Posting Date: May 04, 2008

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

May 05, 2008

Meeting 08-10

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, May 05, 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 April 21, 2008
   b) Receive and File – Planning & Zoning Commission Minutes of April 10, 2008
   c) Claims Report
   d) Tax Abatement Applications – Nicole Harmel, 1212 Dee Street, Southeast; Daniel Torrence, 810 – 34th Street, Southwest; John D. Schultz, 801 – 33rd Street, Southwest; and Cheryl Koenig, 901 – 13th Street, Southeast, Bondurant, Polk County, Iowa
6) Polk County Sheriff's Report
7) Mr. Bruce Cordes, Bondurant Men's Club – Request for certain street closures for Summerfest
   RESOLUTION NO. 08-66 – A Resolution approving certain street closures for Summerfest
8) Mr. Butch Hoffman, Danko Emergency Equipment Company – Explanation of an error in freight costs pertaining to the quote submitted for the Outdoor Warning Siren
9) **ORDINANCE NO. 08-207** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Chapter 17, Section 17.06, City Council Member Compensation, effective January 01, 2010 (2nd reading)
10) ***PUBLIC HEARING*** – For consideration of a re-zoning request for the southeast section of Mallard Creek Development, consisting of no more than 100 lots, located west of Mallard Pointe Development and north of Second Street, Northwest, Bondurant, Polk County, Iowa, from R-2 One-and Two-Family Residential to R-5 Planned Unit Development (PUD)
    ORDINANCE NO. 08-208 – A Resolution approving a re-zoning request for the southeast section of Mallard Creek Development, consisting of no more than 100 lots, located west of Mallard Pointe Development and north of Second Street, Northwest, Bondurant, Polk County, Iowa, from R-2 One-and Two-Family Residential to R-5 Planned Unit Development (PUD) (1st reading)
11) ***PUBLIC HEARING*** – For consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Accessory Structures, Chapter 177.04 of the Zoning Code
    ORDINANCE NO. 08-209 – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending

provisions pertaining to Accessory Structures, Chapter 177.04 of the Zoning Code (1st reading)

12) ***PUBLIC HEARING*** – For consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.01

ORDINANCE NO 08-210 – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.01 (1st reading)

13) ***PUBLIC HEARING*** – For consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.02

ORDINANCE NO. 08-211 – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.02 (1st reading)

14) ***PUBLIC HEARING*** – For consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.02 #19

ORDINANCE NO. 08-212 – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of the Zoning Code, Chapter 175.02 #19 (1st reading)

15) **RESOLUTION NO. 08-67** – A Resolution approving June 19, 2008, for the second Council Meeting date in June, due to Summerfest

16) **RESOLUTION NO. 08-68** – A Resolution approving the transfer of $36,531.89 (Library CD) from the General Fund to Trust & Agency Library Fund

17) **ORDINANCE NO. 08-213** – For consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Parking Regulations, Chapter 69.06, by adding #19 to Parking Prohibited – U.S. Highway 65 Right-of-Way (1st reading)

18) **RESOLUTION NO. 08-69** – A Resolution approving the Final Payment to Peterson Contractors, Inc., an amount not to exceed $10,723.78 pertaining to the Mud Creek Bridge Replacement project

19) **RESOLUTION NO. 08-70** – A Resolution approving the Contractor's Application for Payment Request #2 from Jensen Builders LTD, in an amount not to exceed $133,614.62 pertaining to the Public Safety Building project

20) **RESOLUTION NO. 08-71** – A Resolution approving Proposal Change Request #1 from Jensen Builders, LTD, in the amount of $14,612.00 pertaining to the Public Safety Building project

21) **RESOLUTION NO. 08-72** – A Resolution approving Proposal Change Request #2 from Jensen Builders, LTD, in the amount of $9,135.19 pertaining to the Public Safety Building project

22) **RESOLUTION NO. 08-73** – A Resolution expressing preliminary support for Main Street Reconstruction Plans

23) **RESOLUTION NO. 08-74** – A Resolution approving the purchase of property from Jeneric, LC, located at 100 – 1st Street, Southeast, Bondurant, Polk County, Iowa

24) **RESOLUTION NO. 08-75** – A Resolution approving the purchase of property from Jason Hild, located at 104 Main Street, Southeast, Bondurant, Polk County, Iowa

25) Discussion Item – Dilapidated buildings

26) Reports / Comments and appropriate action thereon:
   a) Mayor McCoid
   b) City Administrator Arentsen
   c) Council Members
   d) City Attorney Brick
27) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(c) Regarding Potential Litigation
28) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

May 05, 2008

Meeting No. 08-10

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 05th day of May, 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 Matthew Brick
City Administrator Mark J. 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 04, 2008. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor McCoid called the meeting to order at 6:02 p.m. Roll call was taken and a quorum was declared.

