

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 19, 1996 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Brotherhood/Sisterhood Week
- (b) Engineers Week
- (c) American Heart Month

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Access Advisory Board Charter Member, Robert Gernes
- (b) Recognition of North of Grand Neighborhood Association

**** HEARINGS START AT 5:30 P.M. ****

LIVE TELECAST - WATCH CITICABLE CHANNEL 7

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The City of Des Moines City Council Meetings are open to all individuals regardless of disability. Any person with a disability who needs a reasonable accommodation to participate in any Council meeting - please contact the Des Moines Access Office at 237-1356 or the City Clerk's Office at 283-4209 three business days prior to the Council meeting.

INVOCATION: Dean, Michael Barlowe

St. Paul's Episcopal Church

CONSENT AGENDA ITEMS 1 through 63 -- See Page 5.

96-507 ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, and Vlassis. Absent: Phillips.**

96-508 4:30 I. Informal hearing to receive Public Comments on City's Operating Budget. **Moved by Vlassis to receive, file and refer to City Manager. Motion Carried 6-1.**

96-509 APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

A G E N D A

PERMITS AND LICENSES

February 19, 1996

APPROVING

96-510 1. Communication from Legal Department regarding February 19, 1996 Permit and License Agenda. **Moved by Flagg to receive and file. Motion Carried 6-1.**

CLASS "C" BEER LICENSES

96-511 2. Frederick Weber dba Candy Kitchen, 2004 Forest; Renewal - Expires 3-28-96 (With Sunday Sales) - Application submitted 1-30-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-512 3. Kwik Shop, Inc., Stephen C. Smith, President dba Kwik Shop #524, 4140 Park Avenue; Renewal - Expires 3-19-96 (With Sunday Sales) - Application submitted 1-22-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

CLASS "E" BEER LICENSES

96-513 4. Coastal Mart, Inc., Jack C. Pester, CEO, dba C Mart #1028, 3625 Ingersoll; Renewal - Expires 4-29-96 (With Sunday Sales) - Application submitted 2-2-96. **Moved by Flagg to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-514 5. Coastal Mart, Inc., Jack C. Pester, CEO, dba C Mart #1045, 4900 Urbandale Avenue; Renewal - Expires 4-29-96 (With Sunday Sales) - Application submitted 2-2-96. **Moved by Flagg to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-515 6. Ingersoll Liquor & Beverage Co, In Bo Jung, President dba Ingersoll Liquor & Beverage, 3503-3505 Ingersoll Avenue; Renewal - Expires 2-29-96 (With Sunday Sales) - Application submitted 2-1-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

CLASS "C" BEER-WINE LICENSES

96-516 7. Michele M. Jahnche dba Chat Noir Cafe, 644 - 18th Street; Renewal - Expires 2-29-96 (With Sunday Sales) - Application submitted 2-2-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

CLASS "B" LIQUOR LICENSES

96-517 8. HG Corp. of Iowa, Inc., Bob Haupt, President dba Days Inn, 3501 East 14th Street; Renewal - Expires 2-29-96 - Application submitted 1-26-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

CLASS "C" LIQUOR LICENSES

96-518 9. Lynch Investments, Inc., Kevin F. Lynch, President dba A.K. O'Connor's, 4050 Urbandale; Renewal - Expires 2-24-96 (With Sunday Sales and Beer Garden) - Application submitted 1-29-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-519 10. Quanaguato, Inc., Juan Ayala, President dba El Aguila Real Authentic Mexican Restaurant, 3600 Beaver; New Application (With Sunday Sales) - Application submitted 1-8-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-520 11. Gathering Point Lounge, Inc., Sharon R. Perks, President dba Gathering Point Lounge, 5914 SE 14th Street; Renewal - Expires 3-9-96 (With Sunday Sales) - Application submitted 1-16-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

CLASS "E" LIQUOR LICENSES

96-521 12. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 4121 Fleur Drive; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-522 13. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 3425 Ingersoll; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-523 14. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 1320 East Euclid Avenue; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-524 15. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 3710 Hubbell Avenue; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-525 16. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 6200 Southeast 14th Street; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

CLASS "E" LIQUOR LICENSES (continued)

96-526 17. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 1819 Beaver; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-527 18. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Mart, 4343 Merle Hay Road; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-528 19. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3503-3505 Ingersoll; Renewal - Expires 2-29-96 - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

AUTHORIZING

96-529 20. City Clerk to issue Cigarette Licenses. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Daniels.**

96-530 21. City Clerk to issue Coin-Operated Licenses. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

