

# BONDURANT CITY COUNCIL

## REGULAR MEETING

June 17, 2013

Meeting No. 13-12

A regular meeting of the City Council of the City of Bondurant, Polk County, Iowa, was held in the Community Room at the Bondurant City Center on the 17th day of June, 2013, at 6:00 p.m.

Present: Mayor Keith Ryan  
Council Member Amy Bogaards  
Council Member Jerry Fischer  
Council Member Eric Johnson  
Council Member Curt Sullivan  
City Administrator Mark Arentsen  
Deputy City Clerk Michelle Wells  
City Engineer Bob Veenstra

Absent: Council Member Brian Lohse

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the United States Post Office on June 13, 2013. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Roll Call was taken and a quorum was declared. Mayor Ryan called the meeting to order at 6:00 p.m.

Mayor Ryan led the pledge of allegiance.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to amend the agenda by deleting item 27, reverse the order of item 9 and 10 and approve as amended. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve the Consent Items consisting of the City Council Meeting Minutes of June 03, 2013, Library Board of Trustees Minutes of May 02, 2013, the Claims Report and Tax Abatement Applications for Mitchell Smith, 1304 Adams Street, Southeast; Tyler May, 328 Aspen Drive, Northwest; Ernest Walters, 505 3rd Street, Southeast; and Taylor Fjelland, 332 Aspen Drive, Northwest, Bondurant, Polk County, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Polk County Sheriff's Department Deputy Ryan Phillips discussed recent vandalism within the City and has increased patrol for these areas. Neighbors are being asked to be watchful.

Scott Fiscus, 200 Lincoln Street, Southeast, Bondurant, Iowa, stated that he and other residents have been eyewitnesses to vandalism at City Park. He asked the City to address the concerns now.

Molly Suarez highlighted agenda item 12, a Chamber Event on July 19, "Celebrate Bondurant".

Ed Skinner, 160 Adventureland Drive, NW, Suite B, Altoona, Iowa, presented the Final Plat for Hawthorne Crossing. Motion made by Council Member Fischer, seconded by Council Member Bogaards, to approve Resolution No. 13-98, a Resolution approving the Final Plat for Hawthorne Crossing. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Joe Riding, Iowa House District 30, presented an update on legislative issues.

Ken Grove, Street Superintendent, explained the functions of a 2004 Johnston 605 street sweeper and answered questions from the Mayor and Council. Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 13-99, a Resolution approving the purchase of a reconditioned 2004 Johnston 605 street sweeper from Trans Iowa Equipment in the amount of \$55,000. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 13-100, a Resolution approving certain street closure on July 19, 2013, for a Bondurant Chamber Event, "Celebrate Bondurant", which will be located in front of Founders Irish Pub, 110, 1st Street, Southeast, Bondurant, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to approve Resolution No. 13-101, a Resolution approving certain street closures from Monday, June 24, 2013, at 6:00 p.m., to Thursday, June 27, 2013, at 11:58 p.m., and to use the City's vacant lot located at the corner of 1st and Main Street, Southeast, for Summerfest. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 13-102, a Resolution approving the parade route for Summerfest on June 26, 2013, at 6:00 p.m. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-103, a Resolution approving the bid submitted by HCI Concrete Construction in the amount of \$24,750, pertaining to concrete footing, foundation wall and flatwork installation for the sand/salt shed, located at the Public Works Building, 306 1st Street, Northwest, Bondurant, Polk County, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 13-104, a Resolution approving the renewal application for a Class C Beer Permit and Sunday Sales for Casey's General Store, located at 1455 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 13-105, an agreement between the City of Bondurant and Veenstra & Kimm, Inc., for the Northeast Morgan Drive, 8" Water Main Extension for a fee not to exceed \$20,400. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-106, a Resolution approving the purchase of a permanent easement granted by John Helm (titleholder), Harvey Helm Revocable Trust (life estate), and Peggy Helm Revocable Trust (life estate), contingent upon WRA legal council approval. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-107, a Resolution approving the purchase of a temporary easement granted by John Helm (titleholder), Harvey Helm Revocable Trust (life estate), and Peggy Helm Revocable Trust (life estate), contingent upon WRA legal council approval. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-108, a Resolution approving the purchase of said Property Interests for the total consideration of \$8,214.38, which represents \$3,450.00 for the permanent easement and \$4,764.38 for the temporary easement from John Helm (titleholder), Harvey Helm Revocable Trust (life estate), and Peggy Helm Revocable Trust (life estate), contingent upon WRA legal council approval. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-109, a Resolution awarding the City Workers' Compensation Insurance for FY 2013/2014 to Iowa Municipalities Workers' Compensation Association in the amount of \$31,284, which includes a deposit payment of \$7,820. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 13-110, a Resolution approving a 3% wage increase for City employees for Fiscal Year 2013/2014, except for the City Administrator and library employees. Roll Call: Ayes: 4. Nays: 0. Motion carried. Council Member Johnson disapproves of an "across the board" raise for all employees, due to some employees being relatively new to the positions and need improvement. Council Members want future raises based on merit.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to approve Resolution No. 13-111, a Resolution approving a payment in the amount of \$6,000 to Marie L. Grabenbauer for preparation of two Resource Enhancement and Protection (REAP) grant applications. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to amend Resolution No. 13-112, a Resolution approving an Agreement between the City of Bondurant and Brian and Mary Lohse, pertaining to the provision of potable water service to the Morgan Estates subdivision, by correcting a typographical error in Section 3 (f) by changing Lohse to City, and approve as amended. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 13-113, a Resolution approving the bid submitted by Pro Line Building Company in the amount of \$129,924, pertaining to the Public Works Building Addition Project, at 306 1st Street, Northwest, Bondurant, Polk County, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Sullivan, to approve Resolution No. 13-114, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Founders Irish Pub, 110 1st Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 13-116, a Resolution awarding the property and liability insurance to Iowa Communities Assurance Pool (ICAP) in the amount of \$43,945.52. Roll Call: Ayes: 4. Nays: 0. Motion carried.

