

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, October 3, 2016 – 5:30 PM
Ankeny City Hall - City Council Chambers
410 West First Street, Ankeny, Iowa

Gary Lorenz, Mayor
Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jim McKenna, Wade Steenhoek, Kerry Walter-Ashby

Mayor Pro tem Holm 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 Pro tem Holm led the Pledge of Allegiance.

CEREMONY: none

A. PUBLIC FORUM:

1. **Open Forum:** Tom Smolik, 3013 SW Brookline Drive, addressed the Council regarding amending the City Code that would allow chickens within the City limits.

Mayor Pro tem Holm stated there was not enough support on council to change the ordinance. He stated Mayor Lorenz would be willing to meet with Mr. Smolik to discuss the ordinance and his request.

Renee Murphy, representing the Ankeny Area Chamber of Commerce, presented an update on the Chamber's activities and events.

B. APPROVAL OF AGENDA:

1. Approval of the October 3, 2016 Agenda:

Action# B1-1. Bentz made the motion to approve and accept the October 3, 2016 agenda, without amendment, seconded by McKenna.

ROLL CALL

2016-1003.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2016-51:** Proposed assessments for unpaid costs of cutting or eliminating vegetation upon property lying within the City of Ankeny.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on both the 9th and 16th days of September, 2016.

No written objections were filed and no oral objections were offered from the audience.

Jennifer Sease, Administrative Services Director, reported the City of Ankeny, after due notice to the listed property owners, cut or eliminated grass and/or weeds that exceeded the height restrictions as defined in Municipal Code Chapter 167. The property owners were invoiced for the cost of the destruction. The unpaid costs are now subject to assessment against the property.

Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2016-51, seconded by Steenhoek.

ROLL CALL

2016-1003.C1-1 YES 5 NO 0

2. **PH 2016-52:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by Jerry's Homes, Inc., from R-1 to R-3, restricted to single family.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 23rd day of September, 2016.

No written objections were filed and no oral objections were offered from the audience.

Eric Jensen, Planning & Building Director, reported Jerry's Homes, Inc., requested to rezone property from R-1, One-Family Residence District to R-3, Multiple-Family Residence District, restricted to single family. The request is for approximately 55.93 acres. The subject property is located in the northwest quadrant of Ankeny, generally north of NW 18th Street and the High Trestle Trail and east of NW Irvinedale Drive.

Action# C2-1. Bentz made the motion to close Public Hearing 2016-52, seconded by Walter-Ashby.

ROLL CALL

2016-1003.C2-1 YES 5 NO 0

3. **PH 2016-53:** Proposed vacation of a public utility easement associated with Common Lot A, Miller's Pointe Plat 1.

Mayor Lorenz opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 23rd day of September, 2016.

No written objections were filed and no oral objections were offered from the audience.

Eric Jensen, Planning & Building Director, reported Benelli Homes, LLC has requested the vacation of a public utility easement on Common Lot A, Miller's Pointe Plat 1 to facilitate the development of this property.

Action# C3-1. Steenhoek made the motion to close Public Hearing 2016-53, seconded by Walter-Ashby.

ROLL CALL

2016-1003.C3-1 YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. **Representatives:** none

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**
CA - 1 Approval of official council actions of the regular meeting of September 19, 2016, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Ankeny Cultural Arts Board meeting of August 15, 2016.

CA - 3 Receive and file minutes of the Plan & Zoning Commission meeting of September 6, 2016.

Licenses and Permits

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

CA - 5 Consider motion to approve the issuance of cigarette permit for October 4, 2016 - June 30, 2017.

- **Finance/Budget**

CA - 6 Consider motion to approve Change Order #1 decreasing the contract amount by \$2,222.71 to Grimes Asphalt & Paving, for construction services on the 2016 HMA Program project.

CA - 7 Consider motion to approve Payment #1 in the amount of \$182,915.85 to Grimes Asphalt & Paving for construction services on the 2016 HMA Program project.

CA - 8 Consider motion to approve Payment #2 in the amount of \$231,471.68 to Howrey Construction for construction services on the IA-415/SW State St. and SW White Birch Dr. Traffic Signal project.

CA - 9 Consider motion to approve Change Order #1 increasing the contract amount by \$2,512.00 to Minturn, Inc., for construction services on the Sunrise Park Improvements project.

CA - 10 Consider motion to approve Payment #3 in the amount of \$93,698.05 to Minturn Inc., for construction services on the Sunrise Park Improvements project.

CA - 11 Consider motion to approve Payment #13 in the amount of \$3,883.20 to MSA Professional Services, Inc., for engineering services on the East First Street Rural Water Main Extension (Design) project.

CA - 12 Consider motion to approve Payment #5 in the amount of \$53,347.50 to Nilles Associates, Inc., for engineering services on the SW Prairie Trail Parkway - East Extension project.

CA - 13 Consider motion to approve Payment #1 in the amount of \$28,247.50 to Nilles Associates, Inc., for engineering services on The District Public Parking Lot-Phase 4 project.