GAMEROOMS

96-531 22. R & M Music, Joe Hencheid, President dba R & M Music, Veteran's Auditorium, 833 5th Street; New Application submitted 2-1-96. (For Wrestling and Basketball Tournaments) **Moved by Flagg to adopt. Motion Carried 6-1.**

96-532 23. Kenneth D. Phipps dba Phoenix Adult Bookstore, 1410 Grand Avenue; New Application submitted 11-28-95. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-533 24. Mid State News, Inc., Roy May, President dba The Gallery, 1114 Walnut; Renewal - Expired 12-31-95 - Application submitted 10-30-95. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-534 25. New Books, Inc., Roy May, President dba The Blue Nude, 1117 Grand Avenue; Renewal - Expired 12-31-95 - Application submitted 10-30-95. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-535 26. Robert G. Porter dba Eastgate Cinema III, 1550 East Euclid; Renewal - Expired 12-31-95 - Application submitted 10-24-95. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-536 27. ABV Management, Inc., R. Marlar, President dba Bachelor's Library, 2020 East Euclid; Renewal - Expired 12-31-95 - Application submitted 11-6-95. **Moved by Hensley to adopt. Motion Carried 6-1.**

GAMEROOMS (continued)

96-537 28. ABV Management, Inc., R. Marlar, President dba Adult Emporium, 1401 East Army Post Road; Renewal - Expired 12-31-95 - Application Submitted 11-6-95. (Adult Machines) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-538 (a) Adult Emporium, 1401 East Army Post Road; New Application for Coin-Operated Machines - Application submitted 2-5-96. **Moved by Hensley to adopt. Motion Carried 6-1.**

REFUNDS

96-539 29. City Treasurer to issue refunds. **Moved by Flagg to adopt. Motion Carried 6-1.**

CHANGE OF NAME

30. Communication from Larry R. Smithson requesting name changes for the following:

96-540 (a) J.C.R., Inc. dba PaPa's Paradise, 900 East Army Post Road to Rockin Rodeo. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-541 (b) C.R.J., Inc., dba PaPa Smithson's, 214 3rd Street to 3rd Street Rock Cafe. **Moved by Flagg to adopt. Motion Carried 6-1.**

EXTRA ITEMS

96-542 1. Class "C" Liquor License to Judy J. Adams dba Fire House Lounge, 1930 Southeast 6th Street; New Application (With Sunday Sales) - Application submitted 1-24-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-543 2. Class "E" Beer to Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #27, 1240 Keosauqua Way; New Application (With Sunday Sales) - Application submitted 2-15-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-544 3. Class "C" Liquor License to Roger Veach and Antonette Redman, Partners dba Fitz's Pub, 1307 Locust; New Application (With Sunday Sales, Cigarettes and Coin-Operated

Machines) - Application submitted 2-6-96. SPONSOR: Council Member Hensley. **Moved by Flag to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-545 4. Class "C" Liquor License to Faces, Ltd., Craig Conkling, President dba Face's 416 E. Walnut; New Application (With Sunday Sales, Cigarettes and Coin-Operated Machines) - Application submitted 12-28-95. SPONSOR: Council Member Phillips. **Moved by Flag to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

* * * * * CONSENT AGENDA * * * * *

(Items 1 through 63)

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

96-546 APPROVING CONSENT AGENDA. **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

1. Approving the following items regarding Intermediate Paving:

96-547 (a) 1995 Intermediate Paving Program No. 3, Schedule No. 1995-39. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-548 (b) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-549 (c) 1995 Intermediate Pacing Program No. 2, Schedule No. 1995-38. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-550 (d) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-551 (e) 1995 Intermediate Paving Program No. 1, Schedule No. 1995-37. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-552 (f) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Vlassis. Absent: Phillips.**

96-553 (g) Recommendation from City Manager regarding Streets to be included in 1996 Intermediate Paving Program, and Modification of Assessment Formula wherein 50% of total project costs would be assessed to benefited properties--defer action to 3-4-96, to allow Neighborhood Groups to comment. (Council Communication No. 96-070). **Moved by Flag to receive, file and defer action to March 4, 1996, to allow neighborhood groups the**

opportunity to comment. Motion Carried 6-1.

