

# NOTICE OF A REGULAR MEETING

## BONDURANT CITY COUNCIL

January 03, 2012

Meeting 12-01

**NOTICE IS HEREBY GIVEN** that a Regular Meeting of the City Council will be held at 6:00 p.m., on Tuesday, January 03, 2012, 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
- 2) Call to Order and Declaring a Quorum
- 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 December 19, 2011
  - b) Claims Report
  - c) Tax Abatement Applications – Jesus Sanchez, 319 2nd Street, Northwest; Donald & Traci Sharr, 407 Filmore Avenue, Southeast; Kelly & Justin Shelburg, 604 36th Street, Southwest; and James Crouch, 701 36th Street, Southwest, Bondurant, Polk County, Iowa
- 8) Polk County Sheriff's Report
- 9) **OATH OF OFFICE**
- 10) Steve Niebuhr, Hubbell Realty Company – Presentation of a Concept Plan for the Eastbridge Apartment Complex
- 11) James Hayworth – Proposal to conduct a T-Ball program at the Bondurant Recreational Sports Complex
- 12) **PUBLIC HEARING** – For consideration of a rezoning request for property located at 500 Grant Street, South, Bondurant, Polk County, Iowa, from R-2 One- and Two-Family Residential to R-3 Multi-Family Residential  
**ORDINANCE NO. 12-200** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the zoning classification of certain real estate from an R-2 One- and Two-Family Residential to R-3 Multi-Family Residential (1st reading)
- 13) **ORDINANCE NO. 12-201** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 24 Parks and Recreation Board by adding Section 24.06 Bondurant Recreational Sports Complex (BRSC) Board (1st reading)
- 14) **RESOLUTION NO. 12-01** – A Resolution setting the second meeting date in February as Tuesday, February 21, 2012, due to President's Day
- 15) **RESOLUTION NO. 12-02** – A Resolution approving Contractor's Application for Payment #6, submitted by Elder Corporation in the amount of \$2,315.39, pertaining to the Multi-Use Trail (2009 west section)
- 16) **RESOLUTION NO. 12-03** – A Resolution approving Contractor's Application for Payment #3, submitted by Jensen Builders in the amount of \$29,848.61, pertaining to the Kinney Park Safe Room Project

- 17) **RESOLUTION NO. 12-04** – A Resolution approving the City of Bondurant Cafeteria Plan and Summary Description
- 18) Discussion item(s)
  - a) Gate / fence at Blaine Street shop
  - b) EMT training reimbursement
- 19) Reports / Comments and appropriate action thereon:
  - a) Mayor
  - b) City Administrator
  - c) Council Members
  - d) City Attorney Brick
- 20) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(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
- 21) Adjournment

# **BONDURANT CITY COUNCIL REGULAR MEETING**

**January 03, 2012**

**Meeting No. 12-01**

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 03rd day of January, 2012, at 6:00 p.m.

Present: Mayor Keith Ryan  
Council Member Amy Bogaards  
Council Member Jerry Fischer  
Council Member Eric Johnson  
Council Member Brian Lohse  
Council Member Curt Sullivan  
City Attorney David Brick  
City Administrator Mark Arentsen  
Deputy City Clerk Michelle Wells

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 December 30, 2011. 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.

Council Member Sullivan announced abstention on item 12.

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

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve the Consent Items consisting of the City Council Minutes of December 19, 2011, the Claims Report and Tax Abatement Applications for Jesus Sanchez, 319 2nd Street, Northwest; Donald & Traci Sharr, 407 Filmore Avenue, Southeast; Kelly & Justin Shelburg, 604 36th Street, Southwest; and James Crouch, 701 36th Street, Southwest, Bondurant, Polk County, Iowa. Roll Call: Bogaards-Yes, Fischer-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes. Motion carried.

Polk County Sheriff's Department representative Deputy Frank Courtney was present but had nothing to report.

Mayor Ryan administered the oath of office to Council Members Curt Sullivan, Eric Johnson and Brian Lohse.

Bondurant City Council Meeting

Steve Niebuhr, Hubbell Realty Company, presented a Concept Plan for the Eastbridge Apartment Complex and answered questions from the Mayor and Council.