Discussion items:

**Mulberry Drive Storm Sewer Project:** City Administrator Arentsen stated that the installation of a concrete flume at the end of the pipe to Mud Creek has been deleted from the project. Eliminating the flume will save about \$15,000.

**Sidewalk Installation from the Trailhead to Founders Irish Pub:** Council Members unanimously agreed that future projects and / or purchases will not begin until approved by Resolution and individually thanked the Biking Bondu Committee for funding the Sidewalk Project.

**\$80,000 Safe Routes to School Funding Award for Lincoln Street Tunnel:** City Administrator Arentsen announced the Iowa Department of Transportation has approved the Safe Routes to Schools application the City submitted in the amount of \$80,000. This will be used toward design services for the construction of a tunnel under Hwy 65 at Lincoln Street, Southeast.

**Cove Street drainage:** Bruce Mellody, 1213 Cove Street, Southeast, read aloud a letter he addressed to the City of Bondurant and asked that it be included in the June 17, 2013, City Council Minutes of record, pertaining to drainage districts and the responsibility of said districts. Jeff Mundell, 1209 Cove Street, Southeast, requested a "yes" or "no" answer that the City will or will not fund the re-grading of his yard to resolve drainage issues. Mayor Ryan stated that the letter took things out of context and words were twisted. He attempted to start communication between the residents and the builder involved, hoping they would work out a solution between themselves. He tried to be friendly, helpful and courteous and took the letter as a direct attack against himself. In his opinion, the City has zero obligation to assist individual homeowners with their property. Discussion ended until the City Attorney reviews the letter and the validity of the claim.

**The following item(s) were discussed as part of Mayor Ryan's comments:**

- Ribbon cutting for the Depot on June 22, and would like Council Members to participate.
- Summerfest June 26, and 27.

**The following item(s) were discussed as part of City Administrator Arentsen's comments:**

- Community Center survey.
- Will be gone June 27, and June 28.

**The following item(s) were discussed as part of Council Member's comments:**

- Council Member Bogaards – Asked about prospects for the sale of City lot; emergency call boxes along the Trail; and suggested shuttling for BRSC parking issue.
- Council Member Johnson – BRSC parking issue; and Recreation Director position needs reviewed for clarification on rules and responsibilities.
- Council Member Sullivan – No comment.
- Council Member Fischer – Two missed meetings; and will not be running for City Council in November.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to adjourn said meeting at 8:00 p.m. Roll Call: Ayes: 4. Nays: 0. Motion carried.

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Michelle Wells, Deputy City Clerk

ATTEST:

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Keith Ryan, Mayor

(SEAL)

I, the undersigned Mayor of the City of Bondurant, Polk County, Iowa, hereby certify that the foregoing is a true and accurate copy of proceedings had and done by the Mayor and City Council on June 17, 2013, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the Office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting, and the said minutes from which the foregoing proceedings have been extracted were written from and available for public inspection within ten business days and prior to the next convened meeting of said body.

