Posting Date April 17, 2009

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

April 20, 2009

Meeting 09-08

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, April 20, 2009, 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 06, 2009
   b) Claims Report
6) Polk County Sheriff's Report
7) Ms. Rita Rostenbach – Discuss proposed cemetery aesthetic improvements
8) **ORDINANCE NO. 09-203** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the Zoning Classification of certain Real Estate in Mallard Creek Plat 1 from an R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district
9) Ms. Jill Prudenz, FEH Associates, Inc. – Presentation of Architecture Proclamation
   RESOLUTION NO. 09-64 – A Resolution approving a Proclamation declaring the month of April 2009 *Architecture Month*
10) Mr. David Bovee, Stanley Consultants, Inc. – Presentation of Project Plans for the Second Street, Northwest, Sidewalk/Bike Path Project and the Second Street, Northeast, Bike Path Project
    RESOLUTION NO. 09-65 – A Resolution approving the Project Plans for the Second Street, Northwest, Sidewalk/Bike Path Project
11) **RESOLUTION NO. 09-66** – A Resolution approving the Lease Agreement between the City of Bondurant and the United States Postal Service
12) **ORDINANCE NO. 09-204** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 179.04(3) of the Zoning Code by amending provisions pertaining to re-zoning fees
13) **RESOLUTION NO. 09-67** – A Resolution amending the City of Bondurant Investment Policy
14) **RESOLUTION NO. 09-68** – A Resolution setting a Public Hearing date for consideration of amending the City of Bondurant Municipal Budget for Fiscal Year 2008/2009
15) **RESOLUTION NO. 09-69** – A Resolution approving the permit for supervised display of fireworks for Summerfest on June 16, 2009
16) **RESOLUTION NO. 09-70** – A Resolution authorizing and directing the City Administrator to write-off certain Emergency Medical Service accounts as uncollectible
17) **RESOLUTION NO. 09-71** – A Resolution approving a Proclamation declaring the week of May 10-16, 2009, *Iowa School Board Recognition Week*

18) **RESOLUTION NO. 09-72** – A Resolution levying assessments for costs of stop box repair at 102 Alpha Street, Northwest, Bondurant, Polk County, Iowa
19) **RESOLUTION NO. 09-73** – A Resolution levying assessments for costs of stop box repair at 114 Alpha Street, Northwest, Bondurant, Polk County, Iowa
20) **RESOLUTION NO. 09-74** – A Resolution providing for Prepayment of General Obligation Urban Renewal Bonds, Series, 2001
21) **RESOLUTION NO. 09-75** – A Resolution approving payment to D.W. Zinser Company, Inc., in the amount of $12,900 pertaining to the demolition and removal of property at 100 1st Street, Southeast, Bondurant, Polk County, Iowa
22) **RESOLUTION NO. 09-76** – A Resolution approving Change Order No. 1 in the amount of $-919.80 and Contractor's Application for Payment No. 3 from Pirc-Tobin Construction in the amount of $8,550.63 pertaining to the 12" watermain and 8" sanitary sewer for the new high school
23) **RESOLUTION NO. 09-77** – A Resolution establishing a policy for utility deposits and payment provisions for rental properties for the City of Bondurant, Polk County, Iowa
24) **ORDINANCE NO. 09-205** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 92, Section 92.07, pertaining to Lien Exemption and Section 92.09 pertaining to Customer Deposits
25) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator
    c) Council Members
    d) City Attorney Brick
26) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

April 20, 2009

Meeting No. 09-08

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 20th day of April, 2009, 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
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 April 17, 2009. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor McCoid called the meeting to order at 6:00 p.m. Roll call was taken and a quorum was declared.

Council Member Adams announced that he would be abstaining from agenda items 23 and 24. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve the agenda, as presented. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve the Consent Items consisting of the City Council Minutes of April 06, 2009, and the Claims Report. Roll Call: Adams-Yes, Bailey-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department representative Deputy Chong Wong was present but had nothing to report.

Joel Romey, Bishop Engineering, presented the re-zoning request for Mallard Creek Plat 1. Motion made by Council Member Bailey, seconded by Council Member Ryan, to waive the second reading of Ordinance No. 09-203, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending the Zoning Classification of certain real estate in Mallard Creek Plat 1 from an R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district, and approve as the third and final reading. Roll Call: Bailey-Yes, Ryan-Yes, Adams-No, Boatwright-Yes, Sullivan-No. Motion carried.

