

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 3, 1996 4:30 P.M.

INVOCATION: Pastor John Chadwick

Grace Lutheran Church

96-2024 1. ROLL CALL: **Present: Flagg, Hensley, McPherson, Phillips and Vlassis. Absent: Davis and Daniels.**

96-2025 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-2.**

96-2026 3. APPROVING CONSENT AGENDA - items 3 through 50: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

96-2027 4. Communication from Legal Department regarding June 3, 1996 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 5-2.**

Class "C" Liquor Licenses

96-2028 5. Mike Mercurio dba Beegs Lounge, 3418 East 14th Street; Renewal - Expires 6-13-96 - Application submitted 4-23-96. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2029 6. Chad Alan Edwards & Santos Campero, Jr., Partners dba Cousins Restaurant & Lounge, 1501 Southeast 1st Street; New Application (With Sunday Sales) - Application submitted 5-8-96. **Moved by McPherson to adopt. Motion Carried 5-2.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses (continued)

96-2030 7. Okoboji Grill of South Des Moines, Inc., William Leroy Gessmann, President dba Okoboji Grill of South Des Moines, 200 Army Post Road; Renewal - Expires 6-19-96 (With

Sunday Sales and Beer Garden) - Application submitted 5-17-96. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2031 8. I-80 Spaghetti Works, Corporation, Brent Lambi, President dba Spaghetti Works/Julio's, 308 - 310 Court Avenue; Renewal - Expired 5-31-96 (With Sunday Sales and Beer Garden) - Application submitted 4-19-96. **Moved by McPherson to adopt. Motion Carried 5-2.**

Authorizing

96-2032 9. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2033 10. City Clerk to issue Coin-Operated Machines Licenses. **Moved by McPherson to adopt. Motion Carried 5-2.**

Beer Gardens

96-2034 11. Approving temporary beer garden application from Peggy's Corporation, James Sheetz, President dba Peggy's Cafe & Tavern, 3020 Forest Avenue; Application submitted 5-9-96 for one (1) day event to be held June 12, 1996. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2035 12. Approving temporary beer garden application from Veteran's Memorial Auditorium, 833 - 5th Street; Application submitted 4-19-96 for one (1) day events to be held on June 15, and June 29, 1996. **Moved by McPherson to adopt. Motion Carried 5-2.**

Refunds

96-2036 13. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

96-2037 14. Amendment No. 1 to Design Services Agreement with Snyder and Associates to perform additional out-of-scope design phase professional engineering services for Easter Lake Area Improvement Priority 1, Phase 1, Southeast Annexation Master Plan, increasing total contract by \$52,543. (Council Communication No. 96-227) **Moved by McPherson to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS (continued)

96-2038 15. Approving Contract and Bond with Echo Tech Contractors, Inc. for 1995 Paving Program No. 1, Contract No.1, \$722,691.50. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2039 16. Designating lowest responsible bidder for E. 18th Street Interceptor Relining: South of Maury Street to E. Court Avenue, (Lametti & Sons, Inc., V.G. Lametti, Pres, Hugo MN), \$1,296,800. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2040 17. Authorization for Right of Way and easements for Easter Lake Area Improvements Priority 1, Phase 1, Southeast Annexation Master Plan. **Moved by McPherson to adopt. Motion Carried 5-2.**

18. Resolution Ordering Construction of the following:

96-2041 (a) Franklin Avenue Sanitary Sewer Repair at Ohio Street, Receiving of Bids, (6-11-96), and Setting Date of Hearing, (6-17-96), (Construction Estimate \$48,850). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2042 (b) Botanical Center Greenhouse Roof Replacement, Receiving of Bids, (6-18-96), and Setting Date of Hearing, (6-24-96), (Construction Estimate- \$60,000). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2043 (c) Birdland Park East Improvements, Receiving of Bids, (6-18-96), and Setting Date of Hearing, (6-24-96), (Construction Estimate- \$205,300). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2044 (d) 63rd Street and University Avenue Widening and Signalization - IDOT Project, Setting Date of Hearing, (6-17-96). (Council Communication No. 96-226) **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2045 19. Approving partial payments on five public improvement projects, (See roll call for list). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2046 20. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2047 21. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 75 locations, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2048 22. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Douglas D. and Patsy M. Gigstad, 2700 Dosh Road. **Moved by McPherson to adopt. Motion Carried 5-2.**

SPECIAL ASSESSMENTS

96-2049 23. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility fees for the month of May, 1996, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2050 24. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, certified to Des Moines Water Works for May, 1996. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2051 25. Resolution levying assessments for cost of Nuisance Abatement-NAC-Emergency Orders, Schedule No. 1996-48 and providing for payment. **Moved by McPherson to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

