Meeting No. 08-10 August 14, 2008

CITY OF BONDURANT

PLANNING AND ZONING COMMISSION

MINUTES

A meeting of the City of Bondurant Planning & Zoning Commission was held in the Community Room at the Bondurant City Center on August 14, 2008, at 7:00 p.m.

Present: Commission Chair John Bein
Commission Member Judi Mendenhall
Commission Member Marvin Skinner
Commission Member Roy McCleary
Commission Member Deborah Baker
Commission Member David Higgins
City Council Member Mike Adams, Sr.
City Council Member Michele Bailey
City Administrator Mark J. Arentsen
Finance Director Lori Dunham

Absent: Commission Member Roland Mark

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the Bondurant Post Office on August 11, 2008. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Commission Chair Bein called the meeting to order at 7:10 p.m. Roll call was taken and a quorum was declared. Motion made by Commission Member McCleary, seconded by Commission Member Mendenhall, to approve the agenda. Roll call: Ayes: 6. Nays: 0. Motion carried.

Motion made by Commission Member Mendenhall, seconded by Commission Member McCleary, to approve the Planning and Zoning Commission Minutes of June 26, 2008. Roll call: Ayes: 6. Nays: 0. Motion carried.

Mr. Vic Piagentini, Associated Engineering Company of Iowa, 2917 Martin Luther King Jr. Parkway, Des Moines, Iowa, presented the revised Site Plan for Paired Homes (PUD), 1005 Grant Street, South, Bondurant, Iowa. City Administrator Arentsen led a discussion concerning the revised Site Plan and the October 2007 letter to Great Western Bank addressing the incomplete items from the original Site Plan. In addressing Item #1 of the letter, Mr. Piagentini said that the concrete drainage on the north side of the east/west driveway will be done. He indicated that the other concrete drainage running north from the entry driveway to the existing concrete drainage swail will not be completed. Item #2 -

Retaining wall will not be constructed because of the tile installation that will be completed. Item #3 - Berm construction is not needed. Item #4 - Street light needs to be done. Item #5 - 6" curb will be done. Item #6 – Seeding will be done after the tile is installed. Item #7 – House numbers have been installed. Item #8 – Site grading will be done. Item #9 – Deteriorated paving around the driveway manhole will be fixed. Item #10 – Drainage issue to Mr. Skinner's property will be addressed. Item #11 – Either a dirt berm or landscaping will be completed on the west side of the north/south driveway. A dirt berm creates drainage issues. The landscaping will hopefully keep Paired Homes water on their property. Item #12 – Grading needs to be done on the south side of the entry driveway. Elevation of the pipe compared to the pipe on the Skinner property needs to be verified and corrected. Item #13 – "No School Buses" sign is not needed as school buses do not go down private drives or into cul-de-sacs. Item #14 – Ten Skyline Locust trees will be planted instead of the Purple Ash because of the Ash Borer insect. Item #15 – "No Parking" signs will be installed.

Commission Member McCleary stated that we need to set up the best possible way to move the water. Corners cannot be cut just to get the project done. He was concerned about the tile installation and going away from the concrete system. Commission Member Baker inquired how the "No Parking" will be enforced. As long as vehicles can get through, she does not object to cars parked along the east/west street when the residents have gatherings as long as there are no motor homes, boats, disabled vehicles, etc., parking along the street.

Public comment from Mike Lewis, 1005 Grant Street, South, #4, noted a number of issues with the property. He was concerned about a comment from Mr. Piagentini, that if the costs are too high to finish the project, the bank will let the project go into foreclosure. He was also concerned that there was no representative from Great Western Bank at the meeting. The grading at the back of the property needs to be redone as it was graded improperly. The grading was done at 10:00 p.m., thus in the dark. He would like the elevation checked between the units as well. He feels like he is a nuisance to his neighbors. We've been talking about this project for a long time and something needs to be done before winter. He would like the City to hold the bank to a deadline date. He inquired if there were any DNR issues with this project and also noted that there is no homeowners association. There are no homeowners as the resident owners have refused the bank's offer to deed us the property until the project is complete.

Mr. Piagentini commented that the two tile lines to be installed in the back of the units would alleviate the drainage issue and that portion will have to be re-graded and re-sodded. City Administrator Arentsen noted that the City Engineer will verify all grading adequacy.