James Hayworth asked for City Council approval to proceed and operate the Bondurant Beginner's T-Ball league. Dan Clark, Todd Wilson and Eric Boatwright participated in the discussion.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 6:59 p.m., and open the Public Hearing. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Abstain, Fischer-Yes, Lohse-Yes. Motion carried. Curt Sullivan, 909 14th Street, Southeast, Bondurant, Iowa, presented a rezoning request for property located at 500 Grant Street, South, Bondurant, Polk County, Iowa, from R-2 One- and Two-Family Residential to R-3 Multi-Family Residential and answered questions from the Mayor and Council. The rezoning request is to permit a Daycare Center. Eric Boatwright, 204 Mallard Pointe Drive, Northwest, repeated a comment made by him at the December 19, 2011, City Council meeting. No other verbal comments were received during the Public Hearing. Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the Public Hearing at 7:00 p.m., and open the regular City Council meeting. Roll Call: Bogaards-Yes, Johnson-Yes, Fischer-Yes, Sullivan-Abstain, Lohse-Yes. Motion carried. Motion made by Council Member Fischer, seconded by Council Member Johnson, to approve the first reading of Ordinance No. 12-200, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the zoning classification of certain real estate from an R-2 One- and Two-Family Residential to R-3 Multi-Family Residential. Roll Call: Fischer-Yes, Johnson-Yes, Bogaards-Yes, Lohse-Yes, Sullivan-Abstain. Motion carried.

Pertaining to proposed Ordinance No. 12-201, Council Member Johnson observed that in defining the membership, two members shall be representatives of the community at large, was omitted and asked for its inclusion. Motion made by Council Member Johnson, seconded by Council Member Bogaards, to waive the first and second reading of Ordinance No. 12-201, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 24, Parks and Recreation Board by adding Section 24.06, Bondurant Recreational Sports Complex (BRSC) Board and approve as the third and final reading as amended. Roll Call: Johnson-Yes, Bogaards-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-01, a Resolution setting the second meeting date in February as Tuesday, February 21, 2012, due to President's Day. Roll Call: Bogaards-Yes, Sullivan-Yes, Johnson-Yes, Fischer-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Johnson, to approve Resolution No. 12-02, a Resolution approving Contractor's Application for Payment #6, submitted by Elder Corporation in the amount of \$2,315.39, pertaining to the Multi-Use Trail (2009 west section). Roll Call: Fischer-Yes, Johnson-Yes, Sullivan-Yes, Bogaards-No, Lohse-No. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-03, a Resolution approving Contractor's Application for Payment #3, submitted by Jensen Builders in the amount of \$29,848.61, pertaining to the Kinney Park Safe Room Project. Roll Call: Bogaards-Yes, Sullivan-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 12-04, a Resolution approving the City of Bondurant Cafeteria Plan and Summary Description. Roll Call: Sullivan-Yes, Bogaards-Yes, Johnson-Yes, Fischer-Yes, Lohse-Yes. Motion carried.

Discussion items included gate/fence at the Blaine Street Public Works Shop and Bondurant Emergency Services training reimbursement. Barbara Gardner, 104 Blaine Street, Northwest, and Chief Aaron Kreuder participated in the discussion items respectively.

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

- 2011 was fantastic and excited about 2012 and working with everyone in the room.
- This year the City will host one of the Mid Iowa Association of Local Governments meetings and he will focus on trails and the City's growth.

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

- Goal Setting Session meeting on January 09, at 5:00 p.m.
- WRA construction work south of I-80 will start about April 01.
- MPO funding presentation and scoring of the applications the City submitted for Chichaqua Valley Trail will be January 11. Funding will not be available until the fall of 2015.
- Trail funding grant application update.
- Budget draft to Council on January 13, and first review at January 16, Council meeting.
- RSVP Chamber dinner invitation by January 13.
- Forty seven single family building permits in 2011.

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

- **Council Member Sullivan** – No Comment.
- **Council Member Fischer** – Meeting attendance update.
- **Council Member Johnson** – Questioned if financial information is needed for non-profit organizations and Eastern Polk Regional Development meeting update.
- **Council Member Lohse** – Glad to be here and looking forward to serving.
- **Council Member Bogaards** – Will be late to January 09, meeting and stated opinion on City Council approving payment request to Elder Corporation.

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

- No Comment.

Deputy Mike Tarvin, Polk County Sheriff's Department, asked for interpretation and direction on a Municipal Code enforcement issue.

Council Member Bogaards asked for a recess at 8:10 p.m.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to close the regular City Council meeting at 8:20 p.m., and open the Closed Session, pursuant to Iowa Code Section 21.5(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. Roll Call: Bogaards-Yes, Sullivan-Yes, Fischer-Yes, Johnson-Yes, Lohse-Yes. Motion carried. Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to close the Closed Session at 8:35 p.m., and open the regular City Council meeting. Roll Call: Bogaards-Yes, Sullivan-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to adjourn said meeting at 8:40 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

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Keith Ryan, Mayor

ATTEST:

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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 January 03, 2012, 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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Michelle Wells, Deputy City Clerk