

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

Monday, September 16, 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. All Council Members were in attendance. City Manager, David Jones and City Attorney, Amy Beattie were present. Mayor Lorenz led the Pledge of Allegiance.

### **PUBLIC FORUM:**

Ann Tiernan, 1018 NW Reinhart Drive, spoke on behalf of the Chamber of Commerce. Ann shared upcoming Chamber events.

### **APPROVAL OF AGENDA:**

1. Council member Holm moved to approval of the September 16, 2019 Agenda without amendment, second by Whiting. Ayes: 5.

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

1. **PH 2019-58** Mayor Lorenz state that this is the time and the place for a public hearing on a proposed amendment to 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, from the current R-1, One-Family Residence District, to R-2, One-Family and Two-Family Residence District. Notice of this hearing was published in the Des Moines Register on the 7<sup>th</sup> day of September, 2019.

Eric Jensen, Director of Planning and Building, provide a report on this proposed rezoning. D.R. Horton - Iowa LLC is requesting to rezone property from R-1, One-Family Residence District, to R-2, One-Family and Two-Family Residence District. The subject property is approximately 10 acres, located east of NW Abilene Road and approximately a third of a mile north of NW 36th Street. The properties to the north, south and east of the proposed rezoning area are zoned R-1, One-Family Residence District. The property to the west is zoned R-2, One-Family and Two-Family Residence District.

The following spoke regarding the rezoning:

- Steve Wall, 4409 NW Abilene Rd, voiced concerns regarding storm water run-off.
- Don Ocheltree, 4210 NW Abilene Rd, voiced concerns regarding storm water run-off
- Ray Micheel, 4205 NW Abilene Rd, voiced concerns regarding traffic patterns by changing the zoning.
- Erin Ollendike, Civil Design Advantage, spoke on behalf of D.R. Horton and was able to show a DRAFT of a preliminary plat to the area being developed if zoning is approved.

Hearing no other comments and receiving no written comments, Mayor Lorenz called for the public hearing to be closed. Council member Walter-Ashby moved to close the hearing, Bentz seconded. Ayes: 5.

2. **PH 2019-59** 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 Hawkeye Pond Project. Notice of this hearing was published in the Des Moines Register on the 30th day of August 2019.

Nick Lenox, Park and Recreation Director, provide a report to the Council on said project. Hearing no oral and receiving no written comments, Council member Holm moved, Whiting seconded, to close the public hearing 2019-59. Roll Call: Ayes - 5.

#### **REPORTS OF ADVISORY BOARDS AND COMMISSION:**

1. In the absence of Park Board Representative Josh Craighead, Director Lenox, reported on upcoming activities and projects for the Park Board.

#### **APPROVAL OF CONSENT AGENDA:**

##### Minutes

1. Official council actions of the regular meeting of 9/3/2019, as published.
2. Receive and file minutes of the Plan & Zoning Commission meeting of 08/20/2019.
3. Receive and file minutes of the Zoning Board of Adjustment meeting of 08/20/2019.
4. Receive and file minutes of the Civil Service Commission meeting of 08/12/2019.

##### Licenses and Permits

5. Consider the issuance of Cigarette/Tobacco/Nicotine/Vapor Permits for October 21, 2019 - June 30, 2020.
6. Consider the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

##### Finance/Budget

7. Receive and file Financial Reports for August 2019.
8. Receive and file the Building Permits Report for August 2019
9. Receive and file Utility Billing Report for August 2019.
10. Payment #2 in the amount of \$115,147.13 to Absolute Concrete Construction, Inc. for construction services on the N Ankeny Blvd and NW/NE Georgetown Blvd Intersection Improvements project.
11. Change Order #3 increasing the contract amount by \$4,235.00 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
12. Payment #5 in the amount of \$427,644.80 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.
13. Payment #15 in the amount of \$9,096.80 to Civil Design Advantage for engineering services on the Deer Creek Trunk Sewer Extension Design project.
14. Payment #14 in the amount of \$6,943.40 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 1 and SE Peterson/SE Trilein Storm Sewer Improvements project.