96-2052 26. Purchase of 4131 East 14th Street, from Benjamin F. and Perdetta J. Sorensen, in conjunction with US 69 (East 14th Street) and Aurora Avenue Intersection Improvement - \$192,364.40. **Moved by McPherson to adopt. Motion Carried 5-2.**

BLOCK PARTIES

96-2053 27. Approving deviation from Council policy regarding request from Jack Carey, Des Moines Park and Recreation Department, request to close Third Street from Locust Street to Walnut Street, Walnut Street from Third Street to Fourth Street and Locust Street from Third Street to Fourth Street, from 5:00 P.M. Friday, June 14, 1996 through 8:00 P.M. Saturday, June 15, 1996 for the "Third Annual Street 3-on-3 Basketball Tournament". **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2054 28. (1) CHRIST THE KING SCHOOL, 701 Wall Avenue, requesting permission to close SW 7th Street, from Wall Avenue to Porter Avenue, Monday, June 3, 1996, from 8:30 A.M. to 3:30 P.M., (ratify approval). **Moved by McPherson to ratify approval. Motion Carried 5-2.**

(2) St. Joseph School, for permission to close E. 34th Street from Thompson to Easton, Monday, June 3 from Noon to 3:00 P.M. (K-8 Grade Field Day). **Moved by McPherson to ratify approval. Motion Carried 5-2.**

(3) Charlie Owens, Tiny Tots, 1409 Clark Street, for permission to close 17th Street from University to Atkins Street, Saturday, June 15, 1996, from 2:00 to 8:00 P.M. (JUNETEENTH) **Moved by McPherson to adopt. Motion Carried 5-2.**

SETTING DATE OF HEARINGS

96-2055 29. On vacation of public right-of-way-18th Street, in vicinity of Guthrie and Thompson Avenues, (6-17-96). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2056 30. On vacation of public right-of-way in vicinity of Thompson Avenue and DeWolf Street, (6-17-96). **Moved by McPherson to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-2057 31. Approving payment of \$7,653.58 plus \$347.89 per week during

WITHDRAWN remainder of healing period for such injuries to Richard Townsend and Robert Pratt, his attorney for an injury arising out of and during the course of his employment.

96-2058 32. Approving filing Offer to Confess Judgment-Duke Condemnation appeal, 2211 Dixon Street, \$180,000. **Moved by McPherson to approve. Motion Carried 5-2.**

CITY MANAGER COMMUNICATIONS

96-2059 33. Regarding availability of Traffic Safety Funds for intersection improvements and safety studies, and recommending an application be submitted to the Iowa Department of Transportation for funds for the following projects: SE 14th Street and Army Post Road, SE 14th Street and Maury Street Traffic Signal, Downtown Traffic Signal Upgrading (8 locations), and SE 14th and Southridge Mall South Exit Traffic Signal installation. (Council Communication No. 96-229) **Moved by McPherson to receive, file and approve recommendation as contained in Council Communication No. 96-229. Motion Carried 5-2.**

96-2060 34. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-228) **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

APPROVING

96-2061 35. City Manager's Monthly Financial Report for April, 1996 (on file in Finance and Clerk's Office). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2062 36. Request from Downtown Partnership, Inc. submitting banner design on behalf of The Iowa Sesquicentennial Commission, to be displayed during the months of July and August. (A second installation is planned for December 1996 promoting final Statehood Day Events). **Moved by McPherson to receive, file and approve banner design as submitted. Motion Carried 5-2.**

APPROVING (continued)

96-2063 37. Contract with Silas Lee Jr. to provide concessions at Ashworth Pool; three-year period (1-1-96 thru 12-31-98 15% of total gross revenue to City). (Council Communication No. 96-232) **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2064 38. Review period for Comprehensive Housing Affordability Strategy (CHAS), fiscal years 1994 and 1995 reports, (on file in the City Clerk's Office for 30 days). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2065 39. Bid from Clark Glass Inc., (2000 East Grand Avenue, Thomas J. Clark, President) for window replacement at Archie Brooks Community Center, \$ 25,600. (Six bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2066 40. Decertification of Richard Campbell, from the Civil Service List for Police Officer, (Roll Call 95-2506 of June 26, 1995). **Moved by McPherson to approve. Motion Carried 5-2.**

96-2067 41. Civil Service promotional lists for Police Sergeant, Storm Water Utility Administrator, Senior Account Clerk and Horticulture Inspector, and Entrance List for Firefighter. **Moved by McPherson to approve. Motion Carried 4-2. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-2068 42. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 5-2.**

96-2069 43. Authorizing Finance Director to draw warrants on registers of June 7, 1996 and June 14, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning June 3, 1996 and June 10, 1996, and the biweekly payroll due employees on June 7, 1996. **Moved by McPherson to adopt. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION

96-2070 44. Amending Chapter 27 of the Municipal Code regarding rates for the Ninth Street Parking Garage. **Moved by McPherson that this ordinance do now pass, #13,342. Motion Carried 5-2.**

