

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 4, 1996

SPECIAL PRESENTATIONS:

1. Lt. Colonel Donald M. Gergel, United States Army, Des Moines Recruiting Battalion.
2. Bob Lester, MidAmerican Energy, presenting \$83,113 donation to the City for Low-Income Energy Assistance Program.

INVOCATION: Pastor David Nelms

Grace Church

96-802 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, Phillips and Vlassis. ABSENT: McPherson.**

96-803 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Flagg to adopt. Motion Carried 6-1.**

96-804 3. APPROVING CONSENT AGENDA - items 3 through 58: **Moved by Flagg to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

96-805 4. Communication from Legal Department regarding March 4, 1996 Permit and License Agenda. **Moved by Flagg to receive and file. Motion Carried 6-1.**

Class "C" Beer Licenses

96-806 5. G.L. & J, Inc., Gary Kudrna, President dba Gary's Amoco, 2911 Douglas; Renewal - Expires 3-13-96 (With Sunday Sales) - Application submitted 2-13-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS (continued)

96-807 6. Kelly A. Bell dba Kelly's Texaco, 105 Southwest 63rd; Renewal - Expires 3-28-96 (With Sunday Sales) - Application submitted 2-16-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

96-808 7. Hawkeye Services Corp., Larry Arthur Jones, President dba Hawkeye Pantry, 501 Locust - Ste. 202; Renewal - Expires 3-9-96 (With Sunday Sales) - Application submitted 2-7-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-809 8. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food Store #1, 3330 M.L. King Pkwy; Renewal - Expires 3-9-96 (With Sunday Sales) - Application submitted 2-15-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

Class "C" Beer-Wine Licenses

96-810 9. City of Des Moines dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-96 (With Sunday Sales and Beer Garden) - Application submitted 2-1-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

96-811 10. Con-Lar Inc., Larry Derry, President dba Connie's Lounge, 3839 Merle Hay Road; Renewal - Expires 3-14-96 (With Sunday Sales) - Application submitted 2-20-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-812 11. Hospitality Restaurants, Inc., A. D. Bachman, President dba Francies, 2100 Wakonda View Drive; Renewal - Expires 3-17-96 (With Sunday Sales and Beer Garden) - Application submitted 2-15-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-813 12. Mary Frances Davis, Executor of The John Hamilton Estate dba Hamilton's Lounge, 605 7th Street; Renewal - Expires 3-17-96 (With Sunday Sales and Beer Garden) - Application submitted 2-8-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-814 13. Ronald L. Carter, President dba Hawkeye Elks Lodge No. 160, 1401 Walker Street; Renewal - Expires 3-27-96 (With Sunday Sales) - Application submitted 2-1-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-815 14. Donald W. Austin, President dba Independent Lodge #4, 1601 6th Avenue; Renewal - Expires 3-11-96 (With Sunday Sales) - Application submitted 1-31-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

LICENSES AND PERMITS (continued)

96-816 15. Peter Riccelli dba Riccelli's Supper Club, 3803 Indianola Avenue; Renewal - Expires 3-13-96 (With Sunday Sales) - Application submitted 2-5-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-817 16. Hazel Jones dba Sid's Corral, 3940 Dixon; Renewal - Expires 3-14-96 (With Sunday Sales) - Application submitted 2-14-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-818 17. Rocket Inc. Steve P. Little dba Winston's Pub & Grille, 601 Locust; New Application (With Sunday Sales) - Application submitted 2-15-96. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

Class "E" Liquor Licenses

96-819 18. Hawkeye Service Corp., Larry Arthur Jones, President dba Hawkeye Pantry, 501 Locust Ste 202; Renewal - Expires 3-9-96 - Application submitted 2-8-96. **Moved by Flagg to adopt. Motion Carried 6-1.**

Authorizing

96-820 19. City Clerk to issue Cigarette Licenses. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-821 20. City Clerk to issue Coin-Operated Licenses. **Moved by Flagg to adopt. Motion Carried 6-1.**

