

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

**AMES, IOWA**

**JULY 24, 2007**

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on July 24, 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.

**VETERANS MEMORIAL COMMITTEE FINAL REPORT AND PRESENTATION:** Brian Anderson, co-chair of the Veterans Memorial Committee, 57000 245<sup>th</sup> Street, Ames, introduced committee members Bill LaGrange, Carole Horowitz, Norm Rudi, Arlin Branhagen, Jack Cook, and Harriet Sheldahl. Mr. Anderson recapped the work that has transpired over the last 5-½ years. He feels that the outcome of this project has met all original expectations, and it is now a focal point for City Hall and Downtown Ames. Mr. Anderson thanked everyone involved in helping the Memorial come to fruition.

Committee members presented Mayor Campbell with an original painting of the Memorial by local artist Bill Lee, a P.O.W./Missing in Action flag, and a check in the amount of \$5,400.

**CONSENT AGENDA:** Council Member Rice asked that Item No.15, the policy regarding reimbursement of architects' fees for Downtown Facade Grant program, be pulled from the Consent Agenda for separate discussion. Council Member Larson requested that Item No. 8, the Downtown Facade Grant for 311 Main Street, also be pulled to discuss separately.

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

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of July 10, 2007, and special meeting of July 17, 2007
3. Motion approving renewal of the following liquor licenses/beer permits:
  - a. Class C Liquor – Sportsman's Bar, 123 Main Street
  - b. Class C Liquor – Welch Ave Station, 207 Welch Avenue
4. Motion approving applications for Class C Liquor License for Spiritz Pub, 2518 Lincoln Way
5. Motion approving transfer of Class C Liquor License for Okoboji Grill of Ames from 2719 North Grand Avenue to 114 South Duff Avenue, effective August 5, 2007
6. Motion approving encroachment permit for gate doors that swing over City-owned property at 2401 Chamberlain Street
7. RESOLUTION NO. 07-344 approving appointment of Andrew Dibble to Student Affairs Commission
8. RESOLUTION NO. 07-345 approving Investment Report for fiscal year ending June 30, 2007
9. RESOLUTION NO. 07-346 approving amendments to City of Ames Investment Policy incorporating law changes
10. RESOLUTION NO. 07-347 approving request for reimbursement of marketing expenditures for Ames Economic Development Commission from July 1, 2006, through June 30, 2007
11. RESOLUTION NO. 07-348 approving Agreement with William C. Page for preparation of Comprehensive Historic Preservation Plan
12. RESOLUTION NO. 07-349 approving contract with Department of Inspections and Appeals for expansion of food inspection program to include food establishments, home food, and food processing (warehouse) inspections
13. RESOLUTION NO. 07-350 approving policy regarding reimbursement of architects' fees for Downtown Facade Grant Program
14. Requests from Main Street Cultural District for "Tune In To Main Street" activities on August 9, 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 License for entire CBD
  - c. RESOLUTION NO. 07-351 approving waiver of parking meter fees and enforcement in CBD from 3:00 p.m. to 6:00 p.m.

- d. RESOLUTION NO. 07-352 approving waiver of fee for Blanket Vending License
- e. RESOLUTION NO. 07-353 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
- f. RESOLUTION NO. 07-354 approving closure of 24 parking spaces in CBD Lot
- 15. RESOLUTION NO. 07-355 approving preliminary plans and specifications for Grand Avenue Extension (Squaw Creek Drive to Lincoln Way); setting August 21, 2007, as bid due date and August 28, 2007, as date of public hearing
- 16. RESOLUTION NO. 07-356 approving a contract for the 2007/08 Rock Salt requirements to Central Salt, LLC, Elgin, IL, in the amount of \$47.56/ton, to be delivered as requested throughout the winter season
- 17. RESOLUTION NO. 07-357 approving Change Order to the Engineering Services Agreement for the 13<sup>th</sup> & Grand (U.S. 69) Intersection Improvements Project
- 18. RESOLUTION NO. 07-358 approving change order with Plibrico Sales and Services of Omaha, Nebraska, for Power Plant Boiler Repair and Maintenance Services in the amount of \$354,690.99
- 19. RESOLUTION NO. 07-359 approving change order with Hydro-Klean, Inc., of Des Moines, Iowa, for Specialized Wet Dry Vacuum, Hydro Blast, and Related Services for Power Plant in the amount of \$19,817.09

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

**311 MAIN STREET ENCROACHMENT PERMIT AND DOWNTOWN FACADE GRANT:**

Council Member Larson stated that this sounded like a great project and reasonably priced for facade improvements to the building. He questioned how the 50/50 sharing of costs is determined. An estimate of costs between \$7,500 and \$8,815 was presented with a request for \$4,408.

City Manager Steve Schainker reported that until the actual receipts are received, the applicant will not be reimbursed. Some of the costs for these types of facade improvements actually come in less, and the City only reimburses 50% of the lesser number. As will be the case in this instance, the applicant will be reimbursed 50% based on documented proof of the money spent.

