

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

The regular meeting of the Clive City Council was held Thursday, April 17, 2008 at Clive City Hall at 7:00 p.m. Mayor Aasheim presided. Council members present were: Begleiter, Brody, Cirksena, Edwards, Leighton. Absent: None.

Cirksena moved to approve the agenda with the removal of item 7b. (The petition was withdrawn), seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Mark Hansen of Waukee, Dallas County Supervisor, addressed the council with information about a multijurisdictional trail project along the old railroad bed, some of which is now part of the Raccoon River Valley Trail.

Leighton moved to approve the consent items and those **Resolutions** contained therein seconded by Cirksena. 5a. Minutes dated 4-3-08 and 4-10-08; 5b. Bill List dated 4-11-08; 5c. Water Reconciliation Report – March 2008; 5d. City Clerk's Dept Report – March 2008; 5e. Parks Dept Report – March 2008; 5f. Building Dept Report – March 2008; 5g. Fire Dept Report – March 2008; 5h. Police Dept Report – March 2008; 5i. Public Works Dept Report – March 2008; 5j. Library Report – March 2008; 5k. Liquor License Application – Dulce Vida Mexican Grill Inc. – 13435 University Avenue; 5l. Approve payment request #2 – professional services – Genus Landscape Architects – Karp Plaza Park– \$8,280.00; 5m. **Resolution 2008-67** approving temporary street closing – Block Party – 2378 NW 151<sup>st</sup> Circle – 4-27-08, 1:00p.m. – 6:00 p.m.; 5n. **Resolution 2008-68** approving temporary street closing – Block Party – 1549 NW 92<sup>nd</sup> – 6-14-08, 4:00p.m. – 9:00 p.m.; 5o. **Resolution 2008-69** to approve change order #2 - Wolf Construction Commercial - (\$1,743.75); 5p. **Resolution 2008-70** to approve change order #2 – Lansink Construction, Inc. – (\$800.00); 5q. **Resolution 2008-71** to approve change order #2 – U.S. Erectors Inc. – (\$1,114.00); 5r. **Resolution 2008-72** to approve change order #1 – Summit Electrical Service Inc - \$344.39; 5s. **Resolution 2008-73** to approve change order #1 – Proctor Mechanical Corp - \$2,976.00; 5t. **Resolution 2008-74** to approve change order #1 – Nikkel & Associates, Inc - \$5,488.49; 5u. Approve pay request #10 – Septagon – PW Relocation Project – \$7,436.76; 5v. Approve pay request #2 (final) – Overhead Door Company – PW Relocation Project – \$211.00; 5w. Approve pay request #3 (final) – Summit Electrical Services – PW Relocation Project – \$906.89; 5x. Approve pay request #1 (purchase order) – Iowa Contract Glazing – PW Relocation Project – \$6,727.90; 5y. Approve pay request #2 – Wes Jarnagin Inc. – PW Relocation Project – \$2,850.00; 5z. Approve pay request #5 – Proctor Mechanical Corp. – PW Relocation Project – \$2,827.00; 5aa. **Resolution 2008-75** accepting work – Absolute Concrete Construction, Inc. – PW Relocation Project; 5bb. **Resolution 2008-76** accepting work – Homevalue Interiors – PW Relocation Project; 5cc. **Resolution 2008-77** accepting work – Lansink – PW Relocation Project; 5dd. **Resolution 2008-78** accepting work – Nikkel & Associates, Inc – PW Relocation Project; 5ee. **Resolution 2008-79** accepting work – Overhead Door Company – PW Relocation Project; 5ff. **Resolution 2008-80** accepting work – Proctor Mech. – PW Relocation Project; 5gg. **Resolution 2008-81** accepting work – Underground Company – PW Relocation Project; 5hh. **Resolution 2008-82** accepting work – Wolf Construction Commercial – PW Relocation Project; 5ii. **Resolution 2008-83** accepting easement – Irwin & Jill Rose – Hickman Trail Connection; 5jj. Approve purchase sewer inspection equipment – Dewey Ford/Municipal Pipe Tool – \$102,594.45; 5kk. Approve pay rate for Ryan Mayer – Building Inspector – Community Development – \$44,000 – 4-21-08. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards moved to approve the temporary site plan for Burnett Realty, 10200 Hickman Road, Suite 100 for May 9, 2008, seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards moved to approve the noise permit for Burnett Realty for May 9, 2008 from 5:00 p.m. to 10:00 p.m., seconded by Leighton. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Edwards moved to approve the noise permit for Iowa Home Care, 12107 Stratford Dr. on May 9, 2008 from 5:00 p.m. to 10:00 p.m., seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Mayor Aasheim announced this was the time and place for a public hearing for Xenia Rural Water District electric line easement.

