

**Clive City Council Meeting
Regular Session
Thursday, January 17, 2008**

The regular meeting of the Clive City Council was held Thursday, January 17, 2008 at Clive City Hall at 7:00 p.m. Mayor Pro Tem Cirksena presided. Council members present were: Begleiter, Brody, Cirksena, Edwards, Leighton. Absent: Mayor Aasheim.

Leighton moved to approve the agenda with the removal of item #5, discussion of the Deer Ridge Plat 3 Storm Water Detention Area, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards moved to approve the consent items and those **Resolutions** contained therein seconded by Leighton. 4a. Minutes dated 12-20-07; 4b. Bill List dated 1-11-08; 4c. Treasurer's Report – October & November 2007; 4d. Water Reconciliation Report – December 2007; 4e. City Clerk's Dept Report – December 2007; 4f. Parks Dept Report – December 2007; 4g. Building Dept Report – December 2007; 4h. Fire Dept Report – December 2007; 4i. Police Dept Report – December 2007; 4j. Public Works Dept Report – December 2007; 4k. Library Report – December 2007; 4l. Liquor License Renewal – Nicks Bar and Grill, 9769 University; 4m. Liquor License Renewal – La Preferida, 1800 NW 86th St. Ste. #11; 4n. Liquor License Renewal – Outback Steakhouse, 10901 University; 4o. Liquor License Renewal – Cosi Cucina, 1975 NW 86th St; 4p. Liquor License Renewal – Wildwood Lodge, 11431 Forest Avenue; 4q. Approve Mayoral appointment - Jane Palestini - Library Board - 3 year appt; 4r. Approve Mayoral appointment - Tracy Levine - Public Art Commission - 2 year appt; 4s. Approve pay request #3 – OPN Architects – Library Building Program - \$3,889.25; 4t. Approve pay request #4 –Hitchcock Design Group – NW 86th Street Streetscape Master Plan -- \$15,916.25; 4u. Approve pay request #2-Snyder & Assoc-NW 86th & University Blvd Signals-\$2,130.52; 4v. Approve pay request #3 (final)-Underground Company-NW 86th Meter Pit Relocation-\$1,568.34; 4w. Approve pay request #7-Septagon Const Company-PW Relocation Project const. management-\$10,459.15; 4x. Approve pay request #3-Underground Company-PW Relocation Project utility/site work-\$8,558.55; 4y. Approve pay request #1-Overhead Door Company-PW Relocation Project overhead door-\$4,009.00; 4z. Approve pay request #2-Summit Electrical Service-PW Relocation Project electrical-\$8,046.50; 4aa. Approve pay request #2-Lansink Construction-PW Relocation Project demo/carpentry/drywall-\$42,260.75; 4bb. Approve pay request #1-Heathland Door & Frame-Pw Relocation Project doors & hardware-\$4,343.50; 4cc. Approve pay request #2-Proctor Mechanical-PW Relocation Project plumbing/HVAC-\$60,752.00; 4dd. Approve pay request #2-NAI Electrical-PW Relocation Project electrical-\$15,776.45; 4ee. **Resolution No. 2008-01** approving Change Order #1-\$15,984.00-Municipal Pipe Tool-2007 Sewer Rehab Project; 4ff. Approve Pay request #2-Municipal Pipe Tool-2007 Sewer Rehab Project-\$22,347.23; 4gg. **Resolution No. 2008-02** accepting work-2007 Sewer Rehab Project; 4hh. Receive and file 06/07 Financial Audit Report; 4ii. Approve purchase – Foam Trailer – United Plastics - \$32,872.00; 4jj. **Resolution No. 2008-03** approving Change Order #1- US Erectors Inc. - (-\$1,136.11) - Public Works Relocation Phase II; 4kk. **Resolution No. 2008-04** approving Change Order # 1- Lansink Construction, Inc. - (-\$1,075.00) - Public Works Relocation Phase II; 4ll. **Resolution No. 2008-05** approving Change Order # 1- Heartland Door & Frame Inc. - \$1,538.50 - Public Works Relocation Phase II. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced the following **Resolution** and moved its adoption, seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor Pro Tem declared the following duly adopted:

RESOLUTION NO. 2008-06

**RESOLUTION SETTING DATE OF PUBLIC HEARING FOR ISSUANCE OF \$2,900,000.00 GO
REFUNDING LOAN AGREEMENT (1-31-08, 7:15 p.m.)**

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2008.

Edwards introduced the following **Resolution** and moved its adoption, seconded by Brody. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor Pro Tem declared the following duly adopted:

RESOLUTION NO. 2008-07

RESOLUTION SETTING DATE OF PUBLIC HEARING FOR DISPOSAL OF PUBLIC WORKS PROPERTY LOCATED AT 9289 SWANSON (1-31-08, 7:15 p.m.)

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2008.

