Posting Date: April 04, 2008

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

April 07, 2008

Meeting 08-07

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, April 07, 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 March 17, 2008
   b) Receive and File – Planning & Zoning Commission Minutes of February 28, 2008
   c) Library Board of Trustees Minutes of March 06, 2008
   d) Claims Report
   e) Tax Abatement Applications – Brian & Jamie Baas, 812 – 35th Street, Southwest; Randy Shane Bellon, 3305 Ash Drive, Southwest; Stacy Fisher, 604 Evergreen Circle, Northwest; Scott & Annie Michels, 1313 Adams Street, Southeast, Bondurant, Polk County, Iowa
6) Polk County Sheriff's Report
7) Mr. Tom Hockensmith, 3rd District Supervisor – Update on Polk County Activities
8) Mr. Ed Skinner, Skinner Law Office – Report on the Site Cleanup at the former Union 76 Station
9) Mr. Skip Conkling – Update on Des Moines Area Regional Transit Authority (DART)
10) Mr. Ed Slattery, P.E., Stanley Consultants, Inc. – Presentation of a Sanitary Sewer Services Area Evaluation Agreement
    RESOLUTION NO. 08-42 – A Resolution approving the Agreement between the City of Bondurant, Polk County, Iowa, and Stanley Consultants, Inc., to conduct a Sanitary Sewer Services Area Evaluation for a service area bounded by Northeast 94th Avenue, to the north, the City of Altoona to the south, the proposed Northeast Beltway Corridor to the west and Northeast 80th Street to the east
11) Mr. David Bovie, Stanley Consultants, Inc. - Presentation of the Second Street, Northwest / Northeast Multi-Use Trail from the west end of the Mallard Pointe Plat to Lake Petocka
    RESOLUTION NO. 08-43 – A Resolution approving the proposal from Stanley Consultants, Inc., to Design a Multi-Use Trail from the west end of the Mallard Pointe Plat to Lake Petocka
12) **HEARING COMPLAINT** – Mobil Food Market, 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa

13) **RESOLUTION NO. 08-44** – A Resolution approving a Contractor's Application for Payment request from Jensen Builders, Ltd., 2516 7th Avenue, South, Fort Dodge, Iowa, in the amount of $7,600.00, pertaining to the Bondurant Public Safety Building project
14) **RESOLUTION NO. 08-45** – A Resolution approving the Purchase of a Street Sweeper from the City of Lake Mills, Iowa, in the amount of $5,800.00
15) **RESOLUTION NO. 08-46** – A Resolution approving the Official Zoning Map for the City of Bondurant, Polk County, Iowa
16) **RESOLUTION NO. 08-47** – A Resolution authorizing and directing the City Administrator to amend the mileage rate for City Employees of the City of Bondurant, Polk County, Iowa, when using their private vehicle for City business, as it is announced by the Internal Revenue Service (as of 1/01/08, 50.5 cents per mile)
17) **RESOLUTION NO. 08-48** – A Resolution approving the Renewal for a Class C Liquor License (LC) (Commercial) and Sunday Sales Privilege for Dennis D. Tollerud d/b/a Wooden Nickel Bar and Grill, 8020 Northeast Hubbell, Bondurant, Polk County, Iowa
18) **RESOLUTION NO. 08-49** – A Resolution approving the Building Code Clearance Easement Agreement between the City of Bondurant, Polk County, Iowa, and FC Cooperative Company
19) Discussion item(s)
    a) Council Member vote by proxy
    b) Council Member compensation
    c) Parking on 1st Street, Southeast
    d) Consider replacement of 2nd Street, Southeast, storm siren
20) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator Arentsen
    c) Council Members
    d) City Attorney Brick
21) **CLOSED SESSION** – Pursuant to Iowa Code Section 21.5(j) Regarding Potential Purchase of Real Estate
22) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

April 07, 2008

Meeting No. 08-07

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

Present: Mayor Marla McCoid
Council Member Michele R. Bailey
Council Member Eric Boatwright
Council Member Keith Ryan
Council Member Curt Sullivan
City Attorney Matthew S. Brick
City Administrator Mark J. Arentsen
Deputy City Clerk Michelle Wells

Absent: Council Member Mike Adams, Sr.

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the United States Post Office on April 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 6:05 p.m. Roll call was taken and a quorum was declared.

Motion made by Council Member Ryan, seconded by Council Member Boatwright, to approve the agenda, as presented. Roll Call: Ryan-Yes, Boatwright-Yes, Sullivan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Ryan, to approve the consent items consisting of the City Council Minutes of March 17, 2008, Planning and Zoning Commission Minutes of February 28, 2008, Library Board of Trustees Minutes of March 06, 2008, the Claims Report and Tax Abatement Applications for Brian & Jamie Baas, 812 – 35th Street, Southwest; Randy Shane Bellon, 3305 Ash Drive, Southwest; Stacy Fisher, 604 Evergreen Circle, Northwest; and Scott & Annie Michels, 1313 Adams Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Ryan-Yes, Bailey-Yes, Sullivan-Yes. Motion carried.

Mr. Tom Hockensmith, 3rd District Supervisor, presented an update on Polk County activities and answered questions from the Mayor and Council.

Mr. Skip Conkling, Chairman, Regional Transit Authority Board, presented an update on the Des Moines Area Regional Transit Authority (DART) and answered questions from the Mayor and Council.