Moved by Larson, seconded by Goodman, approving an encroachment permit for an awning and blade sign at 311 Main Street.

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

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 07-343 approving the Downtown Facade Grant for 311 Main Street.

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

**POLICY REGARDING REIMBURSEMENT OF ARCHITECTS' FEES FOR DOWNTOWN FACADE GRANT PROGRAM:**

Council Member Rice said he was concerned about the reimbursement of architects' fees regardless of whether or not the grant was approved by Council. He felt that this is not the intent of the grant.

Moved by Rice, seconded by Larson, to refer this issue back to staff for additional information on how to make it more equitable in terms of reimbursement for projects regardless of the approval or disapproval of the grant.

Discussion ensued regarding the current policy to reimburse the architectural fee (up to \$1,000) only if the Council approves the grant. Council Member Rice stated that he agrees with the policy as it now stands. City Manager Schainker explained that some people may need the incentive to explore the possibility of participating in the Facade Program, and if the City is able to give them seed money, those parties may be willing to take the next step.

Council Member Goodman stated that he was not in support of adding more incentives. He feels that \$50,000 of free money with a 50% grant is a nice incentive to encourage facade renovations

in the Downtown area. He further indicated that the City is seeing more interest since it has moved from a loan program to a grant program.

Council Member Rice withdrew his motion.

Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 07-350 clarifying the Downtown Facade Grant policy that the payment of up to \$1,000 to reimburse fees for professional design services is only authorized when the City Council approves a grant for improvements.

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

**PUBLIC FORUM:** No one spoke during this time.

**13<sup>TH</sup> AND GRAND (U.S. 69) INTERSECTION IMPROVEMENT PROJECT:** Mayor Campbell stated that this issue is one of those in which decisions are difficult, especially when people's homes are at stake. The question has been raised about how and why this issue was brought about. She reported that it was the Council's long-standing policy to bring our transportation network to a level of service that promotes smooth traffic flow, conservation of energy, and safety for automobiles and pedestrians. Under Council direction, City staff has been working on the application of that service. She pointed out that with this directive, staff would have been remiss if they had ignored the 13<sup>th</sup> and Grand intersection. While she did not know what the outcome of this vote would be, Mayor Campbell reiterated that this has been a difficult and thoughtful task.

Municipal Engineer Tracy Warner reported that the U.S. 69 Intersection Improvement Project first appeared in the Capital Improvement Plan (CIP) in 1992. Once Ames gained its status as a Metropolitan Planning Organization in 2000, it was a requirement that the City have a Long-Range Transportation Plan (LRTP). In 2005, this project was listed as having the addition of turn lanes on all four approaches. The LRTP uses the Land Use Policy Plan (LUPP) to anticipate growth throughout the community, and through accommodating that growth, the transportation network is studied. In the 2007 CIP, planning funds were identified for the U.S. 69 Intersection Improvement Project, and WHKS & Company was contracted to prepare three concepts for improvements to the intersection. Ms. Warner explained that the consultants will be reviewing an altered plan as it relates to Concept #1 (signalized alternative with equal widening on Grand Avenue), as well as other possible alternatives for dealing with the intersection as suggested by community members. WHKS will show the evolution that has occurred from conceptual plans and what the preliminary plans would entail.

Fouad Daoud, WHKS & Company, said that under the Council's direction on June 12, they were to provide more accurate data on Concept #1, which was for the equal widening of Grand Avenue. As indicated, this project has been identified in the Long-Range Transportation Plan as well as the CIP. The three concepts previously presented were based on aerial topography. After more direction, WHKS surveyed the project corridor and performed some preliminary design in order to determine the actual impact of the concepts.

Scott Sweet, Project Manager at WHKS, gave a Power Point presentation which showed the impacts of Concept #1. He stated that a three-dimensional model would also be presented to indicate how the project would actually look. He reviewed the design process and the field work that has been done. Design criteria has been identified, which indicates sidewalk locations and grass parking widths. Plans for right-of-way impacts and tree and shrubbery removals have also been identified.

Mr. Sweet displayed maps of each leg of the intersection. He explained the detailed features of the maps showing individual properties and how the project would impact each of those properties. Mr. Sweet gave an overview of identified property "takings." Existing and proposed offsets and special features were shown on the maps, and he reviewed the right-of-way impacts. He reported that with the initial concept of equal widening, eight properties were to be acquired.

After obtaining new data, WHKS has been able to reduce the number of acquired properties to one, with one other property being identified as being non-conforming. Another property will be non-conforming after partial land acquisition. In total, 30 properties would be involved with partial acquisitions. Mr. Sweet said that 33 trees, 29 shrubs, and 70 feet of hedges have been tabulated for removal.

Mr. Sweet presented the three-dimensional computer animation which approached and traveled through the 13<sup>th</sup> Street and Grand Avenue intersection in each direction. Questions ensued regarding the requirement of raised medians versus painted medians on Grand Avenue. Mr. Sweet indicated that the raised medians are required by the Iowa Department of Transportation (IDOT). WHKS would pursue this matter with the Department, but median construction is most likely determined by traffic volumes and safety issues.

