

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

February 26, 1996 4:30 P.M.

**SPECIAL MEETING:**

4:00 (a) Conference Board

**SPECIAL PRESENTATIONS AND PROCLAMATIONS:**

4:15 (b) Iowa Sesquicentennial Commission regarding Folklife Festival.

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

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INVOCATION: Pastor Chris Olkiewicz,

St. Johns Lutheran Church

CONSENT AGENDA ITEMS 1 through 42 -- See Below.

96-694 ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-695 APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-696 APPROVING CONSENT AGENDA. **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

APPROVING VARIOUS PERMIT AND LICENSE ITEMS:

96-697 1. Communication from Legal Department regarding February 26, 1996 Permit and License Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

#### CLASS "E" BEER LICENSES

96-698 2. Central City Liquor, Inc., Thomas P. Duax, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-29-96 (With Sunday Sales) - Application submitted 1-24-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-699 3. Merlyn Linn dba Linn's Super Valu, 3805 6th Avenue; Renewal - Expires 3-7-96 (With Sunday Sales) - Application submitted 2-5-96. **Moved by Vlassis to adopt. Motion Carried 5-0. Mayor Davis and Council Member McPherson declare a conflict of interest, and abstain from voting.**

96-700 4. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-96 (With Sunday Sales) - Application submitted 2-12-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-701 5. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 5701 Fleur Drive; Renewal - Expires 4-18-96 (With Sunday Sales) - Application submitted 2-13-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### CLASS "C" LIQUOR LICENSES

96-702 6. Kaylenn A. McDowell dba Kate's Depot, 1505 Grand Avenue; Renewal - Expires 2-29-96 (With Sunday Sales) - Application submitted 2-29-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-703 7. Fister Investments, Inc., Mark A. Nicola, President dba Murphy's, 6202 Douglas Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 1-18-96. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

#### CLASS "E" LIQUOR LICENSES

96-704 8. Central City Liquor, Inc., Thomas P. Duax, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-29-96 - Application submitted 1-24-96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### AUTHORIZING

96-705 9. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-706 10. City Clerk to issue Coin-Operated Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

## SUNDAY SALES

96-707 11. FJY, Inc., Frank Yacavona, President dba Pal Joey's, 6224 Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

12. Asphalt Stabilization Schedule No. 1996-37:

96-708 (a) Fixing Value of Lots. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-709 (b) Resolution Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-710 (c) Proposed Resolution of Necessity for Notice to Property Owners of Hearing, (3-18-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-711 (d) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (3-18-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

13. Asphalt Stabilization Schedule No. 1996-38:

96-712 (a) Fixing Value of Lots. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-713 (b) Resolution adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-714 (c) Proposed Resolution of Necessity for Notice to Property Owners of Hearing, (3-18-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-715 (d) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (3-18-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS (continued)

96-716 14. Accepting Work and Ordering preparation of plat and schedule of assessments for Asphalt Stabilization (Oiling), Schedule No. 1995-35. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-717 (a) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-718 14I. Accepting Work and Ordering preparation of Asphalt Stabilization (Oiling), Schedule No. 1995-33. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-719 (a) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

96-720 (a) McHenry Park Restroom Replacement, Koester Construction Company, \$2,483.22 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-721 (b) Greenwood Park Lagoon Retaining Wall Repair, Van Hauen & Associates, Inc., \$5,350 the remaining balance to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

16. Resolution of Chief Civil Engineer showing construction progress, amounts due and funding availability for the following:

96-722 (a) South Side Library Roof Replacement, Iowa Roofing Company, \$25,954.83 is now due and remaining balance of \$3,866.04 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-723 (b) 1994 Storm Water Intake Repair, Eco-Tech Contractors, Inc., \$13,340.85 is now due and remaining balance of \$5,508.40 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-724 (c) Market Street Paving, M. Peterson Construction Company, \$1,560.59 is now due and remaining balance of \$8,856.59 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-725 17. Approving partial payments on two public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### PUBLIC IMPROVEMENTS (continued)

96-726 18. Communication from Van Hauen & Associates, Inc. requesting permission to sublet certain items on the SW 5th Street Storm Pump at Raccoon River Levee public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-727 19. Agreements with MidAmerican Energy for installation of electrical service for proposed sanitary sewer pumping station, 4801 Army Post Road not to exceed \$16,461.14; electric service for proposed sanitary sewer pumping station, 5301 SW 56th Street not to exceed \$13,218.33; and natural gas service to two proposed sanitary sewer pumping stations, 4801 Army Post and 5301 SW 56th Street not to exceed \$8,962.02. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### APPROVING

