Posting Date: April 03, 2009

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

April 06, 2009

Meeting 09-07

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, April 06, 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 March 16, 2009
   b) Receive and File – Planning & Zoning Commission Minutes of February 26, 2009
   c) Receive and File – Library Board of Trustees Minutes of March 05, 2009
   d) Claims Report
   d) Tax Abatement Applications – Karen and Harlan Harter, 505 Lincoln Street, Southeast; Mark and Erica Christian, 121 Mallard Pointe Drive, Northwest; and Dan Constantine, 809 35th Street, Southwest, Bondurant, Polk County, Iowa
6) Polk County Sheriff's Report
7) **RESOLUTION 09-45** – A Resolution of appreciation to Deborah Baker for her dedicated service as a Planning and Zoning Commission Member
8) Mr. Tom Hockensmith, 3rd District Supervisor – Update Polk County activities. There was discussion pertaining to the City of Bondurant Investment Policy
9) Mr. David Bentz, Bishop Engineering – Presentation of a re-zoning request for Mallard Creek Plat 1 of approximately 25.74 acres from R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district
   PUBLIC HEARING – For consideration of approving a re-zoning request of approximately 25.74 acres from R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district
   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 district to R-5 Planned Unit Development (PUD) district (1st reading)
10) Mr. David Bovee, Stanley Consultants, Inc. – Presentation of project plans for the Main Street Reconstruction Project, the Second Street, Northwest, Sidewalk Project, and the Second Street, Northeast, Bike Path Project
   RESOLUTION NO. 09-46 – A Resolution approving the construction plans for the Main Street Reconstruction Project
   RESOLUTION NO. 09-47 – A Resolution approving the construction plans for the Second Street, Northwest, Sidewalk/Bike Path Project
   RESOLUTION NO. 09-48 – A Resolution approving the construction plans for the Second Street, Northeast, Bike Path Project

11) Ms. Karen Pedersen, Library Director – Presentation of the Bondurant Community Library annual report
12) Ms. Rita Rostenbach – Discuss proposed cemetery aesthetic improvements
13) **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 (1st reading)
14) **RESOLUTION NO. 09-49** – A Resolution approving the appointment of Deana Tusing, 400 Lincoln Street, Southeast, Bondurant, Iowa, to the Bondurant City Tree Board seat vacated by Keith Tendall
15) **RESOLUTION NO. 09-50** – A Resolution approving the participation in the Iowa Income Offset Program and Appeal Process
16) **RESOLUTION NO. 09-51** – A Resolution approving an Agreement between the City of Bondurant and the Iowa Department of Transportation pertaining to the Sidewalk/Bike Path Project
17) **RESOLUTION NO. 09-52** – A Resolution approving the Temporary Easements pertaining to the Second Street, Northwest, Sidewalk/Bike Path Project
18) **RESOLUTION NO. 09-53** – A Resolution approving the Temporary Easements pertaining to the Second Street, Northeast, Bike Path Project
19) **RESOLUTION NO. 09-54** – A Resolution approving the Temporary Easements pertaining to the Main Street Reconstruction Project
20) **RESOLUTION NO. 09-55** – A Resolution authorizing the acquisition of Temporary Easements by Condemnation for the Main Street Project, Sidewalk/Bike Path West Project and Bike Path East Project
21) **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 Customer Deposits (1st reading)
22) **RESOLUTION NO. 09-56** – A Resolution approving a Class C Liquor License (LC Commercial) and Sunday Sales Privilege for the Wooden Nickel Bar and Grill
23) **RESOLUTION NO. 09-57** – A Resolution approving the Agreement for Public Service between the City of Bondurant, Polk County, Iowa, and Polk County, Iowa
24) **RESOLUTION NO. 09-58** – A Resolution declaring April 22, 2009, *Arbor Day* in the City of Bondurant, Polk County, Iowa
25) **RESOLUTION NO. 09-59** – A Resolution approving the estimate from Huber Grading, Inc., in the amount of $13,000.00 to repair the tile in Drainage District 30 behind Farmers Cooperative Company
26) **RESOLUTION NO. 09-60** – A Resolution approving the Lease Agreement between the City of Bondurant and the United States Postal Service
27) **RESOLUTION NO. 09-61** – A Resolution levying assessment for costs of street signs and posts at 1001 13th Street, Southeast, Bondurant, Polk County, Iowa
28) **RESOLUTION NO. 09-62** – A Resolution levying assessment for costs of plat review fees at 1001 13th Street, Southeast, Bondurant, Polk County, Iowa
29) **RESOLUTION NO. 09-63** – A Resolution amending the City of Bondurant Fee Schedule by adding a $100 reconnection fee
30) Discussion item(s)
    a) Bondurant Investment Policy
31) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator
    c) Council Members
    d) City Attorney Brick
32) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

