

**MINUTES OF THE REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

MAY 8, 2007

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on May 8, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Luttrell was also present.

CONSENT AGENDA: Council Member Rice asked that Item No. 7, the appointment to fill a vacancy on the Planning & Zoning Commission, be pulled from the Consent Agenda for separate discussion.

Moved by Goodman, seconded by Popken, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of April 24, 2007
3. Motion approving certification of civil service applicants
4. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Class B Wine - Ames Asian Market, 819 Wheeler Street, Ste. 5
 - b. Special Class C Liquor - Great Plains Sauce & Dough, 129 Main Street
 - c. Class C Liquor - Red Lobster #747, 1100 Buckeye Avenue
 - d. Class C Beer - Swift Stop #2, 3406 Lincoln Way
 - e. Class C Beer - Tobacco Outlet #4303, 202 South Duff Avenue
5. Motion approving new Class C Beer Permit for Ames Asian Market, 819 Wheeler St., Ste. 5
6. Motion authorizing Mayor to sign letter of support for Intermodal Facility for Transit
7. RESOLUTION NO. 07-200 approving Bid Awards and Purchases, \$25,000 - \$50,000, for the period April 16 - 30, 2007
8. RESOLUTION NO. 07-201 approving 2007-2010 28E Agreement with Metro Waste Authority for Household Hazardous Wastes Material Collection
9. RESOLUTION NO. 07-202 approving 5-Year Extension Amendment to the Agreement for Waste Disposal with Boone County Landfill
10. RESOLUTION NO. 07-203 approving renewal of contract with Hydro Metering Technology for Water Meters and Related Parts and Services
11. RESOLUTION NO. 07-204 approving amendment to the Intergovernmental Agreement for Establishment of an Emergency Management Commission for Story County
12. RESOLUTION NO. 07-205 approving Right-of-Way Agreement with IDOT for Grand Avenue Extension
13. RESOLUTION NO. 07-206 approving Agreement with Ames Historical Society for 2007/08
14. RESOLUTION NO. 07-207 approving additional funding allocation to Veteran's Memorial
15. RESOLUTION NO. 07-208 approving contract and bond for Motor Control Center Installation Project, GT1
16. RESOLUTION NO. 07-209 approving contract and bond for CyRide Office Expansion Project
17. Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 28, 2007:
 - a. RESOLUTION NO. 07-210 approving closure of south half of Parking Lot M (west of City Hall) from 9:00 a.m. until approximately 10:30 a.m. for staging the parade; closure of 5th Street from Pearl Avenue to Clark Avenue from 9:00 a.m. until 10:45 a.m. for line-up and start of parade; and temporary closure of Clark Avenue (from 5th Street to 9th Street), 9th Street (from Clark to Maxwell), 6th Street (at Clark) and Duff Avenue (at 9th Street), as parade moves through the intersections
18. Requests from Main Street Cultural District for "Tune In to Main Street" activities every Thursday evening from May 31 - August 2, 2007:
 - a. Motion approving blanket temporary obstruction permit for Central Business District (CBD) sidewalks from 8:00 a.m. to 8:00 p.m.
 - b. Motion approving blanket vending permit for entire CBD
 - c. RESOLUTION NO. 07-211 approving waiver of parking meter fees and enforcement in CBD

- from 3:00 p.m. to 6:00 p.m.
- d. RESOLUTION NO. 07-212 approving waiver of fee for blanket vending permit
 - e. RESOLUTION NO. 07-213 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
 - f. RESOLUTION NO. 07-214 approving closure of 24 parking spaces in CBD Lot X
19. Requests from Main Street Cultural District for Art Walk on June 1, 2007:
- a. Motion approving blanket temporary obstruction permit for CBD sidewalks from 8:00 a.m. to 8:00 p.m.
 - b. Motion approving blanket vending permit for CBD
 - c. RESOLUTION NO. 07-215 approving waiver of fee for blanket vending permit
 - d. RESOLUTION NO. 07-216 approving waiver of parking meter fees and enforcement for CBD from 3:00 p.m. to 8:00 p.m.
 - e. RESOLUTION NO. 07-217 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
20. Requests from Main Street Cultural District for “Wild Women’s Weekend” on June 8-9, 2007:
- a. Motion approving blanket temporary obstruction permit for CBD sidewalks from 8:00 a.m. to 8:00 p.m.
 - b. Motion approving blanket vending permit for CBD
 - c. RESOLUTION NO. 07-218 approving waiver of parking meter fees and enforcement for CBD from 8:00 a.m. to 8:00 p.m.
 - d. RESOLUTION NO. 07-219 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
 - e. RESOLUTION NO. 07-220 approving waiver of fee for blanket vending permit
21. RESOLUTION NO. 07-221 approving preliminary plans and specifications for Water Treatment Plant Clarifier Painting Project; setting May 31, 2007, as bid due date and June 12, 2007, as date of public hearing
22. RESOLUTION NO. 07-222 approving preliminary plans and specifications for Water Pollution Control Facility Clarifier Painting Project; setting May 31, 2007, as bid due date and June 12, 2007, as date of public hearing
23. RESOLUTION NO. 07-223 approving preliminary plans and specifications for 2006/07 and 2007/08 Asphalt Resurfacing Program and 2006/07 and 2007/08 Seal Coat Removal/Asphalt Reconstruction Program; setting June 6, 2007, as bid due date and June 12, 2007, as date of public hearing
24. RESOLUTION NO. 07-224 approving preliminary plans and specifications for 2007/08 Neighborhood Curb Replacement Program, setting June 6, 2007, as bid due date and June 12, 2007, as date of public hearing

Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

APPOINTMENT TO PLANNING & ZONING COMMISSION: Council Member Rice stated that he was not comfortable approving the Mayor’s recommended appointment to the Planning & Zoning Commission in light of the other applicants’ qualifications. He would like to see someone appointed who is a more-broad-minded thinker. Mr. Rice advised that he did not have any particular candidate in mind to appoint.

Council Member Larson said that he was concerned that this was the second time in his short tenure on the City Council that a Council member has struck down a preferred appointee during the meeting. In his opinion, every Council member has a preferred appointee, but he would rather a Council member lobby for a particular person than come to the meeting and strike someone down at the last minute. Mr. Larson spoke in favor of Peter Orazem, the Mayor’s preferred appointee.

Council Member Goodman said that it is best if the Mayor and Council can come to an agreement as to whom should be appointed, and that usually happens. He feels that if the Mayor recommends someone who philosophically cannot be supported by certain Council members, then

they have the right to say no. Mr. Larson said that he did not disagree with that right, but they have all had opportunities to promote a particular candidate to the Mayor.

Council Member Rice said that they do not routinely see all the applications for a position; however, the applications were forwarded to them this time, and he is only going by what information was provided on that application.

Council Member Popken said that he would support Council Member Rice because he felt that diversity of opinion on the Planning & Zoning Commission is important. According to Mr. Popken, there are existing members on the Commission who come from the same “point of view” as Mr. Orazem.

Council Member Mahayni cited his concern over the process and felt that questioning the Mayor’s judgment at the last minute is an embarrassment to the City. He pointed out that the deadline for applications was April 27, and the Mayor invited the Council members to provide input to her, so there was no reason to wait until the meeting to do that. The Mayor follows a process with criteria and meets with candidates. He is concerned that the process has become politicized; certain people are pushing for those with certain views, which does not serve the City well. Mr. Mahayni feels that Dr. Orazem is very qualified and would be a good addition to the Commission.

Mayor Campbell explained that she had interviewed a number of the applicants for this position. She said that she always attempts to achieve balance on all Boards and Commissions. The Mayor expressed disappointment that this was brought to her attention at such a late hour, in light of the fact that the application deadline was over ten days ago, and she had not received input from a single Council member.

Council Member Doll said that he was bothered that this was considered by some as an embarrassment as the Mayor is to make the recommendation, but it is the Council’s “job” to approve the appointment. He pointed out that terms on boards and commissions can exceed those of the Council members, so it is important that the right person be appointed.

Council Member Mahayni said the embarrassment resulted from the lack of dialogue with the Mayor over more than a ten-day period. Council members had time to share their thoughts before the applicant’s name was listed on the Agenda. The Mayor would like to know about any serious issues before she makes a recommendation.

Council Member Larson said what he finds embarrassing is that some Council members have chosen to take a negative approach and question the Mayor’s recommendation, rather than lobby for a specific person whom they think, personally, might be a better candidate. They are using this forum to strike down someone who has asked to serve the community.

According to Council Member Goodman, it can’t be said that this is not a political process. If the political philosophy is very disparate from that of the Council, the Council has the right to deny the appointment. He knew that this appointment had raised concerns for some of the Council, and those should have been conveyed to the Mayor prior to her making her recommendation.

The Mayor asked that, in the future, input be provided to her if there are concerns about any candidate before she makes her recommendation.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 07-199 approving appointment of Peter Orazem to fill the vacancy on the Planning and Zoning Commission. Roll Call Vote: 3-3. Voting aye: Goodman, Larson, Mahayni. Voting nay: Doll, Popken, Rice. Motion failed.