Damian Pregitzer, City Traffic Engineer, reported that through the concept design process, many alternatives have been proposed. At this time, Mr. Pregitzer distributed a Summary of Intersection Performance Table, which indicates Levels of Service (LOS) for 2006 and the year 2030, Volume/Capacity (V/C) Ratio, and average delay in seconds. He explained the table as it relates to the LOS, V/C Ratio, and average delay for the existing Base Conditions, New Equipment only, and each of the alternatives. It was noted that New Equipment correlates to Alternative "H" in the staff report that was distributed to Council.

The following alternatives were defined: Alternative "A" - Signalized with equal widening; Alternative "B" - Widening of 13<sup>th</sup> Street only; Alternative "C" - Split phasing for all intersection approaches; Alternative "D" - Add east-west left turn phasing; Alternative "E" - Three-lane approaches for 13<sup>th</sup> Street and Grand Avenue; Alternative "F" - Creation of one-way pairs with Grand Avenue and Duff Avenue; Alternative "G" - Abutting property owners' preferred approach; and, Alternative "H" - Do not pursue any physical alterations to the intersection or changes to the signal phasing.

Mr. Pregitzer pointed out that each of these alternatives, at a minimum, would require the replacement of the current traffic signal equipment, because the existing equipment is worn out. He indicated that the cost element for replacing this equipment would run between \$150,000 - \$175,000.

Kim Burnett, 703 12<sup>th</sup> Street, said that she represented residents who live in the 13<sup>th</sup> and Grand neighborhood. At the Council meeting on July 10, her neighborhood group presented a petition containing 1,168 signatures opposing the City's \$2.3 million plan to widen and reconfigure the 13<sup>th</sup> and Grand intersection. At this time, she presented an additional 764 signatures for a total of 1,932 petitioners. This supports Alternative "G", which includes the following elements: use of alternating lights with left turn arrows at 13<sup>th</sup> Street; installation of traffic lights at the 16<sup>th</sup> and Grand intersection; and, synchronization of traffic lights on Grand Avenue.

Brian VandeWater, 1217 Grand Avenue, stated that after attending the July 19 public meeting, he found out that the alternative presented would spare his home, but it would still mean losing about 10 feet off the front of his yard. This would also take one of two much needed parking spaces. He presented a letter to the Council and read it into the record. He also supports Alternative "G".

Council Member Goodman asked that he be allowed to give his comments at this time. He stated that when issues affect people's lives, it makes decisions very hard. The City Council doesn't like taking people's properties or putting them in harm's way. Difficult decisions mean that not everyone will like them, but they are doing what they feel is the best decision for the entire community. Council Member Goodman said that he tries to think progressively and be environmentally responsible. He views this decision with the idea that a more efficient transportation system will be created, i.e., the amount of time spent by cars on the road should decrease. He is trying to balance those philosophies with personal rights. Council Member Goodman explained that he has been thinking of a transportation plan that is efficient—meaning conserving energy and time. He believes that the net effect will be a decrease in carbon dioxide

and gas. He further believes that this is one thing he can do to make this transportation system more efficient in mitigating the effects. Council Member Goodman feels that the new alternative presented tonight is much better.

Nathan Saetveit, 1112 Grand Avenue, presented a letter for the record. He feels that the facts speak for themselves, and he wants to voice his support for the intersection improvements.

Rodney Hibbs of *That's Entertainment* located at 129 Lincoln Way, said that families will be losing their homes and a lot more properties will be made unsafe. Many will not be able to relocate in Ames due to the high cost of housing. He stated that the 13<sup>th</sup> and Grand intersection is much easier to get through than Duff and Lincoln Way. Mr. Hibbs commented that there are so many other ways to get to west Ames. He felt that the consultants on this project have been very biased.

Erv Klaas, 1405 Grand Avenue, indicated that he lives north of the intersection. During the course of collecting signatures for the petition, over one-half of those he visited with brought up the Duff Avenue and Lincoln Way intersection. They feel that intersection is the most important one in Ames, in terms of traffic efficiency issues, and that is where the wait time is significant most all day long. He objects to the process that was followed in notifying the public of this important matter. He did not know of any property taking until May 29. Mr. Klaas stated that a person can find it in the 2005 CIP, if you look hard enough. Citizens should have had a lot longer time period to consider this.

Mr. Klaas referenced the staff report received by the Council and pointed out that on the list of homeowners, Mary Young was listed. She moved to Story City a year ago. He further indicated that a young couple had just recently moved to Grand Avenue, and they were not told about this proposed intersection improvement. Mr. Klaas questioned whether everyone in the neighborhood has actually been contacted.

Erica Fuchs, 4014 Marigold Drive, agrees that reducing car and fuel usage is important, but she also feels that people's homes are important, too. She supports Alternative "G".