CA - 14 Consider motion to approve Payment #69 in the amount of \$22,827.34 to Snyder & Associates, Inc., for engineering services on the East 1st Street Interchange Reconstruction project.

CA - 15 Consider motion to approve Payment #50 in the amount of \$2,732.50 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st Street Interchange to NE 36th St project.

CA - 16 Consider motion to approve Payment #19 in the amount of \$37,598.21 to Snyder & Associates, Inc., for engineering services on the NE 36th St., Bridge Widening & Roadway Reconstruction project.

CA - 17 Consider motion to approve Payment #64 in the amount of \$5,098.15 to Snyder & Associates, Inc., for engineering services on the NE Tributary (A) to Fourmile Creek project.

CA - 18 Consider motion to approve Payment #7 in the amount of \$650.20 to Snyder & Associates, Inc., for engineering services for the Sunrise Park Improvements project.

CA - 19 Consider motion to approve Payment #7 in the amount of \$3,701.20 to Snyder & Associates, Inc., for engineering services on the SW State Street & SW White Birch Drive Traffic Signal project.

CA - 20 Consider motion to approve Payment #14 in the amount of \$11,682.50 to Snyder & Associates, Inc., for engineering services on the SW Vintage Pkwy Connection Project.

CA - 21 Consider motion to approve the October 3, 2016 Accounts Payable from the following funds: General \$254,109.71, Road Use Tax \$175,350.28, Library Foundation \$726.90, Water \$144,136.87, Sewer \$17,154.00, Stormwater \$16,173.35, Golf Course \$11,783.71, Enterprise Project \$76,406.35, Revolving \$16,400.86, Risk Mgmt \$86,374.67, Health Insurance 5,050.18, Capital Projects \$706,666.88, Payroll \$1,097,145.33, Less Srvc Trnsfrs/ACH Drafts (\$145,017.73), Less Agenda Pymts Approved Separately (\$749,900.55), Grand Total \$1,712,560.81 (Finance Committee: W. Steenhoek, Chp., B. Bentz, K. Walter-Ashby)

CA - 22 Consider motion to adopt RESOLUTION 2016-352 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the cost of nuisance abatement against property (PH 2016-51).

- **Personnel Items:** none

- **Community Development Items**

CA - 23 Consider motion to approve the Prairie Trail Southeast Neighborhood Plan.

CA - 24 Consider motion to approve the Clover Ridge East Plat 2 Preliminary Plat and recommend approval of the street names SE Justice Court, SE Justice Drive, SE Shamrock Court, SE Shamrock Drive, SE Oliver Court and SE Oliver Drive.

CA - 25 Consider motion to adopt RESOLUTION 2016-353 accepting final plat, performance bonds for underground improvements, letter of credit seeding and erosion control for Autumn Crest Plat 6.

CA - 26 Consider motion to adopt RESOLUTION 2016-354 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer, and storm sewer in Autumn Crest Plat 6.

CA - 27 Consider motion to adopt RESOLUTION 2016-355 accepting final plat, deed to street, parksite dedication agreement, payment for future water main installation, and platted easements for Pine View Estates Plat 6.

CA - 28 Consider motion to adopt RESOLUTION 2016-356 accepting final plat, deed to streets and platted easements for Siena Hills Plat 6.

CA - 29 Consider motion to adopt RESOLUTION 2016-357 accepting final plat, deed to street, letter of credit for erosion control, performance and maintenance bonds for underground improvements, platted easements, approval of cost participation for trail upsizing, payment in lieu of parksite dedication, and payment for a turn lane to be constructed on NW Irvinedale Drive for Village at Trestle Crossing Plat 1.

CA - 30 Consider motion to adopt RESOLUTION 2016-358 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main and sanitary sewer in Village at Trestle Crossing Plat 1.

CA - 31 Consider motion to adopt RESOLUTION 2016-359 accepting final plat and final R-3A site plan, deed to streets, letter of credit for seeding and erosion control, performance and maintenance bonds for paving and underground improvements, platted easements, parksite dedication agreement, and authorizing the mayor to sign a petition and waiver for future street improvements to NE 18th Street and NE Delaware Avenue for Windsor Village Plat 5.

CA - 32 Consider motion to adopt RESOLUTION 2016-360 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Windsor Village Plat 5.

- **Engineering Items**

CA - 33 Consider motion to adopt RESOLUTION 2016-361 authorizing the Mayor to execute the proposed Cooperative Public Service Agreement between Polk County, Iowa, and the City of Ankeny, Iowa, for the routine maintenance of joint jurisdictional (boundary) roadways.

CA - 34 Consider motion to adopt RESOLUTION 2016-362 accepting maintenance bond for water main, sanitary sewer and storm sewer in Pine View Estates Plat 6.

CA - 35 Consider motion to adopt RESOLUTION 2016-363 accepting maintenance bond for paving in Pine View Estates Plat 6.

CA - 36 Consider motion to adopt a RESOLUTION 2016-364 accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NE 36th Street Reconstruction - Phase 2 project in Ankeny, Iowa. (Greenview Crossing Master Association, Inc.)