15. Payment #8 in the amount of \$1,303.80 to Civil Design Advantage for engineering services on the SE East Lawn Area Utility Improvements - Phase 2 project.
16. Payment #5 in the amount of \$18,036.00 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.
17. Payment #5 in the amount of \$20,245.45 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.
18. Change Order #1 decreasing the contract amount by \$12,112.50 to Con-Struct, Inc., for construction services on the SW State Street and SW Prairie Trail Parkway Intersection Improvements project
19. Payment #3 in the amount of \$300,714.90 to Con-Struct, Inc., for construction services on the SW State Street & SW Prairie Trail Parkway Intersection Improvements project.
20. Payment #1 in the amount of \$50,641.19 to Halbrook Excavating, for construction services on the High Trestle Trail Extension SW Ordinance to SE Magazine project.
21. Payment #5 in the amount of \$102,904.00 to Halbrook Excavating, for construction services on the SE East Lawn Area Utility Improvements-Phase 2 project.
22. Payment #12 in the amount of \$6,442.25 to HDR Engineering, Inc., for Engineering Services on the Ankeny Sanitary Sewer Master Plan project.
23. Payment #5 in the amount of \$224,545.00 to Herberger Construction Co, Inc. for construction services at NE 54th Street Bridge Replacement over Branch of Fourmile Creek project.
24. Change Order #2 increasing the contract amount by \$9,803.00 to Howrey Construction, Inc. for construction services on the NE Delaware Avenue Sidewalk Connection project.
25. Payment #2 in the amount of \$22,282.08 to Howrey Construction, Inc., for construction services on the NE Delaware Avenue Sidewalk Connection project.
26. Payment #1 in the amount of \$84,810.93 to McAninch Corporation, for construction services on the SW Des Moines Street - Magazine to 11th project.
27. Change Order #2 decreasing the contract amount by \$65,700.90 to OMG Midwest, Inc., dba Des Moines Asphalt & Paving, for construction services on the SE Creekview Drive Roadway Improvements project.
28. Payment #2 in the amount of \$578,446.88 to OMG Midwest, Inc. dba Des Moines Asphalt & Paving for construction services on the SE Creekview Drive Roadway Improvements project.
29. Payment #4 in the amount of \$225,541.16 to On Track Construction, for construction services on the SW Irvinedale Dr. Transmission Main-Phase 1 project.
30. Payment #2 in the amount of \$609,627.83 to Rognes Corporation for construction services on the Deer Creek Trunk Sewer Extension project.
31. Payment #2 in the amount of \$66,460.20 to Shekar Engineering P.L.C., for engineering services on the 2019 - Crestbruck Park Recreation Trail Replacements & Miscellaneous Trail Patches project.
32. Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$187,950.00 with Snyder and Associates for construction engineering services on the SE Crosswinds Drive - RISE project.
33. Change Order #20 increasing the contract amount by \$87,312.00 to Stahl Construction, Inc. for construction services on the Ankeny Kirkendall Public Library project.
34. Change Order #21 increasing the contract amount by \$39,496.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

35. Payment #9 in the amount of \$20,192.25 to SVPA Architects, Inc., for design services for the Public Services Building and City Hall Renovation project.
36. Payment #23 in the amount of \$2,800.48 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.
37. September 16, 2019 Accounts Payable from the following funds: General \$205,621.37, Hotel Motel Tax \$311,834.62, Road Use Tax \$144,885.11, Police/Fire Pension \$2,077.00, Library Foundation \$62.53, Miracle Park Fund \$1,495.20, Ankeny Foundation Fund \$4,673.53, Solid Waste \$67,492.11, Water \$492,424.67, Sewer \$694,813.01, Stormwater \$7,007.16, Golf Course \$27,542.23, Enterprise Project \$928,084.32, Revolving \$18,521.74, Risk Mgmt \$55,416.50, Health Insurance \$120.00, Capital Projects \$2,131,163.57, Payroll \$1,047,697.19, Less Service Transfers/ACH Drafts (\$171,781.97), Less Agenda Pymts Apprvd Separately (\$3,048,136.93).Grand Total \$2,921,012.96.
38. RESOLUTION 2019-383 transferring funds from the General Fund to the Capital Project Reserve Fund.
39. Receive and file the Cash Basis Financial Report for Fiscal Year 2019.
40. RESOLUTION 2019-384 approving Street Financial Report for the Iowa Department of Transportation for fiscal year 2019 - July 1, 2018 through June 30, 2019.