96-554 2. Designating lowest responsible bidder, and approving contract and bond for Police/Fire Dispatch Remodeling, (Venter Spooner, Inc., Kevin Spooner, Vice Pres, DM), \$327,400. (Council Communication No. 96-067). **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-555 3. Approving recommendation of City Manager regarding Asphalt Stabilization for various streets. **Moved by Vlassis to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 6-1.**

96-556 (a) Preliminary resolution for construction of street improvements. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-557 4. Approving recommended amenities for Birdland Pool and negotiation of redesign contract and implementation schedule.(Council Communication No. 96-076) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-558 5. Approving Addendum to Preconstruction Agreement with IDOT for Douglas/Euclid Avenue Widening, from east of M.L. King Jr. Parkway west to Lower Beaver Road, to reduce cost to the City by approximately \$102,000. (Council Communication No. 96-066) **Moved by Vlassis to adopt. Motion Carried 6-1.**

6. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

96-559 (a) Airport Noise Basement/Foundation Site Clearance, L.A. Company, \$28,304.02 is now due and remaining balance of \$9,860.80 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(b) NUMBER NOT USED.

(c) NUMBER NOT USED.

96-560 (d) Four Mile East Trunk Sewer, McAninch Corporation, \$42,093.35 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-561 (e) Birdland Pump Stations Alternate Power Connections, Brown Bros., Inc., Electrical Contractors, \$11,454.53 is now due and remaining balance of \$4,903.70 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-562 7. Approving contract and bond for Ashby Park Storm Sewer Repair, Corell Contractors, Inc., \$21,631. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-563 8. Approving partial payments on seven public improvement projects. (See Roll Call for list and funding availability). **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-564 9. Communications from various contractors requesting permission to sublet certain items on two public improvement projects. (see roll call for list) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-565 10. Approving Private Construction Contract for Sanitary Sewer Improvements at 2801 SE 22nd Street, to service River Chase Townhomes, R.G. Elder & Sons Company, Contractors, and The Companies of Clarke, Owners. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis a conflict of interest, and abstains from voting. Absent: Phillips.**

11. Approving completion and recommending acceptance of Improvements for Lakeview Heights Subdivision, Phase 1, SE 34th Street and Evergreen Avenue between Eco-Tech Contractors, Inc., Contractors, and Coldwell Banker/Mid-America Group, Owners, for the following:

96-566 (a) Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-567 (b) Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 6-1.**

12. Approving completion and recommending acceptance of Improvements for Woods on the River, Plat 2, located at Riverwoods Avenue and East Park Avenue between McAninch Corporation, Contractors, and The Clark Companies, Ltd., Owners, for the following:

96-568 (a) Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-569 (b) Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

13. Approving completion and recommending acceptance of Improvements for Woods on the River, Plat 1, located near E. Park Avenue and Riverwoods Boulevard between McAninch Corporation, Contractors, and The Clarke Companies, Ltd., Owners, for the following:

96-570 (a) Sanitary Sewer and Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-571 (b) Storm Sewer-Riverwoods Boulevard. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

PUBLIC IMPROVEMENTS (continued)

14. Approving completion and recommending acceptance of Improvements-Phase One of Easter Bay Colony Plat, E. Marion Street and SE 23rd Court between Southern Hills, Ltd., Owners and the following:

96-572 (a) R G Elder & Son, Contractors for Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-573 (b) R G Elder & Son, Contractors for Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-574 (c) Nuckolls Concrete Services, Inc., Contractors for Concrete Paving. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-575 15. Approving completion and recommending acceptance of Improvements for Concrete Paving Improvements on Boulder Avenue north of Park Avenue and west of SW 30th Street, for residential development known as Rhett Hills, between Nuckolls Concrete Services, Inc., Contractors, and Southern Hills, Ltd., Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-576 16. Approving completion and recommending acceptance of Improvements for Concrete Paving Improvements on SW 29th Street north of Thornton Avenue and Caulder Avenue cul-de-sac for residential development known as Richie Hills between Nuckolls Concrete Services, Inc., Contractors and Southern Hills, Ltd., Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

