

## NOTICE OF A REGULAR MEETING BONDURANT CITY COUNCIL

May 21, 2012

**Meeting 12-11**

**NOTICE IS HEREBY GIVEN** that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, May 21, 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 May 07, 2012
  - b) Receive and File – Planning & Zoning Commission Minutes of April 26, 2012
  - c) Receive and File – Library Board of Trustees Minutes of April 05, 2012
  - d) Claims Report
  - e) Tax Abatement Applications – Stacey and Bryce Klinker, 311 Tailfeather Drive, Northwest; and Heather Elwood Keith, 121 Mallard Pointe Drive, Northwest, Bondurant, Polk County, Iowa
- 7) Polk County Sheriff's Report
- 8) Guests requesting to address the City Council
- 9) **PUBLIC HEARING** – For consideration of amending the City of Bondurant Municipal Budget for Fiscal Year 2011 / 2012  
**RESOLUTION NO. 12-72** – A Resolution approving the amended City of Bondurant Municipal Budget for Fiscal Year 2011 / 2012
- 10) **RESOLUTION NO. 12-73** – A Resolution approving the Preliminary Plat for Efnor Estates Plat 2
- 11) **PUBLIC HEARING** – For consideration of amending the City of Bondurant Urban Renewal Plan  
**RESOLUTION NO. 12-74** – A Resolution approving the amended City of Bondurant Urban Renewal Plan
- 12) **RESOLUTION NO. 12-75** – A Resolution approving the Final Plat for Wisteria Heights Plat 3
- 13) **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 (third and final reading)
- 14) **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 (second reading)
- 15) **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 (second reading)

- 16) **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 (second reading)
- 17) **RESOLUTION NO. 12-76** – A Resolution approving Fund Transfers
- 18) **RESOLUTION NO. 12-77** – A Resolution setting a Public Hearing date for June 04, 2012, for consideration of approving a Development Agreement between the City of Bondurant and Hubbell Realty, pertaining to the Eastbridge Apartment Project
- 19) **RESOLUTION NO. 12-78** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1373, located at 302 2nd Street, Northeast, Bondurant, Polk County, Iowa
- 20) **RESOLUTION NO. 12-79** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1861, located at 1455 Grant Street, South, Bondurant, Polk County, Iowa
- 21) **RESOLUTION NO. 12-80** – A Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Git-N-Go Convenience Store #41, located at 3207 Henry Street, Southwest, Bondurant, Polk County, Iowa
- 22) **RESOLUTION NO.12-81** – A Resolution approving the renewal license application for a Class C Beer and Sunday Sales Permit for Git-N-Go Convenience Store, Inc., d/b/a Git-N-Go Convenience Store #41, located at 3207 Henry Street, Southwest, Bondurant, Iowa
- 23) **RESOLUTION NO.12-82** – A Resolution approving the new license application for a Class C Beer and Sunday Sales Permit for EZ Mart, LLC, located at 1111 Lincoln Street, Southeast, Bondurant, Iowa
- 24) **RESOLUTION NO. 12-83** – A Resolution approving Change Order No. 3 submitted by Vanderpool Construction, Inc., in the amount of \$1033.09, pertaining to the Paine Heights Storm Sewer Project
- 25) **RESOLUTION NO. 12-84** – A Resolution approving Change Order No. 4 submitted by Vanderpool Construction, Inc., in the amount of \$3,066, pertaining to the Paine Heights Storm Sewer Project
- 26) **RESOLUTION NO. 12-85** – A Resolution levying assessment against the property located at 302 2nd Street, Northwest, for nuisance abatement pertaining to tall grass
- 27) **RESOLUTION NO. 12-86** – A Resolution approving Contractor's Application for Payment Request No. 1 submitted by TK Concrete, Inc., in the amount of \$56,873.89, pertaining to the Chichaqua Valley Trail Project
- 28) **RESOLUTION NO. 12-87** – A Resolution approving Contractor's Application for Payment Request No. 2 submitted by Vanderpool Construction, Inc., in the amount of \$94,561.78, pertaining to the Paine Heights Storm Sewer Project
- 29) **RESOLUTION NO. 12-88** – A Resolution approving an additional payment request submitted by Hoisington Koegler Group, Inc., in the amount of \$3,500, pertaining to the revised 2012 Comprehensive Plan
- 30) **RESOLUTION NO. 12-89** – A Resolution approving a new application for an Iowa Retail Cigarette and Tobacco Permit for EZ Mart, 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa
- 31) Discussion item(s)
  - a) WRA Timeline
- 32) Reports / Comments and appropriate action thereon:
  - a) Mayor
  - b) City Administrator
  - c) Council Members
- 33) Adjournment

# **BONDURANT CITY COUNCIL REGULAR MEETING**

**May 21, 2012**

**Meeting No. 12-11**

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 21st 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  
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 18, 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 item 13.

Mayor Ryan led the pledge of allegiance.

Mayor Ryan asked that item 11 be deleted from the agenda. 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 Sullivan, seconded by Council Member Bogaards, to approve the Consent Items consisting of the City Council Minutes of May 07, 2012, Planning and Zoning Commission Minutes of April 26, 2012, Library Board of Trustees Minutes of April 05, 2012, the Claims Report and Tax Abatement Applications for Stacey and Bryce Klinker, 311 Tailfeather Drive, Northwest; and Heather Elwood Keith, 121 Mallard Pointe Drive, Northwest, Bondurant, Polk County, Iowa. Roll Call: Sullivan-Yes, Bogaards-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes. Motion carried.

Polk County Sheriff's Department Deputy Frank Courtney had nothing to report.

Bondurant City Council Meeting  
May 21, 2012

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 6:02 p.m., and open the Public Hearing for consideration of approving the amended City of Bondurant Municipal Budget for Fiscal Year 2011 / 2012. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Lohse-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. Motion made by Council Member Fischer, seconded by Council Member Johnson, to approve Resolution No. 12-72, a Resolution approving the amended City of Bondurant Municipal Budget for Fiscal Year 2011 / 2012. Roll Call: Fischer-Yes, Johnson-Yes, Lohse-Yes, Bogaards-Yes, Sullivan-Yes. Motion carried.

Vic Piagentini, Associated Engineering Company of Iowa, presented the Preliminary Plat for Efnor Estates and answered questions from the Mayor and Council. Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 12-73, a Resolution approving the Preliminary Plat for Efnor Estates Plat 2. Roll Call: Bogaards-Yes, Fischer-Yes, Lohse-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Bart Turk, Civil Engineering Consultants, Inc., presented the Final Plat for Wisteria Heights Plat 3 and answered questions from the Mayor and Council. Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-75, a Resolution approving the Final Plat for Wisteria Heights Plat 3. 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 approve the third and final 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: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Abstain. Motion carried.