96-728 20. Application for voluntary annexation to City of Des Moines from Paul and Gail Huess, property in vicinity of 5555, 5606 and 5611 Meredith Drive, for referral to appropriate City agencies. **Moved by Vlassis to receive, file and refer to appropriate City Departments. Motion Carried 6-1. Pass: Flagg.**

96-729 20I. Execution of Temporary License Agreement in favor of the Norfolk and Western Railway Company, for access over property in conjunction with the Martin Luther King Jr. Bypass Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-730 20-II Authorizing Engineering Department to retain outside right-of-way acquisition personnel, (Graham Land Acquisition Associates, Inc.,) to assist in acquisition of property in conjunction with four intersection improvement projects, not to exceed \$12,500. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-731 (a) Legal Department to retain outside Counsel, (James Nervig), to assist in acquisition of property in conjunction with four Intersection Improvement Projects, \$95 per hour. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

96-732 21. Approving completion of Project Agreement with City of Urbandale, Polk County and Iowa Department of Transportation for reconstruction of intersection of Merle Hay Road and Meredith Drive; increasing funding in amount of \$7,490.47; and filing annexation documents, per agreement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-733 22. 1996 Community Development Block Grant (CDBG) contract, January 1 to December 31, 1996, with Neighborhood Housing Services of Des Moines Inc., \$180,433. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-734 23. Space Allocation Agreement, for the Porter Avenue Center of Education (PACE) for space in the Logan Community Center, \$1,818 annually for Des Moines Schools' Sponsored Program. (Council Communication No. 96-080) **Moved by Flagg to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

96-735 24. Authorizing use of Skywalk Corridor in the 500 Walnut Building as a fire exit, as requested by Hubbell Realty Company and approved by Skywalk Commission. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-736 25. Approving Grant Application from Iowa Arts Council in amount of \$1,000 to promote the Nightfall on the River '96 concert series on the amphitheater. (Council Communication No. 96-081). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-737 26. Approving list of Disposition Properties for sale and Guidelines for such sales. (Council Communication No. 96-090) **Moved by Vlassis to approve, changing waiting period from 30 to 45 days. Motion Carried 7-0.**

96-738 27. Minimum Requirements, Competitive Criteria and the form of Urban Renewal Contract for the sale of Disposition Parcel No. 3/Capitol East Urban Renewal Area Project, (1441 East Grand Avenue). (Council Communication No. 96-089) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-739 28. Tax Abatement applications for additional value added by improvements made during 1995, (5 applications on file in Clerk's Office-see roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-740 29. City Manager's Monthly Financial Report for January 1996, (on file in Finance and Clerk's Office). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-741 30. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way and Offer to Purchase, in connection with Southwest Airport Trunk Sanitary Sewer, from Luella Simpson, 5350 SW 56th Street - \$5,916. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-742 31. Certification of Civil Service Promotional List for Right Of Way Agent. **Moved by Vlassis to approve. Motion Carried 7-0.**

32. Bids for the following:

96-743 (a) Herman Miller open office landscape furniture, to be used

**WITHDRAWN** by the Comm. Development Department, Pigott, Inc., (3815 Ingersoll Avenue, Richard Pigott, President) - (State of Iowa Contract 1204) for a total cost including installation , \$54,901.87.

96-744 (b) Iowa Signal and Electric Company, (7840 University Avenue, Ronald R. Johnsen, President) for an annual contract for repair and maintenance of City owned streetlights to be used by the Traffic and Transportation Department. (Eight bids mailed-five received). (See roll call for price breakdowns). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-745 33. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-746 34. Authorizing Finance Director to draw warrants on register of March 1, 1996 and bills of the Des Moines Municipal Housing Agency for the week beginning February 26, 1996, and the biweekly payroll due City employees on March 1, 1996. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

96-747 35. Amending Chapter 15 of the Municipal Code regarding cemetery fees. **Moved by Vlassis that this ordinance do now pass, #13,304. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-748 36. Establishing the grade of 63rd Street, from Windsor Drive to 311 feet north of University. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-749 37. Amending Chapter 18 of the Municipal Code regarding appointment of appraisers for Special Assessment work. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-750 38. 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 second vote for passage. Motion Carried 5-1-1. Nays: Vlassis. Pass: McPherson.**

96-751 39. Amending Chapter 17 of the Municipal Code regarding Specified Crime Property. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION (continued)

96-752 40. On rezoning of property at 3025 Douglas Avenue from "C-1" (Neighborhood Commercial) to a Ltd. C-2" (General Retail and Highway Oriented Commercial). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-753 41. 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 Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-754 42. On rezoning of 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 that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-755 43. Amending Chapter 23 of the Municipal Code regarding responsibility of abutting property owners for maintenance of sidewalks and border areas. (Council Communication No.

