

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, November 7, 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 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.

CEREMONY: none

A. PUBLIC FORUM:

1. Open Forum: Travis Carlson, 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 November 7, 2016 Agenda:

Action# B1-1. Holm made the motion to approve and accept the November 7, 2016 agenda, without amendment, seconded by Bentz.

ROLL CALL

2016-1107.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2016-54:** 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 21st and 28th days of October, 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 2016-54, seconded by Holm.

ROLL CALL

2016-1107.C1-1 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 October 17, 2016, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Plan and Zoning Commission meeting of October 4, 2016.

CA - 3 Receive and file minutes of the August 29, 2016 Park Board meeting.

- **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.

- **Finance/Budget**

CA - 5 Consider motion to approve Payment #2 in the amount of \$9,051.64 to Civil Design Advantage for engineering services on the Hidden Creek Trunk Sewer Extension Design project.

CA - 6 Consider motion to approve Change Order #3 decreasing the contract amount by \$5,379.00 to Ellingson Drainage, Inc., for construction services on the East First Street Rural Water Main Extension project.

CA - 7 Consider motion to approve Payment #4 in the amount of \$13,228.39 to Ellingson Drainage, Inc., for construction services on the East First Street Rural Water Main Extension project.

CA - 8 Consider motion to approve Change Order #2 decreasing the contract amount by \$18,878.00 to Grimes Asphalt & Paving for construction services on the 2016 HMA Program project.

CA - 9 Consider motion to approve Payment #2 in the amount of \$30,448.77 to Grimes Asphalt & Paving for construction services on the 2016 HMA Program project.

CA - 10 Consider motion to approve Payment #1 in the amount of \$8,381.91 to HR Green, Inc., for engineering services on the Tradition Park Stormwater Detention Basin Remediation project.

CA - 11 Consider motion to approve Change Order #4 decreasing the contract amount by \$29,052.82 to J&K Contracting, LLC for construction services on the SE Sharon Drive Sanitary Sewer Replacement - Phase 2 project.

CA - 12 Consider motion to approve Payment #6 in the amount of \$48,933.83 to J&K Contracting, LLC for construction services on the SE Sharon Drive Sanitary Sewer Replacement - Phase 2 project.

CA - 13 Consider motion to approve Payment #14 in the amount of \$1,073.70 to MSA Professional Services, Inc., for engineering services on the East First Street Rural Water Main Extension (Design) project.

CA - 14 Consider motion to approve Payment #2 in the amount of \$20,657.50 to Nilles Associates, Inc., for engineering services on The District Public Parking Lot - Phase 4 project.

CA - 15 Consider motion to approve Payment #6 in the amount of \$35,875.00 to Nilles Associates, Inc., for engineering services on the SW Prairie Trail Parkway - East Extension project.

CA - 16 Consider motion to approve Payment #70 in the amount of \$36,363.50 to Snyder & Associates, Inc., for engineering services on the East 1st Street Interchange Reconstruction project.

CA - 17 Consider motion to approve Payment #51 in the amount of \$20,166.50 to Snyder & Associates, Inc., for engineering services on the I-35 Widening E. 1st Street Interchange to NE 36th St project.

CA - 18 Consider motion to approve Payment #65 in the amount of \$9,459.20 to Snyder & Associates, Inc., for engineering services on the NE Tributary (A) to Fourmile Creek project.

CA - 19 Consider motion to approve Payment #20 in the amount of \$32,615.03 to Snyder & Associates, Inc., for engineering services on the NE 36th St., Bridge Widening & Roadway Reconstruction project.

CA - 20 Consider motion to approve Payment # 8 in the amount of \$861.00 to Snyder & Associates, Inc., for engineering services for the Sunrise Park Improvements project.

CA - 21 Consider motion to approve Payment #15 in the amount of \$16,633.17 to Snyder & Associates, Inc., for engineering services on the SW Vintage Pkwy Connection Project.

CA - 22 Consider motion to approve Payment #8 in the amount of \$3,671.70 to Snyder & Associates, Inc., for engineering services on the SW State Street & SW White Birch Drive Traffic Signal project.