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Keith Ryan, Mayor

June 17, 2013

1213 Cove St. SE  
Bondurant, IA 50035

City of Bondurant  
200 Second Street, NE  
Bondurant, IA 50035

RE: COVE Street Drainage issues

Dear City of Bondurant:

This letter is to formally object to the measures being taken to repair the overland storm water drainage issues on Cove Street, SE, Bondurant, Iowa., and to have this letter recognized and made part of the permanent City of Bondurant record.

The Drainage issue has been going on for many years and the best resolution is to repair the properties to the original design intent. The cutouts and proper drainage layout was shown on a slide by Mayor, Keith Ryan at the June 3<sup>rd</sup>, 2013 City Council meeting. At that meeting it was also determined that the City of Bondurant owns the streets, sidewalks, sewer, water and drainage systems contained within the COVE Development.

Jeff Mundell at 1209 Cove St. SE has decided to try and resolve the problem on his property using his own funds, but after reviewing the Iowa Drainage Law, and Iowa Drainage Law Manual it is apparent that the funding for drainage repair is the responsibility of the City which acts as the Drainage Board for this section of Polk County Iowa. According to the Iowa Drainage Code Manual page 4 it states:

"The two basic types of drainage projects are repairs and improvements. Generally, a repair is defined for drainage purposes as that work which is necessary to restore the facility to its original design or intended efficiency. If the project is a repair, the supervisors have a mandatory duty to perform it. According to the statute, the supervisors shall maintain the district facilities in a reasonable state of repair. If the board of supervisors fails to maintain that appropriate repair status, any one landowner in the district can petition the court in that county to compel the board to make the repair. An improvement usually consists of work that would enhance or enlarge the district facility. Pursuing an improvement is at the discretion of the board."

As for who funds the Repair the manual goes on to state:

"Repairs needed in a drainage district are the responsibility of the governing board."

It does not appear Jeff Mundell is responsible to fund drainage repairs at his property located at 1209 Cove St. Bondurant, Iowa.

In the City Engineer's letter dated June 11<sup>th</sup>, 2013, it states:

"The writer recognizes the grading modifications at 1209 Cove Street SE and 1205 Cove Street SE may not constitute a comprehensive solution to the grading and drainage issues. However, the proposed

solution provides a meaningful incremental means of addressing the drainage at 1209 Cove Street SE without adversely impacting the drainage at 1213 Cove Street SE. The Only impact would be to restore the runoff patterns to a condition closer to the original plan."

By stating this fact, the City Engineer has acknowledged that the drainage is incorrect and the steps that are proposed to be taken will not "REPAIR" the Drainage to its "ORIGINAL CONDITION."

In the City Council meeting minutes of November 1<sup>st</sup>, 2010 it states:

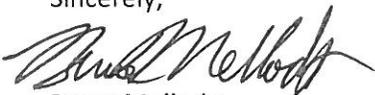
Rear yard grading on Cove and Michael Streets. Mayor Ryan met with the homeowner farthest north on Cove Street, and the homeowner agreed that his fence was too close to the ground for water to flow underneath it. The fence will either be cut off at the bottom or the dirt will be dug out underneath to allow for flow. The second home's pooling of water in the southeast corner seems to be a result of high ground around the utility boxes. Qwest and MidAmerican will look at the placement of the pedestals and hopefully move them or at the least shave the hump down smoothly. The third house has water coming in around the drainage areas and the builder of that Home (Nate Miller) agreed that the grade was not done properly and he will re-grade the property allowing the water to flow through. Mayor Ryan said at this point, a majority of the problems will soon be resolved."

To this Date, June 17<sup>th</sup>, 2013 nothing has ever been done by Qwest, MidAmerican, or Nate Miller to resolve any issues. The City of Bondurant did not follow-up with the parties listed above. Nothing has been done by the city; and as I would like to re-state from above: "Mayor Ryan said at this point, a majority of the problems will soon be resolved."

My question is: How long is the length of time period before a Majority of the Problems will Soon Be Resolved Happens? The homeowners have been very patient waiting for action that should have taken place almost two and a half years ago.

At this time I am urging the City of Bondurant to do the right thing. Either contact MidAmerican, Qwest, and Nate Miller for resolution, or perform the Repair themselves as called for in the Iowa Drainage Law, and Repair this drainage to the original design.

Sincerely,



Bruce Mellody  
1213 Cove St. SE  
Bondurant, IA 50035