PUBLIC FORUM: Kay Johnson, 703 Grand Avenue, #3, Ames, requested that the City Council take the necessary steps to enact appropriate laws to regulate Pit Bulls and other aggressive breeds within the City of Ames. Her boyfriend's dogs were attacked by a neighbor's Pit Bull. One dog ("Dottie") was violently killed, and the other dog sustained serious injuries of a fractured shoulder blade, fractured vertebrae, deep puncture wounds, and shock. The Pit Bull's owner was injured as she tried to remove Dottie from her dog's mouth. Ms. Johnson said that she had learned a lot about Pit Bulls after this tragedy, and she shared information about the breed with those present. She urged the Council to outright ban or require muzzling of Pit Bulls when outside.

OUTDOOR AQUATIC CENTER: Letters were placed around the dais urging the City Council to move forward with a bond issue on an outdoor aquatic center written by Betty Baudler Horras, 2001 Indian Grass Court, Ames; Sharon Wirth, President of the League of Women Voters, 803 Burnett, Ames; and Ted Tedesco, 4002 Stone Brooke Road, Ames.

Mayor Campbell advised that, at this meeting, the City Council will receive a report on the consultant's recommendation, hear from the Parks & Recreation Commission on its recommendation, and receive information from RDG (consultants) on flood management. Public input will also be accepted. There will not be a vote tonight on any option; that will take place on May 22.

Nancy Carroll, Parks & Recreation Director, briefly talked about the history of the attempts to improve recreation facilities in Ames. She advised that there may be future opportunities for the City to partner with Iowa State University (ISU) or the Ames School District to meet the need for an indoor recreational pool and gymnasiums; however, no partnering opportunities were identified for an outdoor aquatic center.

Ms. Carroll summarized the Feasibility Study prepared by RDG. It was determined that the ideal outdoor pool size for Ames would be a bather capacity of 1,200. This will accommodate the current estimated summer population of 35,000 and allow for 30% growth to approximately 45,000 residents during the summer months. To accommodate 1,200 swimmers, approximately 20,000 square feet of water surface area is required.

According to the consultants, the reality is that newer-style aquatic centers enhance the recreation value within a community by their emphasis on fun and recreation for all ages and abilities (i.e., the "fun factor"). Ms. Carroll said that the consultants are recommending a "lazy river" as a key feature for Ames. This would be a major investment; however, it would provide the signature feature and Ames is large enough to justify it. The "fun factor" will ultimately determine the facility's success; the higher the "fun factor," the more attendance and less subsidy. Potential attendance increases for specific features were given as:

1. Water slides: 100 to over 200%
2. Shallow play features and shade: 50 to over 100%
3. Lazy river: 150 to over 200%
4. 50 meter pool: 0 to 25%

Examples of features in aquatic centers located in other communities were shown by Ms. Carroll. If a proposal moves forward, visits will be made to centers around the Greater St. Louis area to interview users.

The Council was reminded that Carr Pool is currently subsidized by approximately \$50,000 annually. The consultants are recommending that Carr Pool be closed if a new outdoor aquatic center is built.

Ms. Carroll outlined three pool configuration options:

Option A:	\$7.35 million	25-yard pool with lazy river
Option B:	\$6.82 million	25-yard pool with more shallow water
Option C:	\$6.95 million	50-meter pool with reduced shallow water

Additional site development costs will be incurred for site-required earthwork, street improvements, land purchase, and other site considerations. To build Option A at the 13th Street site, it is estimated to cost \$8.2 million; at the Middle School site, \$7.9 million. A subsidy of \$40,000 is anticipated based on 80,000 users. If Options B or C were built, it is anticipated that there would be fewer users, resulting in increased subsidies.

Director Carroll also gave detailed evaluations of the two sites: 13th Street and Ames Middle School.

Anticipated tax implications for residential and commercial property owners were shown; the numbers were based on a 12-year debt at 4.25%.

Regarding a possible bond issue, Ms. Carroll stated that if a special election were held in July, the facility would open in Summer 2009. If the election were not held until November, the facility would not open until Summer 2010, and inflation would increase the cost by over \$500,000.

Review of Parks & Recreation Commission recommendation. Dave Benson, Chairperson of the Parks & Recreation Commission, introduced the other Commission members present: Travis Cardwell, Greg Vitale, Erv Klaas, and Dave Austin. Mr. Benson described the consensus-building model followed by the Commission to educate the public on the overall need for the facility, review two locations, share implications of voting on this issue in July or November 2007, and to receive public input and ensure that support, issues, and concerns, could be openly expressed.

