Posting Date: August 14, 2009

NOTICE OF A REGULAR MEETING

BONDURANT CITY COUNCIL

August 17, 2009

Meeting 09-16

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, August 17, 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) Abstentions declared
4) Perfecting and Approval of the Agenda and Declaring a Quorum
5) Guests Present
6) Consent Items:
   a) Approval of the City Council Minutes of August 03, 2009
   b) Receive and File – Planning and Zoning Commission minutes of June 18, 2009
   c) Receive and File – Library Board of Trustees Minutes of July 02, 2009
   d) Claims Report
   e) Tax Abatement Application – Jeff and McKenzie Mundell, 1209 Cove Street, Southeast, Bondurant, Polk County, Iowa
7) Polk County Sheriff's Report
8) Mr. Patrick Collison, Water and Wastewater Superintendent's report:
   a) Status of wastewater lagoons and compliance with the DNR
   b) Status of I&I repairs and how rains this year have affected flows
9) **RESOLUTION 09-136** – A Resolution approving the Iowa Communities Assurance Pool (ICAP) Proxy Designations
10) **RESOLUTION 09-137** – A Resolution authorizing and directing the City Administrator to write-off certain Emergency Medical Service Accounts as non-collectible due to Medicare or Medicaid
11) **RESOLUTION 09-138** – A Resolution setting the first meeting date in September, due to the Labor Day holiday
12) **RESOLUTION 09-139** – A Resolution approving committee appointments to address trailer, recreational vehicle and construction trailer parking issues
13) **RESOLUTION 09-140** – A Resolution of Appreciation to Machelle Godwin, 206 – 7th Court, Southeast, Bondurant, Iowa, for her work in picking up litter throughout the City
14) **RESOLUTION 09-141** – A Resolution of Appreciation to Council Member Michele Bailey, 129 Patterson Street, Southeast, Bondurant, Iowa, for bringing snacks to the Council meetings
15) **RESOLUTION 09-142** – A Resolution approving the proposed Amendment to Agreement between the City of Bondurant and Veenstra & Kimm, Inc., pertaining to the design of three connector sewers to the City of Bondurant lift stations
16) **RESOLUTION 09-143** – A Resolution supporting an I-JOBS application for funding replacement of the 15th Street, Southwest, Bondurant, Iowa, bridge

17) **RESOLUTION 09-144** – A Resolution supporting an I-JOBS application for funding I&I remediation work
18) **RESOLUTION 09-145** – A Resolution approving a 2nd payment request submitted by Jasper Construction in the amount of $84,631.13 pertaining to the Main Street Reconstruction Project
19) Discussion item(s)
    a) Fall and spring clean up
    b) Clement Estates drainage work completion
    c) Garbage and solid waste collection contract
    d) Selection of 2nd Street, NW, Sidewalk / Bike Path construction inspection and administration engineer
20) ***CLOSED SESSION*** – Pursuant to Iowa Code Section 21.5(c) to discuss strategy in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation
21) **RESOLUTION 09-146** – A Resolution approving a settlement payment to Nutri Ject Systems in the amount of $36,000
22) Reports / Comments and appropriate action thereon:
    a) Mayor McCoid
    b) City Administrator
    c) Council Members
23) Adjournment

BONDURANT CITY COUNCIL
REGULAR MEETING
August 17, 2009

Meeting No. 09-16

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 17th day of August, 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 August 14, 2009. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor McCoid called the meeting to order at 6:05 p.m. Roll call was taken and a quorum was declared.

City Administrator Arentsen announced an adjustment in the amount of item #18. Council Member Boatwright asked that item #14 be removed from the agenda. He stated that what is being done is an extremely unselfish act but he has had comments from people and he feels this way himself, that it is a little bit unprofessional to be eating at the Council table. He made some phone calls to some other municipalities and it is either not allowed or extremely rare. Council Member Bailey said she was sorry if she offended him and Council Member Boatwright said it was nothing personal to him. Mayor McCoid said that most everyone comes straight from their office to the meeting and she finds it helpful since sometimes the meetings last until 9:00 at night. Motion made by Council Member Boatwright, seconded by Council Member Adams, to strike #14 from the agenda and amend item #18. Roll Call: Boatwright-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Pam Dearden, 501 Lincoln Street, Southeast, Bondurant, Iowa, asked if there were restrictions to raising chickens in the city limits. City Administrator Arentsen suggested she write a letter to Council defining her request.

Motion made by Council Member Adams, seconded by Council Member Sullivan, to approve the consent items consisting of City Council Minutes of August 03, 2009, Planning and Zoning Commission Minutes of June 18, 2009, Library Board of Trustees Minutes of July 02, 2009, the Claims Report and Tax Abatement Application for Jeff and McKenzie Mundell, 1209 Cove Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Sullivan-Yes, Bailey-Yes, Boatwright-Yes, Ryan-Yes. Motion carried.

Polk County Sheriff's Department representative Deputy Barber discussed speed limit signs on Second Street, Northwest.

Patrick Collison, City of Bondurant Water and Wastewater Superintendent, reported on the status of wastewater lagoons; compliance with the DNR; status of I&I repairs; how this year's rainfall has affected flows and answered questions from the Mayor and Council.

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution 09-136, a Resolution designating Mark Arentsen as Primary Contact and Lori Dunham as Alternate Contact as proxy designations for the Iowa Communities Assurance Pool (ICAP). Roll Call: Sullivan-Yes, Boatwright-Yes, Bailey-Yes, Ryan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Adams, to approve Resolution 09-137, a Resolution authorizing and directing the City Administrator to write-off certain Emergency Medical Service accounts as non-collectible due to Medicare, Medicaid or too small to collect. Roll Call: Sullivan-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Ryan, to approve Resolution 09-138, a Resolution setting the first meeting date in September as Monday, August 31, 2009, at 6:00 p.m., due to the Labor Day holiday. Roll Call: Adams-Yes, Ryan-Yes, Bailey-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Council Member Bailey volunteered to be the second City Council Member to serve on the committee to address parking issues. Motion made by Council Member Sullivan, seconded by Council Member Ryan, to approve Resolution 09-139, a Resolution appointing the following representatives to a committee to address trailer, recreational vehicle, and construction trailer parking issues in the City of Bondurant, Polk County, Iowa: Board of Adjustment-Leo Kolo and Jerry Pritchard; City Council-Mike Adams, Sr., and Michele Bailey; Park & Recreation Board-Josh Duden; Planning and Zoning Commission-Brian Lohse and Roy McCleary. Roll Call: Sullivan-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes, Bailey-Yes. Motion carried.

Motion made by Council Member Ryan, seconded by Council Member Sullivan, to approve Resolution 09-140, a Resolution of Appreciation to Machelle Godwin, 206 – 7th Court, Southeast, Bondurant, Iowa, for her efforts in picking up litter throughout the City making Bondurant a more attractive community. Roll Call: Ryan-Yes, Sullivan-Yes, Bailey-Yes, Adams-Yes, Boatwright-Yes. Mayor McCoid presented the framed Resolution to Machelle Godwin.

Motion made by Council Member Bailey, seconded by Council Member Boatwright, to approve Resolution 09-142, a Resolution approving the proposed Amendment to Agreement between the City of Bondurant and Veenstra & Kimm, Inc., for the design of the connector sewers at the 32nd Street, Southwest; Grant Street, South; and Cove Street, Southeast, lift stations in the amount of $18,000. Roll Call: Bailey-Yes, Boatwright-Yes, Adams-Yes, Ryan-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Adams, to approve Resolution 09-143, a Resolution supporting an I-Jobs application for funding replacement of the 15th Street, Southwest, Bondurant, Iowa, bridge. Roll Call: Sullivan-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Boatwright, to approve Resolution 09-144, a Resolution supporting an I-Jobs application for funding I&I remediation work. Roll Call: Sullivan-Yes, Boatwright-Yes, Adams-Yes, Bailey-Yes, Ryan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bailey, to approve Resolution 09-145, a Resolution approving a payment request submitted by Jasper Construction in an amended amount of $79,483.73 pertaining to the Main Street Reconstruction Project. Roll Call: Sullivan-Yes, Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes. Motion carried.

Discussion items included the fall and spring clean ups, Clement Estates drainage work completion, garbage/solid waste collection contract and selection of 2nd Street, Northwest, Sidewalk / Bike Path construction inspection and administration engineer.

Motion made by Council Member Bailey, seconded by Council Member Ryan, to close the regular City Council meeting at 7:12 p.m., and go into Closed Session pursuant to Iowa Code Section 21.5(c) to discuss strategy in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Roll Call: Bailey-Yes, Ryan-Yes, Adams-Yes, Sullivan-Yes, Boatwright-Yes. Motion carried. Mayor McCoid called for a five minute recess. Motion made by Council Member Bailey, seconded by Council Member Adams, to close the Closed Session at 7:35 p.m., and open the regular City Council meeting. Roll Call: Bailey-Yes, Adams-Yes, Ryan-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Sullivan, seconded by Council Member Bailey, to approve Resolution 09-146, a Resolution approving a settlement payment to Nutri-Ject Systems in the amount of $36,000. Roll Call: Sullivan-Yes, Bailey-Yes, Ryan-Yes, Adams-Yes, Boatwright-Yes. Motion carried.

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

- Update of meeting with Congressman Boswell's staff member about economic concerns, construction projects, sewer and I&I issues.

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

- Business Record article.
- WRA reducing flow charges
- Prairie Meadows grant applications turned in on Friday.
- Wolf Creek sewer update.
- Received Mid-American rebate.

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

- Council Member Sullivan – Asked if the Main Street Reconstruction Project is on schedule.
- Council Member Boatwright – Asked if the Park and Rec Board has an update on the survey that was in the July newsletter; Asked for minutes and updates from the Park and Rec Board; Asked if the Soccer Club or Kinney Park had any conversations about additional parking at both locations and if not would like those discussions started; Has been asked by a Deer Ridge resident the possibilities of having a traffic circle put in and if not that, what about speed bumps on Deer Ridge Drive; Receiving comments about Deer Ridge and Arbor Ridge residents parking vehicles in their yards for extended periods of time; A member of the West Des Moines Bicycle Club said they would be willing to write a letter of support or gather data to promote any of the City's trail projects; and feels the legal fees in drafting the lease agreement between the City and Cory's Irish Pub should have been paid for by Cory's Irish Pub.

Mayor McCoid left the meeting at 7:55 p.m. Mayor Pro Tem Ryan presided over the remainder of the meeting.

- Council Member Ryan – MWA update.
- Council Member Bailey – Residents calling with complaints of neighbors putting tree limbs on their property for chipping service; and would like a committee comprised of the Mayor and two Council Members to review the final document of the City Administrator's performance review. She will volunteer to serve on the committee.
- Council Member Adams – No Comment.

Motion made by Council Member Adams, seconded by Council Member Sullivan, to adjourn said meeting at 8:05 p.m. Roll Call: Ayes: 5. 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 August 17, 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