

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

May 07, 2012

Meeting 12-10

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, May 07, 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) Consent Items:
 - a) Approval of the City Council Minutes of April 16, 2012
 - b) Receive and File – Planning & Zoning Commission Minutes of March 22, & April 12, 2012
 - c) Claims Report
 - d) Tax Abatement Applications – Sheri R. Olson, 327 Tailfeather Drive, Northwest; Chad Buckley and Michelle Sieberg, 709 – 36th Street, Southwest; Alida Jolynn Schiermeister, 1244 Lincoln Street, Southeast; Steve Phalen, 700 – 36th Street, Southwest; Joseph E. Hendrickson, 503 Filmore Avenue, Southeast; and Jacob and Jennifer Juhl, 405 Lincoln Street, Northeast, Bondurant, Polk County, Iowa
- 7) Polk County Sheriff's Report
- 8) Guests requesting to address the City Council
- 9) **PUBLIC HEARING** – For consideration of adopting the revised City of Bondurant Comprehensive Plan
RESOLUTION NO. 12-62 – A Resolution adopting the revised City of Bondurant Comprehensive Plan
- 10) **ORDINANCE NO. 12-204** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 177, Section 177.09(25) of the Zoning Code, pertaining to Off-Street Parking Area Required (second reading)
- 11) Alan Behnkendorf, Abaci Consulting, Inc. – Presentation of a Site Plan for Bird's Nest Daycare, located at 500 Grant Street, South, Bondurant, Polk County, Iowa
RESOLUTION NO. 12-63 – A Resolution approving the Site Plan for Bird's Nest Daycare, located at 500 Grant Street, South, Bondurant, Polk County, Iowa
- 12) **PUBLIC HEARING** – For consideration of a rezoning request submitted by Hubbell Realty Company and People's Trust and Savings Bank, for property located between the Bondurant Medical Clinic and the Paine Heights Subdivision
ORDINANCE NO. 12-205 – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the zoning classification of certain real estate, located between the Bondurant Medical Clinic and the Paine Heights Subdivision from C-2, General Commercial to R-3, Multi-Family Residential (first reading)

- 13) **RESOLUTION NO. 12-64** – A Resolution approving a Plat of Survey for the former Union 76 site
- 14) **RESOLUTION NO. 12-65** – A Resolution approving the sale of a 1983 F-700 Tanker Truck to The Concrete Company in the amount of \$2,000 and a 1989 F-350 Attack Truck to The Concrete Company in the amount of \$6,000
- 15) **RESOLUTION NO. 12-66** – A Resolution approving Change Order No. 1 submitted by Vanderpool Construction, Inc., in the amount of \$434, pertaining to the Paine Heights Storm Sewer Project
- 16) **RESOLUTION NO. 12-67** – A Resolution approving Change Order No. 2 submitted by Vanderpool Construction, Inc., in the amount of \$2,788.50, pertaining to the Paine Heights Storm Sewer Project
- 17) **RESOLUTION NO. 12-68** – A Resolution setting a Public Hearing date for June 04, 2012, for consideration of amending the City of Bondurant Urban Renewal Plan
- 18) **RESOLUTION NO. 12-69** – A Resolution authorizing and directing the City Administrator to write-off certain Emergency Services medical services accounts as uncollectible due to Medicare
- 19) **ORDINANCE NO. 12-206** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 103, Section 103.02, Stormwater Utility Rates (first reading)
- 20) **ORDINANCE NO. 12-207** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 106, Section 106.09, Solid Waste Collection and Disposal Service Collection Fees (first reading)
- 21) **RESOLUTION NO. 70** – A Resolution approving the Second Amendment to the Amended and Restated Agreement for the Des Moines Regional Transit Authority
- 22) **RESOLUTION NO. 71** – A Resolution approving the agreement between the City of Bondurant, Arbor Ridge, LLC, and Gator Excavating, pertaining to drainage tile repairs in Arbor Ridge Plat 4
- 23) Discussion item(s)
 - a) Recommendations for striping and signage improvements in the April 25, 2012, Traffic Engineering Assistance Program Report on Grant Street
- 24) Reports / Comments and appropriate action thereon:
 - a) Mayor
 - b) City Administrator
 - c) Council Members
 - d) City Attorney Brick
- 25) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate
- 26) Adjournment

BONDURANT CITY COUNCIL REGULAR MEETING

May 07, 2012

Meeting No. 12-10

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 May, 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 Administrator Mark Arentsen
City Attorney David Brick
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 May 04, 2012. 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.