Motion made by Council Member Fischer, seconded by Council Member Bogaards, to waive the second 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 and approve as the third and final reading. Roll Call: Fischer-Yes, Bogaards-Yes, Lohse-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to approve the second 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: Sullivan-Yes, Johnson-Yes, Fischer-Yes, Lohse-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to approve the second 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: Sullivan-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Sullivan, to approve Resolution No. 12-76, a Resolution approving Fund Transfers. Roll Call: Lohse-Yes, Sullivan-Yes, Fischer-Yes, Johnson-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Fischer, to approve Resolution No. 12-77, a Resolution setting a Public Hearing date for June 04, 2012, for consideration of approving a Development Agreement between the City of Bondurant and Hubbell Realty, pertaining to the Eastbridge Apartment Project. Roll Call: Sullivan-Yes, Fischer-Yes, Lohse-Yes, Bogaards-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-78, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1373, located at 302 2nd Street, Northeast, Bondurant, Polk County, Iowa. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Sullivan, to approve Resolution No. 12-79, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Casey's General Store #1861, located at 1455 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: Lohse-Yes, Sullivan-Yes, Johnson-Yes, Fischer-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Johnson, to approve Resolution No. 12-80, a Resolution approving the renewal application for an Iowa Retail Cigarette and Tobacco Permit for Git-N-Go Convenience Store #41, located at 3207 Henry Street, Southwest, Bondurant, Polk County, Iowa. Roll Call: Sullivan-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Bogaards-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-81, a Resolution approving the renewal application for a Class C Beer and Sunday Sales Permit for Git-N-Go Convenience Stores, Inc., d/b/a Git-N-Go Convenience Store #41, located at 3207 Henry Street, Southwest, Bondurant, Polk County, Iowa. Roll Call: Bogaards-Yes, Sullivan-Yes, Lohse-Yes, Johnson-Yes, Fischer-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to table Resolution No. 12-82, a Resolution approving the new application for a Class C Beer and Sunday Sales Permit for EZ Mart, LLC, located at 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa, until clarification of the permit class is determined. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-89, a Resolution approving a new application for an Iowa Retail Cigarette and Tobacco Permit for EZ Mart, 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa. 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. 12-83, a Resolution approving Change Order No. 3 submitted by Vanderpool Construction, Inc., in the amount of \$1033.09, pertaining to the Paine Heights Storm Sewer Project. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-84, a Resolution approving Change Order No. 4 submitted by Vanderpool Construction, Inc., in the amount of \$3066, 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 Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-85, a Resolution levying assessment against the property located at 302 2nd Street, Northwest, for a nuisance abatement pertaining to tall grass. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-86, a Resolution approving Contractor's Application for Payment Request No. 1 submitted by TK Concrete, Inc., in the amount of \$56,873.89, pertaining to the Chichaqua Valley Trail Project. Roll Call: Bogaards-Yes, Johnson-Yes, Fischer-Yes, Sullivan-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-87, a Resolution approving Contractor's Application for Payment Request No. 2 submitted by Vanderpool Construction, Inc., in the amount of \$94,561.78, pertaining to the Paine Heights Storm Sewer Project. Roll Call: Bogaards-Yes, Lohse-Yes, Fischer-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Bogaards, to approve Resolution No. 12-88, a Resolution approving an additional payment request submitted by Hoisington Koegler Group, Inc., in the amount of \$3,500, pertaining to the revised 2012 Comprehensive Plan. Roll Call: Lohse-Yes, Bogaards-Yes, Sullivan-Yes, Fischer-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-82, a Resolution approving the new license application for a Class C Beer and Sunday Sales Permit for EZ Mart, LLC, located at 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Bogaards-Yes, Lohse-Yes, Fischer-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Discussion held regarding the WRA timeline. City Administrator Arentsen reported the project is ahead of schedule at this time.

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

- Washington, D.C. trip update.
- Applying for a MWA grant to be used to clean up the junk at Eagle Park on 2nd Street, NW.

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

- Attended Prairie Meadows grant awards luncheon with Mike Kramer from the high school.
- Grant Street, South, parking and traffic plan meeting scheduled for May 30.
- The next state trails grant application is due July 01.
- Plan to add lighting to the Trailhead Project.
- White fence installed at the cemetery entrance; all cemetery improvements are completed.

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

- **Council Member Johnson** – BRSC update; tournaments going well; concession stand sales are high and receiving positive comments about the safe room.
- **Council Member Sullivan** – No Comment.
- **Council Member Bogaards** – Would like additional copies of the Comprehensive Plan; asked the status of complaints being resolved at 113 Grant Street, North.
- **Council Member Fischer** – No Comment.
- **Council Member Lohse** – Intake at the end of Main Street, Southeast, has standing water in it; Arbor Ridge culvert size; asked the possibility connecting sump pumps during installation of pipe for the Paine Heights Storm Sewer Project

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to adjourn said meeting at 7:25 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

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Michelle Wells, Deputy City Clerk

ATTEST:

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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 21, 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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Keith Ryan, Mayor