Ankeny, Iowa. Council member Walter-Ashby, second by Holm, to accept first consideration of ORDINANCE 1991. Ayes: Walter-Ashby, Holm, McKenna, Whiting.

Council member Whiting moved, second by Walter-Ashby, to accept staff request to suspend the rule that ordinances must be considered on three different days and accept second & third consideration of ORDINANCE 1991, sending it on its final passage and publication as required by law. Ayes: Whiting, Walter-Ashby, Holm, McKenna.

NEW BUSINESS

1. Council member Holm moved, second by Whiting, to adopt RESOLUTION 2019-498 making final determination on the potential sale of real estate located in the southwest quadrant of the intersection of SW Ordance Road and SW Des Moines Street within the City of Ankeny. (PH 2019-67) Ayes: Holm, Whiting, McKenna, Walter-Ashby.

2. Council member Whiting moved, second by Walter-Ashby, to adopt RESOLUTION 2019-499 approving an Amended Development Agreement between the City of Ankeny and Kreg Enterprises, Inc. (PH 2019-68) Ayes: Whiting, Walter-Ashby, Holm, McKenna.

ADMINISTRATIVE BUSINESS

- Report of the Governing Body:

Mayor Lorenz reminded council of the upcoming DART meeting to review the formula equalization and the tree lighting event scheduled for Friday, December 6 at 6 PM.

Council Member Walter-Ashby also reminded council of the many events this coming weekend in the business district.

ADJOURNMENT

1. At 5:46 PM Council member Holm moved, second by Walter-Ashby, to go into Executive Session, pursuant to the provisions of Iowa Code Section 21.5, subparagraph (c) “to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation”. Ayes: Holm, Walter-Ashby, McKenna, Whiting.
2. Upon coming out of Executive Session at 6:00 PM the regular meeting was adjourned.

Denise L. Hoy, City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 9th day of December, 2019. Audio file of this meeting is available by contacting the City Clerk’s Office