Posting Date: October 31, 2008

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

November 03, 2008

Meeting 08-27

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, November 03, 2008, in the Bondurant City Center at 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

AGENDA

1) Call to Order
2) Roll Call
3) Perfecting and Approval of the Agenda and Declaring a Quorum
4) Guests Present
5) Consent Items:
   a) Approval of the City Council Minutes of October 20, 2008
   b) Claims Report
   c) Tax Abatement Applications – Shaymus Smith, 312 Walnut Drive, Northwest; and Stacey Franklin Pate, 606 9th Street, Southeast, Bondurant, Polk County, Iowa
6) Polk County Sheriff's Report
7) Marvin Berger, Martens and Company, Inc – Presentation of FY 2008 Municipal Audit for the City of Bondurant, Polk County, Iowa
   RESOLUTION NO. 08-179 – A Resolution approving the FY 2008 Municipal Audit for the City of Bondurant, Polk County, Iowa
8) ***CLOSED SESSION*** Pursuant to Iowa Code Section 21.5(1) (c) to discuss litigation strategies relating to C&D waste material located at 3507 Grant Street, South, Bondurant, Polk County, Iowa
9) **RESOLUTION NO. 08-180** – A Resolution approving a Plat of Survey for Wolf Creek Development Plat 3
10) **RESOLUTION NO. 08-181** – A Resolution approving an Acquisition Plat for Wolf Creek Development Plat 3
11) **RESOLUTION NO. 08-182** – A Resolution approving the rental of a Skid Loader with Cab, Heat, Snow Bucket and Tilt Bed Trailer from Midwest Underground Supply, LLC
12) **RESOLUTION NO. 08-183** – A Resolution approving the Supplemental to Agreement No. 1 between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc, pertaining to the 6' wide sidewalk between the Mallard Pointe Subdivision and Grant Street, North
13) **RESOLUTION NO. 08-184** – A Resolution approving the Supplemental to Agreement No. 2 between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc, pertaining to the Main Street Northeast/Southeast Reconstruction Project
14) **RESOLUTION NO. 08-185** – A Resolution approving the Supplemental to Agreement No. 1 between the City of Bondurant, Polk County, Iowa and Stanley Consultants, Inc, pertaining to the Evaluation of the Sanitary Sewer System
15) **RESOLUTION NO. 08-186** – A Resolution approving the Final Plat and Schedule of Assessments for the 2007 Sidewalk Assessment Project
16) **RESOLUTION NO. 08-187** – A Resolution approving an Identity Theft Prevention Program Pursuant to the Federal Trade Commission's (FTC) Red Flag Rule

17) **RESOLUTION NO. 08-188** – A Resolution approving the New Class C Beer and Sunday Sales Permit Application for DK Petroleum, LLC, d/b/a DK Petroleum, LLC, a Limited Liability Company, 1111 Lincoln Street, Southeast, Bondurant, Iowa
18) **RESOLUTION NO. 08-189** – A Resolution approving the application for an Iowa Retail Cigarette Permit for DK Petroleum, LLC, 1111 Lincoln Street, Southeast, Bondurant, Iowa
19) **RESOLUTION NO. 08-190** – A Resolution approving the Renewal License for Special Class C Liquor, Beer or Wine and Sunday Sales Permit for Polito's Pizza House, Inc, d/b/a Polito's Pizza House, Inc, a Privately Held Corporation, 210 Lincoln Street, Northeast, Bondurant, Iowa
20) **RESOLUTION NO. 08-191** – A Resolution approving the Renewal License for Class C Liquor License (LC) Commercial, Outdoor Service and Sunday Sales Permit Application for Hamm Family, LLC, d/b/a Cory's Irish Pub, a Limited Liability Company, 110 1st Street, Southeast, Bondurant, Iowa
21) **RESOLUTION NO. 08-192** – A Resolution approving the Renewal License for Class C Beer and Sunday Sales Permit Application for Casey's Marketing Company, d/b/a Casey's General Store #1373, a Privately Held Corporation, 302 2nd Street, Northeast, Bondurant, Iowa
22) **RESOLUTION NO. 08-193** – A Resolution approving the Lease Agreement between the City of Bondurant, Polk County, Iowa and FC Cooperative II
23) **RESOLUTION NO. 08-194** – A Resolution authorizing and directing the City Administrator to Write-off certain emergency medical accounts as non-collectible due to Medicare, Medicaid, or Bad Debt
24) **RESOLUTION NO. 08-195** – A Resolution approving Wellmark Blue Advantage (JPR) for the City of Bondurant Employee Health and Life Insurance Benefits Plan
25) **RESOLUTION NO. 08-196** – A Resolution approving the Annual Appropriation Payment in the amount of $100,000 payable to Wil-Ron Properties, LLC, pertaining to the Development Agreement between the City of Bondurant, Polk County, Iowa and Wil-Ron Properties, LLC
26) **RESOLUTION NO. 08-197** – A Resolution approving Contractor's Application for Payment No. 1 from Pirc-Tobin Construction in the amount of $40,258.64 pertaining to the water and sewer to the new High School
27) **RESOLUTION NO. 08-198** – A Resolution approving Contractor's Application for Payment request from Munro Construction Company in the amount of $49,427.49 pertaining to the Library project
28) **RESOLUTION NO. 08-199** – A Resolution amending the City of Bondurant Employee Handbook to add Grandchildren to Section 4.6, Bereavement Leave
29) Discussion item(s)
    a) Speed limit on U.S. Highway 65
    b) Vicious animal ordinance
    c) Consider providing insurance for the Bondurant Soccer Club
    d) Speed limit and four- way stop sign at Mallard Pointe Drive/2nd Street, Northwest
30) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator
    c) Council Members
    d) City Attorney
31) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