Mr. Benson advised that the majority of those attending public meetings supported the facility being located at 13th Street on land owned by Iowa State University (ISU), and the Commission unanimously concurred. He said that the 13th Street site has the potential to be dramatically enhanced from an environmental perspective, and the Commission recommends that the approximate six wetlands shown on the Site Master Plan be included in the base bid of the project. This would ensure that water runoff north from this site be filtered naturally prior to entering Squaw Creek. Additionally, the Commission supports incorporating two recommendations into the base bid, as submitted from the ISU Outdoor Teaching Laboratories Committee.

Mr. Benson advised that the Commission wanted their recommendation to reflect the values heard at the community meetings: sound environmental practices; fiscal responsibility to the taxpayers; collaboration with other public institutions, e.g., School District and Iowa State; sense of urgency to move this project forward; and, that the project was going to be a really fun facility.

The Commission recommended that the base bid be a 25-yard/8-lane lap area and that a “bid alternate” be included to expand the 25 yards to 25 meters should funding allow. It was also recommended by the Commission that the site be graded to ensure that the lap area can readily be expanded to 50 meters in the future as resources allow.

Mr. Benson advised that, based on the reaction from the public and from ISU student leadership, the Commission wholeheartedly recommended that July 24, 2007, be set for a Special Bond Referendum election to determine the public’s support for approving \$8,488,000 in bonds to pay for the design, construction, and equipping of an Outdoor Aquatic Center at the 13th Street location.

It was noted that the primary reason for the Commission’s selection of the 13th Street site is its central location within the community, as well as accessibility by bicycle and walking. It will also enhance the central greenway to the community. The 13th Street site is also more sheltered from

the wind. It will allow for more collaboration with the Ames School District. The biggest concern about the 13th Street site is environmental. Mr. Benson directed the Council's attention to an April 25, 2007, letter from Dr. Jim Pease, Chair of the ISU Outdoor Teaching Laboratories Committee, which served as a guideline for the Parks & Recreation Commission in addressing environmental concerns. The ISU Outdoor Teaching Laboratories Committee did recommend the 13th Street site as an appropriate place to build the aquatic center if done in such a way as to enhance the overall environment at that site. Mr. Pease recommended:

1. Widening the riparian corridor vegetation to a width of 200 - 300 feet
2. Raising the aquatic center above the floodplain
3. Using state-of-the-art pervious surfaces, where possible
4. Connecting the bike trail that exists on the south side of the football field to under 13th Street to the existing trail on the south side of 13th Street

These components must be included in the development, not just planned to happen in the future. It was this recommendation that caused the Commission to increase the proposed bond amount from \$8.2 million to approximately \$8.5 million (to include \$300,000 for environmental sustainability).

Mr. Benson recalled that the 2003 Rec Plex proposal had focused on collaboration with the Ames School District at the Middle School site, but that proposal included construction of gymnasiums, an indoor facility, and an outdoor swimming facility. What is currently being proposed will be an outdoor swimming facility only used during the summer while school is not fully occupied.

According to Mr. Benson, the Commission agreed that the "fun factor" is very important and is recommending that the "lazy river" be included and that the lap area be 25 meters, not 25-yards. The "fun factor" will minimize the annual subsidy from the City. The Commission would have liked to support expanding the 25-yard lap area to 50 meters, however, expanding Option A (highest "fun factor") to 50 meters would increase capital costs by approximately \$850,000 and the annual operational expenses from \$40,000 to \$75,000. It is the Commission's desire to present an acceptable project to 60% of those who will vote in the election, and the increased expense would not be an acceptable amount to present to the public-at-large.

Mr. Benson reiterated the financial consequences of delaying the vote from July to November. It was clear from the community meetings that the citizens want to hold the election in July so that the pool can be open in 2009. ISU student leaders have also conveyed their feelings that it would be appropriate to hold the vote in July.

The Commission also recommended that, if a new facility becomes a reality, Carr Pool should be demolished and transitioned into a passive greenway adjacent the Skunk River. The attendance at Carr Pool would not be sufficient to justify the financial resources necessary to keep it open; it has served its useful purpose to the citizens of Ames.

Mike Bell, representing RDG consultants, advised that the 13th Street site is located in the flood plain. He described the difference between the floodway and floodway fringe. He said that the site would be developed in a sustainable manner. Being restorative by seeding native grasses and trees, where necessary, on this site would benefit the immediate site in the form of storm water management. Mr. Bell explained how it would also benefit the existing watershed through enhanced infiltration. The proposed facility would be located in the southeast corner of the site, and 14' of fill will be added to raise the facility three feet above a hundred-year flood level. The facility would be constructed on the north side of the 13th Street bridge, which structurally restricts the flow of water. Mr. Bell advised that stormwater management will actually be enhanced if the center is built. He described the safeguards that can be placed to minimize any damage that may result if the area should flood. Those safeguards have been included in the proposal.

