

**Clive City Council Meeting  
Regular Session  
Thursday, June 19, 2008**

The regular meeting of the Clive City Council was held Thursday, June 19, 2008 at Clive City Hall at 7:00 p.m. Mayor Aasheim presided. Council members present were: Begleiter, Brody, Cirksena, Edwards. Absent: Leighton.

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

Edwards moved to approve the consent items and those **Resolutions** contained therein seconded by Begleiter. 4a. Minutes dated 6-5-08; 4b. Bill list dated 6-16-08; 4c. Treasurer's Report – April 2008; 4d. Water Reconciliation Report – May 2008; 4e. Parks Dept Report – May 2008; 4f. Building Dept Report – May 2008; 4g. Fire Dept Report – May 2008; 4h. Police Dept Report – May 2008; 4i. Public Works Dept Report – May 2008; 4j. Library Report – May 2008; 4k. Approve liquor license renewal – Chili's Southwest Grill– 11411 Forest; 4l. Approve liquor license renewal – Mazatlan– 9974 Swanson Blvd ; 4m. Approve Cigarette/Tobacco Permit Renewal, Cabaret Lounge, 8450 Hickman Road, Suite B; 4n. Approve Cigarette/Tobacco Permit Renewal, Casey's, 2250 Woodlands Parkway; 4o. Approve Cigarette/Tobacco Permit Renewal, Casey's, 2070 NW 100th Street; 4p. Approve Cigarette/Tobacco Permit Renewal, Citgo Gas Station, 1500 NW 86th Street; 4q. Approve Cigarette/Tobacco Permit Renewal, Crush, 2249 NW 86th Street; 4r. Approve Cigarette/Tobacco Permit Renewal, Dahl's, 15500 Hickman Road; 4s. Approve Cigarette/Tobacco Permit Renewal, Dahl's, 8700 Hickman Road; 4t. Approve Cigarette/Tobacco Permit Renewal, Down Under Bar and Grill, 8350 Hickman Road; 4u. Approve Cigarette/Tobacco Permit Renewal, Drink., 8410 Hickman Road; 4v. Approve Cigarette/Tobacco Permit Renewal, Ducktail Lounge, 1809 NW 86th Street; 4w. Approve Cigarette/Tobacco Permit Renewal, Flying J Travel Plaza, 11820 Hickman Road; 4x. Approve Cigarette/Tobacco Permit Renewal, Gronau's, 1871 NW 86th Street; 4y. Approve Cigarette/Tobacco Permit Renewal, Kum & Go, 1725 NW 86th Street; 4z. Approve Cigarette/Tobacco Permit Renewal, Kum & Go, 15600 Hickman Road; 4aa. Approve Cigarette/Tobacco Permit Renewal, La Preferida, 1800 NW 86<sup>th</sup> Street; 4bb. Approve Cigarette/Tobacco Permit Renewal, Lee's Standard, 1229 NW 86<sup>th</sup>; 4cc. Approve Cigarette/Tobacco Permit Renewal, Miss Kitty's, 8800 Swanson Blvd; 4dd. Approve Cigarette/Tobacco Permit Renewal, Petropointe, 11408 Forest Avenue; 4ee. Approve Cigarette/Tobacco Permit Renewal, Quik Trip #566, 11925 University Avenue; 4ff. Approve Cigarette/Tobacco Permit Renewal, Tanner's Pub, 9956 Swanson Boulevard; 4gg. Approve Cigarette/Tobacco Permit Renewal, TR's Sports Bar, 7500 University Avenue; 4hh. Approve Cigarette/Tobacco Permit Renewal, Walgreens, 12753 University Avenue; 4ii. Approve Cigarette/Tobacco Permit Renewal, Walgreens, 15601 Hickman Road; 4jj. **Resolution 2008-130** approving transfer from Internal Service-Capital Equipment to General Fund – \$573,756.85; 4kk. **Resolution 2008-131** approving transfer from 86<sup>th</sup> Street Water Meter Pit Relocation to NW 86<sup>th</sup> Street Project – \$22,683.24; 4ll. **Resolution 2008-132** approving transfer from NW 86<sup>th</sup> Street Signal Project to NW 86<sup>th</sup> Street Project – \$44,752.56; 4mm. **Resolution 2008-133** approving transfer from NW 86<sup>th</sup> Street TIF to TIF Debt Service – \$422,744.00; 4nn. **Resolution 2008-134** approving transfer from Ladco TIF to TIF Debt Service – \$28,794.56; 4oo. **Resolution 2008-135** approving transfer from General Fund to Internal Service-Capital Equipment – \$326,500.00; 4pp. **Resolution 2008-136** approving transfer from Water Fund to Sewer Control Plant – \$50,000.00; 4qq. **Resolution 2008-137** approving transfer from Sewer Fund to Radio Read Meter Project – \$60,000.00; 4rr. **Resolution 2008-138** approving transfer from Sewer Fund to Sewer Rehab Project – \$100,000.00; 4ss. **Resolution 2008-139** approving transfer from 156<sup>th</sup> Street Special Assessments to TIF Debt Service – \$23,762.00; 4tt. **Resolution 2008-140** approving transfer from 128<sup>th</sup> Street TIF to TIF Debt Service – \$160,883.00; 4uu. **Resolution 2008-141** approving transfer from NCMIC TIF to TIF Debt Service – \$243,125.00; 4vv. **Resolution 2008-142** approving transfer from Microware TIF to TIF Debt Service – \$39,467.00; 4ww. **Resolution 2008-143** approving transfer from Corp Wood TIF to TIF Debt Service – \$18,722.00; 4xx. **Resolution**