96-2071 45. On amendment to Zoning Ordinance, creating a "C-1A" (Neighborhood Commercial Re-use District), for infill commercial uses. **Moved by McPherson that this ordinance do now pass, #13,343. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION (continued)

96-2072 46. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearances on the south side of Mansfield east of E. 25th, and on the south side of Cleveland Avenue east of E. 27th Street; installation of signals at E. 4th and Locust and removal of signal at E. 5th and Locust; request for relocation of metered handicapped parking space adjacent to Central Iowa for Independent Living Offices. **Moved by McPherson that this ordinance do now pass, #13,344. Motion Carried 5-2.**

96-2073 47. Rezoning of property at 4501 SW 26th Street, from "R1-80" (One Family Residential) to a Limited "R1-60" (Small Lot One Family Residential), to clarify property description contained in Ordinance 13,312. **Moved by McPherson that this ordinance do now pass, #13,345. Motion Carried 5-2.**

ORDINANCES - SECOND CONSIDERATION

96-2074 48. Amending Chapter 15 of the Municipal Code regarding consumption in public parks--intoxication. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

96-2075 49. Amending Chapter 27 of the Municipal Code regarding establishment of a loading zone on the east side of E. Second between Court Avenue and E. Walnut. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

96-2076 (a) Final consideration of ordinance above, (waiver requested

WITHDRAWN by Council Member Phillips), requires 6 votes.

96-2077 50. Amending Chapter 21 of the Municipal Code regarding Des Moines Metropolitan Wastewater Reclamation Authority, (five year code update). **Moved by McPherson to adopt. Motion Carried 5-2.**

***** END CONSENT AGENDA *****

****Council considered Item 69 next****

Council considered Items 63, 67 and Extra Item 2 next as a unit

ORDINANCES - FIRST CONSIDERATION

96-2078 51. Amending Chapter 16 of the Municipal Code regarding references to the Metropolitan Waste Authority and miscellaneous revisions reflecting current practices for collection and disposal of solid waste, (communication from Legal Department included).

Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-2.

ORDINANCES - FIRST CONSIDERATION (continued)

96-2079 52. Amending Section 2-1 of the Municipal Code regarding legal description of the city limits; Code update to include annexed property (Communication from Legal Department included). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

HEARINGS (Opened at 5:30 P.M.) (Item 53)

96-2080 53. On rezoning of property at 2305 McKinley, from "R1-80" (One Family Residential), "C-2" (General Retail and Highway Oriented Commercial, and Ltd. "M-3" (Limited Industrial), to a Ltd. "M-3", and to repeal Ordinance 13,327, (to correct error in legal description). **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2081 (a) First consideration of ordinance above, (pre-published, requires two readings). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

* * END HEARINGS at 5:32 P.M. * *

****Council considered Item 58 through end of agenda next****

CITY MANAGER RECOMMENDATIONS

96-2082 54. Regarding authorization to proceed with various projects included in the 1995-96 Capital Improvements Program. (Council Communication No. 96-234) **Moved by Flagg to receive, file and authorize the City Manager to proceed with the projects outlined in Council Communication No. 96-234. Motion Carried 5-2.**

APPROVING

55. NUMBER NOT USED.

96-2083 56. Preliminary approval for City Loan, \$200,000, to VareSyn Ltd. for renovation of 309 Court Avenue-Saddlery Building, and for operation of Executive Suites shared tenants services. (Council Communication No. 96-230) **Moved by Flagg to approve. Motion Carried 4-1-2. Pass: Vlassis. Absent: Davis and Daniels.**

96-2084 57. Extension of Agreement with Managed Logistics Systems Inc., for Fleet Management and Vehicle Maintenance Services. Council Communication No. 96-231) **Moved by Phillips to adopt. Motion Carried 5-2.**

****Council considered Item 53 next****

****Council Member McPherson left the meeting at 5:33 P.M.****

APPROVING (continued)

96-2085 58. Submission of a 1996 Public Housing Drug Elimination Grant Application to HUD-\$256,500 over a two-year period. (Council Communication No. 96-238) **Moved by Vlassis to adopt. Council requests a report on previous year's grant activity. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2086 59. Revised Section 8 Administrative Plan, and Equal Housing Opportunity Plan, to comply with U.S. Department of Housing and Urban Development Conforming Rule. (Council Communication No. 96-239). **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2087 60. Department of Housing Services to submit application to HUD for 1996 Comprehensive Grant Program. (Council Communication No. 96-236). **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2088 61. Municipal Housing Agency transfer of Section 8 existing reserve funds to Public Housing Program, \$335,000. **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2089 (a) Revision of Municipal Housing Agency Operating Budget for fiscal year ending 1996, for Public Housing Projects. (Council Communication No. 96-235) **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2090 62. Municipal Housing Agency's Operating Budget for Fiscal Year 1997, for Public Housing Projects, \$2,533,960. (Council Communication No. 96-237) **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2091 63. Authorizing submission of a grant application, with all necessary assurances and conditions, to the FAA for the Runway 5-23 Extension and Army Post Road Relocation Project in the amount of \$5,194,350 and execution of grant agreement, if grant application is approved by the FAA. (Council Communication No. 96-240) **Moved by Phillips to adopt. Motion Carried 5-2.**

