

**Clive City Council Meeting  
Regular Session  
Thursday, May 1, 2008**

The regular meeting of the Clive City Council was held Thursday, May 1, 2008 at Clive City Hall at 7:00 p.m. Mayor Aasheim presided. Council members present were: Brody, Cirksena, Edwards, Leighton. Absent: Begleiter.

Cirksena moved to approve the agenda, seconded by Leighton. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Leighton moved to approve the consent items and those **Resolutions** contained therein seconded by Cirksena. 5a. Minutes dated 4-17-08; 5b. Bill List dated 4-28-08; 5c. Treasurer's Report – February 2008; 5d. Approve liquor license renewal – Down Under Bar & Grill – 8350 Hickman Road; 5e. Approve liquor license application – Dulce Vida Mexican Grill – 13435 University Ave; 5f. **Resolution 2008-88** approving temporary street closing – Block Party – 1938 NW 157<sup>th</sup> – 5-31-08, 6:00p.m. – 10:00 p.m.; 5g. **Resolution 2008-89** accepting deed and easements- Koethe Property- 8527 University Blvd.; 5h. **Resolution 2008-90** authorizing City Clerk to file lien for water service repair fees – 2132 NW 89<sup>th</sup> St; 5i. Approve purchase – Parks Department – Vantage Electric Service Truck – Great American Outdoor – \$18,450; 5j. Approve Pay Request #11 – Construction Management Services – PW Relocation Project – \$5,050.00; 5k. Approve Pay Request #2 (P.O. final) – National Gutter (phase 1) – PW Relocation Project – \$38.90; 5l. Approve Pay Request #4 (final) – The Underground Company, Inc. – PW Relocation Project – \$1,833.90; 5m. Approve Pay Request #4 (final) – Absolute Concrete, Inc. – PW Relocation Project – \$9,991.60; 5n. Approve Pay Request #3 (final) – Wolf Construction Company – PW Relocation Project – \$2,425.81; 5o. Approve Pay Request #2 (P.O. final) – Manual Masonry – PW Relocation Project – \$102.50; 5p. Approve Pay Request #4 – U.S. Erectors – PW Relocation Project – \$718.20; 5q. Approve Pay Request #4 (final) – Lansink Construction, Inc. – PW Relocation Project – \$6,318.89; 5r. Approve Pay Request #2 final) – Overhead Door Company – PW Relocation Project – \$493.00; 5s. Approve Pay Request #3 – Wes Jarnagin – PW Relocation Project – \$1,520.00; 5t. Approve Pay Request #2 (final) – Home Value Interiors – PW Relocation Project – \$1,406.85; 5u. Approve Pay Request #1 (P.O.) – Heartland Finishes , Inc. – PW Relocation Project – \$11,415.09; 5v. Approve Pay Request #6 (final) – Proctor Mechanical Corp. – PW Relocation Project – \$5,297.00; 5w. Approve Pay Request #5 (final) – Nikkel and Associates, Inc. – PW Relocation Project – \$9,956.00; 5x. Approve Pay Request #5 – Snyder & Associates – NW 86<sup>th</sup> Street Lighting – \$1,370.00.00; 5y. Approve Pay Request #6 – Snyder & Associates – NW 86<sup>th</sup> Street Lighting – \$685.00; 5z. Approve Pay Request #3 (final) – DeCarlo Demolition – NW 86<sup>th</sup> Street building demolition – \$1,261.65; 5aa. Approve Pay Request #3 – OPN Architects – Schematic Design work – \$6,025.00; 5bb. **Resolution 2008-91** Approving Change Order #1 – Synergy Contracting, LLC – University Blvd Utility Improvement Project – \$28,450.00; 5cc. Approve pay rate Jason Stevens, Public Works Operations Specialist, \$34,950, 5-5-08; 5dd. Approve pay rate Ankita Dhussa, Library Shelver, \$7.90/hr, 05-04-08; 5ee. Approve pay rate Kay Murphy – Part Time Summer Intern – Library – \$9.79 /hr, 6-2-08; 5ff. Approve disposition of property – Foam Trailer – City of Fairbank, Iowa – \$5,000.00. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

David and Mary Borchardt were recognized by the Mayor for Environmental Stewardship citing their efforts in cleaning the area of Karp Park Plaza for the past several years.

Mayor Aasheim announced this was the time and place for a public hearing on the NW 86<sup>th</sup> Street Assessment.

The Deputy City Clerk advised notice of the hearing was published in the Clive Register on April 11, 2008 and April 18, 2008, and notice mailed on April 1, 2008.

Written objections were filed by University Plaza LLC, 8469 University Blvd; Kevin Koethe, 8527 University Blvd; Jim Mona, 8435 University Blvd and Forget Properties, 8421 University Blvd.

Edwards moved to receive and file the written objections, seconded by Leighton. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Oral objections from the audience:

Dan Manning, Connolly Law Firm, representing the owner of University Plaza LLC (Clive Car Wash) at 8501 University Blvd (aka 8469 University Blvd), stated that there is no special benefit to his client and hopes that the council will reconsider.