Public input. Gail Johnston, President of the Ames Community School Board of Directors, 840 Brookridge, Ames, read the resolutions passed at the May 7, 2007, meeting in support of a new Ames Aquatic Center and endorsing the proposed 13th Street site. She advised that when the School District and City agreed to a cooperative venture at the Middle School site, the proposal was to have a Rec Plex with indoor gyms and an indoor pool and an outdoor pool adjacent to that. The indoor facilities would have benefited the School District. It would have been staffed in the summer. However, since the entire Rec Plex is no longer being proposed, the outdoor pool would be open when students are not in class, so it is difficult to see a direct benefit to the School District from the Middle School site. The outdoor pool might also be an “attractive nuisance” for students who are on their way to class; it might look like a “good wall to climb.” It also might cause problems in the summertime when the School is vacant. Conversely, the School District sees a real advantage to the 13th Street site in that they could use the parking lot in the fall for overflow parking for football games. Also, people sometimes have a difficult time finding Ames High School, and it would be easy to give directions to park at 13th Street and go up the hill to the Football Stadium. During that time, the outdoor pool would not be open. The School District has also been thinking about the possibility of athletic fields at the 13th Street site for several years and has had conversations with the City and ISU. Since the High School is landlocked, this would be a way for athletic fields to be expanded adjacent to Ames High.

Erica Fuchs, 4014 Marigold Drive, Ames, asked the City Council to choose the Middle School site, for the following reasons:

1. It is fair. Southwest Ames has no public pool. Children in Northeast Ames have a pool.
2. Cost. The Middle School site would cost approximately \$500,000 less.
3. Future growth potential. The Middle School site is large enough to accommodate future additions. Also, the City Council wants the City to grow to the Southwest.
4. Public support. Ms. Fuchs presented a petition to the City Council signed by 42 persons. In the Middle School neighborhood, 98% of the adults wanted the Middle School site. In the 13th Street neighborhood (including Ridgewood and Brookridge Avenues), 81% of the adults also wanted the Middle School site.

Ms. Fuchs is concerned that the Parks & Recreation Commission public meetings may have been skewed to favor the 13th Street site. She pointed out that three of the four public meetings were held closer to the 13th Street site and closer to Fellows Elementary, which is the “weathiest” school area (17% of the students are on the free- or reduced-lunch program versus 51% at Edwards). Ms. Fuchs also asserted that the parents in the Fellows district may have more time and energy to advocate for a public pool in their neighborhood and may have been at more of the public meetings.

Holly Fuchs, 806 Brookridge, Ames, urged the Council to locate the new aquatic center at the Middle School site. She showed pictures of the two sites after the recent flooding. Ms. Fuchs said she favors the Middle School site because:

1. It is not located in a floodplain.
2. It is less expensive.
3. There is already a pool near 13th Street. Building at the Middle School site would strengthen two neighborhoods, not one.
4. Infill should be supported, but not at the expense of the environment. She supports leasing the 13th Street site for an extended bike and walking path and partnering with the School District for athletic fields.

Ms. Fuchs refuted the two disadvantages with the Middle School site that were cited by RDG. She said that the geographic location is convenient for Ames citizens. She found that there are 24,834 registered voters closer to the 13th Street site and 20,565 closer to the Middle School site; that equates to less than 10%. It was pointed out by Ms. Fuchs that the area around the Middle School will grow as that the City Council’s preferred growth area. Ms. Fuchs said that she does

not understand RDG's allegation that the Middle School site is less visually accessible. She advised that, last night, she knocked on 34 doors, talking to 28 people, and 82% favored the Middle School site; that petition was submitted for the public record.

She recommended that the City Council approve Alternative 5: to locate the facility at the Middle School site and refer the project back to the Parks & Recreation Commission and staff for further review and a revised recommendation; or Alternative 6: to direct staff to obtain capital and operational cost estimates for a different option than included in the Study.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 07-225 accepting the RDG Planning and Design Feasibility Study.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

The meeting adjourned at 8:40 p.m. and reconvened at 8:50 p.m.

