

MINUTES OF THE ANKENY CITY COUNCIL
Monday, August 19, 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 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.

PUBLIC FORUM:

1. Receive and file notice dated 7/31/2019 from resident property owners on NW 9th residing from Irvinedale to Park Lane.
2. Tony Konecne, Ankeny Chamber of Commerce, informed council of several upcoming Chamber events.
3. Gary Lohmann, 2850 NW North Creek Circle, addressed council concerning properties that were recently added to the FEMA Flood Plain map.

APPROVAL OF AGENDA:

1. Holm moved, Bentz seconded, to approve the August 5, 2019 Agenda as presented. Roll Call: Ayes - 5.

PUBLIC HEARING(S):

1. **PH 2019-54:** Mayor Lorenz stated that 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 the construction of certain public improvements described in general as the SE Crosswinds Drive RISE – Phase 1 project. Notice of this hearing was published in the Des Moines R

Paul Moritz, Assistant City Manager, provided a report to the Council on said project. Hearing no oral and receiving no written comments, Council member Walter- Ashby moved, Whiting seconded, to close the public hearing 2019-54. Roll Call: Ayes - 5.

2. **PH: 2019-55:** Mayor Lorenz stated 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 the construction of certain public improvements described in general as the Westwinds Channel Flood Repairs project. Notice of this hearing was published in the Des Moines Register on the 2nd day of August 2019.

Mark Mueller, Public Works Director, provide a report to the Council on said project. Hearing no oral and receiving no written comments, Council member Bentz moved, Walter- Ashby Whiting seconded, to close the public hearing 2019-55. Roll Call: Ayes - 5.

3. **PH 2019-56:** Mayor Lorenz state 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 the construction of certain public improvements described in general as the 2019 Sanitary Sewer

System Maintenance Program Cured in Place Pipe Slip Lining project. Notice of this hearing was published in the Des Moines Register on the 2nd day of August 2019.

Paul Moritz, Assistant City Manager, provided a report to the Council on said project. Hearing no oral and receiving no written comments, Council member McKenna moved, Holm seconded, to close the public hearing 2019-56. Roll Call: Ayes - 5.

REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Park Board - Aaron Bradshaw reported on activities of the Park and Recreation Board.

APPROVAL OF CONSENT AGENDA:

Minutes

1. Approval of official council actions of the regular meeting of August 5, 2019, as published, subject to correction, as recommended by the City Clerk.
2. Receive and file minutes of the Plan and Zoning Commission meeting of July 16, 2019.
3. Receive and file minutes of the Civil Service Commission Meeting on June 6, 2019.

Licenses and Permits

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

Finance/Budget

5. Consider motion to receive and file Financial Reports for July 2019.
6. Consider motion to receive and file the Building Permits Report for July 2019.
7. Consider motion to receive and file Utility Billing Report for July 2019.
8. Consider motion to approve Change Order #1 increasing the contract amount by 2,443.03 to Absolute Concrete Construction for construction services on the N Ankeny Blvd and NW/NE Georgetown Blvd Intersection Improvements project.
9. Consider motion to approve Payment #1 in the amount of \$176,874.44 to Absolute Concrete Construction, Inc. for construction services on the N Ankeny Blvd and NW/NE Georgetown Blvd Intersection Improvements project.
10. Consider motion to approve Payment #4 in the amount of \$579,196.80 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
11. Consider motion to approve Payment #4 in the amount of \$10,943.40 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.
12. Consider motion to approve Payment #14 in the amount of \$13,303.46 to Civil Design Advantage for engineering services on the Deer Creek Trunk Sewer Extension Design project.
13. Consider motion to approve Change Order #2 decreasing the contract amount by \$3,069.50 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.
14. Consider motion to approve Payment #4 in the amount of \$789,012.05 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.