Piper Wall, 912 Clark Avenue, stated that the City has been working hard towards a difficult decision. She said that new signalization equipment is impressive, but apparently the City hasn't received many complaints about what now exists. In reference to safety issues, she indicated that what she is hearing most about is improvements for vehicle safety—not for pedestrians or bicyclists crossing at the intersection. Ms. Wall asked that consideration be given to all users, not just vehicles.

Heather VandeWater, 808 Narland Drive, said it is important to look at the environment issues. She indicated that the back-up of traffic is for such a small portion of the day, possibly an hour each in the morning and evening. Ms. VandeWater stated that the intersection widening would impact so many homes. She feels that traffic moves along quickly enough.

Ursula Vongodony, 1530 Roosevelt Avenue, said that she has lived there for over 30 years, and she feels very much for the people affected by the proposed change. She questioned the sudden interest in the intersection improvements and wondered if it has something to do with the future shopping center on East 13<sup>th</sup> Street and the aquatic center. Ms. Vongodony also spoke to the urgency of an overpass at Duff Avenue and Lincoln Way, and she feels that a second overpass in Ames is necessary.

Municipal Engineer Tracy Warner indicated that property owners' names are acquired by the City through the Geographic Information System (GIS) and land records with Story County. Once the County updates information in its system, the City's records are then updated. Ms. Warner said that any time a land transfer is made, it does take some time to get updated information. The City did send out notices for this project to the property owners as well as the current residents in trying to accommodate the rental facilities that are known to exist in the neighborhood.

In response to the question of whether the intersection improvements are being motivated by the aquatic center or the new mall, Mr. Pregitzer stated that the Long-Range Transportation Plan is reflective of the LUPP and when this process takes place, it shows all growth in outlying areas of Ames. All growth—commercial, industrial, and residential—is taken into account.

Council Member Mahayni said that decisions, such as this, do not come any harder. He further said that it is frustrating to listen to all of the public testimony against the intersection improvements, because he can put himself in their shoes. However, ultimately he thinks in terms of what is in the best collective interest of the community. Council Member Mahayni indicated that he voted against the Duff Avenue railroad overpass, and he has regretted his decision ever since. This project reminds him of the overpass project. He explained that Level of Service “C” was adopted by the Council because it reflects energy conservation. The price of gas will continue to rise, and when a car idles, it is still consuming gas. Dr. Mahayni said the fact remains that there is a consensus that something needs to be done, even at minimum. This issue will be coming up again, and he questioned how much more it will cost the citizens then.

Moved by Mahayni, seconded by Doll, to approve Alternative “A” which directs staff to submit applications for outside funding, continue working with the property owners regarding land acquisitions, and accomplish the design plans.

Council Member Rice voiced his disagreement with this alternative. While the City Council and citizens came up with the LOS “C” standard for our roadways 10 to 15 years ago, he was not sure that the public and the Council understood what that meant. He said that a huge amount of money would be spent to improve this intersection when only 5-10% of time, during peak hours of day, would be spent waiting at the traffic light. He would not support going forward with this project. Mr. Rice stated that if the City went with just new equipment, the cost would be \$150,000-\$175,000 right now. If people’s modes of travel, such as more foot traffic and bicycles or new types of vehicles, changes half of what is predicted, it would more than mitigate 95% of the time spent at the intersection.

Council Member Popken, in addressing energy efficiency, stated that we are like people from large cities in the sense that we still use more gas because we have increased the number of miles driven. If we have more, larger roads, more trips will be taken; therefore, he does not see this as being efficient. Mr. Popken said that he supports Alternative “H” in that delay times will decrease, and for \$150,000, it seems reasonable to pursue this option. He further said that the City’s policies need to be modified to be more flexible. Costs and benefits need to be addressed. He indicated his frustration because there is no Level of Service for pedestrians and bicyclists. He will not support this motion.

Council Member Doll stated that if Level of Service was the only problem existing for the proposed intersection improvements, this discussion would have been over an hour ago. However, it is also about people’s homes. He feels that, as a Council, they would be ignoring their duty to the collective interest of the community by changing the LOS policy solely for this intersection. Mr. Doll said if the Level of Service is changed at this intersection, the Council would be focusing on a short-term solution instead of the long-term. All of the alternatives fail in addressing the solution, except for Alternative “A”. He said that it is irrelevant to focus on 5-10% of peak time at that intersection, but instead look at the total number of cars passing through it over an entire 24-hour period. Mr. Doll further addressed the safety issues for pedestrians, illegal driving practices, as well as increased traffic being pushed more and more onto nearby residential streets. He stated that to delay this project will only draw it out.

Council Member Larson said that a lot of thought has gone into this matter, and he is torn between the “greater good of the community” and the popular view of those coming before the Council and those he has heard from. He has not heard from any one group coming out in favor of Alternative “A”, therefore, he could not vote to spend \$2.3 million. Mr. Larson would favor doing nothing at this point for more study. He reported that it would be nice to drop the delay time from 207 seconds to 41 seconds for a mere \$150,000-\$175,000. He would not support the motion.

