

NOTICE OF A REGULAR MEETING BONDURANT CITY COUNCIL

June 07, 2010

Meeting 10-12

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, June 07, 2010, in the Bondurant City Center at 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

AGENDA

- 1) Roll Call
- 2) Call to Order and Declaring a Quorum
- 3) Abstentions declared
- 4) Perfecting and Approval of the Agenda
- 5) Guests Present
- 6) Consent Items:
 - a) Approval of the City Council Minutes of May 17, 2010
 - b) Receive and File – Library Board of Trustees Minutes of May 06, 2010
 - c) Claims Report
 - d) Tax Abatement Applications – Blake Hainline, 221 Tailfeather Drive, Northwest; Amber McGoldrick, 3412 Poplar Drive, Southwest; Luke D. Terhune, 1101 13th Street, Southeast; Jodi Todd, 1204 Michael Street, Southeast; and Jeremy Ripperger, 229 Tailfeather Drive, Northwest, Bondurant, Polk County, Iowa
- 7) Polk County Sheriff's Report
- 8) **RESOLUTION NO. 10-56** – A Resolution approving the appointment of _____ to the Bondurant City Council for a term expiring on December 31, 2011
- 9) **RESOLUTION NO. 10-57** – A Resolution approving Change Order No. 1 in the amount of \$7,336, submitted by Elder Corporation pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project
- 10) **RESOLUTION NO. 10-58** – A Resolution approving Change Order No. 2 in the amount of \$2,998.61 submitted by Elder Corporation pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project
- 11) **RESOLUTION NO. 10-59** – A Resolution approving Change Order No. 3 in the amount of \$982 submitted by Elder Corporation pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project
- 12) **RESOLUTION NO. 10-60** – A Resolution approving Change Order No. 4 in the amount of \$6,413 submitted by Elder Corporation pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project
- 13) **RESOLUTION NO. 10-61** – A Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in the amount of \$10,818.48 pertaining to Paine Heights Smoke Testing Project
- 14) **RESOLUTION NO. 10-62** – A Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in the amount of \$7,900 pertaining to a Pedestrian Bridge near Tailfeather Drive, Northwest
- 15) **RESOLUTION NO. 10-63** – A Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., on an hourly basis with ceiling basis not to exceed \$16,000 pertaining to the Multi-Use Trail Routing Study along the WRA Sewer Alignment

- 16) **RESOLUTION NO. 10-64** – A Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in an amount not to exceed \$31,900 pertaining to the Paine Heights Sump Drainage and Storm Sewer Design and Bidding
- 17) **RESOLUTION NO. 10-65** – A Resolution approving an easement with FC II pertaining to 2nd Street / Pleasant Street, Northeast, Storm Sewer Bike Path Project
- 18) **RESOLUTION NO. 10-66** – A Resolution approving the Polk County Hazard Mitigation Action Plan Amendment
- 19) **RESOLUTION NO. 10-67** – A Resolution approving the lease modification between the City of Bondurant and Dr. Douglas Pick
- 20) **ORDINANCE NO. 10-203** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, Chapter 99, Section 99.02, pertaining to sanitary sewer rates, effective on July 01, 2010, utility billing (second reading)
- 21) **ORDINANCE NO. 10-206** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by adding Chapter 103 Stormwater Utility, effective July 01, 2010 (second reading)
- 22) **ORDINANCE NO. 10-207** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 69 pertaining to Parking Regulations, by deleting Section 69.11 and by amending Chapter 70, Section 70.03 pertaining to Traffic Code Enforcement Procedures
- 23) **RESOLUTION NO. 10-68** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1373, 302 – 2nd Street, Northeast, Bondurant, Polk County, Iowa
- 24) **RESOLUTION NO. 10-69** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1861, 1455 Grant Street, South, Bondurant, Polk County, Iowa
- 25) **RESOLUTION NO. 10-70** – A Resolution approving the Acknowledgement / Settlement Agreement between the City of Bondurant, Polk County, Iowa, and Git N Go Convenience Stores, Inc.
- 26) **RESOLUTION NO. 10-71** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Git N Go Convenience Store #41, 3207 Henry Street, Southwest, Bondurant, Polk County, Iowa
- 27) **RESOLUTION NO. 10-72** – A Resolution approving the revised job description for the Building and Grounds Superintendent / Utility Worker
- 28) **RESOLUTION NO. 10-73** – A Resolution approving the job description for the Utilities Assistant / Street Maintenance Assistant / Building & Grounds Assistant position
- 29) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price
- 30) Discussion item(s)
 - a) Consideration of a vicious dog / disturbing peace ordinance for dogs
 - b) Polito parking lot repair
- 31) Reports / Comments and appropriate action thereon:
 - a) Mayor
 - b) City Administrator
 - c) Council Members
 - d) City Attorney Brick
- 32) Adjournment

BONDURANT CITY COUNCIL REGULAR MEETING

June 07, 2010

Meeting No. 10-12

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 07th day of June, 2010, at 6:00 p.m.