April 06, 2009

Meeting No. 09-07

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 06th 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 03, 2009. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor McCoid called the meeting to order at 6:03 p.m. Roll call was taken and a quorum was declared.

Council Member Adams announced that he would be abstaining from item 27 and item 28. Mayor McCoid asked that item 30 be moved up on the agenda and be identified as item 8a and item 12 be deleted. Motion made by Council Member Bailey, seconded by Council Member Adams, to approve the agenda, as amended. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Adams, to approve the Consent Items consisting of the City Council Minutes of March 16, 2009, Library Board of Trustees Minutes of March 05, 2009, Planning and Zoning Commission Minutes of February 26, 2009, the Claims Report and Tax Abatement Applications for Karen and Harlan Harter, 505 Lincoln Street, Southeast; Mark and Erica Christian, 121 Mallard Pointe Drive, Northwest; and Dan Constantine, 809 35th Street, Southwest, Bondurant, Polk County, Iowa. Roll Call: Boatwright-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department representative Lt. Raibikis introduced Deputy Chong Wong.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 09-45, a Resolution of Appreciation to Deborah Baker, 1009 Grant Street, South, Bondurant, Iowa, for her dedicated service as a Planning and Zoning Commission Member. Roll Call: Adams-Yes, Bailey-Yes, Ryan-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Mr. Tom Hockensmith, 3rd District Supervisor, presented an update on Polk County activities and answered questions from the Mayor and Council. City Administrator Arentsen thanked Mr. Hockensmith for Polk County's continuous assistance with City projects.

Discussion held pertaining to the City of Bondurant Investment Policy.

Mr. David Bentz, Bishop Engineering, presented a re-zoning request for Mallard Creek Plat 1. Motion made by Council Member Bailey, seconded by Council Member Adams, to close the regular City Council meeting at 6:34 p.m., and open the Public Hearing for consideration of re-zoning approximately 25.74 acres from R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district.

Mr. Mike Adams, Jr., 1105 14th Street, Southeast, Bondurant, Iowa, read a letter aloud he had previously written to the Mayor and Council Members stating his disapproval of the re-zoning request. "I have some concerns about the re-zoning of the Mallard Creek subdivision. Hasn't this been rejected already by Council in a near similar form?? Is this the new way of doing business in Bondurant after you have been told no, just make a slight change and keep submitting until you get your own way?? There is nothing that I can see that does not allow this developer to proceed with his project under the current zoning that is in place. So why is he trying to put in these 50' lots? One answer, MONEY. If he can pack more lots into the same area, his cost per lot goes down, giving him an unfair advantage over the other 4 developers in town who are playing by the rules. That is not fair and it sets a dangerous precedence, because if this passes, believe me I will be submitting my request for re-zoning the 90 remaining acres of development ground that we possess. Additionally, did we not learn a lesson from Wolf Creek concerning this open ended type of zoning?? Zoning has the most impact that a City can place on development. This PUD would allow changes upon changes if, "*The market is bad"* or "*Hi, I'm the new owner and we are going to now be putting in manufactured homes."* Because once this is zoned, as long as the owner abides by the ordinance, there isn't a darn thing the City can do about it. Is this really the type of project we want on the leading edge of our development toward the new by-pass?? We already have image problems with our gateways. **Please vote NO to this request to re-zone.** Sincerely, Mike Adams, Jr., Adams Properties, Inc."