Beer Gardens

96-822 21. Approving deviation from Council policy regarding beer garden application from Tim Flanagan dba Tim Flanagan's Restaurant & Lounge, 2100 Ingersoll for March 16 thru March 18, 1996. Subject to submission of acceptable building, electrical, zoning, and fire inspections. (application submitted 2-26-96), staff recommends denial. **Moved by Hensley to DENY; application not timely filed pursuant to Chapter 5 of the Municipal Code. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

PUBLIC IMPROVEMENTS

96-823 22. Resolution ordering construction of Grand View and Ashby Parks Shelter Improvements, Receiving of Bids, (3-19-96), and Setting Date of Hearing, (3-25-96), (Construction Estimate - \$190,065). **Moved by Flagg to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

23. Asphalt Stabilization Schedule No. 1996-40:

96-824 (a) Fixing Values of Lots. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-825 (b) Resolution Adopting Preliminary Plat and Schedule Estimate of Cost, and Proposed Plans and Specifications. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-826 (c) Proposed Resolution of Necessity for Notice to Property Owners of Hearing, (4-1-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-827 (d) Resolution Ordering Public Hearing on Plans, Specifications and Estimate of Cost, (4-1-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

24. Asphalt Stabilization Schedule No. 1996-39:

96-828 (a) Fixing Values of Lots. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-829 (b) Resolution Adopting Preliminary Plat and Schedule Estimate of Cost, and Proposed Plans and Specifications. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-830 (c) Proposed Resolution of Necessity for Notice to Property Owners of Hearing, (4-1-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-831 (d) Resolution Ordering Public Hearing on Plans, Specifications and Estimate of Cost, (4-1-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-832 25. Approving contract and bond for Birdland Park Tennis Courts, (Grimes Asphalt & Paving Corp, J.M. Younker Pres, Grimes). **Moved by Flagg to adopt. Motion Carried 6-1.**

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

96-833 (a) Glendale Cemetery Office, Quick Construction, Inc., \$6,137.24 the remaining balance to be paid at the end of 30 days. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-834 (b) 2nd Avenue Sanitary Sewer Relining-University Avenue to Franklin Avenue, Insituform Central, Inc., \$4,768.00 now due and \$91,820.83 the remaining balance to be paid at the end of 30 days. **Moved by Flagg to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS (continued)

96-835 27. Approving partial payments on two public improvement projects, (see roll call for list). **Moved by Flagg to adopt. Motion Carried 6-1.**

96-836 28. Communication from McAninch Corporation requesting permission to sublet seven items on Chautauqua Parkway Ditch Improvements project. **Moved by Flagg to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

96-837 29. Fair Market Value for property at SW Quadrant of Iowa Highway 28 (SW 42nd Street) and Army Post Road (Iowa Highway 5), from Raccoon Valley Partnership, in connection with Southwest Airport Trunk Sewer Project and the Runway 5-23 Extension-\$835,000. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-838 30. Approving amended Quit Claim Deed to more specifically define the scope of the reserved easement for vacated alley in vicinity of E. 14th and University Avenue to American Stores Properties, Inc. - \$14,400. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-839 31. Three-year Lease Agreement with Carol Dressic, for property in vicinity of SE 11th and Allen Streets, \$10 per year and assumption of maintenance for the property. **Moved by Flagg to adopt. Motion Carried 6-1.**

32. Staff recommendation regarding proposed annexation by the following, (no significant impact on the growth of Des Moines):

96-840 (a) City of Altoona, vicinity of NE 46th Avenue and NE 56th Street, unincorporated Polk County. **Moved by Flagg to receive and file. Motion Carried 6-1.**

96-841 (b) City of Pleasant Hill, vicinity of 300 block of SE 64th Street, unincorporated Polk County. **Moved by Flagg to receive and file. Motion Carried 6-1.**

96-842 33. Backslope and Property Adjustment Easement and Release, Offer to Purchase, Warranty Deed and two Partial Releases of Mortgages, in connection with Iowa 28(63rd Street)/University Avenue Intersection Improvement, from Patrick A. and Gloria K. Ashby, 955 63rd Street - \$153. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-843 34. Temporary Easement for Construction, in connection with Sanitary Relief Sewer-SW 26th to Walnut Creek, North of Raccoon River, from Barry N. Ulberg, 3650 Waterworks Parkway - \$1.00. **Moved by Flagg to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS (continued)