CA - 23 Consider motion to approve the November 7, 2016 Accounts Payable from the following funds: General \$544,820.69, Hotel Motel Tax \$11,330.00, Road Use Tax \$119,142.73, Seizure \$1,805.25, Library Foundation \$915.28, Ankeny Garden Club \$115.00, Solid Waste \$5,672.02, Water \$130,594.23, Sewer \$19,582.36, Sewer Sinking \$220,371.89, Stormwater \$5,235.52, Golf Course \$21,890.17, Enterprise Project \$104,259.92, Revolving \$1,068.75, Risk Mgmt \$62,945.28, Capital Projects \$402,612.44, Payroll \$1,901,911.99, Less Srvc Trnsfrs/ACH Drafts (\$292,497.47), Less Agenda Pymts Approved Separately (\$298,765.25), Grand Total \$2,963,010.80 (Finance Committee: K Walter-Ashby, Chp., M. Holm, J. McKenna)

CA - 24 Consider motion to adopt RESOLUTION 2016-387 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the cost of nuisance abatement against property (PH 2016-54).

- **Personnel Items:** none

- **Community Development Items**

CA - 25 Consider motion to adopt RESOLUTION 2016-388 accepting a public utility easement located over Lot 4, The District at Prairie Trail Plat 5 for the construction of public utilities associated with development of The District at Prairie Trail Plat 5.

CA - 26 Consider motion to approve the Houghton Acres preliminary plat subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

CA - 27 Consider motion to adopt RESOLUTION 2016-389 accepting the final plat for Houghton Acres subject to applicable Polk County subdivision requirements in lieu of the City of Ankeny subdivision regulations.

CA - 28 Consider motion to adopt RESOLUTION 2016-390 accepting final plat, warranty deed for streets and parkland and platted easements for Rock Creek Crossing Plat 5.

CA - 29 Consider motion to adopt RESOLUTION 2016-391 accepting final plat, warranty deed for streets and platted easements for Rock Creek Crossing Plat 6.

CA - 30 Consider motion to adopt RESOLUTION 2016-292 accepting final plat, final PUD site plan, parksite dedication agreement, Northgate East Sanitary Trunk Sewer Development Agreement, deed to streets, subdivision bonds for erosion control, performance and maintenance bonds for paving and underground improvements, platted easements, approval of cost participation for water main and trail upsizing, approving the private street names NE Cassady Lane, NE Lowell Lane, NE Gerald Lane and NE Dawson Lane and the public street name NE Creek Ridge Drive for Northgate East Final Plat.

CA - 31 Consider motion to adopt RESOLUTION 2016-393 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Northgate East Final Plat.

CA - 32 Consider motion to adopt RESOLUTION 2016-394 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of street paving in Northgate East final plat.

- **Engineering Items**

CA - 33 Consider motion to adopt RESOLUTION 2016-395 accepting a proposal from Vanderpool Construction in the amount of \$39,660.00 for the construction of the 2016 - Solenoid Valve Removal project.

CA - 34 Consider motion to adopt RESOLUTION 2016-396 accepting maintenance bond for water main, sanitary sewer and storm sewer in Rock Creek Crossing Plat 5.

CA - 35 Consider motion to adopt RESOLUTION 2016-397 accepting maintenance bond for paving in Rock Creek Crossing Plat 5.

CA - 36 Consider motion to adopt RESOLUTION 2016-398 accepting maintenance bond for water main, sanitary sewer and storm sewer in Rock Creek Crossing Plat 6.

CA - 37 Consider motion to adopt RESOLUTION 2016-399 accepting maintenance bond for paving in Rock Creek Crossing Plat 6.

CA - 38 Consider motion to adopt RESOLUTION 2016-400 approving plans and specifications and accepting contracts and performance and maintenance bonds for the construction of water main, storm sewer and sanitary sewer in SW Main Street and SW Park Square Drive project.

CA - 39 Consider motion to approve the Trestle Crossing Plat 1 - Storm Water Conveyance Agreement to facilitate the construction of a storm water flume on property under the ownership of the Polk County Conservation Board.