REQUESTS FROM OLDE MAIN BREWING COMPANY FOR SUMMER CONCERT SERIES FROM 7 PM TO MIDNIGHT ON EACH SATURDAY EVENING FROM JUNE 2 - AUGUST 25 AND FRIDAY, AUGUST 31, 2007 (postponed from 4/24/07): City Manager

Schinker advised that he, Olde Main's owner and manager, Jim Gregory, and Joan Stein met on May 1 to discuss concerns over anticipated noise, which had been earlier expressed by Mr. Gregory. The representatives of Olde Main have agreed to: [1] point the speakers (not the stage) to the west to redirect the noise away from Jim and Joan's home; [2] either tilt the speakers down or place them at ground level; and, [3] ask the Police Department to take a decibel reading before the event begins to help set the band's noise level in accordance with their Noise Permit. If problems arise, the representatives will reconvene.

Moved by Doll, seconded by Goodman, to approve the addition of Outdoor Service Privilege to Class C Liquor License on stated dates only.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: Mahayni. Motion declared carried.

Moved by Doll, seconded by Goodman, to approve a temporary obstruction permit for sidewalk and portions of CBD Lot Y.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: Mahayni. Motion declared carried.

Moved by Doll, seconded by Goodman, to approve a street vending license.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: Mahayni. Motion declared carried.

Moved by Doll, seconded by Goodman, to adopt RESOLUTION NO. 07-226 approving closure of CBD Lot Y north of east-bound drive lane between Kellogg Avenue and Tom Evans Plaza, pending receipt of certificate of liability insurance naming the City of Ames as additional insured. Roll Call Vote: 5-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: Mahayni. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

DOWNTOWN FACADE GRANT FOR 101 MAIN STREET: Planner Jeff Benson advised that Scott Richardson is proposing to renovate the building at 101 Main Street to house an insurance agency. The applicant has proposed improvements for 101 Main Street that will make a significant change to this building, and as currently proposed, staff believes that the project does not meet the design guidelines for the Downtown Facade Grant Program. Mr. Benson pointed out that this building had been remodeled several times, most-recently in 1999. He advised that the Grant Program is not intended only to improve the look of Main Street or encourage economic development; it is to benefit its historical character, which is critical to increase the economic vitality of Ames.

It was pointed out that the applicant is requesting a \$42,295 Downtown Facade Grant for a new facade structure and other facade improvements expected to cost \$84,589. He is also requesting \$1,000 toward the architectural fees already incurred in developing the proposed design. Council Members Larson and Goodman both indicated that they felt the amount being requested was too high since the guideline set by the Council was \$15,000. Mr. Benson explained that although the typical maximum Downtown Facade Grant is \$15,000, the program guidelines allow City Council to approve more than that amount.

Scott Richardson stated that he has an Option to Buy the building at 101 Main Street. He said that he chose the design because 101 Main is the first building as you enter Main Street; and he wants it to have an impact. To have that impact, significant changes to the structure are needed.

Architect John Lott, 823 Douglas, Ames, said that they considered the guidelines carefully before coming up with the design. He said that Mr. Richardson wants his building to be noticed. Additional design costs will be incurred because the applicant wants the updates to the building to also be advantageous to the community. The color and type of material was chosen to remedy dust and dirt problems caused from the traffic from Duff and the Power Plant.

Moved by Goodman, seconded by Popken, to refer this issue back to staff to work with the applicant toward a facade design for 101 Main Street that better reflects and complements the historic downtown architecture with strong indication that the maximum funding allocation under the Facade Grant Program would be \$15,000.

Vote on Motion: 6-0. Motion declared carried unanimously.

MODIFICATION OF CONDITIONS FOR PRELIMINARY PLAT APPROVAL REGARDING THE STREETS OF NORTH GRAND:

Planner Seana Perkins reminded the Council that they had referred a request from Patrick T. Burk, representing property owners North Grand Mall Partners, LLC, and Grand Center Partners, LLC, for reconsideration of a stipulation placed on The Streets of North Grand Preliminary Plat. That stipulation was that, prior to Final Plat approval, the parking spaces on Lot 2 will be reconfigured to provide Code-required parking as indicated on the associated Adaptive Reuse/Major Site Development Plan. As proposed, Lot 2 yields approximately 80 regular spaces and 13 accessible spaces under the minimum requirements.

City staff met with Mr. Burk and via conference call with Dan Sullivan of GK Development on May 2 to further discuss this issue. Ms. Perkins told the Council of the applicant's concerns, as follows:

1. If the applicant were to reconfigure only Lot 2, they would then need to restage for the other site work for Lots 1 and 3 at a later date, which would require that the contractor work on-site twice. This would create a financial and efficiency burden.
2. The newly reconfigured parking area on Lot 2 could be damaged as construction occurs on the other two lots.
3. A transformer needs to be abandoned and a new transformer installed at a different location to reconfigure the parking on Lot 2. The applicant does not want to phase the electrical work to be done on-site due to efficiency and cost issues.