**2008-144** approving transfer from CC West TIF to TIF Debt Service – \$908,558.00; 4yy. **Resolution 2008-145** approving transfer from 128<sup>th</sup> Street Project to General Fund – \$297,000.00; 4zz. **Resolution 2008-146** approving transfer from CC West TIF to General Fund – \$125,000.00; 4aaa. **Resolution 2008-147** approving transfer from Tower w/WDM & Waukee to Verona Hills Trail – \$10,000.00; 4bbb. **Resolution 2008-148** approving transfer from Tower w/WDM & Waukee to 111<sup>th</sup> & Hickman Int.– \$10,000.00; 4ccc. **Resolution 2008-149** approving transfer from General Fund to Fire Foam Trailer – \$5,000.00; 4ddd. **Resolution 2008-150** approving Des Moines Area Metropolitan Organization’s Unified Planning Work Program FY08/09; 4eee. **Resolution 2008-151** approving temporary street closing – Block Party – 1625 75th – 7-1-08, 6:30p.m.- 9:00p.m.; 4fff. **Resolution 2008-152** approving temporary street closing – Block Party – 2786 NW 159th – 7-26-08, 3:00p.m.- 11:00p.m.; 4ggg. **Resolution 2008-153** authorizing 07/08 EMS write-offs; 4hhh. **Resolution 2008-154** authorizing 07/08 Utility write-offs; 4iii. **Resolution 2008-155** authorizing City Clerk to file lien for nonpayment of water service fees– 2132 NW 89<sup>th</sup> Street; 4jjj. Approve Pay Request #1 – Hitchcock Design Group – NW 86th Street Corridor Streetscape, Phase 2 (Part 1) – \$6,840; 4kkk. Approve Pay Request #6 (final) – Hitchcock Design Group – NW 86th Street Streetscape Master Plan, Phase 1 – \$795.86; 4lll. Approve Pay Request #1 – City of Des Moines – Flood Warning Master Planning - \$38,555.05; 4mmm. Approve Pay Request #1 – Wes Jarnagin – PW Relocation (Phase I) – \$2,305.65; 4nnn. Approve Pay Request #2 (Final) – Iowa Contract Glazing Inc. – PW Relocation – \$354.10; 4ooo. Approve Pay Request #4 – Wes Jarnagin – PW Relocation (Phase II) – \$823.65; 4ppp. Approve promotion/pay rate for Scott Burger – PW Operations Supervisor – \$50,575.00 – 6-6-08; 4qqq. Approve pay rate for three new operations specialists-Parks Department-Rick Swenson \$37,800, John Beisch \$37,800 and Jayson Gunn \$37,800. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Edwards moved to approve the staff recommendation that David Hurkin, 2725 NW 153rd Street, Stonegate Plat 2, be required to execute a 1st Amendment to Easement for any fencing installed in the overland flowage area, and the bottom of the fence must be 12” higher than the bottom of the elevation of the swale, or fencing must be substantially open, such as chain link or wrought iron style, and to include other property owners in the same area, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Mayor Aasheim announced this was the time and place for a public hearing for the Metropolitan Salt Storage Facility Project.