CA - 37 Consider motion to adopt a RESOLUTION 2016-365 accepting a purchase agreement and approving documents for the acquisition of street right-of-way and temporary construction easement for the NE 36th Street Reconstruction - Phase 2 project in Ankeny, Iowa. (Woodland Reserve Townhomes Association)

- **Capital Improvement Projects**

CA - 38 2016 - South Ankeny Boulevard Sidewalk Replacement: Consider motion to approve: a) Change Order #2 decreasing the contract amount by \$4,085.00; b) Certificate of Completion; c) RESOLUTION 2016-366 accepting the public improvements with Howrey Construction in the amount of \$92,433.50; and d) Release of Retainage in the amount of \$4,621.67.

CA - 39 2016 - SE Delaware Channel Cleanup Project: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2016-367 accepting the public improvements with Huber Grading, Inc., in the amount of \$67,425.00; and c) Final Payment #1 in the amount of \$64,053.75 / Release of Retainage in the amount of \$3,371.25.

- **Administrative Items:**

CA - 40 Consider motion to adopt RESOLUTION 2016-368 approving a 28E Agreement between the City of Ankeny and the Iowa Alcoholic Beverages Division ("ABD") for a Tobacco, Alternative Nicotine and Vapor Product Enforcement Program in the City of Ankeny.

CA - 41 Consider motion to adopt RESOLUTION 2016-369 authorizing the temporary closing of SW Vintage Parkway between SW State Street and SW College Avenue/SW Magazine Road for the purpose of a special event: "World's Largest Thanksgiving Dinner". (November 6, 2016 from 5:00 A.M. to 6:00 P.M.)

CA - 42 Consider motion to adopt RESOLUTION 2016-370 of the City of Ankeny, Iowa, to accept a license agreement with Hy-Vee, Inc., for the purpose of relocating the community garden to a parcel of real estate owned by Hy-Vee, Inc.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-42:

Action# E1-1. Walter-Ashby made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-42, seconded by McKenna.

ROLL CALL

2016-1003.E1-1 YES 5 NO 0

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS:

1. Supplemental and Removed Consent Agenda

Action# F1-1. No action taken.

G. RECESS: none

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. **Ord 1896:** An Ordinance amending the Zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estates owned by Jerry's Homes Inc. (PH 2016-52)

Action# H1-1. Bentz made the motion to accept first consideration of ORDINANCE 1896, seconded by Walter-Ashby.

ROLL CALL
2016-1003.H1-1 YES 5 NO 0

2. **Ord 1897:** An Ordinance vacating a public utility easement associated with Common Lot A, Miller's Pointe Plat 1. (PH 2016-53)

Action# H2-1. McKenna made the motion to accept first consideration of ORDINANCE 1897, seconded by Steenhoek
ROLL CALL
2016-1003.H2-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. SW Market Street Extension Project
Professional Services Agreement with Nilles Associates, Inc.

Action# J1-1. Walter-Ashby made the motion to approve a Professional Services Agreement with Nilles Associates, Inc., for final design and bidding phase services on the SW Market Street Extension project in an amount not to exceed \$93,800.00 and authorize the Mayor to execute said Agreement, seconded by Steenhoek.

ROLL CALL
2016-1003.J1-1 YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager, David Jones, reported it is time to prepare the City's 2017 State Legislative Priorities list and accompanying Resolution and he asked Council to advise him of any issues/concerns/questions they have related to such priorities with a goal of having said priorities approved by council in December; he presented an update on the Strategic Plan and will discuss the finalization of such plan at a work session following the October 17th city council meeting. He stated council will consider approval of said Plan at their November 7th council meeting; and he reported he is pleased to announce that the COPS Hiring Grant Application for the hiring of three police officers that council authorized for submittal back in June has been approved.

- Report of the Governing Body:

Council Member Bentz provided a report regarding BRAVO grant application process. She also reported as a committee member of the City's Comp Plan 2040 Plan and requested the contractor, Confluence be included in upcoming Strategic Planning Work Session.

Council Member Walter-Ashby also reported as a committee member, that the citizen survey for the 2040 Plan was available on city website for completion and that a public input meeting will be held end of October.

Mayor Pro tem Holm inquired as to whether they could obtain a staff report as to the results of Farmer's Market after having one season under their belt at their new Ankeny Market Pavilion (AMP) location.

Council Member Steenhoek stated he thought the “Coffee with a Cop” initiative hosted by the Ankeny Police Department was great for public good will.

L. ADJOURNMENT

1. Request for Executive Session

Action# L1-1. Steenhoek made the motion 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”; and 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", seconded by Walter-Ashby.

Council went into executive session at 6:05 p.m.
Council reconvened to regular session at 6:56 p.m.

2. There being no further business, the meeting was adjourned at 6:57 p.m.

Pamela DeMouth, City Clerk

Mark Holm, Mayor Pro tem

Published in the Des Moines Register on the 14th day of October, 2016.
Audio file of meeting is available by contacting the City Clerk’s Office.