November 03, 2008

Meeting No. 08-27

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 November, 2008, at 6:00 p.m.

Present: Mayor Marla McCoid
Council Member Mike Adams, Sr.
Council Member Michele R. Bailey
Council Member Eric Boatwright
Council Member Keith Ryan
Council Member Curt Sullivan
City Attorney David Brick
City Administrator Mark J. Arentsen
Finance Director Lori Dunham

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 31, 2008. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor McCoid called the meeting to order at 6:01 p.m. Roll call was taken and a quorum was declared.

Council Member Ryan arrived at 6:05 p.m.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve the agenda, as amended, deleting Item #11 and moving Item #20 to Item #8a. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes, Ryan-Yes. Motion carried.

Mr. Michael Lewis, 1005 Grant Street, South, Unit #4, Bondurant, Iowa, addressed the Council about the Paired Townhomes. He requested that the City issue the occupancy permits for units 1 through 4. The units have been inspected by the Altoona Building Department. He would like to see the City try to negotiate a 12 month guarantee with the current contractor, Williamson Group, Ltd. Spring rains will certainly test the grading work done. He thanked the City for all of their time and effort. Council Member Bailey stated that a manhole needs to be reworked, house numbers need to be displayed on the outside of each unit and unit #2 has yet to be inspected. City Engineer Ed Slattery stated that an orifice plate will be installed next spring so as not to disturb the mulch and seeding, 3-4 pavement panels have pock marks or are cracked and No Parking signs need to be erected.

Motion made by Council Member Boatwright, seconded by Council Member Ryan, to approve the Consent Items consisting of the City Council Minutes of October 20, 2008, the Claims Report, and Tax Abatement Applications for Shaymus Smith, 312 Walnut Drive, Northwest, and Stacey Franklin Pate, 606 9th Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Ryan-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes. Motion carried.

Polk County Sheriff's Department was not present.

Mr. Marvin Berger, Martens and Company, CPA, LLP, presented the Fiscal Year 2008 Municipal Audit for the City of Bondurant. He stated that the City's financial condition continues to improve. Motion made by Council Member Ryan, seconded by Council Member Boatwright, to approve Resolution No. 08-179, a Resolution approving the FY2008 Municipal Audit for the City of Bondurant, Polk County, Iowa. Roll Call: Ryan-Yes, Boatwright-Yes, Bailey-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to close the regular meeting at 6:47 p.m., and go into closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss litigation strategies relating to C&D waste material located at 3507 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes, Ryan-Yes. Motion carried. Motion made by Council Member Adams, seconded by Council Member Boatwright, to close the closed session at 7:21 p.m., and open the regular meeting. Roll Call: Adams-Yes, Boatwright-Yes, Bailey-Yes, Sullivan-Yes, Ryan-Yes. Motion carried.