15. Consider motion to approve Payment #2 in the amount of \$198,786.55 to Con-Struct, Inc., for construction services on the SW State Street & SW Prairie Trail Parkway Intersection Improvements project.
16. Consider motion to approve Payment #2 in the amount of \$326,871.25 to Halbrook Excavating, for construction services on the 2019 PCC Reconstruction Program - NW 9th Street project.
17. Consider motion to approve Payment #4 in the amount of \$126,511.50 to Halbrook Excavating, for construction services on the SE East Lawn Area Utility Improvements-Phase 2 project.
18. Consider motion to approve Payment #11 in the amount of \$14,862.08 to HDR Engineering, Inc., for Engineering Services on the Ankeny Sanitary Sewer Master Plan project.
19. Consider motion to approve Payment #4 in the amount of \$101,792.48 to Herberger Construction Co., Inc., for construction services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek project.
20. Consider motion to approve Change Order #1 increasing the contract amount by \$970.50 to Howrey Construction, Inc. for construction services on the NE Delaware Avenue and NE 18th Street Pedestrian Improvements project.
21. Consider motion to approve Payment #1 in the amount of \$49,798.53 to Howrey Construction, Inc. for construction services on the NE Delaware Avenue and NE18th Street Pedestrian Improvements project.
22. Consider motion to approve Payment #1 in the amount of \$141,351.05 to Howrey Construction, Inc., for construction services on the NE Delaware Avenue Sidewalk Connection project.
23. Consider motion to approve Change Order #1 increasing the contract amount by \$4,822.50 to Howrey Construction, Inc. for construction services on the NE Delaware Avenue Sidewalk Connection project.
24. Consider motion to approve Payment #21 in the amount of \$5,157.18 to HR Green, Inc., for engineering services on the NW Irvinedale Drive Reconstruction (Design) project.
25. Consider motion to approve Payment #1 in the amount of \$38,016.15 to JDA Construction for construction services on the 2019 - Pedestrian Ramp Improvements project.
26. Consider motion to approve Payment #1 in the amount of \$116,347.94 to Jensen Construction Company for construction services on the North Creek Slope and Channel Flood Repair project.
27. Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$41,500.00 with JEO Consulting Group, Inc. for construction engineering services on the Tradition Park Stormwater Detention Basin Flood Repair project.
28. Consider motion to approve Change Order #1 increasing the contract amount by \$38,085.85 to OMG Midwest, Inc., dba Des Moines Asphalt & Paving, for construction services on the SE Creekview Drive Roadway Improvements project.
29. Consider motion to approve Payment #1 in the amount of \$130,008.97 to OMG Midwest, Inc. dba Des Moines Asphalt & Paving for construction services on the SE Creekview Drive Roadway Improvements project.
30. Consider motion to approve Payment #3 in the amount of \$216,062.66 to On Track Construction, for construction services on the SW Irvinedale Dr. Transmission Main-Phase 1 project.

31. Consider motion to approve Payment #31 in the amount of \$28,310.40 to OPN Architects for construction administration services on the Ankeny Kirkendall Public Library project.
32. Consider motion to approve Payment #1 in the amount of \$278,742.35 to Rognes Corporation for construction services on the Deer Creek Trunk Sewer Extension project.
33. Consider motion to approve Payment #1 in the amount of \$31,611.25 to Shekar Engineering P.L.C., for engineering services on the 2019 - Crestbruck Park Recreation Trail Replacements & Miscellaneous Trail Patches project.
34. Consider motion to approve the August 19, 2019 Accounts Payable from the following Funds: General \$215,232.30, Parks Improvements \$2,670.82, Road Use Tax \$15,486.92, Police/Fire Pension \$986.00, Library Foundation \$6.69, Solid Waste \$67,492.11, Water \$569,956.14, Sewer \$695,415.82, Stormwater \$7,468.74, Golf Course \$35,751.49, Enterprise Project \$734,883.26, Revolving \$250.57, Risk Mgmt \$49,356.00, Health Insurance \$20.00, BAN/Bond Activity Fund \$9,500.00, Capital Projects \$2,708,317.54, Payroll \$1,150,094.26, Less Service Transfers/ACH Drafts (\$169,733.18), Less Agenda Pymts Apprvd Separately (\$3,378,608.81).Grand Total \$2,714,546.67
35. Consider motion to adopt RESOLUTION 2019-340 authorizing the purchase of a storage attached network device, virtual host servers and ethernet switches for Information Technology.
36. Consider motion to adopt RESOLUTION 2019-341 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Allmakes.
37. Consider motion to adopt RESOLUTION 2019-342 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Library Furniture International.
38. Consider motion to adopt RESOLUTION 2019-343 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Pigott.
39. Consider motion to adopt RESOLUTION 2019-344 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Saxton.
40. Consider motion to adopt RESOLUTION 2019-345 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Storey Kenworthy.
41. Consider motion to adopt RESOLUTION 2019-346 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Triplett.
42. Consider motion to adopt RESOLUTION 2019-347 authorizing the purchase of interior furnishings for the Ankeny Kirkendall Public Library - Workspace.

Personnel Items

43. Consider motion to accept the Civil Service Commission certified lists for appointment for Customer Service Representative- Utilities, Civil Engineer I, Lead Equipment operator, subject to passing any further department requirements.