*Ex officio* Maggie Luttrell said that being a history major, she is aware of the 1970s oil shortage and other issues directly and indirectly related to the City. She studies the past to try to predict the future, and it is her personal belief that due to the cost, it would be ridiculous to support Alternative “A”; by 2030, she said it would be time to upgrade the system again. Ms. Luttrell stated that there will be other methods of transportation in the future, and this would not be good for Ames right now.

Roll Call Vote: 3-3. Voting aye: Doll, Goodman, Mahayni. Voting nay: Larson, Popken, Rice. Resolution failed.

Moved by Popken, seconded by Rice, to approve Alternative “H” which is to discontinue pursuit of any alteration of the physical layout or the signal phasing as it currently exists, and to come back with a recommendation that the CIP be revised to reflect replacement of this signalization equipment in the near future.

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

At this time, Mayor Campbell announced 18 out of 21 precincts reporting with 77% voting in favor of the aquatic center and 23% voting no.

The meeting recessed at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

**REPORT ON REQUEST FOR PIT BULL REGULATION:** Chief of Police Chuck Cychosz introduced Lorna Lavender, Animal Control Supervisor. Chief Cychosz reviewed a request received from Kay Johnson to develop breed-specific regulations to better protect the community from Pit Bulls. The concern was timely in that the Animal Control staff was seeing a change in their workload as it relates to these animals. He further reviewed the incident that Ms. Johnson referred to regarding the death of a Yorkshire Terrier and the attack and injury to a Poodle mix.

Chief Cychosz stated that the Animal Shelter is seeing more strays of this kind coming in in greater numbers than previous records show. Since December 2006, 16 dogs have come into the shelter that fit within the Pit Bull or “Bully Breed” classification, and most of these animals are not reclaimed by their owners. Since these dogs have an unknown history, they are not adoptable and are destroyed. Chief Cychosz reported that Pit Bull types are also touted as wonderful family pets by their advocates, and it appears that these types of dogs are increasingly popular in Ames. Staff has identified eight reported attacks on dogs by “Bully Breeds” over the past 10 years, and the City has seen a spike in this activity this spring. Many of the attacks are unprovoked and not easily foreseen.

Chief Cychosz reported that our current ordinance was revisited along with how other cities are responding to these challenges. Four options were laid out for the Council’s review as follows:

Option 1: Utilize the current municipal ordinance on dangerous domestic animals (behavior-based in that it classifies dangerous domestics using injury or potential to injure as criteria).

Option 2: Enhance the current municipal ordinance on dangerous domestic animals (allowing classification of an animal as a dangerous domestic based on a verified report of unprovoked aggressive behavior directed at a person or domestic animal). Any person keeping a dangerous domestic could be required to show proof of liability insurance in addition to meeting current requirements for registration and confinement. This option could also be enhanced by adding an appeal process to it.

Option 3: Restrictions for Bully Breeds (insurance, sterilization, fences, muzzles, higher fines for violations, breed-specific registration, signage, etc.).

Option 4: Ban Bully Breeds (with grandfathering in of currently owned animals with restrictions).

Chief Cychosz stated that from an animal-control perspective, staff feels that the current ordinance should be enhanced (with Option 2) with the presented recommendations.

At this time, Mayor Campbell reported that the final vote was in for the aquatic center special election. There were a total of 7,248 voters—of those 76.43% voted yes and 23.57% voted no.

Discussion was held regarding these various options and responsible domestic animal ownership. Council Member Goodman asked if there was a way to enforce Option 2 without it becoming a neighbor disagreement. He is concerned that the personalities of humans might affect the advocacy with which a situation might evolve. Animal Control Supervisor Lorna Lavender stated that this is the current situation and has been for a number of years. She explained that complaints are called in on a daily basis, and investigation of incidents, eye witness accounts, and veterinary testimony all come into play. Ms. Lavender stated that this could be built into an appeal process, which is a recommendation in Option 2.

Aggressive dog behavior occurring on personal property was also discussed. Ms. Lavender indicated that Animal Control has never registered an animal as being dangerous under the terms of exhibiting forceful behavior on its owner's property. They currently receive a number of these types of calls from passers-by, and they do investigate situations of boundary issues.

City Manager Steve Schainker stated that staff's recommendation classifies these animals based upon a verified report of unprovoked aggressive behavior. It is Council's decision whether or not the ordinance will be defined more specifically to include this type of behavior on a person's personal property. Ms. Lavender said that she can not think of one time where this has occurred on a person's own property. Most usually, the animal is running loose, there is an actual attack, etc.; these are the types of things happening when an animal is registered as a dangerous domestic.

At this time, the term "aggressive" was discussed. According to Assistant City Attorney Judy Parks, there is no specific definition in our current ordinance. However, if the Council wants to make it specific, that can be included in the City's own Municipal Code definition.