The City Clerk advised notice of the hearing was published in the Clive Register on June 13, 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: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

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

#### **RESOLUTION NO. 2008-156**

**RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF CONSTRUCTION FOR THE SALT STORAGE FACILITY IN THE AMOUNT OF \$1,161,986.84 AND AUTHORIZING EXECUTION OF A 28E AGREEMENT FOR THE LEASE PURCHASE OF A METROPOLITAN SALT STORAGE FACILITY ON METRO WASTE AUTHORITY PROPERTY FOR A PERIOD OF FIVE YEARS, WITH CLIVE’S OBLIGATION**

**FOR THE COST OF CONSTRUCTION NOT TO EXCEED \$67,192.67 WITHOUT AMENDMENT  
OF THE AGREEMENT**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

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

**RESOLUTION NO. 2008-157**

**RESOLUTION APPROVING 28E AGREEMENT FOR OPERATION AND MAINTENANCE OF  
THE METROPOLITAN SALT STORAGE FACILITY BY AND BETWEEN THE CITIES  
OF DES MOINES, WEST DES MOINES, URBANDALE, JOHNSTON, CLIVE,  
WINDSOR HEIGHTS, WAUKEE, GRIMES AND PLEASANT HILL**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

Mayor Aasheim announced this was the time and place for a public hearing for the NW 86<sup>th</sup> Street/ University Boulevard Intersection Improvement Project.

The City Clerk advised notice of the hearing was published in the Clive Register on June 13, 2008.

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

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

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

**RESOLUTION NO. 2008-158**

**RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF  
CONTRACT AND ESTIMATE OF COSTS FOR PROJECT INVOLVING THE N.W. 86TH  
STREET/UNIVERSITY BOULEVARD INTERSECTION IMPROVEMENTS PROJECT**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

Edwards moved to receive the following bids for the NW 86<sup>th</sup> Street & University Blvd Intersection Improvement Project, seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Cedar Valley Corporation	\$1,269,987.55
Elder Corporation	\$1,285,999.99
Nickolls Concrete Services, Inc.	\$1,344,805.55
Corell Contractor	\$1,468,808.77

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

**RESOLUTION NO. 2008-159**

**RESOLUTION AWARDING CONTRACT FOR N.W. 86TH STREET/UNIVERSITY BOULEVARD  
INTERSECTION IMPROVEMENTS PROJECT TO CEDAR VALLEY CORPORATION FOR  
\$1,269,987.55**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

Edwards moved to approve the temporary site plan for a Special Event at Down Under Bar & Grill, 8350 Hickman Rd on 7-18-08 from 7:00 p.m. to 12:00 a.m., seconded by Begleiter. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Mark Chervenka, 2904 Claiborne Cr., Urbandale, Sara Newlendorf, American Cancer Society and Alex Banasik all addressed council concerning the noise from outdoor events.

Edwards moved to approve the noise permit application for the Special Event at Down Under Bar & Grill, on 7-18-08 from 7:00 p.m. to 11:00 p.m. with the provision of a 75 decibels residential limit between the hours of 7:00 p.m. and 10:00 p.m., and a 60 decibel limit from 10:00 p.m. to 11:00 p.m., seconded by Begleiter. Roll Call: Ayes: Begleiter, Cirksena, Edwards. Nays: Brody. Motion carried.

Edwards moved to approve the outdoor liquor service application for the Special Event at Down Under Bar & Grill, on 7-18-08, seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Edwards moved to approve the temporary site plan for a Special Event at Drink, 8410 Hickman Rd on 7-25-08 from 4:00 p.m. to 2:00 a.m., seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Begleiter moved to approve a temporary sign permit including spotlight permit for the Special Event at Drink, on 7-25-08 from 9:30 p.m. to 12:30 a.m., seconded by Brody. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Edwards moved to approve the noise permit application for the Special Event at Drink, on 7-25-08 from 7:00 p.m. to 11:00 p.m. with the provision of a 75 decibels residential limit between the hours of 7:00 p.m. and 10:00 p.m., and a 60 decibel limit from 10:00 p.m. to 11:00 p.m., seconded by Cirksena. Roll Call: Ayes: Begleiter, Cirksena, Edwards. Nays: Brody. Motion carried.

Edwards moved to approve the outdoor liquor service application for the Special Event at Drink, on 7-25-08 (7-26-08), seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Council will look at the number of events allowed per establishment in the future and also the overall decibel limits. Council would like a report of incidents as well as wind reports.

Edwards moved to approve the noise permit application for the Special Event at Campbell Park Shelter Area (Clive Parks & Recreation), 12385 Woodlands Pkwy on 8-3-08 from 5:00 p.m. to 8:00 p.m., seconded by Cirksena. Roll Call: Ayes: Begleiter, Brody, Cirksena, Edwards. Nays: None. Motion carried.

Joel Baldwin, Hitchcock Design presented Phase II schematic designs of the streetscape program. He thanked the area homeowners for their participation.

Edwards introduced the following **Resolution** and moved its adoption, seconded by Cirksena. Roll Call: Ayes: Brody, Cirksena, Edwards. Nays: Begleiter. Motion carried. Whereupon, the Mayor declared the following duly adopted:

**RESOLUTION NO. 2008-160**

**RESOLUTION APPROVING N.W. 86TH STREET STREETSCAPE  
MASTER PLAN**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

Mark Perington, Snyder & Associates discussed options for the Hickman Sidewalk Project. Staff continues to work with DOT and with council confirming their intent to do the project.

Cirksena introduced the following **Resolution** and moved its adoption, motion died due to lack of second.

Cirksena introduced the following resolution and moved its adoption, seconded by Begleiter. Roll Call: Ayes: Begleiter, Cirksena, Edwards, Leighton. Nays: Brody. Motion carried. Whereupon, the Mayor declared the following duly adopted:

**RESOLUTION NO. 2008-161**

**RESOLUTION APPROVING AMENDMENTS TO CLIVE PERSONNEL POLICY MANUAL**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

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

**RESOLUTION NO. 2008-162**

**RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN  
CLIVE AND WINDSOR HEIGHTS FOR EMS SERVICES**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

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

**RESOLUTION NO. 2008-163**

**RESOLUTION APPROVING SUBMISSION OF A STAFFING FOR ADEQUATE FIRE AND  
EMERGENCY RESPONSE ("SAFER") GRANT REQUEST**

**PASSED AND APPROVED THIS 19TH DAY OF JUNE 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. 2008-164**

**RESOLUTION SETTING TIME AND PLACE FOR PUBLIC  
HEARING (7-17-08, 7:00 p.m.) ON PROPOSED AMENDMENT TO THE ZONING  
ORDINANCE OF THE CITY OF CLIVE, IOWA,  
TO ADOPT A MORATORIUM ON DEVELOPMENT**

**IN THE EMERALD ISLE AREA****PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

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

**RESOLUTION NO. 2008-165****RESOLUTION APPROVING CITY MANAGER SALARY AND BENEFITS PACKAGE AND  
AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT  
FY 2008/2009****PASSED AND APPROVED THIS 19TH DAY OF JUNE 2008.**

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

The City Manager's report was given by Dennis Henderson. Council provided times when they would be available for a special meeting concerning the Mercy property acquisition. Council also agreed that enforcement of access to the city's parks by homeowners making landscape changes to city property needs to be addressed consistently. Council also supported enforcement of an encroachment of an accessory building onto city property. Council directed the city manager to proceed with correcting these matters.

There being no further business before the Council, Mayor Aasheim adjourned the meeting at 9:14 p.m.

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Joyce Cortum, Deputy City Clerk

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Les Aasheim, Mayor