Ms. Jill Prudenz discussed a Proclamation declaring Architecture Month. Motion made by Council Member Bailey, seconded by Council Member Sullivan, to approve Resolution No. 09-64, a Resolution approving a Proclamation declaring April 2009, Architecture Month in the City of Bondurant, Polk County, Iowa. Roll Call: Bailey-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Mr. David Bovee, Stanley Consultants, Inc., presented project plans for the Second Street, Northwest, Sidewalk/Bike Path Project and answered questions from the Mayor and Council. Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 09-65, a Resolution approving the project plans for the Second Street, Northwest Sidewalk/Bike Path West Project. Roll Call: Adams-Yes, Boatwright-Yes, Bailey-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Mayor McCoid led a lengthy discussion concerning the renewal of the Post Office lease for a term of five years. Public comment from Mike Adams, Jr., 1105 14th Street, Southeast, Bondurant, Iowa. "I'm a commercial user of the Post Office and most days I'm running over to Altoona to use the postal service. The people that I've talked to in my circle don't really care if the Post Office leaves because they have crappy hours. I think if you called their bluff and give them that lady's name to call, that would force their hand." Mayor McCoid recommended putting feelers out through the Chamber and BDI to get feedback from the community. "If this Resolution on renewing the Post Office lease gets voted down and people start calling, I'm not taking the heat for it. I think the consequences to it could be dramatic, especially for local businesses. You can all vote the way you want, but I've made my opinion clear." Motion made by Council Member Bailey, seconded by Council Member Ryan, approve Resolution No. 09-66, a Resolution to renew a Lease Agreement between the City of Bondurant, Polk County, Iowa, and the United States Postal Service for a term of five years, effective February 01, 2010, with an expiration date of January 31, 2015. Roll Call: Bailey-Yes, Ryan-Yes, Adams-No, Boatwright-No, Sullivan-No. Motion failed. Council Member Sullivan suggested City Administrator Arentsen try to negotiate a shorter term lease.

Motion made by Council Member Bailey, seconded by Council Member Adams, to waive the second reading of Ordinance No. 09-204, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 179.04(3) of the Zoning Code by amending provisions pertaining to re-zoning fees, and approve as the third and final reading. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Ryan, to approve Resolution No. 09-67, a Resolution amending the City of Bondurant Investment Policy. Roll Call: Sullivan-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution No. 09-68, a Resolution setting a Public Hearing date of May 18, 2009, at 6:00 p.m., at the Bondurant City Center, to receive public comment on the proposed City of Bondurant, Polk County, Iowa, amended Municipal Budget. 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 approve Resolution No. 09-69, a Resolution approving the permit for supervised display of fireworks at Summerfest on June 16, 2009, for the City of Bondurant, Polk County, Iowa. Roll Call: Bailey-Yes, Sullivan-Yes, Adams-Yes, Boatwright-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-70, a Resolution authorizing the City Administrator to write-off certain Emergency Services Medical Accounts as non-collectible, due to Medicare or Medicaid. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Ryan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 09-71, a Resolution approving a Proclamation declaring the week of May 10-16, 2009, Iowa School Board Recognition Week. Roll Call: Adams-Yes, Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-72, a Resolution levying assessments for costs of the construction of a stop box repair for property located at 102 Alpha Street, Northwest, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-73, a Resolution levying assessments for costs of the construction of a stop box repair for property located at 114 Alpha Street, Northwest, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 09-74, a Resolution providing for prepayment of General Obligation Urban Renewal Bonds, Series, 2001. Roll Call: Adams-Yes, Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 09-75, a Resolution approving payment to D.W. Zinser Company, Inc., in the amount of $12,900 pertaining to the demolition and removal of property located at 100 First Street, Southeast, Bondurant, Iowa. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 09-76, a Resolution approving Change Order No. 1 in the amount of $-919.80 and Contractor's Application for Payment No. 3 from Pirc-Tobin Construction in the amount of $8,550.63 pertaining to the 12" watermain and 8" sanitary sewer for the new high school. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 09-77, a Resolution establishing a policy for utility deposits and payment provisions for rental properties for the City of Bondurant, Polk County, Iowa. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Abstain, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve the second reading of Ordinance No. 09-205, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 92, Section 92.07 pertaining to Lien Exemption and Section 92.09 pertaining to Customer Deposits. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Abstain, Boatwright-Yes, Sullivan-Yes. Motion carried.

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

- No Comment.

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

- Main Street Reconstruction bids are due by April 28.
- Working on drainage issues south of Git-N-Go.
- Post Office door needs replaced.
- Will attend a Federal Grant Workshop on April 27.
- More temporary easements have been signed.

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

- Council Member Adams – Rumor of parking lot on old hotel site.
- Council Member Bailey – Building permit issues not being completed.
- Council Member Boatwright – Would like to look into investment management options.
- Council Member Sullivan – Fence replacement at City Park.
- Council Member Ryan – Recycling update.

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

- No Comment.

Motion made by Council Member Ryan, seconded by Council Member Adams, to adjourn said meeting at 7:15 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 April 20, 2009, 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