Council Member Sullivan announced his abstention for agenda items 10 and 11.

Mayor Ryan led the pledge of allegiance.

Mayor Ryan asked that item 22 be moved on the agenda and said item be identified as 13b. Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve the agenda as amended. Roll Call: Bogaards-Yes, Fischer-Yes, Sullivan-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve the Consent Items consisting of the City Council Minutes of April 16, 2012, Planning and Zoning Commission Minutes of March 22, and April 12, 2012, the Claims Report and Tax Abatement Applications for Sheri R. Olson, 327 Tailfeather Drive, Northwest; Chad Buckley and Michelle Sieberg, 709 36th Street, Southwest; Alida Jolynn Schiermeister, 1244 Lincoln Street, Southeast; Steve Phalen, 700 36th Street, Southwest; Joseph E. Hendrickson, 503 Filmore Avenue, Southeast; and Jacob and Jennifer Juhl, 405 Lincoln Street, Northeast, Bondurant,

Polk County, Iowa. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department Deputy John Pohlman had nothing to report.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to close the regular City Council meeting at 6:02 p.m., and open the Public Hearing for consideration of adopting the revised City of Bondurant Comprehensive Plan. Roll Call: Bogaards-Yes, Lohse-Yes, Sullivan-Yes, Johnson-Yes, Fischer-Yes. Motion carried. No public comments were received during the Public Hearing. Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the Public Hearing at 6:03 p.m., and open the regular City Council meeting. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes, Fischer-Yes. Motion carried. Brad Scheib, Hoisington Koegler Group, Inc., highlighted comments received from residents on the revised Comprehensive Plan Draft and responses to those comments from Hoisington Koegler Group, emphasizing that the 2012 Comprehensive Plan is not set in stone and that new ideas are going to come up. He suggested reviewing the plan annually and discussing modifications as they arise. Council Member Lohse stated that as a former Planning and Zoning Commission Member involved with the planning process, it was a pleasure working with Brad and his team. He is the proudest of getting the feedback from the residents and incorporating those ideas into the plan. Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-62, a Resolution adopting the revised City of Bondurant Comprehensive Plan. Roll Call: Bogaards-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Bogaards, to approve the second reading of Ordinance No. 12-204, an Ordinance Amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 177, Section 177.09(25) of the Zoning Code, pertaining to Off-Street Parking Area Required. Roll Call: Lohse-Yes, Bogaards-Yes, Fischer-Yes, Johnson-Yes, Sullivan-Abstain. Motion carried.

Randy Collison, 601 Sycamore Drive, Northwest, Bondurant, Iowa, presented a Site Plan for Bird's Nest Daycare, located at 500 Grant Street, South, Bondurant, Polk County, Iowa. Motion made by Council Member Johnson, seconded by Council Member Fischer, to approve Resolution No. 12-63, a Resolution approving the Site Plan for Bird's Nest Daycare, located at 500 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: Johnson-Yes, Fischer-Yes, Lohse-Yes, Bogaards-Yes, Sullivan-Abstain. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 6:16 p.m., and open the Public Hearing for consideration of a rezoning request submitted by Hubbell Realty Company and People's Trust and Savings Bank, for property located between the Bondurant Medical Clinic and the Paine Heights Subdivision. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried. Steve Niebuhr, Hubbell Realty Company, answered questions from the Mayor and Council. No public comments were received during the Public Hearing. Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the Public Hearing

