Posting Date: March 13, 2009

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

March 16, 2009

Meeting 09-06

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, March 16, 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 02, 2009
   b) Receive and File – Library Board of Trustees Minutes of February 05, 2009
   c) Claims Report
   d) Tax Abatement Applications – John Bergeson, 500 Mallard Pointe Drive, Northwest, and Sean T. Daugherty and Katherine A. Burns-Rowe, 306 Walnut Drive, Northwest, Bondurant, Polk County, Iowa
6) Polk County Sheriff's Report
7) ***REQUEST FOR HEARING*** – Mid Iowa Plaza, LLC
   a) Hearing on appeal from Notice of Municipal Infraction and Nuisance
   b) Action on Appeal

      RESOLUTION NO. 09-36 – A Resolution affirming the Notice of Municipal Infraction and instructing legal council to enforce said Notice

OR

      RESOLUTION NO. 09-36 – A Resolution rescinding the Notice of Municipal Infraction and instructing legal council to stop any further enforcement action on said Notice
8) Mr. Donnie Daughenbaugh – Request for a certain street closure on May 09, 2009, pertaining to a benefit for disabled veterans

      RESOLUTION NO. 09-37 – A Resolution approving the closure of First Street, Southeast, on May 09, 2009, pertaining to a benefit for disabled veterans
9) **RESOLUTION NO. 09-38** – A Resolution approving a revision to City Council Procedural Policies / Rules – Rule 34
10) **RESOLUTION NO. 09-39** – A Resolution approving a Fund Transfer for Fiscal Year 2008 / 2009

11) **RESOLUTION NO. 09-40** – A Resolution setting a Public Hearing date for April 6th, 2009, at 6:00 p.m., in the Community Room at the Bondurant City Center, Bondurant, Polk County, Iowa, for consideration of approving a re-zoning request of approximately 25.74 acres from R2 (One-and Two-Family Residential) zoning district to R5 (Planned Unit Development – PUD) zoning district
12) **RESOLUTION NO. 09-41** – A Resolution approving the Temporary Easements pertaining to the Main Street Reconstruction project
13) **RESOLUTION NO. 09-42** – A Resolution approving the Temporary Easements pertaining to the Second Street, Northwest, Sidewalk project
14) **RESOLUTION NO. 09-43** – A Resolution approving the Temporary Easements pertaining to the Second Street, Northeast, Bike Path project
15) **RESOLUTION NO. 09-44** – A Resolution providing for the Reduction of Interest Rate for $800,000.00 Sewer Revenue Bonds 1999, Series A & B
16) Discussion item(s)
    a) Consideration of re-zoning fees
17) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator
    c) Council Members
18) Adjournment

BONDURANT CITY COUNCIL

REGULAR MEETING

March 16, 2009

Meeting No. 09-06

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 16th day of March, 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 Curt Sullivan
City Attorney David Brick
City Administrator Mark J. Arentsen
Deputy City Clerk Michelle Wells

Absent: Council Member Keith Ryan

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the United States Post Office on March 13, 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.

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

Mr. Ron Sinn, 101 Third Street, Northeast, Bondurant, Iowa, requested the City maintain the Library grounds and clean up the leaves, sticks and debris that are accumulating.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve the Consent Items consisting of the City Council Minutes of March 02, 2009, Library Board of Trustees Minutes of February 05, 2009, the Claims Report and Tax Abatement Applications for John Bergeson, 500 Mallard Pointe Drive, Northwest; and Sean T. Daugherty and Katherine A. Burns-Rowe, 306 Walnut Drive, Northwest, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department representative Sgt. Dan Grimm was present but had nothing to report.

Mayor McCoid opened a Hearing on Appeal from a Notice of Municipal Infraction and Nuisance sent to Mid-Iowa Plaza, LLC, pertaining to construction debris deposited at 3507 Grant Street, South, Bondurant, Polk County, Iowa, at 6:10 p.m. Mr. Brad Skinner, 160 Adventureland Drive, Northwest, Suite B, Altoona, Iowa, representing Mid-Iowa Plaza, presented an overview of the situation and asked that the following be noted on the record. He said regarding the definition of a nuisance, "One of the issues that enters my mind, let's say they had sole jurisdiction over that piece of property, the Iowa DNR granted to ERR a BUD. They allowed them to do this. They allowed them to store it there, they allowed them to maintain it there, they allowed them to accumulate additional debris on that property. If they did that, now they're coming back and they're not coming to Mid Iowa Plaza, LLC, we're not under notice of anything from the DNR, we're not under any enforcement issues at all. How can they come back and say it's a nuisance? I don't think they can. How can they come now and say to the current membership this is a nuisance? Well they haven't and they keep on granting ERR, the rightful owner of this material, additional time to do this, that and the other thing." Mayor McCoid closed the hearing on this issue at 6:37 p.m.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 09-36, a Resolution affirming the Notice of Municipal Infraction and instructing legal council to enforce said Notice. Roll Call: Adams-Yes, Boatwright-Yes, Bailey-No, Sullivan-Yes. Motion carried.

Mr. Donnie Daughenbach, 210 Walnut Drive, Northwest, Bondurant, Iowa, requested a certain street closure concerning a benefit for disabled veterans and answered questions from the Mayor and Council. Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-37, a Resolution approving the closure of First Street, Southeast, from Main Street, Southeast, to Grant Street, South, on Saturday, May 09, 2009, from 10:00 a.m., to 8:00 a.m., on Sunday, May 10, 2009, to conduct a benefit for disabled veterans. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 09-38, a Resolution approving a revision to City Council Procedural Policies / Rules – Rule 34. Roll Call: Adams-Yes, Boatwright-Yes, Sullivan-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Adams, to approve Resolution No. 09-39, a Resolution approving a Fund Transfer for Fiscal Year 2009/2010. Roll Call: Sullivan-Yes, Adams-Yes, Bailey-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bailey, to approve Resolution No. 09-40, a Resolution setting a Public Hearing date for April 6th, 2009, at 6:00 p.m., in the Community Room at the Bondurant City Center, Bondurant, Polk County, Iowa, for consideration of approving a re-zoning request of approximately 25.74 acres in the Mallard Creek Development, from R2 (One- and Two-Family Residential) zoning district to R5 (Planned Unit Development-PUD) zoning district. Roll Call: Adams-Yes, Bailey-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-41, a Resolution approving the Temporary Easements pertaining to the Main Street Reconstruction project. Roll Call: Boatwright-Yes, Sullivan-Yes, Adams-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution No. 09-42, a Resolution approving the Temporary Easements pertaining to the Second Street, Northwest, Sidewalk project. Roll Call: Bailey-Yes, Boatwright-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Bailey, seconded by Council Member Adams, to approve Resolution No. 09-43, a Resolution approving the Temporary Easements pertaining to the Second Street, Northeast, Bike Path project. Roll Call: Bailey-Yes, Adams-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Boatwright, seconded by Council Member Sullivan, to approve Resolution No. 09-44, a Resolution providing for the Reduction of Interest Rate for $800,000.00 Sewer Revenue Bonds 1999, Series A & B. Roll Call: Boatwright-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes. Motion carried.

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

- Meeting update.

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

- Grant application update.
- Bike path update.
- Building demolition update.

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 – BDI update; requested total amount of fines collected by Polk County; requested future Police Department study; requested RFP's for City employee health insurance; and requested IPAIT/Investment Policy be put back on the next agenda.
- Council Member Sullivan – No Comment.

Motion made by Council Member Boatwright, seconded by Council Member Adams, to adjourn the meeting at 6:50 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 March 16, 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