City Administrator asked that item 20 and 21 be moved up on the agenda and be defined as item 7a and 7b. Motion made by Council Member Ryan, seconded by Council Member Bailey, to approve the agenda as amended. Roll Call: Ryan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve the consent items consisting of the City Council Minutes of April 21, 2008, Planning and Zoning Commission Minutes of April 10, 2008, the Claims Report and Tax Abatement applications for Nicole Harmel, 1212 Dee Street, Southeast; Daniel Torrence, 810 – 34th Street, Southwest; John D. Schultz, 801 – 33rd Street, Southwest; and Cheryl Koenig, 901 – 13th Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mr. Bruce Cordes, Bondurant Men's Club requested certain street closures for Summerfest and answered questions from the Mayor and Council. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-66, a Resolution granting permission to close the following streets and intersections from Sunday, June 15, 2008, at 7:00 a.m., to Wednesday, June 18, 2008, at 12:00 noon, for the Bondurant Men's Club Summerfest: One lane from 106 Main Street, Northeast, to the Bondurant Emergency Services entrance, and

Main Street, Southeast, from Railroad Street, Southeast, to 204 Main Street, Southeast, and First Street, Southeast, from Grant Street, South, to the alley between Main Street, Southeast, and Lincoln Street, Southeast, and Second Street, Southeast, from the alley between Grant Street, South, and Main Street, Southeast, to the alley between Main Street, Southeast, and Lincoln Street, Southeast. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

Mr. Dave Harrison, Design Alliance, Inc., presented Proposal Change Request #1 and #2 from Jensen Builders, LTD, and asked that an additional $213.00 be added to Change Request #2. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-71, a Resolution approving Proposal Change Request #1 from Jensen Builders, LTD, in the amount of $14,612.00 pertaining to the Public Safety Building project. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-72, a Resolution approving Proposal Change Request #2 from Jensen Builders, LTD, in the revised amount of $9,348.19 pertaining to the Public Safety Building project. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mr. Butch Hoffman, Danko Emergency Equipment Company, explained an error in omitting freight costs in the amount of $452.00 when quoting the Outdoor Warning Siren. Mayor McCoid asked that this be an agenda item at the next meeting.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to waive the second reading and approve the third and final reading of Ordinance No. 08-207, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Chapter 17, Section 17.06, City Council Compensation. The salary of each Council Member is seventy-five dollars ($75.00) for each regular and special meeting of the Council attended, payable annually and effective no earlier than January 01, 2010. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the regular City Council meeting at 6:31 p.m., and open the Public Hearing for consideration of a re-zoning request for the southeast section of Mallard Creek Development, consisting of no more than 100 lots, located west of Mallard Pointe Development and north of Second Street, Northwest, Bondurant, Polk County, Iowa, from R-2 One-and Two-Family Residential to R-5 Planned Unit Development (PUD). Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. City Attorney Brick stated that due to a scheduling conflict the Attorney for the Developer was unable to prepare a letter from the Developer agreeing to a re-zoning change with certain conditions attached to it by the City. The Developer's Attorney would like to approve the letter before any Council action occurs. Mr. Brick recommended holding the Public Hearing but not closing the Public Hearing until the next regular meeting. At that time Council can close the Public Hearing and take action on the re-zoning request. Mr.

Gene Gabus, Mallard Creek Development, asked for clarification on the conditions that the City will request. Public comment from Mr. John Bein, Planning & Zoning Chair hoped the City would not be establishing precedence if they approve the re-zoning request. Public comment from Mr. Marvin Skinner, Planning & Zoning Commission Member stated that Council should take a long look at the type of culture they'd be setting for the City if they approved the re-zoning request. Motion made by Council Member Bailey, seconded by Council Member Adams, to continue the Public Hearing to the next regular City Council meeting on May 19. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the regular City Council meeting at 6:52 p.m., and open the Public Hearing for consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Accessory Structures, Chapter 177.04 of the Zoning Code. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. No verbal comments were received during the Public Hearing. Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the Public Hearing at 6:53 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to waive the first and second reading of Ordinance No. 08-209, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Accessory Structures, Chapter 177.04 of the Zoning Code and approve as the third and final reading. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to close the regular City Council meeting at 6:54 p.m., and open the Public Hearing for consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions, Chapter 175.01 of the Zoning Code. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. No verbal comments were received during the Public Hearing. Motion made by Council Member Bailey, seconded by Council Member Boatwright, to close the Public Hearing at 6:55 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Boatwright, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Bailey, seconded by Council Member Boatwright, to waive the first and second reading of Ordinance No. 08-210, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of Chapter 175.01 of the Zoning Code and approve as the third and final reading. Roll Call: Bailey-Yes, Boatwright-Yes, Ryan-Yes, Adams-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the regular City Council meeting at 6:56 p.m., and open the Public Hearing for consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions, Chapter 175.02 of the Zoning Code. Roll Call:

Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. No verbal comments were received during the Public Hearing. Motion made by Council Member Bailey, seconded by Council Member Adams, to close the Public Hearing at 6:57 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Adams, seconded by Council Member Sullivan, to waive the first and second reading of Ordinance No. 08-211, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of Chapter 175.02 of the Zoning Code and approve as the third and final reading. Roll Call: Adams-Yes, Sullivan-Yes, Ryan-Yes, Bailey-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the regular City Council meeting at 6:58 p.m., and open the Public Hearing for consideration of amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions, Chapter 175.02 #19 of the Zoning Code. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. No verbal comments were received during the Public Hearing. Motion made by Council Member Bailey, seconded by Council Member Boatwright, to close the Public Hearing at 6:59 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Boatwright-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Bailey, seconded by Council Member Sullivan, to waive the first and second reading of Ordinance No. 08-212, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to General Provisions of Chapter 175.02 #19 of the Zoning Code and approve as the third and final reading. Roll Call: Bailey-Yes, Sullivan-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Sullivan, to approve Resolution No. 08-67, a Resolution approving the second meeting date in June as June 19, due to Summerfest. Roll Call: Ryan-Yes, Sullivan-Yes, Adams-Yes, Boatwright-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Ryan, to approve Resolution No. 08-68, a Resolution approving the transfer of $36,531.89 (Library CD) from the General Fund to the Trust & Agency Library Fund. Roll Call: Sullivan-Yes, Ryan-Yes, Boatwright-Yes, Adams-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve the first reading of Ordinance No. 08-213, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending provisions pertaining to Parking Regulations, Chapter 69.06, by adding #19 to Parking Prohibited along the U.S. Highway 65 Right-of-Way in the City of Bondurant, except for temporarily disabled vehicles. Roll Call: Bailey-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-69, a Resolution approving the final payment to Peterson Contractor's, Inc.,

in an amount not to exceed $10,723.78 for the Mud Creek Bridge Replacement project. Roll Call: Bailey-Yes, Adams-Yes, Sullivan-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution No. 08-70, a Resolution approving the Contractor's Application for Payment request #2 from Jensen Builders LTD, in an amount not to exceed $133,614.62 pertaining to the Public Safety Building project. Roll Call: Bailey-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Mayor McCoid asked Mayor Pro Tem Adams to preside over the meeting for item 22 citing a conflict of interest. Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-73, a Resolution expressing preliminary support for the Main Street Northeast / Southeast reconstruction plans. Roll Call: Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 08-74, a Resolution approving the purchase of property from Jeneric, LC, located at 100 – 1st Street, Southeast, Bondurant, Iowa, in the amount of $93,000.00. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Ryan, to approve Resolution No. 08-75, a Resolution approving the purchase of property from Jason Hild, located at 104 Main Street, Southeast, Bondurant, Iowa, in the amount of $80,000.00, subject to the Mayor's approval of the conditions attached to the lease. Roll Call: Adams-Yes, Ryan-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

City Administrator Arentsen led a discussion pertaining to dilapidated buildings and asked for Council's direction to the extent of the enforcement.

Polk County Sheriff's Department representative gave an update on recent activity.

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

- Meeting updates.
- Parking issues in the downtown area.

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

- 15th Street, SW bridge repair.
- Thanked Polk County for their assistance in repairing several tile blockages in the area of U.S. Highway 65 / NE 64th Street / NE 62nd Avenue.
- Mallard Pointe Park playground equipment has been installed and thanked Adams Properties for providing equipment and personnel for the project.
- Lake Petocka bleachers have been replaced.

- Street sweeping will take place the week of May 12.
- Sidewalk issue at Snyder Street, SE / 1st Street, SE.
- Upcoming meeting with the DNR.

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

- Council Member Adams – No Comment.
- Council Member Bailey – No Comment.
- Council Member Ryan – MWA recycling update; possible MWA assistance with the former Union 76 issue and stop sign replacement.
- Council Member Boatwright – MLA meeting suggestion of a land use plan for new developments and BDI update.
- Council Member Sullivan – No Comment.

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

- Unable to attend the first meeting in June.
- Limited liability.

Mayor McCoid called for a recess at 7:57 p.m. The meeting reconvened at 8:15 p.m.

Motion made by Council Member Adams, seconded by Council Member Ryan, to close the regular meeting at 8:16 p.m., and go into closed session pursuant to Iowa Code Section 21.5(c) regarding Potential Litigation. Roll Call: Adams-Yes, Ryan-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion approved. Motion made by Council Member Bailey, seconded by Council Member Adams, to close the closed session at 8:17 p.m., and open the regular meeting. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to adjourn the meeting at 8:19 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

_____
Marla McCoid, Mayor

ATTEST:

_____
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 May 05, 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.

_____

Michelle Wells, Deputy City Clerk