17. Approving completion and recommending acceptance of the following Improvements:

96-577 (a) Paving-in vicinity of East Douglas Avenue and East 43rd Court to service proposed Sunrise Estates Plat 1 Subdivision between M. Peterson Construction Co., Contractors and Iowa Realty Co., Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-578 (b) Pavement widening of south curb lane of Carpenter Avenue between Merle Hay Road and 60th Street to serve St. Theresa's School, 5810 Carpenter between Breiholz Construction Company, Contractors and St. Theresa Church of the Child Jesus, Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-579 17 (c) Outfall Sanitary Sewer-beginning north of Easter Lake, laying east crossing SE 34th Street, north along SE 34th Street to Evergreen Avenue and terminating at that point to service Lakeview Heights Phase 1 between Eco-Tech Contractors, Inc., Contractors and Coldwell Banker/Mid-America Group, Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-580 (d) Alley asphalt paving to Grand Avenue - High Street - 12th - 13th Streets between The Weitz Company, Inc. Contractors and Iowa Methodist Medical Center, Owners. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-581 (e) Pavement widening and related improvements on Carpenter Avenue from 25th Street to 27th Street a part of Wifvat Plaza being constructed adjacent to new Opperman Hall and Law Library at Drake University between The Weitz Company, Inc., Contractors and Drake University, Owners. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-582 (f) Storm sewer north of Douglas Avenue, Lot 6, Euclid Heights to serve Zipp's Drive Thru, 2829 Douglas Avenue between Corell Contractor, Inc., Contractors, and Plaza Lanes, Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-583 (g) Pavement replacement with storm sewer abandonment and sidewalk replacement in south curb lane of Forest Avenue between 25th and 27th Streets between The Weitz Company, Inc., Contractors and Drake University, Owners. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-584 (h) Paving in Eagle Trace Subdivision, Walter's Place north and west from Southern Hills Drive between Nuckolls Concrete Services, Inc., Contractors and Southern Hills, Ltd., Owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-585 18. Approving Delinquent sewer Rental and/or Solid Waste/Stormwater utility fees for the month of January, 1996 for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-586 19. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule certified to the Des Moines Water Works for the month of January, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

COMMUNICATIONS

96-587 20. From IDOT, notifying of its intent to sell tract of land in vicinity of SW 63rd and Railroad. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-588 21. From Drake University, regarding need for continued access to a 24-hour cable channel, with regard to negotiations for the Cable Franchise for referral to City Manager. **Moved by Vlassis to receive, file and refer to City Manager. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

96-589 22. On Amendment to the Annual Budget for Current Fiscal Year ending June 30, 1996, (2-26-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-590 (a) On proposed annual budget for Fiscal Year ending June 3, 1997, (2-26-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-591 23. On amendment to the Zoning Ordinance, to clarify wording from "Building Department" to "Building Official", (3-4-96). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-592 24. On application from Kurt A. Pagliai, Metro Wrecking and Excavating Service, to rezone property at 2730 Martin Luther King Jr. Pkwy, from a "C-2" (General Retail and Highway Oriented Commercial District) and "R-2" (One and Two Family Residential District), to a Ltd."C-2" (General Retail and Highway Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-4-96). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-593 25. On application from Ron Curnes of Curnes Homes Ltd., to rezone property at 4501 SW 26th Street from "R1-80" (One Family Residential) to a Ltd. "R1-60" (Small Lot One Family Residential), and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-4-96). **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting. Absent: Phillips.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-594 26. Approving payment in amount of \$12,034.87 to Melvin Haygood for workers' compensation claim, subject to approval by the Iowa Industrial Commissioner) for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-595 27. Approving payment of \$40,898.52 plus \$285.93 per week for 128 weeks to Virginia Garrison and Channing Dutton, her attorney for an injury arising out of and during the course of Ms. Garrison 's employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-596 28. Approving payment in amount of \$237.50 to Nyemaster Law Firm for review of legal issues relating to the City's employee benefit and health care benefit proposals. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-597 29. Approving payment in amount of \$1,843 to Austin, Gaudineer, Austin, Salmons & Swanson for representation of John Leporte in the case of Robert Rissman, Jr., et al. v. City of Des Moines, et al. **Moved by Vlassis to approve payment. Motion Carried 6-1.**

96-598 30. Approving payment in amount of \$121.50 to Ahlers, Cooney, Dorweiler, Smith and Allbee, P.C. for representation of the City with respect to acquisition of property interests within Riverpoint Capitol-Center Development Area. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-599 31. Approving and affirming settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-1.**

APPROVING

32. Various property transactions, in connection with Southwest Airport Trunk Sanitary Sewer:

96-600 (a) From Annett Holdings, Inc., 6115 Leland Avenue - \$115. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-601 (b) From Innovative Investment Concepts, contract buyer, and Michael A. and Audrey J. Macri, 6001 Army Post Road, - \$250. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-602 33. Easement for Sanitary Sewer Right-of-Way and Affidavit of Probate, in connection with construction of the Sanitary Sewer-SE 34th Street, South of Evergreen (Lakeview Heights Phase I), from Raymond Rothfus, 4770 SE 34th Street - \$1.00. **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-603 34. Accepting donation of property in connection with Four Mile Creek Greenway Trail, from Steven R. Smith, President of S.R.S., Inc - \$1.00. **Moved by Vlassis to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest and abstains from voting. Absent: Phillips.**