Community Development Items

44. Consider motion for preliminary approval of Kimberley Estates Plat 1 Final Plat and cost participation for the extension of 12-inch water main along NE Delaware Avenue in the amount of \$13.75 per linear foot (\$17,476.25 total) and the 8-foot wide shared use path proposed along NE Delaware Avenue in the amount of \$10.50 per linear foot (\$9,796.50 total).
45. Consider motion to approve the Watters South Acreage Preliminary Plat, subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

46. Consider motion to adopt RESOLUTION 2019-348 accepting a public storm water management facility maintenance covenant and permanent easement agreement located on a part of Lot 2, Northpointe Village Center Plat 2; associated with Fitness World, located at 2325 N Ankeny Blvd.
47. Consider motion to adopt RESOLUTION 2019-349 granting a permanent MidAmerican Energy Company Easement located on Lot 1, Ankeny Fire Station No. 2 for the construction of underground electric services, associated with the development of Ankeny Lofts.
48. Consider motion to adopt RESOLUTION 2019-350 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 northeast quadrant of Ankeny owned by Scott A. and Gale O'Mara and D.R.A. Properties, L.L.C.
49. Consider motion to adopt RESOLUTION 2019-351 authorizing the Mayor to sign a hold harmless agreement allowing D.R. Horton - Iowa, Inc. to place a recreation facility within a public gas easement, public utility easement, public water main easement, and storm sewer and storm water management easement for property located at 3113 NW Linwood Lane, on Lot 110, 36 West Plat 4.
50. Consider motion to adopt RESOLUTION 2019-352 accepting final plat, subdivision bonds for seeding and erosion control, platted easements, and cost share requests for water main and trail for Panama Transfer Addition.
51. Consider motion to adopt RESOLUTION 2019-353 setting a public hearing on the proposal to vacate a portion of a 100 Year Flood, Future Construction, Storm Sewer, and Surface Drainage Easement located within Barclay Plat 5, Lot 7. (hrg date: 9/3/2019 @ 5:00 pm.)

Engineering Items

52. Consider motion to adopt RESOLUTION 2019-354 authorizing the Mayor to sign a project funding agreement with Don W. Huffy and Etta M. Huffy, concerning the construction of the Private Improvements Portion of the Westwinds Channel Flood Repairs project.
53. Consider motion to adopt RESOLUTION 2019-355 authorizing the Mayor to sign a project funding agreement with the Retzinger Family Trust, Edward J. Retzinger, Jr.(Trustee), and Nancy M. Retzinger (Trustee), concerning the construction of the Private Improvements Portion of the Westwinds Channel Flood Repairs project.
54. Consider motion to adopt RESOLUTION 2019-356 authorizing the execution of the Oxbow Restoration Agreement between The Nature Conservancy and the City of Ankeny.
55. Consider motion to adopt RESOLUTION 2019-357 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of sanitary trunk sewer in the Kimberley Estates Plat 1 Trunk Sewer Extension Project.
56. Consider motion to adopt RESOLUTION 2019-358 authorizing the mayor to sign a development agreement with Bill Kimberley, LC concerning the construction of the Kimberley Estates Plat 1 Sanitary Trunk Sewer Extension in the City of Ankeny, Iowa.
57. Consider motion to adopt RESOLUTION 2019-359 approving an Emergency Watershed Protection Easement between the City of Ankeny, Iowa and the United States of America.

Capital Improvement Projects

58. Southeast Prairie Trail Native Planting Project: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2019-360 accepting the public improvement with Applied Ecological Services, Inc., in the amount of \$100,966.40; and c) Retainage Payment in the amount of \$5,048.32.

Approval of Consent Agenda Items

Council member Whiting moved, Holm seconded to approve consent agenda Items CA-1 through CA-58. Roll Call: Ayes - 5.

LEGISLATIVE BUSINESS:

1. Council member Walter-Ashby moved, Holm seconded to accept the second reading of Ord 1978 - 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 JDEV, LLC. Roll Call: Ayes - 5.

Council member Whiting moved, Bentz seconded, to accept staffs request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1978, sending it on its final passage and publication as required by law.

2. Council member Holm moved, second by Walter-Ashby to accept the second reading of Ord 1979 - 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 Rose Marie Reinhart. Roll Call: Ayes - 5.
3. Walter-Ashby moved, Whiting seconded, to accept the second reading of Ord 1980 - 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 Diamond Development LLC. Roll Call: Ayes - 5.

