

NOTICE OF A REGULAR MEETING BONDURANT CITY COUNCIL

October 18, 2010

Meeting 10-21

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, October 18, 2010, in the Bondurant City Center, 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

AGENDA

- 1) Roll Call and Declaring a Quorum
- 2) Call to Order
- 3) Pledge of Allegiance
- 4) Abstentions declared
- 5) Perfecting and Approval of the Agenda
- 6) Guests Present
- 7) Consent Items:
 - a) Approval of the City Council Minutes of October 04, 2010
 - b) Receive and File – Library Board of Trustees Minutes of September 02, 2010
 - c) Receive and File – Park and Recreation Board Minutes of August 19, 2010
 - d) Claims Report
 - e) Tax Abatement Applications – Shannon Steele, 806 Jefferson Avenue, Southeast; James R. Alvord, 305 Mulberry Drive, Northwest; and Eric and Patricia Bruxvoort, 1212 Michael Street, Southeast, Bondurant, Polk County, Iowa
- 8) Polk County Sheriff's Report
- 9) Richard D. Atterbury, CPA, Martens and Company, CPA, LLP – Presentation of FY 2010 Municipal Audit Report for the City of Bondurant, Polk County, Iowa
RESOLUTION NO. 10-148 – A Resolution approving the FY 2010 Municipal Audit Report for the City of Bondurant, Polk County, Iowa
- 10) **RESOLUTION NO. 10-149** – A Resolution approving the State of Iowa Financial Report for Fiscal Year 2010
- 11) Deputy Chief Chris Bogaards, Bondurant Emergency Services – Discuss staffing
- 12) **ORDINANCE NO 10-214** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 135, Section 135.10, pertaining to Maintenance of Parking or Terrace
- 13) **RESOLUTION NO. 10-150** – A Resolution approving the Annual Appropriation Payment of \$100,000 payable to Wil-Ron Properties, LLC, pertaining to Development Agreement
- 14) **RESOLUTION NO. 10-151** – A Resolution approving the Contractor's Application for Payment No. 2, submitted by Elder Corporation in the amount of \$55,602.83 pertaining to the Multi-Use Trail
- 15) **RESOLUTION NO. 10-152** – A Resolution setting a Public Hearing date of November 15, 2010, for consideration of an application for Voluntary Annexation

- 16) Discussion item(s)
 - a) Sidewalk locations
 - b) Polito parking lot repair status
 - c) Speed cameras
 - d) Rear yard grading on Cove and Michael Streets
 - e) Sewer backflow installation / partial rebate to homeowners
 - f) Truck replacement
 - g) Hooper Construction temporary use of property at the southwest corner of Main Street, Northeast and 2nd Street Northeast
- 17) Reports / Comments and appropriate action thereon:
 - a) Mayor
 - b) City Administrator
 - c) Council Members
- 18) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate
- 19) Adjournment

BONDURANT CITY COUNCIL REGULAR MEETING

October 18, 2010

Meeting No. 10-21

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 18th day of October, 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 Curt Sullivan
City Attorney David Brick
City Administrator Mark Arentsen
Deputy City Clerk Michelle Wells

Absent: Council Member Jerry Fischer

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the United States Post Office on October 15, 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.

Boy Scouts Troop 10 led the Mayor, Council Members and guests in the Pledge of Allegiance.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve the agenda as presented. Roll Call: Boatwright-Yes, Sullivan-Yes, Bogaards-Yes, Adams-Yes. Motion carried.

Gary Hemmen, 125 Grant Street, North, Bondurant, Iowa, voiced his concern pertaining to the delays of the Multi-Use Trail / Paine Heights Storm Sewer Project and felt the City Engineer should absorb part of any additional costs to the City.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve the Consent Items consisting of City Council Minutes of October 04, 2010, Library Board of Trustees Minutes of September 02, 2010, Park and Recreation Board Minutes of August 19, 2010, the Claims Report and Tax Abatement Applications for Shannon Steele, 806 Jefferson Avenue, Southeast; James R. Alvord, 305 Mulberry Drive, Northwest; and Eric and Patricia Bruxvoort, 1212 Michael Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Bogaards-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department representative Lieutenant Scott Redlinger was present but had nothing to report.

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Richard Atterbury, CPA, Martens and Company, CPA, LLP, presented the City of Bondurant Municipal Audit Report for Fiscal Year 2010. Mr. Atterbury stated that the City is being given an unqualified opinion, which means that no significant items of concern were discovered during the audit. He said that the City is in good financial condition. The General Fund balance has increased from the previous year. He also stated that the City should continue to work on reducing the Stormwater Utility Fund deficit. Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution No. 10-148, a Resolution approving the City of Bondurant Municipal Audit Report for Fiscal Year 2010. Roll Call: Sullivan-Yes, Boatwright-Yes, Bogaards-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-149, a Resolution approving the State of Iowa Financial Report for Fiscal Year 2010. Roll Call: Adams-Yes, Bogaards-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Deputy Chief Chris Bogaards, Bondurant Emergency Services, discussed the need for an increase in fees for services provided by the department and the benefit of the City having an Emergency Services full time staff.