Mr. Ed Slattery, P.E., Stanley Consultants, Inc., presented a Sanitary Sewer Services Area Evaluation Agreement and answered questions from the Mayor and Council. Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-42, a Resolution approving the Agreement between the City of Bondurant and Stanley Consultants, Inc., to evaluate sanitary sewer services costs for a service area defined by an area bounded by Northeast 94th Avenue to the north, the City of Altoona to the south, the proposed Northeast Beltway Corridor to the west, and Northeast 80th Street to the east. The study will provide primary sanitary sewer infrastructure requirements to meet the needs of this area, based on the Future Land Use Plan. Roll Call: Bailey-Yes, Ryan-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Mr. Ed Skinner, Skinner Law Office, presented an update concerning the removal of the material deposited at the former Union 76 site and answered questions from the Mayor and Council.

Mr. David Bovee, Stanley Consultants, Inc., presented a proposal to design the 2nd Street, Northwest / Northeast Multi-Use Trail (from the west end of the Mallard Pointe Plat to Lake Petocka) and answered questions from the Mayor and Council. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-43, a Resolution approving the proposal submitted by Stanley Consultants, Inc., to design the 2nd Street, Northwest / Northeast Multi-Use Trail (from the west end of the Mallard Pointe Plat to Lake Petocka). Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

City Attorney Brick opened the Hearing Complaint, of which Iowa Code Section 453.A.2(1) provides that a person shall not “sell, give, or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen years of age.” Iowa Code Section 453A.22(2)(b) provides that if a permit holder or employee of a permit holder has violated Iowa Code Section 453A.2(1), the permit holder shall be assessed a civil penalty of three hundred dollars ($300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days. On or about January 14, 2008, the permittee or an employee of the permittee sold cigarettes or tobacco products to a person under eighteen years of age. A copy of the Criminal Conviction is attached and incorporated herein. Therefore, in accordance with Iowa law, the City of Bondurant requests the Bondurant City Council find a violation of the above-referenced sections of Iowa Code Chapter 453A.2 and City Code Chapter 121.07 and assess a civil penalty in the amount of three hundred dollars ($300.00) against Mobil Food Market, 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa. Mobil Food Market failed to appear for said hearing. Motion made by Council Member Ryan, seconded by Council Member Boatwright, to assess a civil penalty of three hundred dollars ($300.00) against Mobil Food Market, 1111 Lincoln Street, Southeast, Bondurant, Polk County, Iowa. Failure to pay this penalty as ordered shall result in automatic suspension of the permit for fourteen (14) days. Roll Call: Ryan-Yes, Boatwright-Yes, Bailey-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 08-44, a Resolution approving a Contractor’s Application for Payment

request from Jensen Builders, Ltd., 2516 7th Avenue, South, Fort Dodge, Iowa, in the amount of $7,600.00, pertaining to the Bondurant Public Safety Building project. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-45, a Resolution approving the purchase of a street sweeper from the City of Lake Mills, Iowa, in the amount of $5,800.00. Roll Call: Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council member Ryan, seconded by Council Member Boatwright, to approve Resolution No. 08-46, a Resolution approving the Official Zoning Map for the City of Bondurant, Polk County, Iowa, modified on March 26, 2008. Roll Call: Ryan-Yes, Boatwright-Yes, Bailey-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-47, a Resolution authorizing and directing the City Administrator to amend the mileage rate for City Employees of the City of Bondurant, Polk County, Iowa, when using their private vehicle for City business, as it is announced by the Internal Revenue Service. The 2008 standard mileage rate is 50.5 cents per mile. Roll Call: Bailey-Yes, Ryan-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Ryan, to approve Resolution No. 08-48, a Resolution approving the Renewal for a Class C Liquor License (LC) (Commercial) and Sunday Sales Privilege for Dennis D. Tollerud d/b/a Wooden Nickel Bar and Grill, 8020 Northeast Hubbell, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Ryan-Yes, Sullivan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 08-49, a Resolution approving the Building Code Clearance Easement Agreement between the City of Bondurant, Polk County, Iowa, and FC Cooperative Company. Roll Call: Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Discussion items included Council Member vote by proxy, Council Member compensation, parking problems on 1st Street, Southeast, and replacing the storm siren located at 2nd Street, Southeast.

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

- Participated in the 2008 March for "Meals on Wheels".
- Attended a luncheon with the Rolling Agers.
- Gave an update on each of the following meetings attended recently: BDI Developer's Conference; Northeast Polk County Coalition; Veenstra & Kimm / WRA connection; Greater Des Moines Partnership; Altoona / WRA connection.

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

- Manhole inspections have begun.
- Replaced aged water meter at the high school.
- Dirt work progressing at the Public Safety Building site.
- 23 new single family building permits issued in March.

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

- Bailey – Courtyard Estates detention pond flooding and sanitary sewer inlet is underwater; street light outages; parking being abused at Bondurant Auto Repair; and properties are unsightly at Bondurant Repair and Leasing and Williamson's Repair.
- Council Member Ryan – MWA update and asked the status of false alarms at the school.
- Council Member Boatwright – No Comment.
- Council Member Sullivan – No Comment.

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

- Recovering legal fees.

Mayor McCoid called for a recess at 8:45 p.m. The meeting reconvened at 8:55 p.m.

Motion made by Council Member Ryan, seconded by Council Member Boatwright, to go into closed session at 8:55 p.m., pursuant to Iowa Code Section 21.5(j) regarding Potential Purchase of Real Estate. Roll Call: Ryan-Yes, Boatwright-Yes, Bailey-Yes, Sullivan-Yes. Motion approved.

Motion made by Council Member Ryan, seconded by Council Member Bailey to close the closed session and open the regular meeting at 9:30 p.m. Roll Call: Ryan-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Bailey, to adjourn the meeting at 9:35 p.m. Roll Call: Ayes: 4. Nays: 0. Motion carried.

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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 April 07, 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