NEW BUSINESS:

1. SE Crosswinds Drive RISE - Phase 1 (PH 2019-54)
Whiting moved, Bentz seconded, to approve 1) RESOLUTION 2019-361 adopting plans, specifications, form of contract, and estimate of cost (\$2,107,219.00) 2) receive and file report of bids received August 13, 2019 3) adopt RESOLUTION 2019-362 making award of construction contract with Sternquist Construction in the amount of \$1,763,555.00 4) RESOLUTION 2019-363 approving contract and bonds with Sternquist Construction in the amount of \$1,763,555.00. Roll Call: Ayes - 5.
2. Westwinds Channel Flood Repairs Project (PH 2019-55)
Holm moved, Walter-Ashby seconded, to approve 1) RESOLUTON 2019-364 adopting said plans, specifications, form of contract, and estimated cost for Bid Option #1 (314,363.00) and Bid Option #2 (\$336,218.00) 2) Receive and file the report of bids received on August 13, 2019 3) RESOLUTION 2019-365, making award of construction contract for Bid Option #2 to Jasper Construction Services of Newton, Iowa in the amount of \$327,655 3) RESOLUTION 2019-366 approving contract and bonds with Jasper Construction Services for Bid Option #2 in the amount of \$327,655.00. Roll Call: Ayes - 5.
3. 2019 Sanitary Sewer System Maintenance Program Cured in Place Pipe Slip Lining Project (PH 2019-56)
Walter-Ashby moved, Bentz seconded, to approve 1) RESOLUTION 2019-367 adopting plans, specifications, form of contract, and estimate of cost (\$488,392.00) 2) receive and file report of bids received August 13, 2019 3) RESOLUTION 2019-368 making award of construction contract with Hydro Klean in the amount of \$551,035.30 4) RESOLUTION 2019-

369 approving contract and bonds with Hydro Klean in the amount of \$551,035.30. Roll Call: Ayes - 5.

4. Hawkeye Pond Improvements - Initiate Proceedings
Holm moved, Whiting seconded, to adopt RESOLUTION 2019-370 ordering construction on Hawkeye Pond Improvements Project and fixing a date for hearing and taking of bids (date of bid-letting: 9/10/19 @ 10:30 a.m./date of hrg: 9/16/19 @ 5:30 p.m.) Roll Call: Ayes - 5.
5. Parks Maintenance Facility Renovation/Expansion Project: Professional Service Agreement for architectural services with ASK Studio.
Whiting moved, Walter-Ashby seconded, to approve the Professional Services Agreement with ASK Studio for design, bidding and construction services needed to facilitate the remodeling and expansion of the Parks Maintenance Facility in an amount not to exceed \$110,000.00 and authorize the Mayor to execute said Agreement. Roll Call: Ayes - 5.
6. Request for a barbed wire fence at 725 SE 54th St, Panama Transfer
Bentz moved, Walter-Ashby seconded, to approve the request for barbed wire fencing at 725 SE 54th St, Panama Transfer. Roll Call: Ayes - 5.
7. The District Association Temporary Street Closure - World Championship Chili Cook-off on September 1-10, 2019
Holm moved, Whiting seconded, to adopt RESOLUTION 2019-371 authorizing the temporary closing of Collector Streets in the City of Ankeny for the purpose of a World Chili Championship Cook-off. Roll Call: Ayes - 5.
8. The District Association Noise Permit - World Championship Chili Cook-off, September 6 from 6 AM - 11 PM, September 7 from 8 AM - 11 PM, September 8 from 8 AM to 9 PM
Walter-Ashby moved, Whiting seconded, to reverse the denial of a Noise Permit for The District Associations- World Championship Chili Cook-off, September 6 from 6 AM - 11 PM, September 7 from 8 AM - 11 PM, September 8 from 8 AM to 9 PM. Roll Call: Ayes - 5.
9. Catch Des Moines Noise Permit - Annual Celebration August 28, 2019 4 PM-8 PM
Holm moved, Whiting seconded, to reverse the denial of a Noise Permit for Catch Des Moines Noise Permit - Annual Celebration August 28, 2019 4 PM-8 PM. Roll Call: Ayes - 5.

ADMINISTRATIVE BUSINESS:

City Manager, David Jones, reminded Council that the September 2, at 5:30 PM meeting was moved to Tuesday, September 3 at 5 PM due to the Holiday. He also asked Eric Jensen to give council a brief review of where the new Zoning Code process currently stands.

Mayor Lorenz informed council that the DART meeting had been re-scheduled to September 13 at DART Central Station.

Council Reports:

Bentz - reported she had attended the MAC meeting.

Holm - asked about the completion time for the Library. Jones informed council that he expects a late November completion date.

Walter-Ashby - Asked David to look into the DNR program for Flood Plains.

ADJOURNMENT:

Council adjourn regular session at 6:34 PM and convene the Council Strategic Planning Session for council members and upper management.

Denise L. Hoy, City Clerk

Gary Lorenz, Mayor

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