at 6:19 p.m., and open the regular City Council meeting. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes, Fischer-Yes. Motion carried. Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve the first reading of Ordinance No. 12-205, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the zoning classification of certain real estate, located between the Bondurant Medical Clinic and the Paine Heights Subdivision from C-2, General Commercial to R-3, Multi-Family Residential. Roll Call: Bogaards-Yes, Fischer-Yes, Sullivan-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 12-64, a Resolution approving a Plat of Survey for 3507 Grant Street, South, Bondurant, Polk County, Iowa, (the former Union 76 site). Roll Call: Bogaards-Yes, Fischer-Yes, Lohse-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 12-71, a Resolution approving the agreement between the City of Bondurant, Arbor Ridge, LLC, and Gator Excavating, pertaining to drainage tile repairs in Arbor Ridge Plat 4. Roll Call: Bogaards-Yes, Fischer-Yes, Lohse-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Bogaards, to approve Resolution No. 12-65, a Resolution approving the sale of a 1983 F-700 Tanker Truck to The Concrete Company in the amount of \$2,000 and a 1989 F-350 Attack Truck to The Concrete Company in the amount of \$6,000. Roll Call: Lohse-Yes, Bogaards-Yes, Sullivan-Yes, Johnson-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-66, a Resolution approving Change Order No. 1 submitted by Vanderpool Construction Company Inc., in the amount of \$434, pertaining to the Paine Heights Storm Sewer Project. Roll Call: Bogaards-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Johnson, to approve Resolution No. 12-67, a Resolution approving Change Order No. 2 submitted by Vanderpool Construction Company Inc., in the amount of \$2,788.50, pertaining to the Paine Heights Storm Sewer Project. Roll Call: Fischer-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-68, a Resolution setting a Public Hearing date for June 04, 2012, for consideration of amending the City of Bondurant Urban Renewal Plan. Roll Call: Bogaards-Yes, Lohse-Yes, Sullivan-Yes, Johnson-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-69, a Resolution authorizing and directing the City Administrator to write-off

certain Emergency Services medical service accounts as uncollectible due to Medicare. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Fischer-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve the first reading of Ordinance No. 12-206, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 103, Section 103.02, Stormwater Utility Rates. Roll Call: Bogaards-Yes, Johnson-Yes, Fischer-Yes, Sullivan-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve the first reading of Ordinance No. 12-207, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 106, Section 106.09, Solid Waste Collection and Disposal Service Collection Fees. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 12-70, a Resolution approving the Second Amendment to the Amended and Restated Agreement for the Des Moines Regional Transit Authority. Roll Call: Bogaards-Yes, Fischer-Yes, Lohse-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

City Administrator Arentsen led a discussion pertaining to recommendations for striping and signage improvements in the April 25, 2012, Traffic Engineering Assistance Program Report on Grant Street.

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

- Was invited to participate in a conference call with local Mayors and David Agnew, Director of Inter-governmental affairs at the White House, about how the White House can help small communities with projects.
- Washington, D.C. trip.
- Receiving complaints about unsightly appearance of 113 Grant Street, North, and shanty-like thing in the rear yard that is unappealing and appears unsafe.

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

- Floating aerators seem to have solved the lagoon odor problem.
- Added additional drainage to trail project.
- Will attend Prairie Meadows award luncheon on May 16.
- Board of Adjustment will meet June 12, regarding the school district's sign.
- Would like to install driveway and/or sidewalk connection to the City's adjacent lot.

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

- **Council Member Johnson** – No Comment
- **Council Member Sullivan** – Drain continues to pond by Petocka South Shelter playground.
- **Council Member Bogaards** – Receiving positive comments from the residents during the Paine Height Storm Sewer Project; run-off continues at some 3rd Street, Southeast, construction sites; and heard that EZ Mart is going to operate as a liquor store.
- **Council Member Fischer** – No Comment.
- **Council Member Lohse** – Developers Conference update; and would like it on the record that the City has discussed financial control in the workplace and that appropriate measures are taken to continually monitor the City's funds.
- **City Attorney Brick** – No Comment.

Council Member Bogaards asked for a five minute recess.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 7:35 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: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes, Fischer-Yes. Motion carried. Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to close the Closed Session at 8:25 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 8:30 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

Michelle Wells, Deputy City Clerk

ATTEST:

Keith Ryan, Mayor

(SEAL)

I, the understated 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 May 07, 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.

Keith Ryan, Mayor