The developers have also alleged that to reconfigure the entire site parking lot at one time would create a parking lot that will be difficult to understand until the Lifestyle Center is constructed on Lot 1.

According to Ms. Perkins, the applicant has supplied staff with a copy of a recorded Grant of Easements with Covenants and Restrictions Affecting Land, which essentially allows all of the

properties (Lots 1, 2, and 3) to utilize parking on and access each other's lots. When platting occurs, there will be sufficient spaces to meet the total parking requirements on the site for all three lots combined.

Ms. Perkins stated that the City has processed only one other Adaptive Reuse application. This site is also fully developed, which creates a complexity not experienced with vacant sites. She also said that the Code does provide a certain level of flexibility.

Dan Sullivan, 303 East Main Street, Barrington, Illinois, representing GK Development, said that the developers are only requesting provisions of timing on the Final Plat. It is a matter of being able to develop everything at the same time; to piecemeal would create a financial burden. He said that, although they thought the restrictions placed on approval of the Preliminary Plat were excessive, they went along with some to keep the process moving. However, this one seemed unreasonable to them since the problem will be remedied when platting occurs.

Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 07-227 approving the amended stipulation for The Streets of North Grand Preliminary Plat as follows: Prior to Final Plat approval, the applicant shall:

1. Enter into an Improvement Agreement with the City promising to reconfigure the parking area on Lot 2 to comply with the minimum off-street parking standards in the Ames Municipal Code not later than one year from the recording date of the Final Plat. This Agreement shall be recorded against the property prior to Final Plat recordation.
2. Acknowledge in the Improvement Agreement that no occupancy permits shall be issued for any new construction on Lots 1 and 2, except for interior tenant space alterations and tenant changes that do not require increased parking under the provisions of the Ames Municipal Code, until the parking lots on Lots 1 and 2 are reconfigured, re-striped, and constructed in accordance with the Adaptive Reuse/Major Site Development Plan approved by the Ames City Council on March 27, 2007.
3. Provide a Temporary Access and Construction Easement to the City to complete and install all required parking lot, landscaping, and electrical improvements in accordance with the Adaptive Reuse/Major Site Development Plan approved by the Ames City Council on March 27, 2007, in the event that the applicant fails to perform as promised in Paragraph No. 1 above.
4. Provide a Letter of Credit in an amount satisfactory to the City based on a contractor's itemized costs, projected through July 2008, to reconfigure the parking area including, but not limited to, re-striping/repaving the parking stalls, removing and relocating medians/islands/parking aisles, and relocating electric transformers in accordance with the Adaptive Reuse/Major Site Development Plan approved by the Ames City Council on March 27, 2007. This will allow the City to complete the required improvements in the event the applicant fails to perform as promised in Paragraph No. 1 above.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

HEARING ON 2007/08 ANNUAL ACTION PLAN IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: Vanessa Baker-Latimer, Housing Coordinator, explained that the Consolidated Plan is the planning document for the Ames jurisdiction. It requires detailed background information on the community derived both from census data and other comprehensive studies performed by the community. Ms. Baker-Latimer described the program activities and budget details. She said that the public comment period ran from April 13 through April 27, 2007. Notice of same was published in the Ames Tribune. No comments were received.

Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 07-228 approving the 2007/08 Annual Action Plan.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

HEARING ON TEXT AMENDMENT TO ZONING ORDINANCE TO PERMIT BUILDING HEIGHT OF 45 FEET FOR BUILDINGS WITH SLOPED ROOFS AND MINIMUM ROOF PITCH OF 6/12 IN THE COMMUNITY COMMERCIAL/RESIDENTIAL NODE (CCR)

ZONE: Planner Ray Anderson explained that the developer for Hilton Garden Inn had submitted a Minor Site Development Plan for an undeveloped parcel of land in the existing CCR Zoning District, located at 4610 Mortensen Road. This would be the eighth building in this area; the other seven buildings have flat roofs. The proposed ordinance has been written in such a way as to allow buildings with flat roofs at a maximum height of 35 feet and buildings with sloped roofs at a maximum height of 45 feet.

The public hearing was opened by the Mayor.

Gary L. Reed, Civil Design Advantage, 5501 NW 112th Street, Suite G, Grimes, Iowa, representing Eller Developments, requested the City's approval of the proposed ordinance text amendment.

The Mayor closed the hearing after no one else came forward to speak.