Council Member Adams left the room at 6:50 p.m., and returned at 6:51 p.m.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve the first reading of Ordinance No. 10-214, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 135, Section 135.10, pertaining to Maintenance of Parking or Terrace. Roll Call: Sullivan-Yes, Bogaards-Yes, Boatwright-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Adams, to approve Resolution No. 10-150, a Resolution approving the Annual Appropriation Payment of \$100,000 payable to Wil-Ron Properties, LLC, pertaining to Development Agreement. Roll Call: Bogaards-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 10-151, a Resolution approving Contractor's Application for Payment No. 2, submitted by Elder Corporation in the amount of \$55,602.83 pertaining to the Multi-Use Trail. Roll Call: Adams-Yes, Boatwright-Yes, Sullivan-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Bogaards, to approve Resolution No. 10-152, a Resolution setting a Public Hearing of November 15, 2010, at 6:00 p.m., in the City Center for consideration of an Application for Voluntary Annexation. Roll Call: Boatwright-Yes, Bogaards-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Discussion items: **Sidewalk Project.** Council Member Sullivan recommended reducing the previously approved number of sidewalk installation locations, yet still provide a connection. He and the Mayor will provide the Council with a map showing his recommendations at the next meeting.

Polito Parking Lot Repair Status. Council authorized and directed the City Administrator to schedule the parking lot repair work and bill Mr. Polito.

Speed Camera. Both pro and con opinions associated with this process were voiced. City Administrator Arentsen will obtain a copy of an agreement from a community using Red Speed as a vendor. More detail will be provided at the next meeting. Mr. and Mrs. Jared Keuning, 1304 15th Street, Southeast, Peter Grandgeorge, 402 3rd Street, Northwest, and Jeff Mundell, 1209 Cove Street, Southeast, participated in the discussion.

Rear yard grading on Cove and Michael Streets. Residents on Cove Street and Michael Street, Southeast, stated their frustration about the water flooding their rear yards during any significant rainfall, due to improper grading of the sites. They wanted to know if the fault lies with the Developer, the Builder or the City. Council Member Sullivan will research surrounding communities' Ordinances pertaining to grading issues. The Council agreed to consider the again at the November meeting. Jeff Mundell, 1209 Cove Street, Southeast, Todd Marlow, 1205 Cove Street, Southeast, Bruce and Karen Melody, 1213 Cove Street, Southeast, and Stephanie Andersen, 1208 Michael Street, Southeast, participated in the discussion.

Sewer backflow installation / partial rebate to owners. More research of surrounding communities and discussion to continue at the next meeting.

Truck replacement. Chris Poulson, 106 4th Street, Northeast, reported that he performed a DOT inspection on two City vehicles. He presented an overview of repairs needed for each of the trucks but didn't estimate a cost for the repairs. The cost of the repairs will be available at the next meeting. Ken Grove, Street Superintendent, participated in the discussion.

Hooper Construction temporary use of property at the southwest corner of Main Street, Northeast, and 2nd Street, Northeast. Adjacent homeowners of this property stated the current use of this property violates the City's Zoning Code and reported behavior concerns of the workers at this site. City Attorney Brick will handle this issue. Jodie Stewart, 129 Grant Street, North, and Gary Hemmen, 125 Grant Street, North, participated in this discussion.

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

- Discussed possible use of the green space between Deer Ridge Crossing Development and Mallard Pointe Development.

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

- Smoke testing will begin this week in Paine Heights.
- 2nd Street, Northeast, will be closed periodically during the Multi-Use Trail / Paine Heights Storm Sewer Project.
- Cemetery Project update.
- Two blowers repaired at the wastewater plant.
- Beaver removal project at the lagoon coming up.
- New concrete on 1st Street, Southeast, will be striped.

Bondurant City Council Meeting

- Flood survey will begin this week.

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

- Council Member Boatwright – Feels the Soccer Club and Kinney Park representatives should attend all Park and Recreation Board meetings.
- Council Member Bogaards – Asked for update on Washington Avenue, Southeast, street lights and if a part-time Recreation Coordinator has been hired.
- Council Member Adams – No Comment.
- Council Member Sullivan – Questioned yellow, plastic pipe at Michael and 13th Street, Southeast.

The following item(s) were discussed as part of City Attorney Brick's comments:

- No Comment.

Mayor Ryan called a recess at 9:00 p.m. The meeting reconvened at 9:10 p.m.

Motion made by Council Member Boatwright, seconded by Council Member Bogaards, to close the regular City Council meeting at 9:10 p.m., and open the Closed Session, pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate. Roll Call: Boatwright-Yes, Bogaards-Yes, Adams-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to close the Closed Session at 9:30 p.m., and open the regular City Council meeting. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to adjourn said meeting at 9:31 p.m. Roll Call: Ayes: 4. 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 October 18, 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