The Deputy City Clerk advised notice of the hearing was published in the Clive Register on April 11, 2008.

No written objections were filed and no oral objections were offered from the audience.

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 Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried. Whereupon, the Mayor declared the following duly adopted:

**RESOLUTION NO. 2008-84**

**RESOLUTION APPROVING THE GRANT OF AN ELECTRIC LINE  
EASEMENT TO XENIA RURAL WATER DISTRICT ALONG THE NORTH  
BOUNDARY OF CERTAIN PROPERTY OWNED BY  
THE CITY OF CLIVE ALONG N.W. 156TH STREET**

**PASSED AND APPROVED THIS 17TH DAY OF APRIL 2008.**

Council was given an update on the Preliminary Schematic Design Development for Proposed Future Library from Terry Gebhardt & Brett Mendenhall, OPN Architects and Steve Burnett, Construction Services Inc.

Council reviewed the Liquor License Application by Alehy Enterprises Inc. dba Iowa Castle, 1925 NW 86<sup>th</sup> St. Questions regarding drive up purchases and hours of operation were addressed by owner Ray Ahley, 8450 Sunrise Blvd, Clive. Cirksena voiced concerns about this practice.

Begleiter moved to approve the Liquor License for Iowa Castle, seconded by Edwards. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Heather Wright, Representative for Flying J Travel Plaza, addressed the Council on training provided to new employees regarding the sale of tobacco products. Officer Rich Stoen reviewed the violation and the charges filed for the violation.

Edwards moved that the Clive City Council finds that based upon evidence submitted by the City of Clive Attorney's Office, Flying J Travel Plaza, 11820 Hickman Rd. committed a third violation that occurred on February 7, 2008 of Iowa Code section 453A.2(1), selling, giving, or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age. Therefore, the Clive City Council hereby orders that a civil penalty of a \$1,500.00 fine and a thirty (30) day cigarette permit suspension be executed against the above-captioned permittee effective May 10, 2008. This sanction will count as a third violation of Iowa Code section

453A.2(1), pursuant to Iowa Code section 453A.22(2)(c), seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Edwards, Leighton. Nays: None. Motion carried.

Edwards moved to acknowledge and accept the settlement agreements for 1st Violation – Casey’s, 2250 Woodlands Pkwy; 1st Violation – Kum & Go LC, 15600 Hickman Rd; 1st Violation – Walgreen’s #07967, 15601 Hickman Rd; 1st Violation – Dahl’s Foods, 15500 Hickman Rd; 1st Violation – Miss Kitty’s, 8800 Swanson Blvd., selling tobacco to minors, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Edwards, Leighton. Nays: None. Motion carried.

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

**RESOLUTION NO. 2008-85**

**RESOLUTION APPROVING CONTRACT FOR PROFESSIONAL SERVICES WITH HITCHCOCK DESIGN GROUP RELATED TO PHASE 2 OF THE STREETScape MASTER PLAN ASSOCIATED WITH THE N.W. 86TH STREET CORRIDOR PROJECT FOR \$12,500.00**

**PASSED AND APPROVED THIS 17TH DAY OF APRIL 2008.**

Cirksena 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 declared the following duly adopted:

**RESOLUTION NO. 2008-86**

**RESOLUTION AUTHORIZING THE ACQUISITION OF THE PROPERTY LOCATED AT 8545 AND 8575 UNIVERSITY BOULEVARD, CLIVE, IOWA IN CONNECTION WITH THE N.W. 86TH STREET & UNIVERSITY BOULEVARD INTERSECTION IMPROVEMENTS PROJECT**

**PASSED AND APPROVED THIS 17TH DAY OF APRIL 2008.**

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

**RESOLUTION NO. 2008-87**

**RESOLUTION SETTING PUBLIC HEARING DATE (5-1-08, 7:00 P.M.) ON ISSUANCE OF (NOT TO EXCEED) \$7,650,000 GENERAL OBLIGATION URBAN RENEWAL CORPORATE PURPOSE BONDS**

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 Cirksena. 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.

With the City Attorney’s advice, Edwards moved to authorize an offer to buy the property discussed from Mercy Properties for the purchase price of \$202,660.00 plus other certain terms and conditions including placement of the Mercy name on the Clive water tower as set forth in the

offer to buy real estate, seconded by Cirksena. Roll call vote: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: Begleiter. Absent: None. Motion carried.

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

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

Mayor Aasheim extended the invitation for all to attend the dedication of the newly renamed Porter Greenbelt Shelter at 5:30 p.m. on May 5, 2008.

There being no further business before the Council, Mayor Aasheim adjourned the meeting at 8:37 p.m.

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Joyce Cortum, Deputy City Clerk

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Les Aasheim, Mayor