96-844 35. Release of Subdivision Bond, \$73,267, to Mid-America Real estate, for EVERGREEN PLAT 1. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-845 36. Release of remaining Subdivision Bond, \$67,512, to The Companies of Clarke, for PARK FOREST PLAT NO. 1, and waiving requirement for additional street trees. **Moved by Flagg to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

96-846 37. From Joseph C. White, submitting his resignation from the Neighborhood Advisory Board, effective immediately. **Moved by Flagg to receive, file and accept with deep regret. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

96-847 38. On proposed lease of excess City-owned property in vicinity of Sixth Avenue and Holcomb, to Consolidated Supply Company of Des Moines, Inc., 5-year term, \$900, (3-18-96). **Moved by Flagg to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-848 39. On 1995 Community Development Block Grant (CDBG) Program Year Performance, (3-25-96). **Moved by Flagg to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-849 40. Approving payment in amount of \$35,000 plus reimbursement of \$1,637.15 in deposition expenses to Donald Moyer in settlement of lawsuit No. CL 82-48534 regarding denial of site plan approval. **Moved by Flagg to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

96-850 41. Submitting traffic regulation changes at various locations, (see roll call for list). (Council Communication No. 96-096) **Moved by Flagg to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

96-851 42. Regarding City of Des Moines Legislative Update for Seventy-Sixth General Assembly (distribution on Monday 3-4-96). **Moved by Flagg to receive and file the attached report. Motion Carried 6-1.**

APPROVING

96-852 43. Amendment One to Infill Development Project extending project

WITHDRAWN to December 31, 1996, revise the work program to permit expenditure of \$5,000 to the River Bend Association, and disburse funds.

96-853 44. Amendment Three to the East University Avenue Beautification Plan Project, to extend project period to April 30, 1996, to allow compliance by consultant to contract terms. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-854 45. Continuation of Intergovernmental 28E Agreement with the Counties of Polk, Madison, Jasper, Boone, Dallas, Warren and Story, for the Central Iowa Employment and Training Consortium, (CIETC). (Council Communication No. 96-099). **Moved by Flagg to adopt. Motion Carried 5-1. Council Member Hensley declares a conflict of interest, and abstains from voting.**

46. Amendments for the following contracts with Iowa Department of Human Rights/Division of Community Action Agencies for weatherization and energy related assistance for low-income persons:

96-855 (a) Amendment Four to Contract Number LIHEAP-2296-07J adding \$111,560 to contract budget for period of October 1, 1995 through September 30, 1996. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-856 (b) Amendment One to Contract Number O/C-96-07J reducing the total budget to \$40,377 from the Energy Conservation Trust Fund (Oil Overcharge) for period of September 1, 1995 through April 30, 1996. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-857 (c) Amendment One to Contract Number HEAP-096-07J-95 adding \$40,378 to contract budget to replace a reallocated amount of Energy Conservation Trust Fund (Oil Overcharge) funds. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-858 47. Non-competitive procurement from Ameridata, (11180 Aurora Avenue) for Third Party memory upgrades to be used by the Engineering Department, State of Iowa Contract 1984, \$11,792. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-859 48. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Flagg to adopt. Motion Carried 6-1.**

APPROVING (continued)

96-860 49. Authorizing Finance Director to draw warrants on registers of March 8, 1996 and March 15, 1996 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning March 4, 1996 and March 11, 1996, and the biweekly payroll due City employees on March 15, 1996. **Moved by Flagg to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

96-861 50. 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 Flagg that this ordinance do now pass #13,305. Motion Carried 6-1.**

96-862 51. 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 Flagg that this ordinance do now pass #13,306. Motion Carried 6-1.**

96-863 52. Amending Chapter 18 of the Municipal Code regarding appointment of appraisers for Special Assessment work. **Moved by Flagg that this ordinance do now pass, #13,307. Motion Carried 6-1.**

96-864 53. Amending Chapter 17 of the Municipal Code regarding Specified Crime Property. **Moved by Flagg to that this ordinance do now pass. #13,308. Motion Carried 6-1.**

96-865 54. 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 Flagg that this ordinance do now pass, #13,309. Motion Carried 5-1-1. Nays: Vlassis. Absent: McPherson.**

96-866 55. 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 Flagg that this ordinance do now pass, #13,310. Motion Carried 6-1.**

96-867 55I. Establishing the grade of 63rd Street, from Windsor Drive to 311 feet north of University. **Moved by Flagg that this ordinance do now pass, #13,311. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

96-868 56. Amending Chapter 23 of the Municipal Code regarding responsibility of abutting property owners for maintenance of sidewalks and border areas. **Moved by Flagg that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

96-869 57. Amending Chapter 15 of the Municipal Code, to eliminate Residency Requirement for purchase of Sr. and Jr. Golf Badges for City Golf Courses. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

96-870 58. On Connection Fee Ordinance for Northwest Airport Trunk Sewer System Benefited District. **Moved by Hensley that this ordinance be considered and given second vote for passage/ City Manager and City Engineer to provide Council with additional background information. Motion Carried 6-1.**

96-871 (a) Final consideration of ordinance above, (waiver requested by City Manager). **Moved by Hensley to defer action to March 18, 1996. Motion Carried 6-1.**

96-872 (b) Designating lowest responsible bidder for the Northwest Airport Trunk Sanitary Sewer, as McAninch Corporation, (Emery L. Sanford, Vice Pres., WDM), \$465,654.50, and approving contract and bond. **Moved by Hensley to defer action to March 18, 1996. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

59. Amending Chapter 7 of the Municipal Code regarding the following, (Council Communication No. 96-102):

96-873 (a) Application to License Vicious Dogs. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

96-874 (b) Animal Adoptions at the Alice Cunningham Animal Shelter. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Vlassis. Absent: McPherson.**

ORDINANCES - FIRST CONSIDERATION (continued)

96-875 60. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearances on East side of 39th south for Forest, and on both side of Franklin East of 61st Street; Parking restriction repealed on Morgan Street West of SW 9th; and Reverse stop signs on SW 2nd and Leland and on SW 5th and Leland. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

****Council considered Items 66 thru 69 next****

HEARINGS (Opened at 5:50 P.M.) (Items 61 thru 65)

61. On City Budget, for the following (continued from 2-26-96):

96-876 (a) Amendment to the Annual Budget for Current Fiscal Year ending June 30, 1996. **Moved by Daniels to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

96-877 (b) Proposed annual budget for Fiscal Year ending June 30, 1997. **Moved by Daniels to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

96-878 62. 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). **Moved by Hensley to adopt. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-879 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-880 (b) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley to the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,312. Motion Carried 5-1. Mayor Davis declares a conflict of interest, and abstains from voting.**

HEARINGS (continued)

96-881 63. 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), City Plan Commission recommends denial. **Moved by Vlassis to refer back to City Plan Commission to reconsider at its April 18 meeting. Motion Carried 6-1.**

96-882 64. On ICA W3 and Process Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Accurate Mechanical Company, Inc., (John E. Miller, Pres, 4330 NE 14th Street, DM), \$269,900. **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-883 (a) Approving contract and bond.

WITHDRAWN

96-884 65. On amendment to the Zoning Ordinance, to clarify wording from "Building Department" to "Building Official". **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-885 (a) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

* * END HEARINGS at 7:09 P.M. * *

****Council considered items 70 thru end of agenda next****

RECOMMENDATIONS FROM CITY MANAGER

96-886 66. Regarding streets to be included in 1996 Intermediate Paving Program, and modification to the policy for assessment formula, (continued from 2-19-96). (Council Communication No. 96-104) **Moved by Vlassis to adopt. Motion Carried 6-1.**

96-887 67. Professional Services Agreement with Snyder and Associates, Inc., for Design and Bid-Phase Services in conjunction with construction of Easter Lake Basin Master Plan Priority I, Phase I, Storm Water Improvements; compensation not to exceed \$55,800. (Council Communication No. 96-103) **Moved by Phillips to adopt. Motion Carried 6-1.**

96-888 68. Approving agreement between City of Des Moines and the Iowa Department of Transportation for the East Side Traffic Signal Upgrading Project. (Council Communication No. 96-100) **Moved by Phillips to adopt. Motion Carried 6-1.**

RECOMMENDATIONS FROM CITY MANAGER (continued)

96-889 69. Regarding Community Economic Betterment Account (CEBA) float loan to State of Iowa in amount of \$3,000,000 and preliminary approval for local contribution in amount of \$72,500 to Anderson Erickson Dairy Company for facility expansion. (Council Communication No. 96-101) **Moved by Flagg to approve. Motion Carried 6-1.**

****Council considered Hearing Items 61 thru 65 next****

96-890 70. Regarding Supplemental Agreement No. 3 with Calhoun-Burns and Associates, Inc. for professional services in conjunction with design of the Bridge Deck Repair on the Fleur Drive Bridge over Raccoon River, compensation not to exceed \$18,300. (Council Communication No. 96-098) **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

96-891 71. Thirteenth Annual Boards and Commissions Appreciation Dinner-Tuesday, on April 23, and approving free parking for the event. **Moved by Daniels to adopt and appoint Council Member Vlassis to assist with funds solicitation. Motion Carried 6-1.**

COUNCIL REQUESTS

96-892 72. City Council consideration regarding appointment of Corporation Counsel. **Moved by Vlassis to receive, file, discuss, and approve the concept of offering the position to City Solicitor Bruce Bergman, and authorize the City Council Employee Evaluation Sub-Committee to negotiate a salary and benefit package for Council approval. Motion Carried 6-1.**

96-893 73. Request of Mayor Davis to discuss amending prior resolution declaring intent to pursue a referendum on a local option sales and services tax. **Moved by Hensley to adopt. Council Sub-Committee appointed on February 26 is hereby eliminated. Motion Carried 5-1-1. Pass: Flagg. Absent: McPherson.**

COMMUNICATIONS/REPORTS

96-894 74. From Eugene White, Des Moines Action Board Chair, commending City employees who provided assistance to individuals during the blizzards. **Moved by Vlassis to receive and files. 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.

96-895 1. Oral request of Mayor Davis to discuss Greater Des Moines

WITHDRAWN Convention and Visitors Bureau (CVB). SPONSOR: Mayor Davis. **Place on the March 18th agenda at request of Mayor Davis.**

96-896 2. Recommendation of Council Member Hensley, for reappointment of Brenda LaBlanc to the Housing Appeals Board, three-year term to expire March 16, 1999. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1.**

96-897 3. Approving Class "B" Beer License, for Scornovacca Pizza Corporation, 3900 NE 14th Street. SPONSOR: Daniels. **Moved by Flagg to adopt. Motion Carried 6-1.**

96-898 4. Approving negotiation with Embassy Suites or other interested parties, for Amphitheater Maintenance Agreement. (Council Communication No. 96-097) SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1.**

96-899 5. Approving deviation from Council Policy regarding beer garden application from Kelley Manning, dba Kelley's 3606 Beaver, for March 16 thru March 17. SPONSOR: Vlassis. **Moved by Hensley to deny; application not timely filed pursuant to Chapter 5 of the Municipal Code. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson**

96-900 6. Approving Class "C" Beer License for Git-N-Go convenience Stores, 3274 E. University. SPONSOR: Flagg. **Moved by Flagg to adopt. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

March 4, 1996

96-901 MOTION TO CONVENE **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

96-902 1. Court authority to abate the public nuisance at 1072 - 14th (vacant) TITLEHOLDER: Margaret Patten Johnson (DECEASED); HEIRS/LANDLORDS: Ralston Euclid Patten, Rev. Elphus Patten, Hazel and W. Lawrence Oliver, E. Hobart DePatten, Evelyn DePatten, Wenonah and Estell Anderson (DECEASED), Estell Anderson Pitts and Wife, Ralston Orlando Pitts and Wife, Margaret Anderson Pitts Hawkins and Husband; LEGAL INTEREST HOLDER: Polk County, Iowa. **Moved by Daniels to adopt. Motion Carried 6-1.**

96-903 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:40 P.M. Motion Carried 6-1.**