Mr. Josh Bryant, 502 Mallard Pointe Drive, Northwest, Bondurant, Iowa, said he agreed with Mr. Adams. No other verbal comments were received.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to close the Public Hearing at 6:40 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Boatwright-Yes, Ryan-Yes, Sullivan-Yes, Adams-Yes. Motion carried. Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve the first 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 R-2 One- and Two-Family Residential zoning district to R-5 Planned Unit Development (PUD) zoning district. Roll Call: Bailey-Yes, Ryan-Yes, Adams-No, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mayor McCoid asked Mayor Pro Tem Ryan to preside over the meeting at 6:50 p.m., citing a conflict of interest.

Mr. David Bovee, Stanley Consultants, Inc., presented the project plans for the Main Street Reconstruction Project, the Second Street, Northwest, Sidewalk Project, and the Second Street, Northeast, Bike Path Project and answered questions from the Mayor, Council Members and the audience. Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 09-46, a Resolution approving the construction plans for the Main Street Reconstruction Project. Roll Call: Adams-Yes, Bailey-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mayor McCoid returned to preside over the meeting at 6:56 p.m.

The following were public comments pertaining to the Second Street, Northwest, Sidewalk/Bike Path Project: Mr. Brian Lohse, representing Steve and Shelly Sesker, 202 Second Street, Northwest, questioned property lines and easement location.

Mr. Hubert Butler, 214 Second Street, Northwest, asked if the plans being approved were the original plans previously presented.

Mr. Rick Erickson, 102 and 104 Second Street, Northwest, voiced concerns pertaining to storm sewers, drainage and the cost of the removal of his fence and a pole during construction.

Mrs. Barbara Westling, 300 Second Street, Northwest, asked where the snow would be piled if the ditches were eliminated.

Mrs. Wanda Hanson, 204 Second Street, Northwest, stated that the sidewalk will be too close to her tree and is concerned about liability.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to table Resolution No. 09-47, a Resolution approving the construction plans for the Second Street, Northwest, Sidewalk/Bike Path Project. Roll Call: Adams-Yes, Boatwright-Yes, Bailey-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Council Member Boatwright asked for a recess at 7:50 p.m. The meeting reconvened at 8:07 p.m.

Motion made by Council Member Ryan, seconded by Council Member Bailey, to table Resolution No. 09-48, a Resolution approving the construction plans for the Second Street, Northeast, Bike Path Project. Roll Call: Ryan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mrs. Karen Pedersen, Library Director, presented the annual report for Fiscal Year 2007/2008.

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

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution No. 09-49, a Resolution approving the appointment of Deana Tusing, 400 Lincoln Street, Southeast, Bondurant, Iowa, to the Bondurant City Tree Board seat vacated by Keith Tendall, which will expire on December 31, 2012. Roll Call: Sullivan-Yes, Boatwright-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Bailey, to approve Resolution No. 09-50, a Resolution approving the participation in the Iowa Income Offset Program and Appeal Process. Roll Call: Boatwright-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution No. 09-51, a Resolution approving an Agreement for a Federal Highway Stimulus Program Project between the City of Bondurant and the Iowa Department of Transportation pertaining to the Sidewalk/Bike Path Project. Roll Call: Bailey-Yes, Boatwright-Yes, Adams-Yes, Sullivan-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Sullivan, to approve Resolution No. 09-52, a Resolution approving the Temporary Easements pertaining to the Second Street, Northwest, Sidewalk/Bike Path Project. Roll Call: Bailey-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Sullivan, to approve Resolution No. 09-53, a Resolution approving the Temporary Easements pertaining to the Second Street, Northeast, Bike Path Project. Roll Call: Ryan-Yes, Sullivan-Yes, Adams-Yes, Boatwright-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Sullivan, to approve Resolution No. 09-54, a Resolution approving the Temporary Easements pertaining to the Main Street Reconstruction Project. Roll Call: Bailey-Yes, Sullivan-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 09-55, a Resolution authorizing the acquisition of Temporary Easements by Condemnation for the Main Street Project, Sidewalk/Bike Path West Project and the Bike Path East Project. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Mr. Mike Adams, Jr., 1105 14th Street, Southeast, Bondurant, Iowa, asked for clarification of Code Section 92.07 pertaining to Lien Exemption and stated his dissatisfaction of the proposed change to Code Section 92.09 pertaining to Customer Deposits.