96-093). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-756 44. Amending Chapter 15 of the Municipal Code, to eliminate Residency Requirement for purchase of Sr. and Jr. Golf Badges for City Golf Courses. (Council Communication No. 96-079) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

#### RECOMMENDATIONS FROM CITY MANAGER

96-757 45. Regarding City of Des Moines Legislative Update for Seventy-Sixth General Assembly. **Moved by Vlassis to receive and file attached report. Motion Carried 7-0.**

96-758 46. Submitting out of state travel request for Elena Ramirez.

**WITHDRAWN** (Council Communication No. 96-086).

#### RECOMMENDATIONS FROM CITY MANAGER (continued)

96-759 47. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-084) **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

**\*\*Council considered Items 55 thru 66 next\*\***

#### HEARINGS (Opened at 5:30 P.M.) (Items 48 thru 54)

96-760 48. On Amendment to the Annual Budget for Current Fiscal Year ending June 30, 1996. **Moved by Vlassis to continue the Hearing to 3-4-96 at 5:30 P.M. Motion Carried 7-0.**

96-761 (a) On proposed annual budget for Fiscal Year ending June 30, 1997. **Moved by Vlassis to continue the Hearing to 3-4-96 at 5:30 P.M. Motion Carried 7-0.**

96-762 (b) Request from Pauline Green, Des Moines ACORN, to speak regarding City budget, particularly for Forest Avenue Library. **Moved by Vlassis to receive, file and grant the request to speak, refer to City Manager for a response at the next meeting. Motion Carried 7-0.**

96-763 (c) Budget/Service Reductions & Reorganization Alternatives, submitted by Steve Piper, of the Central Iowa Public Employees Council (CIPEC). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-764 49. 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", (City Plan and Zoning Commission recommends denial). **Moved by McPherson to refer back to City Plan Commission and staff, to reconsider and attempt a workable compromise, including Logan**



**and Martin Luther King Neighborhood Association in discussion. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

96-765 50. On proposed Connection Fee Ordinance for Northwest Airport Trunk Sewer System Benefited District. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-766 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Flagg.**

96-767 (b) Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and receipt of bids. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

#### HEARINGS (continued)

96-768 51. On Birdland Park Tennis Courts: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp. (J.M. Yonker, Pres, Grimes), \$511,725. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

96-769 52. On City of Des Moines Emergency Operating Center: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Bros, Inc. Electrical Contractors, (Charles L. Brown, Pres., 107 E. 5th, DM), \$36,993. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-770 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-771 53. On SW 18th Street and McKinley Avenue Storm Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company Ltd. (Duane Burkhardt, Pres., 2407 SW 9th, DM), \$18,550. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-772 (a) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-773 54. On Southern Hills Ditch Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company Ltd. (Duane Burkhardt, Pres, 2407 SW 9th, DM, \$21,965. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-774 (a) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 6:02 P.M. \* \*

**\*\*Council considered Items 67 thru end of agenda next\*\***

APPROVING

96-775 55. Recommendation from City Manager and City Clerk regarding proposed City Council agenda format and content. **Moved by Vlassis to receive and file. Staff to study additional consolidation of agenda items. Motion Carried 7-0.**

APPROVING (continued)

96-776 56. Third Amendment to Intergovernmental 28E Agreement with Kiwanis Nature Island, Inc. for development of Riverview Park authorizing reimbursement for engineering services and setting the monthly rental for 1012 Oak Park Avenue at \$75 effective January 1, 1996. (Council Communication No. 96-088) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-777 57. REAP Grant Agreement with Iowa Department of Natural Resources (DNR) for Save the Woods Foundation expansion of Beaverdale Park in the amount of \$45,000 in State Funds. (Council Communication No. 96-087) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-778 58. Reimbursement to Des Moines Water Works Board of Trustees for cost of relocating a park road to accommodate the Valley Drive/Bell Avenue Levee Flood Protection Project by the Army Corps of Engineers - \$95,558.30. (Council Communication No. 96-091). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

96-779 59. Agreements with Union Pacific Railroad and IDOT, for installation and maintenance of railroad grade crossing protection improvements at Maury Street and at Edwards Avenue. (Council Communication No. 96-082). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-780 60. Project Agreement with IDOT, for Traffic Safety Improvement Funds, to purchase equipment for upgrading Fleur Drive Traffic Signal System. (Council Communication No. 96-083). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-781 61. Supplemental Agreement No. 3 between City and Calhoun-Burns &

**WITHDRAWN** Associates, Inc. for professional services and design of Bridge Deck Repair on Fleur Drive Bridge, compensation not to exceed \$18,300. (Council Communication No. 96-078)

96-782 62. Approving Agreement between the City and the Iowa Department

**WITHDRAWN** of Transportation for rehabilitation of the Fleur Drive Bridge over Raccoon River. (Council Communication No. 96-092)

96-783 63. Professional Services Contract with Aleks Istanbulu John Kaliski Architecture and City Design of Santa Monica , CA, for Study and Economic Analysis of the Gateway Project, \$48,500. (Council Communication No. 96-095). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

96-784 64. New Job Specification for Permit & Development Center Administrator, SPM Range 34A, \$53,763-\$68,130. (Council Communication No. 96-085) **Moved by Phillips to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-785 65. Iowa Sesquicentennial Commission, regarding Folklife Festival in Des Moines, and requesting Council designation of a representative from the City. **Moved by Vlassis to receive, file and refer to Park and Recreation to work with the Commission. Motion Carried 7-0.**

96-786 66. From Council Member Tom Vlassis regarding approval of his appointment to the National League of Cities' Steering Committee for Community and Economic Development and the City's continued membership in the League. **Moved by Phillips to receive, file and approve the appointment and authorize continued membership in the National League of Cities. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Hearing Items 48 thru 54 next.\*\***

96-787 67. Request of Mayor Davis, to discuss selection process for Corporation Counsel. **Moved by Vlassis to receive, file, discuss, and request City Solicitor Timmins to render a Legal Opinion regarding Council's ability to appoint from within the City's organizational structure without conducting a search process. Motion Carried 7-0.**

96-788 68. From James Rigsby, 1325 22nd Street, requesting to speak regarding the use of neighborhood funds in the Carpenter neighborhood. **Moved by Vlassis to receive and file. Mr. Rigsby did not appear. Motion Carried 7-0.**

96-789 69. From Lawrence Allen White, 1000 24th Street, Apt. 13, requesting to speak regarding various subjects. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

96-790 1. Resolution declaring intent to pursue a referendum on a Local Option Sales and Services Tax. SPONSOR: Mayor Davis. **Moved by Vlassis to adopt. Motion Carried 7-0. Council Member McPherson declares a conflict of interest on the portion relating to Des Moines School District Improvements.**

96-791 1. (a) City Council Discussion regarding Local Option Sales and Services Tax. **Moved by Vlassis to appoint a Sub-Committee comprised of Davis, Daniels and Hensley, to work with the suburbs regarding the Local Option Tax Proposal. Motion Carried 7-0.**

## A G E N D A

### BOARD OF HEALTH

February 26, 1996

96-792 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

### AUTHORIZING

96-793 1. Court authority to abate the public nuisance at 2911 E. 22nd Ct. (vacant)  
TITLEHOLDERS: Jerry J. Lyons and Carol Lyons; CONTRACT BUYERS/LANDLORDS:  
Lyle R. and Annie M. Walker. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-794 MOTION TO ADJOURN AS BOARD OF HEALTH AND RECONVENE AS A CITY COUNCIL. **Moved by Daniels to adopt. Motion Carried 7-0.**

96-795 1. (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 Daniels to adopt. Motion Carried 7-0.**

96-796 (b) Closed Session.

96-797 (c) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-798 (d) Adoption of recommendations made in closed session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-799 (e) Legal Department to file a motion for leave to intervene in the City of Norwalk v. Federal Aviation Administration action in the United States Court of Appeals for the Eight Circuit, regarding City of Norwalk petition for Review of the Order of the Federal Aviation Administration Airport Layout Plan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-800 (e) (1) Authorization to hire Michael Schneiderman and Michael Conway of Hopkins and Sutter , in Chicago, to represent the City in the City of Norwalk v. Federal Aviation Administration. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-801 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M. Motion Carried 7-0.**