Edwards introduced the following **Resolutions** and moved their adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor Pro Tem declared the following duly adopted:

RESOLUTION NO. 2008-08

RESOLUTION TO PROCEED WITH ACQUISITION BY CONDEMNATION OF THE PROPERTY OWNED BY BRYNE FAMILY LIMITED PARTNERSHIP WHICH IS REQUIRED TO CONSTRUCT A PUBLIC IMPROVEMENT CONSISTING OF THE WIDENING OF THE INTERSECTION OF N.W. 86TH STREET AND UNIVERSITY BOULEVARD IN CLIVE, IOWA

RESOLUTION NO. 2008-09

RESOLUTION TO PROCEED WITH ACQUISITION BY CONDEMNATION OF THE PROPERTY OWNED BY AMOCO OIL COMPANY WHICH IS REQUIRED TO CONSTRUCT A PUBLIC IMPROVEMENT CONSISTING OF THE WIDENING OF THE INTERSECTION OF N.W. 86TH STREET AND UNIVERSITY BOULEVARD IN CLIVE, IOWA

RESOLUTION NO. 2008-10

RESOLUTION TO PROCEED WITH ACQUISITION BY CONDEMNATION OF THE PROPERTY OWNED BY KEVIN I. KOETHE WHICH IS REQUIRED TO CONSTRUCT A PUBLIC IMPROVEMENT CONSISTING OF THE WIDENING OF THE INTERSECTION OF N.W. 86TH STREET AND UNIVERSITY BOULEVARD IN CLIVE, IOWA

RESOLUTION NO. 2008-11

RESOLUTION TO PROCEED WITH ACQUISITION BY CONDEMNATION OF A LEASEHOLD INTEREST HELD BY CBS OUTDOOR GROUP INC. WHICH IS REQUIRED TO CONSTRUCT A PUBLIC IMPROVEMENT CONSISTING OF THE WIDENING OF THE INTERSECTION OF N.W. 86TH STREET AND UNIVERSITY BOULEVARD IN CLIVE, IOWA

RESOLUTION NO. 2008-12

RESOLUTION TO PROCEED WITH ACQUISITION BY CONDEMNATION OF A LEASEHOLD INTEREST HELD BY CLEAR CHANNEL OUTDOOR WHICH IS REQUIRED TO CONSTRUCT A PUBLIC IMPROVEMENT CONSISTING OF THE WIDENING OF THE INTERSECTION OF N.W. 86TH STREET AND UNIVERSITY BOULEVARD IN CLIVE, IOWA

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2008.

Council heard discussion on the NW 86th Street redevelopment opportunities presented by Hitchcock Design Group. They were asked whether a local company could do the same thing.

Mayor Pro Tem Cirksena announced this was the time and place for a public hearing for the 2007 Sidewalk Repairs.

The City Clerk advised notice of the hearing was published in the Clive Register on 1-3-08 and 1-10-08.

Sherry Marion, 10536 Forest Avenue spoke to the council objecting to the repairs done and billed to her for sidewalk repairs adjacent to her property. She stated she thinks the standards for sidewalk repairs are unwarranted.

Edwards moved to close the public hearing, seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced the following **Resolution** and moved its adoption, seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor Pro Tem declared the following duly adopted:

RESOLUTION NO. 2008-13

RESOLUTION FIXING THE AMOUNT TO BE ASSESSED FOR THE 2007 SIDEWALK REPAIRS

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2008.

Leighton moved that **Ordinance No. 876**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, PERTAINING TO CHAPTER 175, be considered for the third time, placed upon its passage, and adopted, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Ordinance No. 876 is declared to have been enacted.

Edwards introduced **Ordinance No. 880**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, PERTAINING TO CHAPTER 122 REGARDING SOLICITORS AND TRANSIENT MERCHANTS, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Leighton moved that the rule requiring that an ordinance be considered and voted on for passage at two council meetings prior to this meeting be suspended with respect to **Ordinance No. 888**, seconded by Edwards. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Leighton moved that **Ordinance No. 888**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY ADDING NEW CHAPTER TO THE WATER REGULATIONS REGARDING CROSS CONNECTION CONTROL-CONTAINMENT having been considered by the council for the third time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Leighton moved that the rule requiring that an ordinance be considered and voted on for passage at two council meetings prior to this meeting be suspended with respect to **Ordinance No. 888**, seconded by Edwards. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Leighton moved that **Ordinance No. 889**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING PROVISIONS

PERTAINING TO MUNICIPAL INFRACTIONS having been considered by the council for the third time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 881**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, AMENDING AND RESTATING CHAPTER 155 – BUILDING CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 882**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 156 – ELECTRICAL CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 883**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 157 – PLUMBING CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 884**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 158 – ENERGY CONSERVATION CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 885**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 159 – MECHANICAL CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 886**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 161 – FUEL GAS CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards introduced **Ordinance No. 887**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2000, BY AMENDING AND RESTATING CHAPTER 162 – EXISTING BUILDING CODE, having been considered by the council for the first time, be voted on for passage prior to its final adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Begleiter introduced the following **Resolution** and moved its adoption, seconded by Edwards. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor Pro Tem declared the following duly adopted:

RESOLUTION NO. 2008-14

RESOLUTION ACCEPTING COMPENSATION COMMITTEE REPORT REGARDING WAGE AND BENEFIT RECOMMENDATIONS FOR FY 08/09.

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2008.

It was a consensus to set the time of the January 31, 2008 Council meeting at 6:00 p.m.

The City Attorney advised that the Council could close the meeting pursuant to Iowa Code Chapter 21.5 (j) to discuss possible real estate acquisition.

Edwards moved to close the meeting, seconded by Leighton. Roll call vote: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Absent: None. Motion carried.

Edwards moved to arise from closed session, seconded by Begleiter. Roll call vote: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Absent: None. Motion carried.

Mayor Pro Tem announced no action or votes were taken while in closed session.

The Assistant City Manager's report was given by Lisa Schmidt.

The City Manager's report was given by Dennis Henderson.

There being no further business before the Council, Mayor Pro Tem Cirksena adjourned the meeting at 8:31 p.m.

Pamela L. Blessman, City Clerk

Scott Cirksena, Mayor Pro Tem