Council Member Goodman said "on property" aggression should not apply, as animals are trained to defend their homes. He also feels that aggression needs to encompass the idea of a high potential for harm.

Ms. Lavender indicated that right now, the City's determination of dangerous is .... "any animal which has inflicted serious injury on a person without provocation; any animal which has, at the animal's own initiative, killed a domestic animal; any animal owned or harbored, primarily or in part, for the purpose of animal fighting; any animal which by breeding, training, disposition, or behavior, may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals." She explained that when registration is required, the aggressive act has always included serious bites or maiming of people.

Joan Doran, 828 Murray Drive, stated her credentials concerning her knowledge of dog breeds and their behaviors. She currently owns two Toy Poodles, two Pugs, a Pomeranian, an American Pit Bull Terrier, plus two cats, and they all get along well. Ms. Doran said that her pets are her family, and she does everything she can to take care of them. There are people on both sides of this issue who love animals, and they all want safe communities. However, she urged the Council not to ban or target specific breeds known as "Bully Breeds." Ms. Doran indicated that "breedism" to her is likened to racism. She asked that everyone educate themselves and learn as much about animal behavior as possible. She further asked that people "judge the deed, not the breed."

Erin Magnani, 1313 Clark Avenue, said that she has a lot of experience with dogs and gave her background. She currently owns an American Stafford Terrier as well as a Doberman. Despite her Terrier's breed and background of being abused, her dog is a great representation of canines. Her dogs have been attacked numerous times by other dogs of other breeds, and she asked that



the Council not put restrictions on the Pit Bull breed. Ms. Magnani stated that other dog breeds pose problems as well. She said that bad dogs are not born; they are made by their owners. She, too, urged people to educate themselves about dog behavior and to promote responsible pet ownership. She asked that the Council support Option 2.

Kay Johnson, 703 Grand Avenue, Apt. 3, stated that she made the initial request for banning of Pit Bulls from Ames. She said that expanding this dangerous animal act will not prevent anything from happening. She feels that part of the problem is the dog owner, and that some owners do not know what they are getting into. Pit Bulls need a higher standard of care and should be owned by those who know how to handle them. Ms. Johnson again asked that the Council enact some specific breed laws; she was not asking for a specific ban. She reported that people and other animals need to be protected from these types of dogs.

Piper Wall, 912 Clark Avenue, stated that she is a veterinarian and a member of the Cyclone Kennel Club. She is a dog owner and feels that staff is going the right direction with its recommendation in not banning breed-specific dogs. Ms. Wall said that pet owners should be held financially responsible for animals attacking others.

Brenda Bell, 3703 Dawes Drive, stated her background regarding her knowledge of and experience with dogs. She currently owns two dogs. Ms. Bell stated that her definition of breed-specific legislation would be canine racism. Biting dogs are caused by irresponsible owners. Breed bans do not work, because they penalize the responsible owners. Those who are not responsible owners ignore ordinances anyway. She further stated that more dog bites are caused by Labrador Retrievers, because they are the most popular breed. Ms. Bell said that she supports Option 2 as written, but if additional requirements are imposed that deal with impoundment, an appeal process, etc., she would want to review them before she could endorse that option.

Scott Zarecor, 820 Wilson Avenue, reported that he currently owns a 12-year old Pitt Bull. He said that it appears the recommendation is not for any breed-specific dog, but based more on aggressive or belligerent behavior. He hopes that when the Council votes on this ordinance, it will be clarified. Mr. Zarecor stated that when it does come time to enforce the enhanced ordinance, he further hopes that Husky or Retriever attacks will be treated the same as "Bully Breeds."

Phil Propes, 1008 Burnett Avenue, stated that he does support vicious dog legislation, however, not for specific breeds. He wants to see enhancements made to the current ordinance (Option 2) that allow for appeals, for being on private property, and for natural dog behaviors.

Rodney Hibbs, 3708 Jewell Drive, stated that it was his two dogs that were attacked by the Pit Bull. Not only were they attacked this time but, in all, three times. During the last attack, his Yorkie was killed. He thinks that if the attacking dog had been of another breed, he could have saved his dogs. Mr. Hibbs indicated that these dogs need to be registered, and insurance needs to be required. He feels that there would not be as many Pit Bulls in Ames if insurance was required, because many people can not afford it.

Ashley Ward, 1523 Meadowlane Avenue, said that she has lived and worked with many different dog breeds throughout her life. She has been bitten by five dogs, but never by a Pit Bull. Ms. Ward stated that she supports Option 2, and that it is not the dog breed, but the owners. People need to know and understand the breeds and what each is capable of doing.

Moved by Popken, seconded by Doll, to approve Option 2, enhancing the current municipal ordinance on dangerous domestic animals by specifically allowing classification of an animal as a dangerous domestic based on a verified report of unprovoked aggressive behavior directed at a person or a domestic animal; any person keeping a dangerous domestic could be required to show proof of liability insurance in addition to meeting current requirements for registration and confinement.

Discussion ensued regarding registration of dogs and its effectiveness in other communities. Ms. Lavender stated that it does tighten enforcement power, and licensing/registration is most effective where there is a full-time licensing officer. With regard to identification tags, Ms. Lavender further stated that they are not frequently seen on animals that come into the Shelter.

Council Member Goodman indicated that he wants to see an appeal process added and that there should be some sort of an exception allowed for “on personal property incidents.” He further wanted the term “aggressive” to involve some sort of description relative to “causing harm.”

Further discussion was held regarding aggressive dog behavior and a dog’s protective tendencies. Ms. Lavender pointed out that Animal Control staff looks at injury by a dog being much different than a dog showing aggression. Verification and/or evaluation of investigations was also discussed.

Council Member Rice stated that the City Attorney’s Office, Animal Control, and the Police Department staff can take the Council’s discussion and bring it into a workable ordinance.

Council Member Rice called the question.

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

**URBAN DEER TASK FORCE ANNUAL REPORT AND RECOMMENDATIONS:** Chief Chuck Cychosz summarized the annual report as presented. He said that the Urban Deer Task Force has worked hard over the past year to find compromise regarding concerns over the growing deer population.

Mr. Cychosz reviewed the following 10 recommendations arrived at by the Task Force:

1. Maintain a target of limiting deer populations within defined areas in the City of Ames below 30 deer per square mile.
2. Provide public education regarding deer, their habitats, impact on natural habitats, deterrents, plantings, motor vehicle safety, and deer hot spots.
3. Recommend the installation of temporary, seasonal deer warning signs (post October through December) in areas of heavy deer street crossings. Ideally, such warning signs would be equipped with reflective flags and solar-powered flashing amber lights, on a light-sensitive switch, to warn motorists. Possible new locations for temporary deer warning signs include Grand Avenue (Highway 69) in north Ames before it exits the city limits, and 13<sup>th</sup> Street between Ridgewood and Hyland Avenues.
4. Recommend to the Ames City Council the adoption of an ordinance restricting the feeding of deer.
5. Continue allowing qualified hunters to bow hunt within the City.
  - a. Allow bow hunting during the entire bow season (September - January)
  - b. Decrease the minimum distance between stands and any maintained roads, recreation trails or organized activity site from 85 feet to 75 feet. Continue to require that they be at least 200 feet from any residence or building.
6. Continue annual aerial surveys to determine the effectiveness of the management program.
7. Continue to monitor vehicle-deer accidents reported to the Ames Police Department on an annual basis.
8. Consider an incentive program to increase the number of deer harvested in the City. The incentive is typically eligibility for an antlered deer tag after a specified number of antlerless tags have been filled by an individual hunter.
9. Cooperate with the Department of Natural Resources to promote perimeter zone hunting outside the City limits.
10. Consider closing a specific city park, after adequate warning signage has been installed by Ames Parks and Recreation, for a short period of time (up to seven days) to allow only hunters in the park.

A staff review of Recommendation #10 led to an additional alternative. This option would offer hunting in a reduced set of locations that include both park and non-park City property.

At this time, Chief Cychosz presented an overhead map of these areas. The reduced areas have been identified by staff as desirable hunting locations while also having limited utilization by other park users. Not all of these locations may ultimately be acceptable, but there may be some possibility of reducing conflict with other park users while still involving bowhunters in controlling the deer density.

It was reported that an Open House for the public will be hosted by the Urban Deer Task Force and City staff from the Police, Public Works, and Parks and Recreation Departments. This will assist with the expansion of citizen input on the range of options. The Open House will be held at the Public Library Auditorium on August 1, 2007, from 6:30 to 8:30 p.m.

Moved by Goodman, seconded by Mahayni, to accept the Urban Deer Task Force Annual Report.

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

**RESCISSION OF STREET CLOSURES AND OTHER REQUESTS IN CONNECTION WITH THE *POWER OF THE PEOPLE* RALLY:** Moved by Doll, seconded by Larson, to adopt RESOLUTION NO. 07-360 rescinding Resolution No. 07-338 which approved street closures (Main Street, from Clark Avenue to Duff Avenue, and Burnett Avenue, from Main Street to Fifth Street), a Blanket Vending License, and a Blanket Temporary Obstruction Permit in connection with the *Power of the People* Rally in the Central Business District on August 10, 2007.

Council Member Doll said there was much confusion throughout different circles regarding this event, and he stated for the record that it had been canceled by the *Power of the People* Rally organizers.

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

**REQUESTS FROM MAIN STREET CULTURAL DISTRICT FOR BUSINESS PROMOTION:** Moved by Mahayni, seconded by Doll, to approve a Blanket Temporary Obstruction Permit for sidewalks in the Central Business District from 9:00 a.m. until 10:00 p.m. for promotional business activities in the Main Street Cultural District on August 10, 2007.

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

Moved by Mahayni, seconded by Doll, to approve a Blanket Vending License for the Central Business District from 9:00 a.m. until 10:00 p.m. on August 10, 2007, for promotional business activities in the Main Street Cultural District.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 07-361 approving the waiver of the Vending License fee on August 10, 2007, for promotional business activities in the Main Street Cultural District.

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

**FIVE-DAY CLASS B BEER LICENSE/OUTDOOR SERVICE PRIVILEGE FOR OLDE MAIN BREWING COMPANY:** Jamie Courtney, 1334 California Avenue, stated that Olde Main Brewing Company asks that Council approve its requests, but waive the costs associated with paying for additional police security. It is their belief that a large number of people will be in Ames for the Straw Poll, however, certain activities in the Downtown area had been canceled. Therefore, Mr. Courtney contended that the additional police staffing was not justified.

City Manager Steve Schainker reported that five officers would be in place for the Downtown event. The City is to pay for two police officers and is asking for Olde Main to reimburse the City

for the other two police officers and one command officer. The overtime rate for each police officer is established at \$38/hour. Discussion took place regarding past events and how security control was handled.

Assistant City Manager Sheila Lundt explained that due to the Straw Poll being held in Ames that weekend and anticipated large numbers of people in the Downtown area, it is recommended that additional security be in place based on the number present at this event. This is based on the size of the event and the number of people attending as well as the location. She compared it to the snow-boarding event which has been held in Campustown the past three years, and the organizers for that activity paid for the additional security. Ms. Lundt stated that the City was trying to be consistent; other summer events are smaller with 200-350 people attending.

Mr. Courtney said that Olde Main Brewing Company could see anywhere between 250 to 1,000 attendees. As a business owner, he is looking to make a profit, but he could actually lose money.

Moved by Rice, seconded by Popken, to approve a five-day Class B Beer License/Outdoor Service Privilege for Olde Main Brewing Company on August 10, 2007, subject to the Company obtaining a noise permit, performing a sound level check before the band begins, reimbursing the City for the cost of two police officers and one command officer for three hours, and receiving required insurance certificates.

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

Council Member Doll stated that since the *Power of the People* Rally has been well-advertised, some of the same people will be in the Downtown area for the planned activities.

**CLOSURE OF PORTION OF CBD PARKING LOT FOR AUGUST 10, 2007, EVENT SPONSORED BY OLDE MAIN BREWING COMPANY:** Moved by Doll, seconded by Goodman, to adopt RESOLUTION NO. 07-363 approving closure of the west portion of the Central Business District parking lot from south of Tom Evans Plaza to Clark Avenue from 1:00 p.m. until midnight on August 10, 2007, for an Olde Main Brewing Company sponsored event.

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

**HEARING ON PEARLE AVENUE RECONSTRUCTION PROJECT:** Mayor Campbell declared the hearing open. There being no one present wishing to speak, the hearing was closed.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 07-362 approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$67,126.35.

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

**ORDINANCE MAKING TEXT AMENDMENT TO ELIMINATE MINIMUM FLOOR AREA RATIO STANDARDS IN THE PLANNED COMMERCIAL DISTRICT:** Moved by Doll, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 3928 making a text amendment to eliminate the minimum floor area ratio standards in the Planned Commercial District.

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

**COMMENTS:** Council Member Rice referenced a letter received from Gary and Karen Youngberg regarding their request for \$6,249.93 from the Downtown Facade Grant Program to pay the remaining balance they owe on their interest-free loan to the City for facade improvements made to their building at 220 Main Street. He questioned how many other business owners were in this same situation. City Manager Schainker stated that along with Ames Silversmithing, Dayton, LLC, and Antique Ames were affected as well.

Moved by Rice, seconded by Goodman, to refer the letter from Gary and Karen Youngberg to staff.

Council Member Popken questioned whether it was good use of our taxpayer's money to go back on a loan agreement and convert it to a grant.

Council Member Goodman stated that the City created a pool of money for interest-free loan purposes to assist business owners in preserving and improving facades in Downtown, and a few businesses were willing to take the risk in this effort. However, now the City has made it easier by converting this loan arrangement into a grant program, and we are punishing those who took the first step. He was in support of the request.

Vote on Motion: 3-3. Voting aye: Goodman, Larson, Rice. Voting nay: Doll, Mahayni, Popken. Motion failed.

Moved by Mahayni, seconded by Popken, to direct staff to reply to the letter received from Menard, Inc., indicating that the City Council does not support its request for a change to the Urban Fringe Plan.

Steve Osguthorpe, Planning and Housing Director, stated that he had also received the written request. He had contacted Tom O'Neil and explained to him the City's current situation and the process whereby City and County staff were meeting regarding the matter. He had further explained to Mr. O'Neil that this would be a joint effort with other jurisdictions to change the Fringe Plan.

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

**ADJOURNMENT:** Moved by Larson, seconded by Goodman, to adjourn the meeting at 11:27 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Jill L. Ripperger, Recording Secretary