Present: Mayor Keith Ryan
Council Member Mike Adams, Sr.
Council Member Eric Boatwright
Council Member Amy Bogaards
Council Member Jerry Fischer
Council Member Curt Sullivan
City Administrator Mark Arentsen
Deputy City Clerk Michelle Wells
Water Superintendent Patrick Collison
Finance Director Lori Dunham

Absent: None

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 04, 2010. 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 added item 8a to the agenda and said item was defined as Oath of Office. Motion made by Council Member Adams, seconded by Council Member Fischer, to approve the agenda as amended. Roll Call: Adams-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Council Member Fischer asked that approval of the Preliminary Plat for Arbor Ridge Plat 5 and Plat 6 be on the next agenda.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve the Consent Items consisting of the City Council Minutes of May 17, 2010, Library Board of Trustees Minutes of May 06, 2010, the Claims Report and Tax Abatement Applications for Blake Hainline, 221 Tailfeather Drive, Northwest; Amber McGoldrick, 3412 Poplar Drive, Southwest; Luke D. Terhune, 1101 13th Street, Southeast; Jodi Todd, 1204 Michael Street, Southeast; and Jeremy Ripperger, 229 Tailfeather Drive, Northwest, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Boatwright-Yes, Sullivan-Yes, Fischer-Yes. Motion carried.

Polk County Sheriff's Department was not present.

Motion made by Council Member Sullivan, seconded by Council Member Adams, to approve Resolution No. 10-56, a Resolution approving the appointment of Amy Bogaards, 707 Brick Street, Southeast, Bondurant, Iowa, to the City Council seat vacated by Michele Bailey, for a term expiring on December 31, 2011. Roll Call: Sullivan-Yes, Adams-Yes, Fischer-Yes, Boatwright-Yes. Motion carried. Mayor Ryan administered the oath of office to Council Member Bogaards.

David Bovee, P.E., Stanley Consultants, Inc., presented four Change Orders submitted by Elder Corporation and answered questions from the Mayor and Council. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 10-57, a Resolution approving Change Order No. 1 in the amount of \$7,336 submitted by Elder Corporation, pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 10-58, a Resolution approving Change Order No. 2 in the amount of \$2,998.61 submitted by Elder Corporation, pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project. Roll Call: Adams-Yes, Boatwright-Yes, Bogaards-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 10-59, a Resolution approving Change Order No. 3 in the amount of \$982 submitted by Elder Corporation, pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 10-60, a Resolution approving Change No. 4 in the amount of \$6,413 submitted by Elder Corporation, pertaining to the 2nd Street, Northwest / Northeast, Sidewalk / Bike Trail Project. Roll Call: Sullivan-Yes, Bogaards-Yes, Adams-Yes, Fischer-Yes, Boatwright-Yes. Motion carried.

Ed Slattery, P.E., Stanley Consultants, Inc., presented four Professional Services Agreements between the City of Bondurant and Stanley Consultants, Inc., and answered questions from the Mayor and Council. Michele Bailey, 129 Patterson Street, Southeast, Bondurant, Iowa, participated in the discussions. Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-61, a Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in the amount of \$10,818.48, pertaining to Paine Heights Smoke Testing Project. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Adams, to approve Resolution No. 10-62, a Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in the amount of \$7,900 pertaining to a Pedestrian Bridge near Tailfeather Drive, Northwest. Roll Call: Fischer-No, Adams-No, Bogaards-No, Boatwright-Yes, Sullivan-No. Motion failed.

Motion made by Council Member Fischer, seconded by Council Member Boatwright, to approve Resolution No. 10-63, a Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., on an hourly basis with ceiling basis not to exceed \$16,000, pertaining to the Multi-Use Trail Routing Study along the WRA Sewer Alignment. Roll Call: Fischer-Yes, Boatwright-Yes, Adams-Yes, Bogaards-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Adams, to approve Resolution No. 10-64, a Resolution approving the Professional Services Agreement between the City of Bondurant and Stanley Consultants, Inc., in an amount not to exceed \$31,900, pertaining to the Paine Heights Sump Drainage and Storm Sewer Design and Bidding. Roll Call: Sullivan-Yes, Adams-Yes, Bogaards-Yes, Boatwright-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-65, a Resolution approving an easement with FC II, pertaining to the 2nd Street / Pleasant Street, Northeast, Storm Sewer Bike Path Project. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-66, a Resolution approving the Polk County Hazard Mitigation Action Plan Amendment. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Adams, to approve Resolution No. 10-67, a Resolution approving the lease modification between the City of Bondurant, Polk County, Iowa, and Dr. Douglas Pick. Roll Call: Fischer-Yes, Adams-Yes, Bogaards-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve the second reading of Ordinance No. 10-203, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, Chapter 99, Section 99.02, pertaining to sanitary sewer rates, effective on July 01, 2010, utility billing. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Adams, to approve the second reading of Ordinance No. 10-206, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by adding Chapter 103 Stormwater Utility, effective on July 01, 2010. Roll Call: Boatwright-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Adams, to waive the first and second reading of Ordinance No. 10-207, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 69 pertaining to Parking Regulations, by deleting Section 69.11 and by amending Chapter 70, Section 70.03, pertaining to Traffic Code Enforcement Procedures and approve as the third and final reading. Roll Call: Bogaards-Yes, Adams-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution No. 10-68, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1373, 302 2nd Street, Northeast, Bondurant, Polk County, Iowa. Roll Call: Sullivan-Yes, Boatwright-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution No. 10-69, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1861, 1455 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: Sullivan-Yes, Boatwright-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Bogaards, to approve Resolution No. 10-70, a Resolution approving the Acknowledgement / Settlement Agreement between the City of Bondurant, Polk County, Iowa, and Git N Go Convenience Stores, Inc. Roll Call: Fischer-Yes, Bogaards-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Sullivan, to approve Resolution No. 10-71, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Git N Go Convenience Store #41, 3207 Henry Street, Southwest, Bondurant, Polk County, Iowa. Roll Call: Fischer-Yes, Sullivan-Yes, Adams-Yes, Bogaards-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Fischer, to table Resolution No. 10-72, a Resolution approving the revised job description for the Building and Grounds Superintendent / Utility Worker. Roll Call: Adams-Yes, Fischer-Yes, Bogaards-Yes, Boatwright-No, Sullivan-No. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 10-73, a Resolution approving the job description for the Utilities Assistant / Street Maintenance Assistant / Building and Grounds Assistant position. Roll Call: Sullivan-Yes, Bogaards-Yes, Adams-Yes, Fischer-Yes, Boatwright-Yes. Motion carried.

Mayor Ryan called for a break at 8:06 p.m. The meeting reconvened at 8:11 p.m.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to close the regular City Council meeting at 8:12 p.m., and open the Closed Session, pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Adams, seconded by Council Member Bogaards, to close the Closed Session at 8:26 p.m., and open the regular City Council meeting. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Discussion items included consideration of a vicious dog / disturbing the peace ordinance for dogs and Polito parking lot repair.

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

- Need to review the 2001 Comprehensive Plan.
- Washington DC trip.
- Improvements needed at the cemetery entrance.
- Website update.
- Plan to appoint Council Member Bogaards to a board / committee.

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

- Received 346 resumes for the receptionist position.
- Pre-construction meeting on June 09, for the 2nd Street, Northeast, Multi-Use Trail Project to Lake Petocka.
- Trees and flowers planted on Main Street, Southeast. Will need to move the stop signs.
- Employee evaluations on June 11.
- Summerfest tickets are available at City Hall.

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

- Council Member Fischer – Speed limit sign on Grant Street, North.
- Council Member Boatwright – Discuss cemetery perpetual fund at next meeting.
- Council Member Adams – Welcomed Amy Bogaards to City Council.
- Council Member Sullivan – Tables for Summerfest.
- Council Member Bogaards – Thanked Council for her appointment to the vacant seat and is looking forward to working with them.

Motion made by Council Member Adams, seconded by Council Member Sullivan, to adjourn said meeting at 9:25 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

Keith Ryan, Mayor

ATTEST:

Michelle Wells, Deputy City Clerk

SEAL

I, the understated Deputy City Clerk 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 07, 2010, 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.

Michelle Wells, Deputy City Clerk