Mr. Eric Cannon, Snyder & Associates, Inc., 2727 Southwest Snyder Boulevard, Ankeny, Iowa, representing City Realty Corp., presented the Plat of Survey for Wolf Creek Development Plat 3. This plat of survey dedicates parkland on the northeast portion of Wolf Creek. Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-180, a Resolution approving the Plat of Survey for Wolf Creek Development Plat 3. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-181, a Resolution approving an Acquisition Plat for Wolf Creek Development Plat 3. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-191, a Resolution approving the Renewal License for Class C Liquor License (LC) Commercial, Outdoor Service and Sunday Sales Permit Application for Hamm Family, LLC, d/b/a Cory's Irish Pub, a Limited Liability Company, 110 1st Street, Southeast, Bondurant, Iowa. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Mr. David Bovee, Stanley Consultants, Inc., presented the Supplement to Agreement No. 1 pertaining to the change of the 10' wide sidewalk to the 6' wide sidewalk for properties on the north side of 2nd Street, Northwest, and west of Grant Street, North, and adding bidding services to the original contract. Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution No. 08-183, a Resolution approving the Supplemental to Agreement No. 1 between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc., pertaining to the 6' wide sidewalk between the Mallard Pointe Subdivision and Grant Street, North. Roll Call: Bailey-Yes, Boatwright-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Mr. David Bovee, Stanley Consultants, Inc., presented the Supplement to Agreement No. 2 pertaining to the additional parking on the southwest corner of the intersection of Main and First Street, Southeast, and adding bidding services to the original contract. Motion made by Council Member Boatwright, seconded by Council Member Bailey, to approve Resolution No. 08-184, a Resolution approving the Supplemental to Agreement No. 2 between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc., pertaining to Main Street Northeast/Southeast Reconstruction Project. Roll Call: Boatwright-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Mr. Ed Slattery, Stanley Consultants, Inc., presented the Supplement to Agreement No. 1 pertaining to the Evaluation of the Sanitary Sewer System and the number of manholes included in the original contract. Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-185, a Resolution approving the Supplemental to Agreement No. 1 between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc., pertaining to the Evaluation of the Sanitary Sewer System. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-No, Ryan-Yes, Sullivan-Yes. Motion carried.

Mayor McCoid asked Mayor Pro Tem Adams to preside over the next agenda item, due to a conflict of interest and joined the audience.

City Administrator Arentsen asked the Council to amend the Final Plat and Schedule of Assessments amount assessed to Darlene Allen, 143 Patterson Street, Southeast, from $723.45 to $482.30. Motion made by Council Member Bailey, seconded by Council Member Sullivan, to approve Resolution No. 08-186, a Resolution approving the Final Plat and Schedule of Assessments for the 2007 Sidewalk Assessment Project as amended. Roll Call: Bailey-Yes, Sullivan-Yes, Boatwright-Yes, Ryan-Abstain, Adams-Yes. Motion carried.

Mayor McCoid rejoined the Council.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-187, a Resolution approving an Identity Theft Prevention Program Pursuant to the Federal Trade Commission's (FTC) Red Flag Rule. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Ryan-Yes, Adams-Yes. Motion carried.

Mr. Pritpal Singh appeared before Council representing DK Petroleum, LLC, for approval of the liquor and cigarette permits for 1111 Lincoln Street, Southeast. City Administrator Arentsen noted that there were a number of issues that needed to be worked on prior to water service being restored. Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-188, a Resolution approving the New Class C Beer and Sunday Sales Permit Application for DK Petroleum, LLC, d/b/a DK Petroleum, LLC, a Limited Liability Company, 1111 Lincoln Street, Southeast, Bondurant, Iowa Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-189, a Resolution approving the application for an Iowa Retail Cigarette Permit for DK Petroleum, LLC, 1111 Lincoln Street, Southeast, Bondurant, Iowa. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-190, a Resolution approving the Renewal License for Special Class C Liquor, Beer or Wine and Sunday Sales Permit for Polito's Pizza House, Inc., d/b/a Polito's Pizza House, Inc., a Privately Held Corporation, 210 Lincoln Street, Northeast, Bondurant, Iowa. Roll Call: Boatwright-Yes, Sullivan-Yes, Ryan-Yes, Bailey-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-192, a Resolution approving the Renewal License for Class C Beer and Sunday Sales Permit Application for Casey's Marketing Company, d/b/a Casey's General Store #1373, a Privately Held Corporation, 302 2nd Street, Northeast, Bondurant, Iowa. Roll Call: Boatwright-Yes, Sullivan-Yes, Ryan-Yes, Bailey-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-193, a Resolution approving the Lease Agreement between the City of Bondurant, Polk County, Iowa and FC Cooperative II. Roll Call: Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 08-194, a Resolution authorizing and directing the City Administrator to Write-off certain emergency medical accounts as non-collectible due to Medicare, Medicaid, or Bad Debt. Roll Call: Adams-Yes, Bailey-Yes, Ryan-Abstain, Boatwright-No, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-195, a Resolution approving Wellmark Blue Advantage (JPR) for the City of Bondurant Employee Health and Life Insurance Benefits Plan. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mayor McCoid asked Mayor Pro Tem Adams to preside over the next agenda item, due to a conflict of interest and joined the audience.