Public comment from City Council Member Michele Bailey, 129 Patterson Street, Southeast, noted that this water drainage issue is very important to correct. The drainage needs to run down Grant Street to the drainage way.

Motion made by Commission Member McCleary, seconded by Commission Member Higgins, to table Resolution No. PZ-08-12, a Resolution approving the revised Site Plan for Paired Homes, PUD, 1005 Grant Street, South, Bondurant, Polk County, Iowa. Roll Call: McCleary-Yes, Higgins–Yes, Mendenhall-Yes, Skinner-Yes, Baker–Yes, Bein–Yes. Motion carried.

Public comment from Patty Smith, 1005 Grant Street, South, #3, concerning the berm on the neighbor's property that holds back water. She wanted to know if there is anything that can be done to assure that any subsequent owners do not remove that berm. The west side of the driveway needs to be raised as it does not drain properly.

Public comment from City Council Member Mike Adams, Sr., 106 Grant Street, North, stated that when this issue comes before Council, they will be requesting a written response from the bank.

Mr. Mike Lewis commented that even with the berm, water still creeps up towards the houses. It is not just Units #1, 2, 3 and part of 4 that needs to be re-graded. All of Unit #4 and the part of space between 4 & 5 needs to be re-graded.

Commission Member McCleary suggested that concrete surface would speed up the water drainage. The cement specs from the original site plan would get rid of water the quickest, behind and in front. Mr. Piagentini responded that the original site plan does show concrete in the back also. Commission Member McCleary requested dumping the idea of tiling and revert back to concrete. Mr. Piagentini also said that the original site plan shows that the elevation of the back yard needs to be lowered one foot in the northeast corner.

Mrs. Smith wanted to know if the residents were up a creek if the ground is graded according to the original site plan and there are still problems. She would like the side of her house graded too.

Commission Member Higgins suggested that even though we go back to the original site plan to move the water, there are problems that still exist that need to be addressed. City Administrator Arentsen insisted that once the grading is done, the City Engineer will verify that the water flow is functioning properly. When the work is all done, the elevations will be checked.

Public comment from Mr. Steve Moulton, 1005 Grant Street, South, #5, commented that if the City Engineer puts his stamp of approval on this, then he will be satisfied, but we need to give a 60-90 day deadline to the bank to get this done. If the bank doesn't get it done, then the City needs to fine them. They have procrastinated long enough. Sixty days should be long enough.

Commission Member Baker requested that in two weeks, Mr. Piagentini and the City Engineer come back here again on August 28 with what needs to be done.

Motion made by Commission Member McCleary, seconded by Commission Member Higgins, that we go back to the original site plan and have Mr. Piagentini and the City Engineer agree on the plan for the August 28 meeting and have bank representation present at that meeting. Further comments by Commission Member Skinner noted that Mr. Piagentini is just as frustrated as we are that the original site plan was not followed. He is more than willing to do his part to get this project done. The bank has procrastinated. He thinks it is a good idea to give them a timeline. Whatever contractor is chosen needs to be approved by Mr. Piagentini and the City Engineer. Roll Call: McCleary-Yes, Higgins–Yes, Mendenhall-Yes, Skinner-Yes, Baker–Yes, Bein–Yes. Motion carried.

The following items were discussed as part of Commission Members' comments:

- Commission Member Baker – Would like to see the City Administrator encourage the bank and their counsel be present at the August 28 meeting and was concerned that they were not present tonight.
- Commission Member Skinner – Mr. Piagentini is pretty frustrated with what has happened with this project.
- Commission Member Mendenhall – No Comment.
- Commission Member McCleary – This was a good meeting.
- Commission Member Higgins – Wanted to know the status of the old Union 76 station debris removal.

The following items were discussed as part of City Administrator Arentsen's comments:

- Regency has signed a consent order to have the old Union 76 station cleaned up by the end of the year. For me to tell you that this is the date that it will be done, I cannot say, but it doesn't sound like the DNR is going to just let it go.

The following items were discussed as part of Commission Chair Bein's comments:

- Good to see the Public Safety Building, Library Building, and BIG, LC property progressing.

Motion made by Commission Member McCleary, seconded by Commission Member Baker, to adjourn the meeting. Roll call: Ayes: 6. Nays: 0. Motion carried. Commission Chair Bein declared the meeting adjourned at 8:37 p.m.

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John Bein
Chair

ATTEST:

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Lori Dunham
Finance Director