#### Personnel Items

41. Approve the list of employees certified eligible for promotion to the position of Fire Engineer, Utilities Operator II - Wastewater, and Police Officer Candidates eligible, subject to passing all other requirements.

#### Community Development Items

42. Grant preliminary approval of The Crossings at Deer Creek Plat 6 Final Plat; and a cost participation request for the extension of 15-inch sanitary sewer in an amount estimated to be \$1,005.
43. RESOLUTION 2019-385 accepting the final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, park site dedication agreement, and platted easements for The Crossings at Deer Creek Plat 4
44. RESOLUTION 2019-386 accepting the final plat, warranty deeds for streets, and platted easements for Crosswinds Business Park Plat 1.
45. RESOLUTION 2019-387 accepting the final plat for Ironman, subject to applicable Polk County Subdivision requirements in lieu of the City of Ankeny Subdivision Regulations.
46. RESOLUTION 2019-388 accepting final plat, warranty deed for streets, performance bond for erosion control, and performance and maintenance bonds for paving and underground improvements for Parkway North at Prairie Trail Plat 2.
47. RESOLUTION 2019-389 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Parkway North at Prairie Trail Plat 2.
48. RESOLUTION 2019-390 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Parkway North at Prairie Trail Plat 2.
49. RESOLUTION 2019-391 setting a public hearing on the proposal to vacate a portion of an Access Easement located within Vernon Associates Addition Plat 1, Lot 1. (date of hrg: 10/7/2019 @ 5:30 pm.)

## Engineering Items

50. RESOLUTION 2019-392 accepting maintenance bond for water main, sanitary sewer and storm sewer in The Crossings at Deer Creek Plat 4.
51. RESOLUTION 2019-393 accepting maintenance bond for paving in The Crossings at Deer Creek Plat 4.
52. RESOLUTION 2019-394 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of public storm sewer improvements for the Crosswinds Plat 1 project.
53. RESOLUTION 2019-395 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving for the Crosswinds Plat 1 project.
54. RESOLUTION 2019-396 accepting a proposal from Soil-tek in the amount of \$35,250.00 for the construction of the 2019 Public Works Dept. Surface Restoration project.

## Capital Improvement Projects

55. 2019 Pedestrian Ramp Improvement Program Approve Final Change Order #1 decreasing the contract amount by \$9,460.00; b) Certificate of Completion; c) RESOLUTION 2019-397 accepting the public improvements with JDA Construction in the amount of \$114,910.00; and d) Final Payment #2 in the amount of \$71,148.35 / Release of Retainage in the amount of \$5,745.50.
56. SE Convenience Boulevard Extension Project: Approve a) Final Change Order #1 decreasing the contract amount by \$1,214.01; b) Engineer's Certificate of Completion; c) RESOLUTION 2019-398 accepting the public improvements completed by Concrete Technologies, Inc. in the amount of \$797,665.78; d) Final Payment #7 in the amount of \$15,505.25 and Retainage Payment in the amount of \$31,300.00.
57. 2019 PCC Reconstruction Program - NW 9th Street: Approve a) Final Change Order #1 decreasing the contract amount by \$25,022.00; b) Certificate of Completion; c) RESOLUTION 2019-399 accepting the public improvements with Halbrook Excavating, Inc. in the amount of \$524,978.00; and d) Final Payment #3 in the amount of \$4,362.40 / Release of Retainage in the amount of \$26,248.90.

## Administrative Items

58. Consider the issuance of a special permit to Jonathan Trigg for the purpose of bow hunting of deer for the hunting season effective October 1, 2019 through December 6, 2019 and December 23, 2019 through January 10, 2020 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
59. Consider the issuance of a special permit to Chris Mund for the purpose of bow hunting of deer for the hunting season effective October 1, 2019 through December 6, 2019 and December 23, 2019 through January 10, 2020 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
60. Consider the issuance of a special permit to Eric Welchers for the purpose of bow hunting of deer for the hunting season effective October 1, 2019 through December 6, 2019 and December 23, 2019 through January 10, 2020 on private property within the city limits pursuant to Municipal Code Section 41.11(3).
61. Authorize the City Manager to execute the 2019/2020 Ankeny Leadership Institute Consulting Agreement.

Council member Walter-Ashby moved to approve the Consent Agenda Items CA-1 through CA-61, Whiting seconded. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.

#### **LEGISLATIVE BUSINESS:**

1. Council member Holm moved, second by Walter-Ashby, to adopt the second reading of ORDINANCE 1981 vacating a portion of a 100 Year Flood, Future Construction, Storm Sewer, and Surface Drainage Easement located within Barclay Plat 5, Lot 7. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.

Council member Holm moved, second by Whiting, to accept applicants request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1981, sending it on its final passage and publication as required by law. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.

Council member Walter-Ashby moved, second by Whiting, to adopt a RESOLUTION 2019-400 authorizing the sale of real estate vacated by the City of Ankeny to Eric and Joan Hoch. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.

2. Council member Holm moved, second by Bentz, to accept the first reading of ORDINANCE 1982 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. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.

#### **NEW BUSINESS:**

1. Hawkeye Pond Improvements. Council member Walter-Ashby moved, Whiting seconded to approve 1) RESOLUTION 2019-401 adopting said plans, specifications, form of contract, and estimated cost (\$318,000) for the Hawkeye Pond Improvements 2) Receive and file the report of bids received on September 10, 2019. 3) Adopt RESOLUTION 2019-402 rejecting the results of the bids received on September 10, 2019. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.
2. SW State Street Reconstruction - Northbound Lanes. Council member Whiting moved, Bentz seconded, to approve the Professional Services Agreement with HR Green, Inc. for design engineering services on the SW State Street Reconstruction - Northbound Lanes project in an amount not to exceed \$127,500.00 and authorize the Mayor to execute said Agreement. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.
3. SE East Lawn Area Utility Improvements - Phase 3. Council member Whiting moved, second by Walter-Ashby, to approve the Professional Services Agreement with Civil Design Advantage for design engineering services on the SE East Lawn Area Utility Improvements - Phase 3 project in an amount not to exceed \$93,380.00 and authorize the Mayor to execute said Agreement. Ayes: Bentz, Holm, McKenna, Walter-Ashby, Whiting.
4. Council member Whiting moved, second by Bentz, to adopt RESOLUTION 2019-402 authorizing the temporary closing of NW 13th Street between NW Boulder Brook Drive and NW Boulder Ridge Lane for the purpose of a block party. Ayes: Bentz, Holm, McKenna, Whiting. Nays: Walter-Ashby.

**ADMINISTRATIVE BUSINESS:**

City Manager David Jones asked council to check their calendars to see if Friday, November 1 at 9 AM would work to hold the Strategic Planning Session.

David also briefed council on a memo he would be sending to them regarding the Polk County Emergency Management agreement.

Mayor Gary Lorenz update council on the DART facility and the discussions concerning the tax formula used for DART. Lorenz also informed council that he and David had been meeting with the Des Moines Water Works to discuss potential reorganization efforts.

**ADJOURNMENT**

Council adjourned regular session at 6:20 PM and moved into the CAPS meeting.

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Denise L. Hoy, City Clerk

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Gary Lorenz, Mayor

Published in the Des Moines Register on the 23rd day of September, 2019. Audio file of this meeting is available by contacting the City Clerk's Office.