Public comment from residents Marla McCoid, 900 Pleasant Street, Southeast, and Al Knute, 7525 NE 80th Street, Bondurant, Polk County, Iowa, relating to the Wil-Ron project and the increased elevation of the water table in the area. Ms. McCoid stated that her sump pump runs all of the time now and Mr. Knute stated that his neighbor's basement had water in it this past summer for the first time ever. Council Member Bailey stated that the culvert does not seem correct and would like the City Engineer to evaluate the area.

Motion made by Council Member Ryan, seconded by Council Member Sullivan, to approve Resolution No. 08-196, a Resolution approving the Annual Appropriation Payment in the amount of $100,000 payable to Wil-Ron Properties, LLC, pertaining to the Development Agreement between the City of Bondurant, Polk County, Iowa, and Wil-Ron Properties, LLC. Roll Call: Ryan-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes. Motion carried.

Mayor McCoid rejoined the Council.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-197, a Resolution approving Contractor's Application for Payment No. 1 from Pirc-Tobin Construction in the amount of $40,258.64 pertaining to the water and sewer to the new High School. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-198, a Resolution approving Contractor's Application for Payment request from Munro Construction Company in the amount of $49,427.49 pertaining to the Library project. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution No. 08-199, a Resolution amending the City of Bondurant Employee Handbook to add Grandchildren to Section 4.6, Bereavement Leave. Roll Call: Sullivan-Yes, Boatwright-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes. Motion carried.

A break was taken at 8:31 p.m. and the Council meeting resumed at 8:40 p.m.

City Administrator Arentsen led a discussion on the speed limit on Highway 65. He said over the winter the City would work with the Iowa Department of Transportation on the Access Control Plan and incorporate a speed limit discussion into that plan.

Mayor McCoid led a discussion on the vicious dog ordinance. Copies of the March 2008 CityScape were distributed and an article titled "Reckless Owners and Dangerous Dogs: Is Canine Profiling Effective?" was discussed. Public comment was made by residents Kelly Ramus, 602 Evergreen Circle, Northwest, Elaine Saunders, 200 Second Street, Northwest, and David Dicks, 1100 14th Street, Southeast, Bondurant, Polk County, Iowa, concerning the safety of the children in the neighborhoods of vicious dogs. Council Member Keith Ryan, along with his dog, and Brant Hambly, 1008 14th Street, Southeast, supported discussion of non-profiling. Council Member Boatwright thought that having a breed specific ordinance could lead to legal issues. Mayor McCoid suggested adding a significant fine to the City ordinance fining owners for dogs that bite.

Mr. Thad Long and Mr. Al Knute, representing Bondurant Soccer Club, requested the City provide property insurance for the Bondurant Soccer Club. They are to provide the City with a listing of all buildings and equipment and assign a representative to the Bondurant Parks and Recreation Board.

City Administrator Arentsen led a discussion on the speed limit on Second Street, Northwest, and Mallard Pointe Drive, Northwest. At the next Council meeting, Mr. Arentsen will provide a recommendation to slow traffic coming into town west of Mallard Pointe Drive. Public comment was made by Becky Anderson, 203 Mallard Pointe Drive, Northwest, concerning the increase of the speed limit since she moved into her home and the increase in accidents in recent months.

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

- Grain Street will be paved Tuesday, November 4.
- Asbestos survey for buildings to be torn down.

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

- Council Member Adams – No Comment.
- Council Member Bailey – Polk County needs to inform City Hall when something happens in the community.
- Council Member Boatwright – Bondurant resident Jeff Kromrie requested the City look into credit card payments, inquired about the Tennis Court CD.
- Council Member Ryan – Single stream recycling update.
- Council Member Sullivan – No Comment.

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

- No Comment.

Motion made by Council Member Adams, seconded by Council Member Ryan, to adjourn the meeting at 9:40 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

_____
Marla McCoid, Mayor

ATTEST:

_____
Mark Arentsen, City Administrator

SEAL

I, the understated City Administrator 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 November 03, 2008, 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.

_____
Mark Arentsen, City Administrator