Jim Mona, owner of 8435 University Blvd., stated that there will be extreme hardship on small business owners and himself.

Kevin Koethe, owner of 8527 University Blvd., stated because of the limited access to his property, there is no benefit to him. City Manager, Dennis Henderson noted that Mr. Koethe has received \$175,000 for an easement devaluation of the property per the appraisal, as well as a new access and replacement of lost parking spaces.

Arnold Forget, owner of 8421 University Blvd., stated the assessment would be a hardship and he does not see a way to recoup the cost.

Bob Josten, Dorsey Whitney Law Firm gave the council an overview of the special assessment process and procedures that are followed.

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

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

#### **RESOLUTION NO. 2008-92**

#### **RESOLUTION OF NECESSITY FOR THE NW 86TH STREET & UNIVERSITY BOULEVARD INTERSECTION IMPROVEMENTS PROJECT**

#### **PASSED AND APPROVED THIS 1ST DAY OF MAY 2008.**

Edwards moved that the City Clerk be directed to file certified copies of the Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the County Treasurer of Polk County, seconded by Leighton. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Mayor Aasheim announced this was the time and place for a public hearing for the GO Bond Issue 2008B, not to exceed \$7,650,000.

The Deputy City Clerk advised notice of the hearing was published in the Clive Register on April 25, 2008.

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

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

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

**RESOLUTION NO. 2008-93**

**RESOLUTION DETERMINING TO PROCEED WITH ISSUANCE OF \$7,200,000  
GENERAL OBLIGATION URBAN RENEWAL CORPORATE PURPOSE  
BONDS AND SETTING A DATE FOR THE SALE OF THE BONDS**

**PASSED AND APPROVED THIS 1ST DAY OF MAY 2008.**

Brad Miller, General Manager of DART gave an overview of services and current funding mechanisms as well as the upcoming meeting to discuss changes to the funding formula options on May 14, 2008 at the DART offices.

Susan Brown, manager of office buildings at 8445, 8355 and 8365 University Blvd. addressed the council on noise problems regarding the nearby Greenbelt Kennel. She asked for the City's assistance in enforcing the noise and animal control ordinance. Staff was directed to research and bring back possible solutions.

Edwards moved to approve the Site Plan Amendment for Building #4 of the Clive Wellness Campus as approved by the Planning and Zoning Commission at their April 22, 2008 meeting, seconded by Cirksena. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Information was presented to the council on the Hickman Road sidewalk at the North Walnut Creek trail connection. The low quote received was considerably over the engineer's projections. Rich Volker, Snyder & Associates outlined possible options for the council's consideration, citing the small size of the project and difficult finding contractors interested in the work.

No action was taken at this time. Staff will report again in two weeks with a plan of how to proceed with the project.

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

**RESOLUTION NO. 2008-94**

**RESOLUTION APPROVING CHANGE ORDER NO. 3 FOR CEDAR VALLEY  
CORPORATION—PHASE II OF N.W. 86TH STREET AND HICKMAN ROAD INTERSECTION  
IMPROVEMENTS PROJECT**

**PASSED AND APPROVED THIS 1ST DAY OF MAY 2008.**

Council was addressed by Ray Alehy, owner of Iowa Castle, 1925 NW 86<sup>th</sup> concerning the selling of liquor through the drive-up window. Mr. Alehy told the council he has decided to voluntarily halt these sales, but will continue to offer service in the lobby until 1:00 a.m. The council expressed their gratitude for his actions and on being a good corporate citizen.

Edwards motioned to draft an ordinance amendment similar to the one Des Moines has that would prohibit drive-through liquor sales, seconded by Cirksena. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

Terry Gebard, OPN Architects reviewed the revised schematic drawings for the proposed library.

Referendum Committee Co-Chairs, Dennis Janssen, 1448 NW 108th and Crystal Faux, 8886 Summit Dr. addressed council questions concerning the referendum and their efforts to date.

Staff was directed to explore projected cost options for the May 15, 2008 meeting.

Motion was made by Edwards to approve the concept design for the future library, seconded by Leighton. Roll Call: Ayes: Brody, Cirksena, Edwards, Leighton. Nays: None. Motion carried.

No action was taken on the referendum amount, language or date.

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

**RESOLUTION NO. 2008-95**

**RESOLUTION SETTING DATE OF PUBLIC HEARING FOR  
APPROVAL OF PROPOSAL TO GRANT A LICENSE TO XENIA RURAL WATER DISTRICT  
FOR THEIR WATER PIPELINE TO CROSS THE PUBLIC RIGHT-OF-WAY  
AT N.W. 156TH STREET (6-5-08, 7:00 P.M.)**

**PASSED AND APPROVED THIS 1ST DAY OF MAY 2008.**

The Assistant City Manager had no report.

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

Mayor Aasheim reminded all in attendance of the dedication of the Roy Porter Greenbelt Shelter on May 5, 2008 at 5:30.

There being no further business before the Council, Mayor Aasheim adjourned the meeting at 8:55 p.m.

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Joyce Cortum, Deputy City Clerk

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Les Aasheim, Mayor