- **Capital Improvement Projects**

CA - 40 North Creek Improvements Phase 2 - Contract B: Consider motion to approve: a) Change Order #3 decreasing the contract amount by \$1,200.00; b) Certificate of Completion; c) RESOLUTION 2016-401 accepting the public improvement with Soil-TEK in the amount of \$73,085.00; and d) Final Payment #4 in the amount of \$1,615.00 and Retainage Payment in the amount of \$3,654.25.

CA - 41 2016 - West 1st Street Sidewalk Upgrade - Phase 1: Consider motion to approve: a) Certificate of Completion; b) RESOLUTION 2016-402 accepting the public improvements with TK Concrete, Inc. in the amount of \$121,503.25 and c) Release of Retainage in the amount of \$6,075.16.

- **Administrative Items**

CA - 42 Consider motion to adopt RESOLUTION 2016-403 authorizing the execution of a Facility Rental Agreement between the City of Ankeny, Iowa Police Department and Iowa State University regarding the use of the Lied Center located in Ames, Iowa.

CA - 43 Consider motion to approve the issuance of a special permit to Chris Mund for the purpose of bow hunting of deer for the hunting season beginning October 1, 2016 and ending January 10, 2017 on private property within the city limits pursuant to Municipal Code Section 41.11(3).

CA - 44 Consider motion to adopt RESOLUTION 2016-404 adopting a certain supplement prepared by Iowa Codification, Inc., as an official supplement to the 2008 Code of Ordinances. (Covering ordinances through 1895)

CA - 45 Consider motion to adopt RESOLUTION 2016-405 approving the First Amendment to Lease between the City of Ankeny, Iowa and Elwell, Inc. (220 West 1st Street)

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-45:

Action# E1-1. Steenhoek made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-45, seconded by McKenna.

ROLL CALL

2016-1107.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.

Action# H1-1. Holm made the motion to accept third consideration of ORDINANCE 1896, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.

ROLL CALL

2016-1107.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.

Action# H2-1. McKenna made the motion to accept third consideration of ORDINANCE 1897, sending it on its final passage and publication as required by law, seconded by Steenhoek.

ROLL CALL

2016-1107.H2-1 YES 5 NO 0

Action# H2-2. Bentz made the motion to adopt RESOLUTION 2016-406 authorizing the sale of real estate vacated by the City of Ankeny to Benelli Homes, LLC, seconded by Walter-Ashby.

ROLL CALL

2016-1107.H2-2 YES 5 NO 0

3. **Ord 1898:** An Ordinance amending Chapter 63, Speed Regulations, of the Municipal Code of the City of Ankeny, Iowa

Action# H3-1. Steenhoek made the motion to accept second consideration of ORDINANCE 1898, seconded by Walter-Ashby.

ROLL CALL

2016-1107.H3-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Ankeny Strategic Plan 2016-2021-2031

Action# J1-1. Holm made the motion to approve the Ankeny Strategic Plan 2016-2021-2031, seconded by Bentz.

ROLL CALL

2016-1107.J1-1 YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager, David Jones, made council aware of regional discussion taking place on potential change to the 2003 Uniform Plumbing Code as it relates to grease interceptors.

Report of the Governing Body:

Council Member Bentz reported she would be attending the City/School Sub-committee meeting scheduled for November 8, 2016 @ 7:00 a.m. at the school district office; and she reported on the Bravo Grant Committee meeting she attended today.

Council Member Walter-Ashby reported she would be attending a Community Education meeting on November 16th from 3:30 to 4:30 related to a follow-up on the results of the community assessment survey.

Council Member Steenhoek reported he would be absent from the November 21st council meeting.

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 McKenna.

ROLL CALL

2016-1107.L1-1 YES 5 NO 0

Council went into executive session at 5:55 p.m.
Council reconvened to regular session at 6:22 p.m.

2. There being no further business, the meeting was adjourned at 6:25 p.m.

Pamela DeMouth, City Clerk

Gary Lorenz, Mayor

Published in the Des Moines Register on the 18th day of November, 2016.
Audio file of meeting is available by contacting the City Clerk's Office.