96-604 35. Warranty Deed and Offer to Purchase, in connection with Four Mile Creek Greenway Trail, from Ruby Jewell Sorter, 1445 East 41st Street - \$526. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-605 36. Backslope and Property Adjustment Easement and Release, Temporary Easement for Construction, Easement for Storm Sewer Right-of-Way, Warranty Deed and Offer to Purchase, in connection with Martin Luther King, Jr. Parkway Widening at Urbandale Avenue, from Albert C. and Barbara L. Nichols, for property in the vicinity of the intersection of Martin Luther King, Jr. Parkway and Urbandale Avenue - \$1,250. **Moved by Vlassis to adopt. Motion Carried 6-1.**

37. Backslope and Property Adjustment Easement and Release, Offer to Purchase, Partial Release of Mortgage and Warranty Deed, in connection with Iowa 28(63rd Street)/University Avenue Intersection Improvement:

96-606 (a) From John A. and Phyllis Ann Tedore, 1107 63rd Street - \$647.80. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-607 (b) From Dorothy A. and Paul R. Castelline, 1214 63rd Street - \$200. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-608 (c) From William Arthur and June Margaret Landskron, 1129 63rd Street - \$1,250. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-609 (d) From Steven C. Mumma, 1047 63rd Street - \$50. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-610 38. Warranty Deed and Partial Release of Mortgage, in connection with the opening of Jerlynn Avenue East of East 10th Street, from Helena M. Russell, 1120 East Madison Avenue - \$42. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-611 39. Easement for Storm Sewer Right-of-Way, in connection with the construction of the Private Construction Contract for the Storm Sewer at Park Trail Townhomes at 4301 Park Avenue, from Top Ten Investors, L.C. - \$1.00. **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-612 40. Backslope and Property Adjustment Easement and Release, in connection with Martin Luther King, Jr. Parkway Widening at Urbandale Avenue, from Hansen-Golden Partnership, 3216 Martin Luther King, Jr. Parkway - \$50. **Moved by Vlassis to adopt. Motion Carried 6-1.**

WITHDRAWN 41. Warranty Deed, Backslope and Property Adjustment Easement and Release, in connection with Martin Luther King, Jr. Pkwy Widening at Urbandale Avenue, from Budget Storage Property, 3221 Martin Luther King, Jr. Parkway - \$2,537.

96-613 42. Form of Documents for Home-Funded Projects, (on file in Clerk's Office). (Council Communication No. 96-077) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-614 43. Amendment Three to ACCENT Neighborhood Intersection Plan Project extending project period to June 30, 1996 to allow presentations to DMAB and NAB and final document to be published. **Moved by McPherson to adopt. City Manager to provide report regarding status of this project including time frame and costs. Motion Carried 6-1.**

96-615 44. Amendment One to Emergency Home Recovery Project extending project to December 31, 1996 allowing completion of project activities. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-616 45. Amendment One to Iowa Homeless Youth Center Project transferring \$4,233.20 from Homeless Prevention to Essential Services. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-617 46. Amendment Three to Contact Number LIHEAP-2296-07J adding \$133,189 to contract budget to provide Weatherization and energy related assistance to low- income persons. **Moved by Vlassis to adopt. Motion Carried 6-1.**

47. Amendments to the following Community Development Block Grant (CDBG) Contracts:

96-618 (a) Amendment Six to 1992 Capitol East Redevelopment Project extending project period to June 30, 1996 to allow for completion of project activities. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-619 (b) Amendment One to Capitol East Redevelopment Project extending project period to December 31, 1996 to allow for completion of project activities, including selection of alternate parcel for redevelopment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-620 (c) Amendment Five to North Park Redevelopment Project extending project period to December 31, 1996 to allow for additional acquisition and site preparation activities in the area. **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-621 48. 1996 Community Development Block Grant (CDBG) Contract, January 1 to December 31, 1996, with Polk County Social Services; not to exceed \$142,000 for Polk County Support Services Project. **Moved by Vlassis to adopt. Motion Carried 6-1.**

49. Quarterly Activity Reports for time period October 1, 1995 to December 31, 1995 for the following:

96-622 (a) Community Services Block Grant (CSBG). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-623 (b) Emergency Community Services Homeless Grant Program (EHP). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-624 50. Lease amendment with Betts Cadillac Inc., to allow them to remain on the property bounded by Grand, 16th, Locust and 17th, following acquisition of property by the City, and extends term to March 31, 1996. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-625 (a) Lease amendment with Bexus, Inc., to allow them to remain on property bounded by Grand, Locust and 17th, following acquisition by the City, and extends term to May 20, 1996. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-626 51. Acceptance of Greater Des Moines Foundation grant, \$25,000, for structures and supervised recreational activities in Evelyn K. Davis Park. (Council Communication No. 96-064) **Moved by Hensley to adopt. Motion Carried 6-1.**

96-627 52. Official recognition of North of Grand Neighborhood Association, (see map for location of Neighborhood); Special presentation at 4:00 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-628 53. Execution of an Escrow Deposit Agreement with respect to \$19,765,000 Private College Improvement Revenue Bonds (Drake University Project), Series 1991, Future Release of Private College Improvements Revenue Bond Security Documents and Discharge of Liens. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-629 54. Amendment to Loan Agreement and to Bond, with Twenty-Fourth Street Motel Associates L.P., regarding Commercial Development Revenue Bond, Series 1986. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-630 55. Correction to paragraph eight of Roll Call 95-4425, to correct a scrivener's error regarding appointment of members to the Enterprise Community Steering Committee. **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-631 56. Tax Abatement applications for additional value added by improvements made during 1995. (416 applications on file in Clerk's Office-see roll call for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

57. Nomination recommendations of the following to various City Boards and Commissions:

96-632 (a) Council Member Mike McPherson, for appointment of Daniel Lee Flaherty to the City Plan Commission to fill the unexpired term of Christopher Grandstaff, to expire July 1, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-633 (b) Council Member Mike McPherson, for appointment of Douglas "Dusty" Isaacson for appointment to the Citizen Odor Board for a three-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-634 (c) Council Member Mike McPherson, for appointment of Jerry Overman for appointment to the Citizen Odor Board for a three-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-635 (d) Council Member Gene Phillips, for reappointment of James Lynch to the Architectural Advisory Committee for a three-year term to expire February 15, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

58. Bids for the following:

96-636 (a) Olson Graphics, (10730 Hickman Road, Douglas Olson, President), for a color print processor to be used by the Police Department (Criminal Investigation-Identification Division), \$24,974. (Four bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-637 (b) Declaring Danko Emergency Equipment Company as non-compliant; did not meet specifications for annual agreement for safety and protective clothing, to be used by the Fire Department and submitting compliant bids from Firegear, Inc., (Aspen, Colorado, Jan Wirth, President) and Danko Emergency Equipment Company (Synder, Nebraska, Daniel Kreikemier, President). (Ten bids mailed-two received). (See roll call for specifications and price breakdowns). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-638 (c) Hewlett-Packard Co., (Wilmington, Delaware) for hardware support agreement and a software support agreement for computerized chromatograph to used by the Engineering Department (Wastewater Reclamation Facility), \$14,079. (Non-competitive procurement). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-639 59. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-640 60. Certification of Civil Service Entrance List for Refuse Collector and Promotional List for Police Captain. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-641 61. Authorizing Finance Director to draw warrants on register of February 23, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning February 19, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-642 62. On vacation of public right-of-way, in vicinity of SW 1st and Elm Streets. **Moved by Vlassis that this ordinance do now pass, #13,303. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-643 63. Amending Chapter 15 of the Municipal Code regarding cemetery fees. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

96-644 64. Amending Chapter 17 of the Municipal Code regarding Specified Crime Property. (Council Communication No. 96-069) **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Phillips and Vlassis.**

96-645 65. Amending Chapter 6 of the Municipal Code to clarify hours of operation for public dances, music played, and consumption of alcoholic liquor, wine or beer on premises covered by a license or permit. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Daniels. Absent: Phillips.**

****Council considered Hearing Items 74 thru 80 next****

96-646 66. Amending Chapter 23 of the Municipal Code regarding

WITHDRAWN responsibility of abutting property owners for maintenance of sidewalks and border areas.

ORDINANCES - FIRST CONSIDERATION (continued)

96-647 67. Amending Chapter 18 of the Municipal Code regarding appointment of appraisers for Special Assessment work. (Council Communication No. 96-075) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

96-648 68. Establishing the grade of 63rd Street, from Windsor Drive to 311 feet north of University. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

96-649 69. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Elimination of parking meter along E. 5th adjacent to First Evangelical Lutheran Church; installation of parking meters on 16th between Grand and Ingersoll; Request for removal of loading zone on south side of 1400 block of Linden Avenue; Corner clearances on East side of SW 4th north and south of Rose and on the East side of 48th Street north of Hickman; extension of corner clearance on the west side of SW 35th street south of Park; and elimination parking restriction on the south side of Morgan Street west of SW 9th. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

RECOMMENDATIONS FROM CITY MANAGER

96-650 70. Recommendation of City Manager regarding transfer of Convention Center and Veterans' Memorial Auditorium facilities to Polk County. (Council Communication No. 96-072). **Moved by Hensley to proceed with the transfer of Veterans Auditorium and Convention Center to Polk County and direct the City Manager to negotiate with the County Manager a formal agreement which would transfer ownership and financial responsibility of the convention Center and Veterans Auditorium to Polk County. Motion Carried 6-1.**

71. NUMBER NOT USED.

96-651 72. Submitting out of state travel requests for James J. Harkin, Robert L. Beener, and Drew Burham. (Council Communication No. 96-065) **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Phillips.**

96-652 73. Regarding City of Des Moines Legislative Update for Seventy-Sixth General Assembly. **Moved by Hensley to receive and file the attached report. Motion Carried 5-2. Absent: Phillips and Vlassis.**

****Council considered Item 81 thru end of agenda next****

HEARINGS (Opened at 5:47 P.M.) (Items 74 thru 80)

74. On the following items, regarding the Sixth Avenue Urban Renewal Area Plan (Council Communication No. 96-063):

96-653 (a) Communication from City Plan and Zoning Commission finding the plan in conformance with the Des Moines 2000 Comprehensive Plan. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

96-654 (b) Resolution of Necessity. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-655 (c) Closing the Hearing and adopting the Plan. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-656 75. On application from Don Moyer, to rezone property in vicinity of 1453 E. 14th and 1520 Idaho Street, from Ltd. "C-2" and "R-2A", to a Ltd., "C-2", and to continue further to February 26, 1996, at request of applicant. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Phillips and Vlassis.**

96-657 76. On application from Patrick G. Fagen, to rezone property at 3025 Douglas Avenue from "C-1" (Neighborhood Commercial) to a Ltd. C-2" (General Retail and Highway Oriented Commercial). **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-658 (a) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-659 77. On application from Dr. James R. Ryan of Ecumenical Ministries of Iowa to rezone property at 3816 36th Street from an "R-2" One and Two Family Residential District to a Limited "C-O" Commercial Residential District. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-660 (a) First consideration of ordinance. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-661 78. On Building 60 and 70 Material Handling and Miscellaneous Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Abild Construction Co., Inc., (John H. McIntosh, Pres., WDM), \$119,450 in available funding. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

96-662 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

HEARINGS (continued)

96-663 79. On Park Avenue Box Culvert at Frink Creek, (IDOT Project): Resolution to receive bids, and designating lowest responsible bidder Jensen Road Company, (Kurt Rasmussen, Vice Pres, DM), \$1,244,201.50, in available CIP funding. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

96-664 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

96-665 80. On Administrative Hearing Officer's decision regarding Vehicle Impound of Dan Jones. **Moved by McPherson to receive, file and uphold the decision of the Hearing Officer and find that there was probable cause to impound vehicle. Motion Carried 6-1.**

* * END HEARINGS at 6:10 P.M. * *

****Council considered Items 67 thru 73 next****

APPROVING

96-666 81. Name change of former Des Moines River Trail, from Southeast 14th Street and Maury Street to North City Limits, as the John Pat Dorrian Recreation Trail. (Council Communication No. 96-071). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Phillips and Vlassis.**

96-667 82. Intergovernmental 28E Agreement with Veterans Auditorium for use of Emergency Operation Center (EOC) space. **Moved by Daniels to adopt. Motion Carried 5-2. Absent: Phillips and Vlassis.**

96-668 (a) Bid from Peerless Supply, Inc., (1701 Guthrie Avenue, Bruce Iler, President), for a prefabricated mezzanine for Emergency Operating Center to be used by Veterans Auditorium, \$14,600. (Six bids mailed-five received). (Council Communication No. 96-068). **Moved by Daniels to adopt. Motion Carried 5-2. Absent: Phillips and Vlassis.**

96-669 83. Amendment One to Ash Building Roof Replacement Project, 1403 Forest Avenue, to revise project objectives for mothballing the building, demolition of adjacent structures and reporting of quarterly updates on Mid City Vision's fundraising efforts. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-670 (a) Communication from Eugene White, Des Moines Action Board Chair, recommending the Ash Building Roof Replacement Project be extended until June 30, 1996. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

APPROVING (continued)

96-671 84. Acquisition of a fee title interest in certain property owned by Raccoon Valley Partners (Coppola), in conjunction with the Southwest Airport Trunk Sewer Project and the Runway 5-23 Extension. (Council Communication No. 96-073) **Moved by Flagg to adopt. Motion Carried 6-1.**

96-672 85. Payment of the award of the Polk County Compensation Commission in conjunction with the condemnation of a fee title interest in a 2.3 mile segment of Norfolk and Western Railway Company right-of-way, between SE 26th Court and eastern City Limit, Southeast Diagonal Connector Project. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Flagg declares a conflict of interest, and abstains from voting. Absent: Phillips.**

96-673 86. Accepting donation of the High Truss Railroad Bridge, south of Court in Downtown, from Norfolk and Western Railway Company, authorizing payment of a nominal consideration, execution of an historic preservation covenant, and acceptance of certain agreements. **Moved by Daniels to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Phillips.**

87. The following personnel items (Council Communication No. 96-074):

96-674 (a) New classification: Management Intern, Range 13, (SPM). **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: McPherson. Absent: Phillips.**

96-675 (b) New classification: Convention Center Account Executive, Range 21, (SPM). **Moved by Hensley to adopt. Motion Carried 4-1-1-1. Nays: Flagg. Pass: McPherson. Absent: Phillips.**

96-676 (c) New classification: Convention Center Sales and Administration Manager, Range 29, (SPM). **Moved by Hensley to adopt. Motion Carried 4-1-1-1. Nays: Flagg. Pass: McPherson. Absent: Phillips.**

96-677 (d) Modified job specifications and title change for Park Superintendent to Park and Recreation Development Manager. (SPM, Range 32). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Phillips.**

96-678 (e) New classification: Golf Course Technician, Range 20, (CIPEC). **Moved by Hensley to adopt. MOTION FAILED 3-1-2-1. Yeas: Davis, Daniels, Hensley. Nays: Flagg. Pass McPherson and Vlassis. Absent: Phillips. Consider again on 2-26-96.**

COMMUNICATIONS/REPORTS

96-679 88. From Iowa Sesquicentennial Commission, requesting to

WITHDRAWN speak regarding Folklife Festival in Des Moines, and designating representative from the City.

96-680 89. Communication from Nadine Hogate, Neighborhood Advisory Board Chair regarding Inspection Services Survey. **Moved by Vlassis to receive, file and refer to City Manager for review. Motion Carried 6-1.**

96-681 90. From Council Member George E. Flagg, requesting to discuss purchase of properties, owned by Merlin Kosht, for the M.L. King By-Pass. **Moved by Flagg to receive and file. Motion Carried 6-1.**

96-682 91. Oral request from Council Member Mike McPherson, regarding update of information on the committee studying tree service licensing and a list of persons on the committee. **NO MOTION-Discussion Only.**

96-683 92. From Council Member George E. Flagg, regarding railroad hazard near the CNW Short Line Yard in East Des Moines, and proposed placement of fences. **Moved by Flagg to receive, file and refer to City Manager. Motion Carried 6-1.**

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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.

96-684 1. Oral request of Council Member At Large, Preston Daniels, to discuss Community Policing and vacancies on Police Sub-Committee. SPONSOR: Daniels. **Moved by Daniels to discuss, and appoint Council Members Phillips and Vlassis to the Sub Committee. Motion Carried 6-1.**

96-685 2. Oral request of Council Member At-Large, Preston Daniels, to discuss condition of property at 1502 SE Glenwood. SPONSOR: Daniels. **Moved by Daniels to discuss, and refer to City Manager and Legal to resolve. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

February 19, 1996

96-686 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.

COMMUNICATION

96-687 1. Communication regarding Demolition Cost Reserve escrowed for 3805 Indianola Avenue. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

96-688 MOTION TO ADJOURN AS BOARD OF HEALTH AND RECONVENE AS A CITY COUNCIL. **Moved by Vlassis that the City Council Adjourn as a Board of Health and reconvene as the City Council. Motion Carried 6-1.**

96-689 (a) City Council recess and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss pending litigation. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-690 (b) Closed Session. **Discussion Only.**

96-691 (c) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-692 (d) Adopt recommendations made in closed session, regarding settlement agreement with David Frakes, \$105,000, for injuries received in the course of his employment. **Moved by McPherson to adopt. Motion Carried 6-1.**

96-693 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:35 P.M. Motion Carried 6-1.**