96-2092 64. Restoration of Assistant City Attorney II position from part-time to full-time due to impairing of the Legal Department, to provide reasonable Municipal Code enforcement. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

APPROVING (continued)

65. Alternative Health Plan Contracts for employees subject to collective bargaining, (July 1, 1996 through June 30, 1997), continued from 5-28-96. (Council Communication No. 96-241).

96-2093 (a) Principal Health Care of Iowa, (Primary HMO Plan and Open Access Plan). **Moved by Vlassis to approve. MOTION FAILED. Bring Back June 17, 1996. Yeas: Phillips, Flagg and Vlassis. Absent: Davis, Daniels and McPherson. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-2094 (b) SecureCare of Iowa. **Moved by Vlassis to approve. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2095 (c) Agreements with Professional Fire Fighters Association and Municipal Employees Association (MEA), to continue waiver of payment of premiums for those employees who participate in above-referenced plans. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

66. New Job Classifications for the following, (Council Communication No. 96-233):

96-2096 (a) Public Works Services Administrator, SPM-Range 34A. **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2097 (b) Data Input Coordinator, SPM-Range 22. **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2098 (c) Diminution of classification-Program Administrator. **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2099 (d) Special Assistant for Federal Programs, SPM Range 29A. **Moved by Flagg to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

COUNCIL REQUESTS

96-2100 67. Communication from Council Member George E. Flagg, regarding the Des Moines International Airport. **Moved by Flagg to receive, file and discuss. Motion Carried 5-2.**

96-2101 68. Communication from Council Member George E. Flagg, regarding proposed AgriBusiness Park. **Moved by Flagg to receive, file and discuss; refer to City Manager for a report. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2102 69. Oral request from Council Member McPherson, to discuss use of Public Works and Engineering Department crews, to construct infrastructure improvements in TIF Districts. **Moved by McPherson to discuss and refer to City Manager for review, analysis, and recommendation in six weeks. Include history and City's ability to compete on such projects a sidewalks, curbs and park improvements. Motion Carried 5-2.**

96-2103 70. Oral request of Council Member Vlassis to discuss 15 year

WITHDRAWN forgivable housing loan on behalf of Cecil White and action necessary to clear the lien and allow sale of the home.

* * * * *

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

96-2104 1. Approving recommendation of Council Member George E. Flagg, for appointment of Mrs. Ferol H. Wegner to the Park and Recreation Board, four-year term to expire June 30, 2000. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2105 2. Recommendations from City Manager regarding Airport finances. SPONSOR: Phillips. **Moved by Phillips to receive, file and approve recommendations, as amended, to**

create a five member board--two business leaders, a member of the City Council, a member of the Airport Board, and a neighborhood leader. Motion Carried 5-2.

EXTRA ITEMS (continued)

96-2106 3. Approving Class "C" Beer License for Git N Go Convenience Stores Inc., Dennis Flora, President dba Git N Go Convenience Store #3, 100 SW Watrous. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2107 4. Supplemental Agreement No. 1, for Professional Services, with Graham Land Acquisition Assoc., for personnel to assist in acquisition of property in conjunction with various intersection improvement projects, not to exceed \$9,500. SPONSOR: Hensley. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

A G E N D A

BOARD OF HEALTH

June 3, 1996

96-2108 MOTION TO CONVENE. **Moved by Phillips that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following location(s):

96-2109 (a) 2310 Logan (vacant) TITLEHOLDER/LANDLORD: Abraham E. Lloyd, Jr. (DECEASED), Joy Lloyd. **Moved by Vlassis to adopt. MOTION FAILED. Bring Back 6-17-96. Yeas: Phillips, Hensley and Vlassis. Absent: Davis, Daniels and McPherson. Council Member Flagg declares a conflict of interest, and abstains from voting.**

96-2110 (b) 734 SE 28th St. (vacant) TITLEHOLDER/LANDLORD: Helen M. O'Neal; LEGAL INTEREST: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent:**

Davis, Daniels and McPherson.

*******CLOSED SESSION*******

96-2111 1. Motion to adjourn as Board of Health and Reconvene as a City Council. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2112 2. Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2113 3. Closed Session to discuss matters of pending litigation.

96-2114 4. Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2115 5. Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**

96-2116 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:30 P.M. Motion Carried 4-3. Absent: Davis, Daniels and McPherson.**