Motion made by Council Member Sullivan, seconded by Council Member Ryan, to approve the first 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: Sullivan-Yes, Ryan-Yes, Adams-No, Bailey-Yes, Boatwright-Yes. Motion carried.

Mayor McCoid announced a recess at 9:17 p.m. The meeting reconvened at 9:21 p.m.

Motion made by Council Member Sullivan, seconded by Council Member Bailey, to approve Resolution No. 09-56, a Resolution approving a Class C Liquor License (LC Commercial) and Sunday Sales Privilege for the Wooden Nickel Bar and Grill, 8020 Northeast Hubbell, Bondurant, Iowa. Roll Call: Sullivan-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Sullivan, to approve Resolution No. 09-57, a Resolution approving the Agreement for Public Service between the City of Bondurant, Polk County, Iowa, and Polk County, pertaining to the BR 4200 Bridge Replacement Project at 15th Street, Southwest, Bondurant, Polk County, Iowa, west of Grant Street, South. Roll Call: Ryan-Yes, Sullivan-Yes, Adams-Yes, Bailey-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bailey, to approve Resolution No. 09-58, a Resolution approving a Proclamation declaring April 22, 2009, *Arbor Day* in the City of Bondurant, Polk County, Iowa. Roll Call: Sullivan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to approve Resolution No. 09-59, a Resolution approving the estimate from Huber Grading, Inc., in the amount of $13,000 to repair the tile in Drainage District 30 behind Farmers Cooperative Company. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-No, Sullivan-Yes. Motion carried.

Mr. Mike Adams, Jr., 1105 14th Street, Southeast, Bondurant, Iowa, stated that the Post Office terminated all communication with him regarding leasing his property after the City offered to extend their present lease.

Motion made by Council Member Ryan, seconded by Council Member Adams, to table Resolution No. 09-60, a Resolution approving the Lease Agreement between the City of Bondurant, Polk County, Iowa, and the United States Postal Service. Roll Call: Ryan-Yes, Adams-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Council Member Sullivan left at 9:40 p.m.

Motion made by Council Member Ryan, seconded by Council Member Bailey, to table Resolution No. 09-61, a Resolution levying assessment for costs of street signs and posts in the amount of $506.95 at 1001 13th Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Ryan-Yes, Bailey-Yes, Adams-Abstain, Boatwright-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Boatwright, to table Resolution No. 09-61, a Resolution levying assessment for costs of plat review fees in the amount of $470.50 at 1001 13th Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Ryan-Yes, Boatwright-Yes, Adams-Abstain, Bailey-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Bailey, to approve Resolution No. 09-63, a Resolution amending the City of Bondurant Fee Schedule by adding a $100 reconnection fee. Roll Call: Ryan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes. Motion carried.

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

- Would like to create a sub-committee on the Park and Recreation Board to have an active advocate for bike trails.

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

- No Comment.

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 Boatwright – 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 Boatwright, to adjourn said meeting at 9:50 p.m. Roll Call: Ayes: 4. 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 06, 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