

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

June 04, 2012

Meeting 12-12

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, June 04, 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 21, 2012
 - b) Receive and File – Planning and Zoning Commission Minutes of May 10, 2012
 - c) Claims Report
 - d) Tax Abatement Applications – Jeff and Michelle Bedier, 618 Deer Ridge Drive, Northwest; Christine Harms and Jeff Struecker, 704 36th Street, Southwest; Jeffrey Dunn, 336 Tailfeather Drive, Northwest; and Emily Reid, 505 Filmore Avenue, Southeast, Bondurant, Polk County, Iowa
- 7) Polk County Sheriff's Report
- 8) Guests requesting to address the City Council
- 9) **RESOLUTION NO. 12-90** – A Resolution approving the Final Plat for Arbor Ridge Plat 6
- 10) **RESOLUTION NO. 12-91** – A Resolution approving Fund Transfers
- 11) **PUBLIC HEARING** – For consideration of amending the City of Bondurant Urban Renewal Plan
 - RESOLUTION NO. 12-92** – A Resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan amendment for the 2012 Addition to the Bondurant Urban Renewal Area
- 12) **PUBLIC HEARING** – For consideration of approving a Development Agreement with Hubbell Realty Company, including annual appropriation tax increment payments in an amount not to exceed \$3,050,000
 - RESOLUTION NO. 12-93** – A Resolution approving a Development Agreement with Hubbell Realty Company, including annual appropriation tax increment payments in an amount not to exceed \$3,050,000
- 13) **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 (third and final reading)

- 14) **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 (third and final reading)
- 15) **RESOLUTION NO. 12-94** – A Resolution approving a Plat of Survey for acquisition of 1,189 sq. ft., from Elson Rentals by the City of Bondurant
- 16) **RESOLUTION NO. 12-95** – A Resolution approving a Plat of Survey for acquisition of 2,374 sq. ft., from Steven L. Wolvers Properties, Inc., by the City of Bondurant
- 17) **RESOLUTION NO. 12-96** – A Resolution approving Application for Payment submitted by Vanderpool Construction, Inc., in the amount of \$152,861.23, pertaining to the Paine Heights Storm Sewer Project
- 18) **RESOLUTION NO. 12-97** – A Resolution approving a new license application for a Class B Wine Permit, Class E Liquor License and Sunday Sales for EZ Mart, LLC, located at 1111 Lincoln Street, Southeast, Bondurant, Iowa, pending fire inspection approval
- 19) **RESOLUTION NO. 12-98** – A Resolution approving a proposal presented by Polk County Public Works in the amount of \$8,835, pertaining to parking lot and drainage improvements to the Soccer Complex
- 20) **RESOLUTION NO 12-99** – A Resolution adopting and approving Tax Compliance Procedures Relating to Tax Exempt Bonds
- 21) **RESOLUTION NO 12-100** – A Resolution setting a Public Hearing Date on designation of the expanded Bondurant Urban Renewal Area and on Urban Renewal Plan Amendment
- 22) **RESOLUTION NO. 12-101** – A Resolution approving the monthly transfer of \$8,320 from the Water Checking into the Water Sinking Fund and the monthly transfer of \$3,220 from the Sewer Checking into the Sewer Sinking Fund for Fiscal Year 2012 / 2013
- 23) **RESOLUTION NO. 12-102** – A Resolution approving the proposal submitted by SVPA Architects, Inc., in the amount of \$8,500, to design a trailhead building for the Bondurant Regional Trailhead
- 24) **RESOLUTION NO. 12-103** – A Resolution approving a Change Order submitted by Jensen Builders for a credit in the amount of \$1,590, pertaining to the Kinney Park Safe Room Project
- 25) Reports / Comments and appropriate action thereon:
 - a) Mayor
 - b) City Administrator
 - c) Council Members
 - d) City Attorney Brick
- 26) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate
- 27) Adjournment

BONDURANT CITY COUNCIL REGULAR MEETING

June 04, 2012

Meeting No. 12-12

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 04th day of June, 2012, at 6:00 p.m.

Present: Mayor Keith Ryan
Council Member Amy Bogaards
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: 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 June 01, 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 6:02 p.m.

Mayor Ryan led the pledge of allegiance.

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

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve the Consent Items consisting of the City Council Minutes of May 21, 2012, Planning and Zoning Commission Minutes of May 10, 2012, the Claims Report and Tax Abatement Applications for Jeff and Michelle Bedier, 618 Deer Ridge Drive, Northwest; Christine Harms and Jeff Struecker, 704 36th Street, Southwest; Jeffrey Dunn, 336 Tailfeather Drive, Northwest; and Emily Reid, 505 Filmore Avenue, Southeast, Bondurant, Polk County, Iowa. Roll Call: Bogaards-Yes, Lohse-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

Polk County Sheriff's Department Deputy John Pohlman had nothing to report. Council Member Johnson asked the status of a hit and run incident that damaged parking posts and cables at the Bondurant Recreational Sports Complex parking lot.

Peggy Vint, Bondurant-Farrar Community School District Superintendent, stated that the school district in general is not opposed to Tax Increment Financing being used as an economic tool, but the school had not received data required in Iowa Code 403.2b in a timely fashion. The school district appreciates the Council's response to convene the Public Hearing pertaining to the Urban Renewal Plan Amendment on June 04, and recess the Public Hearing to the June 18, City Council meeting. The school district wants to ensure good dialog and clear understanding of TIF on the school.

Thad Long, Bondurant Soccer Club President, wanted to formally thank the Mayor, City Staff and the Polk County Sheriff's Department for their assistance with an incident at the Soccer Complex this Spring.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to table Resolution No. 12-90, a Resolution approving the Final Plat for Arbor Ridge Plat 6, until the parties involved arrive for the meeting. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 12-91, a Resolution approving Fund Transfers. Roll Call: Sullivan-Yes, Bogaards-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 6:10 p.m., and open the Public Hearing to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve the urban renewal plan amendment for the 2012 Addition to the Bondurant Urban Renewal Area. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes. Motion carried. Peggy Vint, Bondurant-Farrar School District Superintendent stated that the school district will offer something in writing for the next meeting. No other public comments were received during the Public Hearing. Motion made by Council Member Bogaards, seconded by Council Member Johnson, to recess the Public Hearing for consideration of amending the City of Bondurant Urban Renewal Plan until June 18, to be continued for further review. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes. Motion carried. Council Member Lohse said that he couldn't find 403.2b in the Iowa Code but all materials needed should be given to the school district before the June 18, meeting.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 6:14 p.m., and open the Public Hearing for consideration of approving a Development Agreement with Hubbell Realty Company, including annual appropriation tax increment payments in an amount not to exceed \$3,050,000. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes. No Public Comments were received during the Public Hearing. Motion made by Council Member Bogaards, seconded by Council Member Lohse, to recess the Public Hearing to June 18, for consideration of approving a Development Agreement with Hubbell Realty Company, including annual appropriation tax increment payments in an amount not to exceed \$3,050,000. Roll Call: Bogaards-Yes, Lohse-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve the third and final 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, Sullivan-Yes, Lohse-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve the third and final 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, Lohse-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-94, a Resolution approving a Plat of Survey for acquisition of 1,189 square feet from Elson Rentals by the City of Bondurant. Roll Call: Bogaards-Yes, Sullivan-Yes, Lohse-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Lohse, to approve Resolution No. 12-95, a Resolution approving a Plat of Survey for acquisition of 2,374 square feet from Steven L. Wolvers Properties, Inc., by the City of Bondurant. Roll Call: Bogaards-Yes, Lohse-Yes, Johnson-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Johnson, to approve Resolution No. 12-96, a Resolution approving an Application for Payment submitted by Vanderpool Construction, Inc., in the amount of \$152,861.23, pertaining to the Paine Heights Storm Sewer Project. Roll Call: Sullivan-Yes, Johnson-Yes, Bogaards-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 12-97, a Resolution approving a new license application for a Class B Wine Permit, Class E Liquor License and Sunday Sales for EZ Mart, LLC, located at 1111 Lincoln Street, Southeast, Bondurant, Iowa, pending a fire inspection approval. Roll Call: Sullivan-Yes, Bogaards-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Johnson, seconded by Council Member Sullivan, to approve Resolution No. 12-98, a Resolution approving a proposal presented by Polk County Public Works in the amount of \$8,835, pertaining to parking lot and drainage improvements to the Soccer Complex. Roll Call: Johnson-Yes, Sullivan-Yes, Lohse-Yes, Bogaards-Yes.

Ed Skinner, representing Arbor Ridge, LLC, agreed to resolving ancillary issues that need to be accounted for in Arbor Ridge Plat 6. Motion made by Council Member Sullivan, seconded by Council Member Bogaards, to approve Resolution No. 12-90, a Resolution approving the Final Plat for Arbor Ridge Plat 6, subject to a safe water sample and that the flood plain property in Plats 3, 5 and 6 be deeded over to the City of Bondurant. Roll Call: Sullivan-Yes, Bogaards-Yes, Lohse-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to approve Resolution No. 12-99, a Resolution adopting and approving Tax Compliance Procedures Relating to Tax Exempt Bonds. Roll Call: Bogaards-Yes, Sullivan-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-100, a Resolution setting a Public Hearing date for July 02, 2012, on designation of the expanded Bondurant Urban Renewal Area and on Urban Renewal Plan Amendment. Roll Call: Bogaards-Yes, Johnson-Yes, Sullivan-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Johnson, seconded by Council Member Lohse, to approve Resolution No. 12-101, a Resolution approving the monthly transfer of \$8,320 from the Water Checking into the Water Sinking Fund and the monthly transfer of \$3,220 from the Sewer Checking into the Sewer Sinking Fund for Fiscal Year 2012 / 2013. Roll Call: Johnson-Yes, Lohse-Yes, Bogaards-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Lohse, seconded by Council Member Bogaards, to approve Resolution No. 12-102, a Resolution approving the proposal submitted by SVPA Architects, Inc., in the amount of \$8,500, to design a trailhead building for the Bondurant Regional Trailhead. Roll Call: Lohse-Yes, Bogaards-Yes, Sullivan-Yes, Johnson-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to approve Resolution No. 12-103, a Resolution approving a Change Order submitted by Jensen Builders for a credit in the amount of \$1,590, pertaining to the Kinney Park Safe Room Project. Roll Call: Bogaards-Yes, Johnson-Yes, Lohse-Yes, Sullivan-Yes. Motion carried.

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

- Asked for update on the fishing derby at Lake Petocka and tournament at BRSC.
- Meeting in Ankeny with the National Park Service to discuss trails.
- Meeting being scheduled to discuss regional EMS Service.
- Will volunteer to be a representative on the DART Board replacing Skip Conklin.

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

- 2011 Sidewalk Assessment Project submitted to Polk County.
- Thank you to Clay Sprague for taking me around to get pictures (where no man has gone before) for the State Recreation Trails grant.
- Driveway connection for the two parking lots should be completed this week.
- Hope to have safe room done by the end of the month.
- Worker's Compensation quotes are due June 12, and selection of a carrier will be on the June 18, agenda.

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; safe room restrooms had a lot of use and created some problems and thanks to Recreation Director Shelby Hagan for the nice job with the fishing tournament and great prizes. City Administrator Arentsen added a special thank you to Pat Collison for his participation in obtaining prizes for the fishing derby.
- **Council Member Sullivan** – No Comment.
- **Council Member Bogaards** – No Comment.
- **Council Member Lohse** – Pursue bike trail connections; noticed whoever worked at the community garden drove their car back to it; posts and cables should be repaired at BRSC / Lake Petocka; and inquired about additional platting of the cemetery.

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

- No Comment.

Council Member Bogaards asked for a five minute recess at 7:33 p.m.

Motion made by Council Member Bogaards, seconded by Council Member Johnson, to close the regular City Council meeting at 7:40 p.m., and go into 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. Motion carried. Motion made by Council Member Bogaards, seconded by Council Member Sullivan, to close the Closed Session at 8:30 p.m., and open the regular City Council meeting. Roll Call: Bogaards-Yes, Sullivan-Yes, Johnson-Yes, Lohse-Yes. Motion carried.

Motion made by Council Member Johnson, seconded by Council Member Sullivan, to adjourn said meeting at 8:35 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 June 04, 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