Council Member Goodman asked why the height requirement was set at 35 feet and now staff is in favor of allowing sloped roofs up to 45 feet. Planner Anderson advised that allowing sloped roofs up to 45 feet in height would add some variety and architectural interest to the area. Mr. Goodman questioned whether the owners of the already constructed seven buildings, which were made to conform to the 35-foot standard flat roof, would be upset that the requirement is changing to accommodate a new property owner. Mr. Reed pointed out that the letter he submitted to the City did contain signatures from adjacent property owners indicating their support for this request.

Moved by Larson, seconded by Goodman, to pass on first reading an ordinance making a zoning text amendment to permit building height of 45 feet for buildings with sloped roofs and minimum roof pitch of 6/12 in the Community Commercial/Residential Node (CCR) Zone.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Larson, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Motion declared carried unanimously.

Moved by Mahayni, seconded by Larson, to pass on second and third readings and adopt ORDINANCE NO. 3913 permitting a building height of 45 feet for buildings with sloped roofs and minimum roof pitch of 6/12 in the Community Commercial/Residential Node (CCR) Zone.

Roll Call Vote: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

HEARING ON NUISANCE ASSESSMENTS: The Mayor opened the hearing. There was no one to speak, and the Mayor closed the public hearing.

Moved by Popken, seconded by Mahayni, to adopt RESOLUTION NO. 07-229 assessing costs of snow/ice removal and certifying assessments to Story County Treasurer.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these minutes.

ORDINANCE MAKING SCRIPT REVISIONS TO REQUIRE DRIVERS TO USE HEADLIGHTS AFTER DARK: Moved by Goodman, seconded by Doll, to pass on first reading an ordinance making script revisions to require drivers to use headlights after dark.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved Goodman, seconded by Larson, to suspend the rules necessary for the adoption of an ordinance.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by, Doll, to pass on second and third and adopt ORDINANCE NO. 3914 making script revisions to require drivers to use headlights after dark.
Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE INCREASING STORM SEWER UTILITY FEE WITH AN EFFECTIVE DATE OF JULY 1, 2007: Moved by Mahayni, seconded by Rice, to pass on first reading an ordinance increasing storm sewer utility fee with an effective date of July 1, 2007.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE ESTABLISHING 3:00 TO 6:00 AM PARKING REGULATION FOR METERED STALLS IN DOWNTOWN BUSINESS DISTRICT: Moved by Rice, seconded by Mahayni, to pass on first reading an ordinance establishing 3:00 to 6:00 a.m. parking regulation for metered stalls in Downtown Business District.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE MAKING REVISIONS TO HIGH-STRENGTH SURCHARGE PROGRAM: Moved by Goodman, seconded by Doll, to pass on first reading an ordinance making revisions to High-Strength Surcharge Program.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 799 SOUTH BELL AVENUE: Moved by Mahayni, seconded by Goodman, to pass on second reading an ordinance rezoning property at 799 South Bell Avenue from Residential Low Density Park (RLP) to General Industrial (GI).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE AMENDING INSURANCE REQUIREMENTS AND CITY MANAGER'S DISCRETIONARY POWERS WITH RESPECT TO TEMPORARY OBSTRUCTION PERMITS: Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance amending insurance requirements and City Manager's discretionary powers with respect to Temporary Obstruction permits.
Roll Call Vote: 6-0. Motion declared carried unanimously.

COMMENTS: Moved by Rice, seconded by Goodman, to refer to staff the letter from Kay Johnson pertaining to regulation of Pit Bulls.
Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Rice. Voting nay: Popken.
Motion declared carried.

Moved by Rice, seconded by Popken, to refer to staff the request from the Main Street Cultural District proposing that the City issue busker's permits.
Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Rice explained, regarding the Planning & Zoning Commission appointment, that he received his Council material on Friday night and did not get an opportunity to review it until Sunday. He again stated that his reasoning for not endorsing the Mayor's recommended

appointee was not political.

Moved by Popken, seconded by Goodman, to refer to staff the letter from Hunziker & Associates requesting a time extension for Final Plat approval for Dayton Park, 5th Addition.
Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Larson requested an update on the multi-use path between Murray and 20th. He recalled that the City had assured Roger Berger that it would be completed this summer. Public Works Director John Joiner stated that he had personally called Mr. Berger and given him an update. He said that the City has received FHWA authorization through the DOT, easements have been obtained, plans and specifications are finished, the project will be let in August, and the project will be completed by Fall 2007.

Ex officio Member Luttrell asked for speed enforcement at the South Dakota Exit off of Highway 30 onto Mortensen Road. City Manager Schainker advised that he will pass on that request to the Police Department.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 10:00 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor