

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

**AMES, IOWA**

**AUGUST 14, 2007**

The regular meeting of the Ames City Council was called to order by Mayor Pro-Tem Mahayni at 7:00 p.m. on August 14, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Popken, and Rice. *Ex officio* Member Luttrell was also present.

**CONSENT AGENDA:** Moved by Goodman, seconded by Doll, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of July 24, 2007
3. Motion approving certification of civil service applicants
4. Motion accepting Report of Contract Change Orders for July 2007
5. Motion approving renewal of the following liquor licenses and beer permits:
  - a. Class C Liquor – El Azteca, 1520 South Dayton Avenue
  - b. Class C Beer – Cyclone Truck Stop, 1811 South Dayton Avenue
  - c. Class C Liquor & Outdoor Service Area – Mickey’s Irish Pub, 109 Welch Avenue
  - d. Class C Liquor & Brew Pub Privilege – Olde Main Brewing Co., 316 Main Street
  - e. Class C Liquor – Okoboji Grill of Ames, 114 South Duff Avenue
6. Motion approving new Class B Beer permit for Pizza Ranch of Ames, 1404 Boston Avenue
7. Motion approving Outdoor Service Privilege for Aunt Maude’s, 543-547 Main Street
8. Motion accepting watercolor painting by Bill Lee depicting the new Veterans Memorial
9. Motion authorizing staff to proceed with REAP application and subsequent development of a trail from Brookside Park to east/west trail south of Ames High School
10. RESOLUTION NO. 07-364 approving appointment of Michelle Clark to fill vacancy on ASSET
11. RESOLUTION NO. 07-365 approving appointment of Jessica Kluver to fill vacancy on Student Affairs Commission
12. RESOLUTION NO. 07-366 accepting Abstract of Votes for Special Election held July 24, 2007
13. Colorbiotics (a division of Becker-Underwood):
  - a. RESOLUTION NO. 07-367 approving application to Iowa Department of Economic Development (IDED) for CEBA program, approving application to IDED for High-Quality Job Creation program, and approving schedule of property tax exemption for value added
  - b. Motion authorizing Mayor to submit applications naming City of Ames as sponsoring agency
14. RESOLUTION NO. 07-368 approving temporary waiver of golf cart prohibition in Ada Hayden Heritage Park to transport mobility-impaired individuals to tour site
15. RESOLUTION NO. 07-369 authorizing cancellation of Eller Enterprises, Inc., airport hangar lease and approving lease with Brian Aukes
16. RESOLUTION NO. 07-370 approving preliminary plans and specifications for 2007/08 Clear Water Diversion Program; setting September 5, 2007, as bid due date and September 11, 2007, as date of public hearing
17. RESOLUTION NO. 07-371 approving preliminary plans and specifications for Power Plant Roof Replacement Project; setting August 29, 2007, as bid due date and September 11, 2007, as date of public hearing

18. RESOLUTION NO. 07-372 approving waiver of formal bidding requirements and awarding contract to The Baker Group of Des Moines, Iowa, for Mary Greeley Medical Center Steam Line Repair Project in the amount of \$82,528
  19. RESOLUTION NO. 07-373 approving Change Order to the Water Treatment Plant Well Rehabilitation contract with Northway Well and Pump Company in the amount of \$19,976.80
  20. RESOLUTION NO. 07-374 accepting completion of Bid No. 1 for 161-kV Transmission Line Conductor (General Cable Company)
  21. RESOLUTION NO. 07-375 accepting completion of Electric Power Autotransformers (Waukesha Electric Systems, Inc.)
  22. RESOLUTION NO. 07-376 accepting completion of Transmission Line Materials Bid No. 1 - Insulator Assemblies (RESCO)
  23. RESOLUTION NO. 07-377 approving contract and bond for Pearle Avenue Reconstruction Project
  24. RESOLUTION NO. 07-378 accepting completion of Taylor Glenn Subdivision, 3<sup>rd</sup> Addition, and releasing security
  25. RESOLUTION NO. 07-379 accepting completion of Four Seasons Subdivision and releasing security
  26. RESOLUTION NO. 07-380 accepting completion of East Hickory Park Subdivision and releasing security
  27. RESOLUTION NO. 07-381 accepting completion of Sunset Ridge Subdivision, 2<sup>nd</sup> Addition, and releasing security
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes

**PUBLIC FORUM:** David Edsall, 1232 Carroll Avenue, Ames, addressed an issue that occurred during the recent Straw Poll activities held in Ames on August 11. He said that several residents have yard signs that state, "Support the Troops. End the War." Over the weekend, someone went up and down Grand Avenue, tore the signs down, and threw them on the ground or in the street. Mr. Edsall found this despicable and embarrassing for the City. He did not report it to the police because he felt the chances of catching who had done it were slim to none.

**NEIGHBORHOOD IMPROVEMENT PROJECT GRANTS FOR 2007/08:** City Clerk Diane Voss reviewed the criteria necessary to be met to receive funding under the City's Neighborhood Improvement Program. She advised that six applications had been received by the deadline of July 31, 2007, for a total funding request of \$19,024.44. The Review Panel, comprised of City staff members and two citizens, recommended three grants be approved at this time, as follows:

1. Edwards Elementary Playground. This project involves improving the Edwards Elementary School playground by adding a painted map of the United States on the concrete, an adjustable basketball system, and benches. The playground not only serves the Elementary School, but is a "neighborhood park." Requested City funding is \$2,085.03.
2. Schubert Circle. The aim of this project is to landscape the Circle by planting three trees, 59 other plants, a central grass common area, and installing two benches. City funding in the amount of \$1,510 is being requested.

3. Parkview Heights Park. Improvements requested for Parkview Heights Park are: playground equipment, benches, picnic tables, plants, and trees. Grant funding would further enhance the 2008/09 Capital Improvements Plan funding. Applicants are requesting \$5,000 in City funding. It was noted that City staff had received one phone call and one letter in opposition to this project, both stating that the current play equipment is adequate and minimally used.

Ms. Voss explained that three grants are not being recommended for approval at this time. Two applications: (1) Sapphire Circle Landscaping Project and (2) State Avenue/Arbor Street Tree Planting Project need some revisions, and it is likely that staff will be seeking Council approval of those in the near future. An application was also received for tree planting at Chilton Crossing. During its review, staff ascertained that Chilton Crossing is part of a Planned Residence District, and as such, the developer has the responsibility for planting street trees. The developer has been contacted, and he advised that the trees will be planted this fall. If the Chilton Crossing Neighborhood desires additional trees, the application will be revised and resubmitted.

After approval of funding for the three grants recommended by the Review Panel, \$16,195.37 will remain in the NIP Fund. This will allow for the funding of the pending grants.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 07-382 approving Neighborhood Improvement Project grants for 2007/08 in the amount of \$8,595.03, as follows: Edwards Elementary Playground, Schubert Circle, and Parkview Heights Park.

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

**NPDES STATUS:** John Dunn, Director of Water and Pollution Control, explained that the Water Pollution Control (WPC) Plant is required to have a National Pollutant Discharge Elimination System (NPDES) Permit to discharge into the South Skunk River. Since 1989, when the current facility was constructed, the City has had a 100% compliance rate with the Permit.

Director Dunn reviewed the NPDES Permit history since 1971. The City's Permit expired in August of 1999. Staff filed for renewal six months in advance of the Permit expiration date, as required by the Federal Clean Water Act; however, to date, no new Permit has been issued by the Iowa Department of Natural Resources (IDNR). While the Permit has expired, it continues to be valid and enforceable until a new Permit is issued. In 2005, the City and IDNR discussed requirements, and the City agreed with all but one. As a result, two independent consulting firms were hired to develop a Waste Load Allocation (WLA) for the segment of the South Skunk River where the Ames WPC Plant discharges. Mr. Dunn explained WLA in detail; the WLA forms the technical basis for assigning numerical discharge limits for the NPDES Permit. He described the proposed Permit limits. Staff is now requesting City Council authorization to present the proposed discharge limitations to the IDNR for its consideration.

Staff's response to a request made by the City Council on January 23, 2007, for information on what is required to have a stream designation changed and the associated cost was also presented. Mr. Dunn advised that staff concurs with the IDNR's recent confirmation that the

South Skunk River (south of Ames) be designated Class A1 for primary contact recreation and recommends that bacterial limitations be included in the Permit renewal. Mr. Dunn then described the Class B standards for aquatic life uses and the WW1, WW2, WW3, and LW (lakes and wetlands) designations. Currently, Ames is designated for a WW2. The discussion that took place on January 23, 2007, related to the impacts of moving to a WW1 designation. Mr. Dunn said that the major distinction between a WW1 and a WW2 segment is that the flow and other physical characteristics of a WW2 stream limit the maintenance of warm-water game fish populations.

Mr. Dunn said that to change a stream designation starts with a request made to the Environmental Protection Commission (EPC) from the public. The EPC would refer the request to the IDNR to conduct a Use Attainability Analysis. The results of that Analysis would be reviewed with a multi-divisional team comprised of staff from Water Quality Standards, Fisheries, and others, and a recommendation would be made back to the EPC. If the EPC concurs with the IDNR staff recommendation, a Public Notice of Intended Action would be issued, which opens up a public comment period when the public may review and provide comments on the proposed rule. At the end of the public comment period, the IDNR would prepare a Responsiveness Summary. All of the information then comes back to the EPC, which would rule on the request.

It was stated by Mr. Dunn that the cost for the City to go to the Class A1 standard is estimated at approximately \$3 million to get the disinfection system installed at the Plant; those funds are already programmed into the CIP. The IDNR will be asked for a Compliance Schedule to allow the City time to do the necessary construction before the standard takes effect. The City plans to move forward with the disinfection system as soon as possible. According to Mr. Dunn, going to a WW1 designation would not have an immediate appreciable impact on the Plant's ability to comply with the requirements. The City of Ames is already meeting the WW1 standards. If the criteria were reduced, it would have the effect of reducing the ultimate loading capacity of the Plant; at some point in time, it would create the need for expansion sooner than otherwise would be necessary. A potential impact from going to a WW1 designation would be for the limits given to local industries; if the stream standards are reduced, then what the Plant may discharge gets reduced. A certain amount is set aside for residential use, and the rest of that capacity is then divided up among the local industries and assigned to them in a Pre-Treatment Permit from the City. If the stream standards go down, it could affect local industries. In Mr. Dunn's professional opinion, however, it would not impact any of Ames' industries to have the standard changed; Ames has very clean industries. Mr. Dunn said that another implication of a change in the stream designation would impact other facilities that are discharging into the South Skunk or its tributaries. He also stated that the discharge from the facility is already achieving, and in fact, going beyond, the requirements of the WW1 and the HH standards. The monitoring for some of those parameters can be expensive; the actual cost would depend on the number of chemical criteria that would show up on the Permit and how often the monitoring needs to occur. If it were the entire list, it would be approximately \$2,000/sample.

Steve Veysey, 919 Murray Drive, Ames, advised that he was speaking on behalf of himself as well as the Iowa Sierra Club. Mr. Veysey took issue that the concept of existing uses was not

addressed by staff. According to Mr. Veysey, the Clean Water Act requires that existing uses always be protected. He expressed his appreciation that staff is recommending the acceptance of DNR's A1 designation and moving forward with disinfection. Mr. Veysey said that he still believes that WW2 is the wrong use designation for this stream, and he thinks that the Sierra Club will challenge the Permit based upon use designations and permit limits. In addition, he believes that there are errors in the basis support plan. Mr. Veysey advised that he also took issue with Appendix C of the staff report, alleging that staff has ignored information that supports a stream designation of WW1. According to Mr. Veysey, water quality should protect resident species, even if not prevalent. He said that there is no cost to the City in accepting a permit based upon WW1-HH designations. An HH designation would mean that if a new industry came to Ames that produces toxic pollutants, that industry would have to pre-treat the effluent and remove the toxins before they entered the Ames Plant. Mr. Veysey said that the one part of the report that he took exception to was Appendix C, the discussion of the history of WW1 and WW2. He explained that there was a lot of testimony given in 1992, yet staff seems to have ignored the data supporting a WW1 designation. It was pointed out by Mr. Veysey that according to the Clean Water Act, an existing use can be established by demonstrating that fish and swimming or other uses have actually occurred. Even if there are only a few game fish, they must be protected even if not prevalent in number or importance.

Council Member Rice said that he believes that the highest designation for the stream is WW1 - HH, and it appears that it would not cost the City anything to attain that designation. He asked why the City would not pursue the highest designation. Mr. Dunn explained that Permit limits that are legally imposed need to be based on what the legal criteria are; the City can always voluntarily perform to a higher standard. The performance of the Plant documents that the City is already doing that, but to have that become the legal criteria and subject the City to the potential for fines is not recommended. If there is ever a violation, it should be based on actually having a water quality impact. Staff does not feel that it would be appropriate for the City to be fined for a violation that is not based on actual water quality protection.

Council Member Larson asked about the original use designation. Mr. Dunn gave the history as he understands it; he was not part of the City at that time.

Council Member Rice asked what will happen if the Sierra Club challenges the Permit. Mr. Dunn believes that the IDNR will either hold up the Permit and put it out for additional public comment or they will issue the Permit. Mr. Dunn again pointed out that the legal criteria that the City would be held to should be what are legally required. If the City were to agree to more restrictive criteria, that would continue forever. He reiterated that the City may impose more restrictive regulations on itself without those requirements being mandatory.

Moved by Goodman, seconded by Larson, to authorize staff to submit the proposed NPDES Permit limitations to the IDNR as discharge limits for inclusion in a renewal of the NPDES Permit.

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

**AMENDMENT TO LAND USE POLICY PLAN (LUPP) MAP PERTAINING TO 800 EAST 13<sup>TH</sup> STREET AND PROPERTY DIRECTLY EAST OF THAT SITE; and LUPP TEXT AMENDMENT TO REMOVE BUILDING SIZE LIMITATION IN COMMUNITY COMMERCIAL NODE SECTION:**

A petition entitled, “Keep Our River Valley Green,” with 23 signatures was placed around the dais, urging the City Council to deny the application of Lockard Companies to change the LUPP and zoning designation, and related text amendment, from Agricultural to Commercial for the two properties south of River Valley Park along East 13<sup>th</sup> Street.

Planner Seanna Perkins described the request from Lockard Companies for two parcels on E. 13<sup>th</sup> Street. The applicant is requesting that the site be re-designated as “Community Commercial Node” on the LUPP Map and that the LUPP text be amended to eliminate the building size limit. She stated that the current limit is 150,000 square feet maximum per building. The applicant feels that a successful retail/commercial center would need a mix of services and that limiting the square footage would limit a true mix of commercial options.

Ms. Perkins advised that the site is designated as Environmentally Sensitive on the LUPP Map because it is located within the 100-year floodplain of the Skunk River. Due to the site constraints associated with both the floodplain and the abutting lagoon operations, the site has been retained as Agriculture on the Environmentally Sensitive Lands Map.

It was pointed out by Ms. Perkins that the LUPP has designated enough properties to accommodate commercial development until Year 2030. She also said that, without a contract LUPP amendment/rezoning, there is nothing that would ensure that the site in question would be developed as suggested.

According to Ms. Perkins, the Planning and Zoning Commission, at its meeting of July 18, 2007, voted 3-3 on the motion to deny approval of the applicant’s request. Therefore, no recommendation is being forwarded to the City Council from the Planning and Zoning Commission. Concerns were expressed by the Commission that there is no current lack of commercially designated land within the community, and there is a Community Commercial Node located less than a half mile east of this site.

John Dietrich, Principal Landscape Architect, RLK, Inc., 6110 Blue Circle Drive, Minnetonka, Minnesota, introduced Brady Gruhn, Director of Sales and Leasing of Lockard Companies; and Ken Lockard, President of Lockard Companies.

Mr. Dietrich advised that the site in question is comprised of approximately 68 acres. He said that the City’s LUPP is ten years old; it should be a market-driven plan that is economically and environmentally sustainable. Mr. Dietrich feels that the plan being proposed has economic viability and would meet the criteria regarding size and quality. It would provide part-time and full-time jobs and create a sense of place.

Brady Gruhn, Director of Sales, Lockard Companies, 4501 Prairie Parkway, Cedar Falls, Iowa, said that he is very passionate about this project and believes that it would enhance the City of

Ames. Mr. Gruhn explained some current projects that Lockard Companies has completed or pending in Ames as well as in other communities. He said that the project in question has been named “Northgate Crossings,” indicating that it would be a gateway into Ames. Mr. Gruhn believes that the proposed development is the right size and in the right location. It is felt that the plan fits the designation of Community Commercial Node and would be able to successfully compliment the North Grand Mall.

Mr. Gruhn alleged that contamination is much greater from row-crop farming than from retail development. He also stated that the City would net increased property taxes; the land in question is underutilized in its current designation as agricultural and has much greater potential. Mr. Gruhn said that the location will allow walkers, bicyclists, and transit-riders, as well as vehicles, to access this site; it will conserve energy and be multi-modal. According to Mr. Gruhn, the architectural styling used in the construction of the buildings will be such to fit well with current landmarks. A clock tower is planned as are relaxation areas and a bike/walking trail around a pond and along the periphery of the site.

Mr. Dietrich addressed the issue of environmental sustainability. In order for the site in question to be developed, soil will be imported to create elevations acceptable to prevent further flooding. The site will be designed to fully address the stormwater, storage, and water quality necessary for a commercial development and not compromise the flood storage or floodway of the Skunk River. He pointed out that, currently, the row-crop usage delivers uncontrolled sediment to the River; however, the proposed development will be designed to not negatively impact the watershed or compromise flood storage.

Ken Lockard said that his company is dedicated to retail shopping. They have a presence in 22 states. He stated this development is unique in that only one corner of the site abuts existing residences. There are retail businesses that have indicated that the site in question is the only location that they will consider in Ames. Mr. Lockard advised that, over a 20-year period, approximately \$81 million will be generated in sales and property taxes. The construction costs will be in the range of \$60 million, and they always utilize local contractors and materials suppliers.

Art Staniforth, 1634 Crestwood Circle, Ames, indicated that he has lived in Ames all his life. He requested that the City Council deny the request as he does not believe that it would be best for the City. Mr. Staniforth thinks that the City should keep the land zoned Agricultural. He hopes that the City will eventually purchase the land in question for additional parkland. Mr. Staniforth expressed great dismay that the proposed development is in proximity to the Municipal Cemetery; he feels that it would be very disrespectful to build a retail development in the proposed location.

Stephen Marley, 1502 Meadowlane Avenue, Ames, does not believe that runoff from agricultural development is more detrimental than runoff from retail development. Mr. Marley said that he is amazed by “out-of-towners” who come to Ames and tell the residents what is best for them. He is extremely concerned about the property in question being in the floodway fringe. Neighborhood residents were very troubled when Target and Wal-Mart were allowed to build in the floodway fringe. Mr. Marley asked if the homes of the people making the

predictions about flooding are at risk. He said the residents are concerned about what this proposed development would do to their quality of life. Mr. Marley urged the City Council to deny the requests for amendments to the LUPP that would allow the proposed development. He said that the two pertinent questions to be asked are: "Who profits" and "who pays." Mr. Marley believes that developers profit and residents pay. He told the Council that affected property owners in the area are concerned about increased noise, traffic, and flooding.

Joe Rippetoe, 419 Pearson, Ames, expressed his dismay that this proposal was coming before the City Council in the summertime "when everybody is gone" and that it has progressed so quickly to this point. It was his opinion that there would be many more people speaking against it if they knew what was happening. He concurred with City staff that there is enough commercially designated land to last until 2030, there is another commercial area available within a short distance, and most importantly, the proposal is a threat to the City's water supply. Mr. Rippetoe is concerned that the Council will be seeing more of these types of requests and the LUPP will be coming under increasing attacks; it is not a perfect document, but it should only be changed because of extraordinary problems or opportunities. He pointed out that there is an unnamed business who has stated that it will not build in Ames unless it may have this site. Mr. Rippetoe asked why Ames would want to do business with an out-of-town retailer who has so little respect for the way the community looks at complex planning decisions. He feels that this proposal should fail based on any objective evaluation of the City's commercial needs and because of the potential harm to the community's water supply.

David Edsall, 1232 Carroll Avenue, Ames, said that his home is five blocks away from the proposed development. He claimed that the developers were incorrect when they stated that: (1) Dayton and 13<sup>th</sup> is not zoned for restaurants. Mr. Edsall pointed out that there is a Pizza Ranch opening in that location in the very near future. (2) The removal of farm field runoff is going to improve water quality. Mr. Edsall said that they did not explain how parking lot runoff is not going to be just as detrimental with oil, gasoline, radiator discharge, and refuse going into the Skunk River basin. (3) The availability of multi-modal transportation will reduce energy usage by citizens. It was pointed out by Mr. Edsall that multi-modal access is characteristic of almost any commercial site that has been built in the Ames community. (4) The provided landscaping will enhance the beautiful appearance of this gateway into the City. He disagrees. When first coming to Ames, Mr. Edsall was impressed by the park setting transitioning to residential; it is a very pleasing gateway to the City. (5) The developers claim that the installation of traffic signals is going to help the flow of traffic. Mr. Edsall believes that traffic signals will actually impede the smooth flow of traffic coming in and out of the City. One of his biggest concerns is that the proposed development will ruin the serenity of the Municipal Cemetery. There are current commercial development areas available in West Ames, and the developers should be encouraged to build there. Another suggestion made by Mr. Edsall is for the developers to buy the former NADC building for redevelopment. He pointed out that he is not against growth; in some cases, it is a good thing.

Rebecca Colton, 1941 Paulson Drive, Ames, asked the City Council to adhere to the principles of the LUPP and deny the requests for amendments to it. She agrees with staff's assessment of the proposed development and the ways in which it conflicts with the LUPP. Her concern is for



the parks on two sides; the cemetery, on one side; and the residential development on the northwest section of the lot. She thinks that the development would diminish the quality of the parks, jeopardize their use, and undermine the quality of the adjacent neighborhood. Ms. Colton questioned where the land would come from if and when turning lanes were necessary due to increased traffic. Also, once land is zoned commercial, it makes adjacent land more susceptible to fringe development; she believes convenience stores and fast-food restaurants would soon be located in the area. She does not want 13<sup>th</sup> Street to be the next South Duff. Ms. Colton stated that she does not oppose development, but she does oppose the particular development being proposed on the site in question. She strongly believes that it would be a travesty for the City to start down the path of allowing commercial development adjacent to parkland. Ms. Colton said that she has great concerns for the environmental impact of the proposed development on the adjacent neighborhood. She believes that the LUPP is a very well-thought-out plan and it reflects the goals and priorities of the Ames community. Ms. Colton asked the Council to preserve the integrity of the Plan and deny the requests of the developer.

Mr. Dietrich advised that there is a current national trend to locate retail development next to recreational facilities; they are compatible uses. He also wanted it noted that Lockard Companies have hired experts to address the issues of storm water management and development in the floodway and floodway fringe. They have contacted three neighborhood association chairpersons to engage in conversation and have not hidden their intent or tried to push it through during the summer months.

Catherine Scott, 1510 Roosevelt Avenue, Ames, urged the City Council to heed the staff's caution about protecting the City's water supply and quality. She pointed out that droughts are also a concern, and there needs to be a sufficient quantity of water for the future.

Council Member Rice said that he would be in favor of this type of commercial development, but not in the requested location. He pointed out that he has heard many times that retailers want to locate in the Ames community, but they do not want to abide by the City's rules. Mr. Rice encouraged the developers to look at the rest of the Ames community, as there is ample commercial space. The proposed development is at the wrong time and wrong place, but he believes it is a great idea.

Maggie Luttrell, *ex officio* member, indicated that she wholeheartedly supports the proposed project. She believes that this development would help keep students in Ames; it would keep them from going to Ankeny or Des Moines to shop, and it would provide jobs for students. Ms. Luttrell said that she sees this as an excellent opportunity for Ames. In her opinion, the City should be inclusive to everyone who wants to develop here; the City should at least find out what they have to offer.

Council Member Doll recognized the proposal as a nice development, but nothing extraordinary, and he does not view it as a great gateway to the City.

Council Member Popken pointed out that the LUPP has been adopted to help the City develop efficiently. There are infrastructure costs to be considered, both in constructing and maintaining.

He added that there is adequate land currently zoned commercial that is available for development. Mr. Popken listed I-35 and 13<sup>th</sup> Street, South Duff, and South Dakota and Highway 30 as some of those locations.

Council Member Larson encouraged Lockard Companies to continue to look for the right location for this proposed development. He believes what is being proposed is a regional concept. In his opinion, the timing of this development is not right; until it is known whether the regional commercial development already pending for I-35 and E. 13<sup>th</sup> Street will move forward or not, to consider what is a smaller version of a regional development would not be right. Mr. Larson does not view what is being proposed by the Lockard Companies as a Community Commercial Node type of project.

Council Member Goodman agreed that the LUPP is a guide for development in Ames. It is also a guide for residents to consult when they make a decision to locate in a certain area. Mr. Goodman thinks that this retail development has the possibility to locate elsewhere, and he does not feel that he should change the “life decision everyone else in the community has made” as a result of this development.

Moved by Rice, seconded by Popken, to deny the Land Use Policy Plan Map change of 67.65 acres of land located at 800 East 13<sup>th</sup> Street and the property located directly east of that site from Environmentally Sensitive Area to Community Commercial Node and to deny a Land Use Policy Plan text change to add the site to the Community Commercial Node locations, and to remove the limitation of square footage in a single building.

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

The meeting recessed at 9:35 p.m. and reconvened at 9:41 p.m.

**AGREEMENT WITH RUTH AND DONALD FURMAN PERTAINING TO AQUATIC CENTER:** Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 07-383 approving the agreement with Ruth and Donald Furman pertaining to their monetary gift for the Aquatic Center/Park.

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

**HEARING ON HUNZIKER YOUTH SPORTS COMPLEX PAVING PROJECT:** Mayor Pro-Tem Mahayni opened the hearing. No one wished to speak, and the hearing was closed.

City Manager Steve Schainker explained that the adopted budget for this project is short by approximately \$70,000. It is believed that this will only fund the paving of the entry road. Public Works Director John Joiner indicated the parameters of the proposed paving; it would go all the way to the turn-around. The additional \$70,000 would need to come from savings in other projects. At this time, it is thought that there might be savings between two projects: Municipal Pool and Carr Pool maintenance funds.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 07-384 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$254,112.40.

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

**HEARING ON POWER LINE RELOCATION PROJECT, BOONE COUNTY ROAD E-26:**

The public hearing was opened by Mayor Pro-Tem Mahayni. He closed same after no one wished to speak.

Donald Kom, Director of Electric Services, informed the Council that Boone County has contacted the City and stated that they are looking at a road-widening project. The City's 161-kV line sits on about a half-mile of that section. The City already has an easement for the needed right-of-way, so any expense for moving the line would be borne by Boone County. Mr. Kom explained that the bids have come back on this project; however, the City wants to ensure that all documentation is in line with Boone County before the contract is awarded. Also, in order to do this project, the 161kV line would be taken out of service for a period of time, and with the issues concerning Unit #7 at the Power Plant, it would not be wise to take the line out of service at this time.

Moved by Doll, seconded by Goodman, to accept the report of bids and delay award of contract. Vote on Motion: 6-0. Motion declared carried unanimously.

**COMMENTS AND FUTURE AGENDA ITEMS:** Council Member Larson asked for an update on the Grand Avenue Multi-Use Trail between Murray and 20<sup>th</sup>. Public Works Director Joiner advised that there are two property owners from whom the City still needs easements. Neither owner has expressed opposition to the project; however, one property owner is a landlord who lives out-of-state, and the other one is a corporation (Alliant Energy) that has to take it through the proper channels. Since this project is federally funded, the IDOT will not allow the City to go to letting until all easements are obtained. It is not likely that this construction will occur this fall.

Council Member Doll advised that he receives a complaint at least once a month about garbage and garbage pick-up; garbage is being collected at 4 AM. He asked to have this issue addressed at a Council workshop. Mr. Doll said that it should be the responsibility of the City Council to contact

the property owners who should attend as they have the names and contact information. There is no particular area where this is occurring; it is throughout Ames.

Moved by Doll, seconded by Rice, to direct staff to schedule a round-table discussion between garbage haulers and concerned local residents pertaining to residential pick-up times. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Doll also asked for Director Joiner to address Beach Avenue reconstruction and the City's process to replace the yards that were affected by the project. Mr. Joiner advised that Beach Avenue did open on schedule. Surface restoration, which includes re-establishing the turf grass is required. The contractor will be using a compost mixture with seed. Contractors will spray a layer of compost down first, then a layer of seed, and then a layer of compost cover. The contractor will be required to remove the chunks of concrete. The city is committed to restoring the vegetation to a healthy state through the fall, and if attempts to do so in the future fail, sodding may have to be used. The compost/seed treatment has been used for approximately five years in many locations, e.g., Tenth Street and Northwestern Avenue, from Sixth to 20th.

Council Member Mahayni pointed out that when the 13<sup>th</sup> and Grand Intersection Improvements project was being discussed, one issue kept surfacing: the Duff Avenue Railroad Crossing. He suggested that the City Council revisit the options available for the Duff Avenue Overpass and recommended that a round-table discussion be held. Council Member Goodman thought it would be a good start if staff could redistribute the Study and Council Action Forms. Mr. Mahayni pointed out that the Study would be outdated now and perhaps other options need to be explored. Council Member Rice acknowledged that there were many comments made about the Duff Avenue Crossing, but he was never clear on their specific concerns. Director Joiner confirmed that the Duff Avenue Railroad Crossing is the most dangerous one in the state of Iowa. Mr. Mahayni reminded the Council that it takes years to secure funding.

Moved by Goodman, seconded by Doll, to direct staff to provide the Council Action Forms and Study from the Duff Avenue Overpass to the City Council.

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

Council Member Larson said that he would like to get updated on the City's traffic plan. He had heard from residents who believed that the delay at other intersections was worse than at 13<sup>th</sup> and Grand.

Council Member Popken asked for an update on the sidewalk on Minnesota. Director Joiner stated that Public Works staff met with a local contractor about constructing the sidewalk prior to school starting. Manatt's will be attempting to install the sidewalk within the next week. Council Member Mahayni asked that the principal of Sawyer Elementary be notified. A crossing guard or Public Safety Officer will still be stationed at Minnesota and Ontario on the first day of school.

Moved by Popken, seconded by Mahayni, to direct Public Works staff to educate the Council on the level of service standards for roads, pedestrian and bicycle crossings, etc., and provide an update on newer processes, e.g., context-sensitive design and analysis.

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

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

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor