

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

**AMES, IOWA**

**JUNE 24, 2008**

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on June 24, 2008, 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 Beals was absent.

Mayor Campbell announced that the City Council would be working off an amended Agenda. She detailed the changes.

**RECOGNITION OF COMMUNITY FLOOD RESPONSE EFFORTS:** Mayor Campbell advised that it would be nearly impossible to recognize everyone who provided assistance between May 30 and June 12, 2008, when the City was operating at a high state of alert due to flooding. The Mayor gave special recognition to Kalen Petersen, Director of RSVP, and Betty Bocella, Volunteer Coordinator for the RSVP Disaster Management Program. Mayor Campbell said that more than 125 volunteers assisted with sandbagging efforts.

The Mayor also gave special thanks to the following businesses that assisted in a variety of ways: HyVee at Lincoln Center, Lowe's, Decker's Trucking of Fort Dodge, Nevada Fire Department, Panera Bread, Hallett's Quarry, Manatt's, Star Equipment, Iowa State University Residence Hall System, Iowa State University Department of Public Safety, and Mary Greeley Medical Center.

In addition, Mayor Campbell gave special recognition to City staff members and other Ames citizens, many of whom continue to volunteer in tornado- and flood-impacted parts of Iowa.

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of June 10, 2008
3. Motion accepting Report of Contract Change Orders for June 1-15, 2008
4. Motion approving renewal of the following beer permits and liquor licenses:
  - a. Special Class C Liquor - Hickory Park, Inc., 1404 S. Duff Avenue
5. Motion authorizing Mayor to sign Certificate of Consistency with City's 2004/09 CDBG Consolidated Plan on behalf of non-profit organizations receiving Emergency Shelter Grant (ESG) funds from state grantees
6. RESOLUTION NO. 08-254 approving appointment of Council Member Goodman to AEDC Board of Directors
7. RESOLUTION NO. 08-255 approving the 2008/09 Pay Plan
8. RESOLUTION NO. 08-256 Human Services Contracts for FY 2008/09
9. RESOLUTION NO. 08-257 approving funding agreement with Ames Historical Society
10. RESOLUTION NO. 08-258 approving revision to Human Services Contract with Mid-Iowa Community Action (MICA) reallocating funds from Family Development program to Food Pantry program
11. RESOLUTION NO. 08-259 approving CyRide Contract extension with Heartland Senior Services

to provide Dial-A-Ride Services

12. RESOLUTION NO. 08-260 waiving enforcement of Municipal Code Section 19.9 to allow Moose Lodge members to provide golf cart rides to mobility-impaired individuals on September 7
  13. RESOLUTION NO. 08-261 approving request of Main Street Cultural District for closure of Parking Lot Q for use as volunteer parking for 4<sup>th</sup> of July festival
  14. RESOLUTION NO. 08-262 approving preliminary plans and specifications for 2005/06 Arterial Street Pavement Improvements - 24<sup>th</sup> Street (Stange Road to UPRR) and Stange Road (24<sup>th</sup> Street to Blankenberg Road); setting July 10, 2008, as bid due date and July 15, 2008, as date of public hearing
  15. RESOLUTION NO. 08-263 accepting proposal from FM Global for renewal of property coverage and boiler and machinery coverage during FY 2008/09 in the amount of \$422,552
  16. RESOLUTION NO. 08-264 waiving formal bidding procedures and authorizing purchase of software maintenance for Joint Public Safety Network from Sungard Public Sector in an estimated amount of \$52,207.00
  17. RESOLUTION NO. 08-265 waiving formal bidding procedures and authorizing purchase of software maintenance for FY 2008/09 from Sungard Public Sector in an estimated amount of \$83,510.00
  18. RESOLUTION NO. 08-266 awarding contract for Power Plant Dump Grates to Detroit Stoker Company of Monroe, Michigan, in the amount of \$187,828.10
  19. Rehabilitation of Wells:
    - a. RESOLUTION NO. 08-267 awarding second-year contract to Northway Well and Pump Company of Marion, Iowa, in the amount of \$66,130 for rehabilitation of five wells in FY 2008-09
    - b. RESOLUTION NO. 08-268 approving Change Order to Agreement with Northway Well and Pump Company of Marion, Iowa, regarding reimbursement for actual cost of steel replacement materials
  20. RESOLUTION NO. 08-269 approving renewal of contract for Power Plant Chemical Treatment Program with G.E. Water and Process Technologies of Urbandale, Iowa, in an amount not to exceed \$290,000, based on time and materials
  21. RESOLUTION NO. 08-270 approving renewal of contract for Power Plant Valve Maintenance with Ferguson Process Services of Cannon Falls, Minnesota, in an amount not to exceed \$90,000
  22. RESOLUTION NO. 08-271 approving renewal of contract for 2008/09 Line Clearance Program with Asplundh Tree Expert Company of Fairfax, Iowa, in an amount not to exceed \$259,300
  23. RESOLUTION NO. 08-272 approving contract and bond for 2005/06 Annual Residential Low Point Drainage Improvements (Sheldon Avenue from Lincoln Way to West Street)
  24. RESOLUTION NO. 08-273 approving contract and bond for 13<sup>th</sup> Street Water Main Project (Crescent Street to Furman Aquatic Center)
  25. RESOLUTION NO. 08-274 approving contract and bond for Power Plant Boiler Maintenance and Repair Services
  26. RESOLUTION NO. 08-275 approving Change Order No. 2 in the amount of \$160,000 for Power Plant Boiler Maintenance contract with Plibrico Company, LLC, for FY 2007/08
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

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

**CLASS B BEER PERMIT FOR KING BUFFET:** Moved by Goodman, seconded by Popken, to approve a new Class B Beer Permit for King Buffet, 1311 Buckeye Avenue, Ste. B.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**OUTDOOR SERVICE AREA FOR SCHEMAN BUILDING:** Moved by Mahayni, seconded by Goodman, to approve a new Outdoor Service Area for SMG at the Scheman Building, Iowa State Center, effective June 25, 2008.

Mark North, General Manager of the Iowa State Center, explained that the requests are due to management changes occurring at the Center that will become effective July 1, 2008.

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

**OUTDOOR SERVICE AREA FOR HILTON COLISEUM:** Moved by Rice, seconded by Mahayni, to approve the revised perimeter of SMG's Outdoor Service Area at Hilton Coliseum, Iowa State Center, effective June 25, 2008.

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

**CLASS C LIQUOR LICENSE AND OUTDOOR SERVICE PRIVILEGE FOR CENTERPLATE AT HILTON COLISEUM:** Moved by Goodman, seconded by Popken, to approve the new Class C Liquor License and Outdoor Service Privilege for Centerplate at Hilton Coliseum, Iowa State Center, effective July 1, 2008.

Mark Pevan, Vice-President of Centerplate, advised that Centerplate currently manages Jack Trice Stadium and will be taking over Hilton Coliseum effective July 1, 2008.

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

**FIREWORKS PERMIT FOR STEWART-COOKE WEDDING ON JULY 12, 2008:** Moved by Doll, seconded by Mahayni, to approve the fireworks permit for display in celebration of the Stewart-Cooke wedding at 9:45 p.m. on July 12, 2008, on the grounds of the Gateway Hotel and Conference Center.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**REQUEST OF AMES RAGBRAI COMMITTEE FOR CAMPGROUND SPONSOR:** Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 08-276 approving the request from Ames RAGBRAI Committee for the City to be a campground sponsor in the amount of \$10,000.

Council Member Goodman asked staff to explain this request. City Manager Steve Schainker recalled that when the City Council supported an increase in the Hotel/Motel Tax from 5 to 7 cents, there was an understanding that the Ames Convention & Visitors Bureau would be responsible for funding requests for certain events. The City has since shifted the funding responsibility to the ACVB for such ongoing events as the Iowa Games, Iowa Special Olympics, and 4<sup>th</sup> of July Fireworks. However, because of the magnitude and infrequency of this event, it takes a commitment above and beyond what is the normal process. It is estimated that it will cost approximately \$200,000 to host RAGBRAI in Ames, and many entities have been asked to contribute additional

funding to help defray expenses associated with the event. Because of the unusual nature and magnitude of this event, City staff is recommending that additional funding be approved.

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

**CLOSURE OF SOUTH 4<sup>TH</sup> TO FACILITATE 4<sup>TH</sup> OF JULY FIREWORKS:** Mayor Campbell announced that this item had been pulled by staff.

**NORTHRIDGE HEIGHTS SUBDIVISION, 12<sup>TH</sup> ADDITION:** Planning and Housing Director Steve Osguthorpe advised that all conditions of the Preliminary Plat for this Subdivision had been satisfied with the exception of Stipulation #3, which specified that all off-site public improvements would be installed at the time of Final Plat approval. Deferral of those improvements could be approved subject to a signed subsequent Developer's Agreement and the filing of a Letter of Credit in such an amount that would cover the costs of the off-site public improvements.

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 08-277 approving a Developer's Agreement for Off-Site Improvements relating to Bloomington Road expansion to allow a Letter of Credit to be filed as security for completion of said off-site improvements.

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

Moved by Mahayni, seconded Larson, to pass on third reading and adopt ORDINANCE NO. 3958 rezoning property generally located at the intersection of Stange Road and Bloomington Road from Suburban Residential Medium Density (FS-RM) to Convenience Commercial Node (CVCN).

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

Moved by Mahayni, seconded by Popken, to pass on third reading and adopt ORDINANCE NO. 3959 rezoning property generally located at the intersection of Stange Road and Bloomington Road from Suburban Residential Low Density (FS-RL) to Suburban Residential Medium Density (FS-RM).

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

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 08-278 approving the Major Final Plat for Northridge Heights Subdivision, 12<sup>th</sup> Addition, with the stipulation that the off-site improvements be installed prior to the issuance of a Certificate of Occupancy for any building within the Plat.

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

**PRELIMINARY PLAT FOR H & B SUBDIVISION, 2<sup>ND</sup> ADDITION:** Director Steve Osguthorpe explained that the 2<sup>nd</sup> Addition of H & B Subdivision is proposed as a replat of Lots 1 and 2 of H & B Subdivision and an unplatted parcel of land adjacent to the southwest boundary of Lot 2 and Parcel E. It encompasses a 6.22-acre site and is zoned Industrial. The new subdivision will entail no public improvements. The requirement for a sidewalk on one side of the street has been satisfied

because there is a multi-use path located across the street from this proposed Subdivision on the south side of East Lincoln Way.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 08-279 approving the Preliminary Plat for H & B Subdivision, 2<sup>nd</sup> Addition, with two stipulations, as follows:

1. Prior to Final Plat approval, existing easements will be vacated and replaced with easements that are part of the Preliminary Plat.
2. Prior to Final Plat approval, the easement across Proposed Lot 4 pertaining to parking for Proposed Lot 3 will be more fully described on the Final Plat or on a separate easement document recorded with the Final Plat stating that the parking easement allows parking on Lot 4 exclusively for use by Lot 3.

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

**3503 LINCOLN WAY:** Director Osguthorpe reminded the City Council that it had referred, on June 10, 2008, the request of Chuck Winkleblack regarding the potential redevelopment of the property addressed as 3503 Lincoln Way. It was being requested that City staff assess whether that property qualified in its pre-redevelopment condition under the required criteria for a Commercial Urban Revitalization Area. Mr. Osguthorpe further explained that, under the URA Commercial Criteria matrix, a property must meet one of several required criteria and one of several optional criteria. The owner is currently clearing the mobile homes from the property, and the developer is concerned that, although the property, in its current condition, meets the required criteria, once it is cleaned up, will no longer meet the qualifications. Mr. Osguthorpe reiterated that the proposed project also must meet one of the optional criteria of the Matrix; however, the City Council is not being asked to take any action on that at this time.

Council Member Goodman asked for clarification as to the criteria regarding vacant properties. He reads the criteria as applying to any building removed; he views the wording as being very general. Director Osguthorpe said that if the building that was removed was nonconforming, it would meet the first threshold.. Mr. Goodman pointed out that “nonconforming” is not listed in the first phrase; it is not listed until the second phrase. According to Mr. Osguthorpe, one of the required criteria is that the building be nonconforming with respect to the base zone. The additional criteria would be that the property is vacant where the previous development had been removed. Mr. Goodman surmised then that any property on which the main building had been razed could qualify as being underutilized. City Manager Schainker confirmed that was correct. He said that the protection is that the matrix is just a guideline to assist the City Council in making a decision; the City Council is not bound by the matrix.

Mr. Goodman expressed his belief that the “vacant” criteria under the utilization category in the matrix was removed when discussion about abatement for the former McDonald’s property in Campustown was being requested. Mr. Schainker recalled that the criterion pertaining to the underutilization category was removed for commercial abatements as they pertained only to apartments. Council Member Goodman asked for a reminder of what action had been taken by the

City Council concerning “vacant” criteria. He does not believe that the “vacant” criteria was removed as part of the underutilized category in the commercial matrix. Mr. Goodman asked for clarification on whether any property along Lincoln Way in the HOC zone where a building had been razed would meet the criteria. Council Member Larson pointed out that this is a two-step process; all that is being stated now is that the property in question qualifies for tax abatement. The City Council would still have to grant the final approval. Mr. Goodman said that he then questions how valuable the criteria are. He again asked what action was taken by the City Council with respect to criteria for the underutilized category and how did that affect the abatement programs. Mr. Schainker pointed out that the matrix for this property was exclusive of the Downtown and Campustown Areas. Staff will research the history to clarify this issue.

Council Member Popken asked what assistance would be provided by the City for relocating the residents of 3503 Lincoln Way. Chuck Winkleblack said that the potential purchasers have an agreement with the seller that all leases will be terminated before possession of the property is transferred. It is his understanding that there are 17 total units. In some instances, due to the condition of the trailers, it is not possible for them to be moved. According to Mr. Winkleblack, by law, 60 days’ notice is required to be given to the residents of the trailer park.

Stewart Jackson, now a resident of Crestview Trailer Park, explained that he was a resident of 3503 Lincoln Way for ten years. He has been communicating what the situation is to as many of the present residents as he can; there are some language barriers. Mr. Jackson concurred that many of the trailers are not movable.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 08-280 approving 3503 Lincoln Way as meeting the underutilized criteria of Urban Revitalization Area Commercial program matrix.

Roll Call Vote: 4-2. Voting aye: Doll, Larson, Mahayni, Rice. Voting nay: Goodman, Popken. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE STUDY:** Vanessa Baker-Latimer, Housing Coordinator, explained that, as part of the requirements of the Community Development Block Grant (CDBG) program, Entitlement Communities are required to conduct an Analysis of Impediments to Fair Housing Study at least once during their Consolidated Plan period. The purpose of the Analysis is to identify the barriers to fair housing within the community. The results are then used to create a working document for how the barriers can be addressed and/or eliminated.

According to Ms. Baker-Latimer, the City requested proposals from qualified consultants to conduct the Study. After receiving two responses, the City entered into an agreement with Hanna: Kellan & Associates of Lincoln, Nebraska, at a cost of \$18,000.

A summary of the Study was presented by Ms. Baker-Latimer. A Fair Housing Choice Survey had been prepared and mailed to Section 8 rental assistance clients and residents of other affordable housing programs in Ames. A total of 247 citizens voluntarily participated in the Survey. The Survey was also distributed to a group of social services and non-profit housing providers in Ames. Thirty-eight housing providers and producers voluntarily participated. The research process also included Community Listening Sessions where the public was invited to voice opinions regarding

any barriers to fair housing choice in Ames. The results of these research activities revealed that the City of Ames has few, if any, serious impediments to fair housing choice. The City is doing well in providing affordable housing and protecting the rights of persons and families of low to moderate incomes.

Council Member Popken asked if the City were involved in any complaints. He pointed out that the Study stated that no housing discrimination or civil rights complaints had been litigated in the City of Ames, but it also showed that 17 of the 247 respondents to the Fair Housing Choice Survey reported that they had experienced housing discrimination and four of those 17 had filed a complaint. Ms. Baker-Latimer replied that none of the complaints were filed with the City, so the particulars of the complaints are not known. She said that if complaints were filed with the City, the City's Human Relations Commission would investigate. It is her understanding the Human Relations Commission also sends out people to test the market to see if discrimination is occurring.

Moved by Doll, seconded by Mahayni, to accept receipt of the Analysis of Impediments to Fair Housing Choice Study in connection with the City's CDBG Program.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**TEXT AMENDMENT REGARDING NONCONFORMING STRUCTURES:** Director Osguthorpe advised that Section 29.307(3)(d) describes when non-conforming structures may be allowed to expand. The City's Legal Department recently interpreted the Section stating that the word "it" in the current ordinance refers to the nonconforming structure, rather than to any enlargement, expansion, or extension of the non-conforming structure. This Legal Opinion has the effect of requiring the existing structure, even if legally built at one time, to be brought into conformance with the existing Code before any addition may be added. As a result, homeowners must now seek a variance if the structure fails to meet current zoning requirements, even though the proposed addition does meet them. According to Mr. Osguthorpe, Section 29.307 had been previously interpreted to mean that if an addition is proposed for a structure that does not currently meet setbacks, it would be allowed as long as the addition, itself, met the setbacks.

According to Director Osguthorpe, several projects have been delayed or abandoned since the new interpretation. The Zoning Board of Adjustment has been addressing about one case every meeting. The proposed text amendment would bring the language concerning nonconforming structures back in line with previous understandings and practices.

Moved by Popken, seconded by Larson, to refer the proposed text amendment regarding nonconforming structures to the Planning and Zoning Commission.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**1112 GRAND AVENUE:** Municipal Engineer Tracy Warner advised that the alley adjacent to 1112 Grand Avenue was vacated in 1992. Six feet of the north portion was sold in 1992 and two feet of the north portion was sold in 2002, both to the adjacent property owner to the north (1118 Grand Avenue). The property owner on the south now wishes to purchase the southern eight feet of the vacated alley.

Ms. Warner explained that staff had determined the cost for the south eight feet to be \$2,124 based on the City's policy for disposing of City right-of-way. She noted, however, that the owners of 1112 Grand Avenue have asked why there is such disparity in what they are being charged versus what was paid for the northern eight feet, which was \$614.11. Land value has increased approximately ten percent (10%) over the past six years, but other than that, staff has been unable to determine how the amount for the northern eight feet was calculated and why there is such a large cost differential between the two amounts.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 08-281 proposing the sale and conveyance by Quit Claim Deed of the south 8' of vacated alley and setting the date of public hearing for July 8, 2008.

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

**FENCING AGREEMENT WITH UNION PACIFIC RAILROAD (UPRR):** Municipal Engineer

Warner said that trespassing on railroad right-of-way is a great safety concern and an ongoing issue on the Union Pacific railroad mainline tracks through Downtown Ames. In an effort to discourage mid-block crossing of the tracks and improve safety, the UPRR recently installed 6-foot-high wrought iron-type fencing within the railroad's right-of-way on the north side of the tracks from Duff Avenue through the depot area.

City Manager Schainker advised that, under the Memorandum of Understanding, the UPRR is paying for the installation of the fence. The City will be required to perform routine maintenance, repair, and replacement as needed for a period of 20 years or as long as the warranty on the fence is in effect. The UPRR has agreed to pay for any damage that occurs due to railroad operations.

Ms. Warner commented on the removal of certain trees and vegetation that will be necessary due to sight concerns of the Railroad. The Railroad is responsible for that vegetation removal.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-282 approving the Memorandum of Understanding with the Union Pacific Railroad pertaining to safety fencing installed from Duff Avenue through the depot area.

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

**2008/09 DEMAND-SIDE MANAGEMENT PROGRAMS:** Donald Kom, Director of Electric Services, introduced Steve Wilson, Energy Services Coordinator. Mr. Wilson reviewed the proposed "Smart Energy" (Demand-Side Management) program costs and anticipated savings.

Council Member Goodman said that he still has some concerns about the rebates being offered, particularly the Marathon water heater rebate. Mr. Wilson explained that Marathon water heaters are large electric water heaters (85 to 105 gallons) made out of fiberglass with a huge amount of insulation. They are very efficient, but it is possible that they would add to the City's load during the summertime.

Acknowledging that the City has allocated \$600,000 this year for these Programs and \$800,000 is earmarked in next year's budget, Council Member Popken asked if there is adequate staffing to administer the Programs. Mr. Kom stated that Steve Wilson is the person responsible for administration of the "Smart Energy" program.

Moved by Goodman, seconded by Popken, to approve the 2008/09 Demand-Side Management Programs sans the Marathon Water Heaters.

According to Mr. Larson, there are operational reasons why the City works to achieve a balanced electric load. For that reason, incentives for certain items may be recommended where the benefits are not immediately visible. Council Member Popken agreed, but stated that, from the perspectives of the utility, its customers, and energy conservation, Marathon water heaters come up with negatives regarding benefits. Mr. Kom described the carbon footprint and how it might be impacted by offering incentives for such items as Marathon water heaters. Mr. Wilson added that it would depend on how many of those units were in service; however, it would take years to realize the savings.

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

**REPAIR OF UNIT #8 TURBINE GENERATOR BEARING:** Director Kom introduced Power Plant Manager Dell Brown and Maintenance Superintendent Phil Schendel.

Mr. Brown described how the four bearings function. Staff had found some issues regarding the No. 2 bearing on the Unit #8 Turbine Generator. It had been experiencing elevated temperatures, and staff has concerns about its imminent failure. On June 18, 2008, the Power Plant issued a purchase order to General Electric International, Inc., to open and inspect the No. 2 bearing on the Unit #8 Turbine Generator. He said that, upon inspection of the No. 2 bearing, General Electric International found signs of extremely heavy loading to be the cause of the high temperature readings. The first Purchase Order was issued for \$24,000 to cover the inspection. A second Purchase Order was issued on June 19, 2008, in the amount of \$24,824 to cover the repairs; however, GE International now estimates that labor costs could be higher, which would mean that the second Purchase Order could cause the total to be over the \$50,000 threshold requiring City Council approval and formal bidding. Staff is seeking authorization to finish the necessary repairs to keep Unit #8 in solid operating parameters.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 08-283 waiving formal bidding procedures and authorizing repair of Unit #8 Turbine Generator bearing by General Electric International in an amount not to exceed \$75,000.

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

**CHANGES IN CITY ELECTRICAL CODE TO COMPLY WITH NEW STATE LICENSING REGULATIONS:** Moved by Goodman, seconded by Popken, to pass on first reading an ordinance revising sections of Chapter 5 and Chapter 7 of the Municipal Code to bring them into compliance with the new state electrical licensing regulations.

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

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

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

Moved by Mahayni, seconded by Larson, to pass on second and third readings and adopt ORDINANCE NO. 3960 revising sections of Chapter 5 and Chapter 7 of the Municipal Code to bring them into compliance with the new state licensing regulations.

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

**HEARING ON POWER PLANT NITROGEN OXIDE CONTROL PROJECT:** Mayor Campbell opened the public hearing. No one requested to speak, and the hearing was closed.

Director Kom explained that bids were received on June 19, 2008. As part of the review process, information contained in the proposals must be sent to a third-party furnace modeling firm that will enter the data into a model of the City's boilers. This modeling will demonstrate what proposed equipment offers the City the best value for lowering NO x emissions, and that process might take several weeks. After completion of the modeling, staff will be in a position to recommend the best equipment and contractor for installation of NO x reduction measures at the Power Plant. For that reason, staff is requesting that the City Council accept the report of bids and delay award until the furnace modeling evaluations are complete.

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

**ORDINANCE MAKING PARKING FINE ADJUSTMENT:** Moved by Popken, seconded by Mahayni, to pass on second reading an ordinance making a parking fine adjustment.

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

Moved by Mahayni, seconded by Popken, 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.

Moved by Mahayni, seconded by Popken, to pass on third reading and adopt ORDINANCE NO. 3954 making a parking fine adjustment.

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

**STATE OF IOWA "SMOKE-FREE AIR ACT":** Assistant City Manager Bob Kindred briefed the City Council as to the City's efforts to comply with the Iowa "Smoke-Free Air Act," which will take effect July 1. The new law will include enclosed public places, workplaces and grounds, and all public buildings. It was clarified by City Manager Schainker that all public places are impacted, not just governmental buildings. Mr. Kindred noted that all City buildings and vehicles are already smoke-free.

Mr. Kindred advised that the City will have some enforcement responsibilities. He explained that the Iowa Department of Public Health has the main responsibility for enforcement, but will be delegating some of that responsibility to municipalities. It is hoped that increased education of the provisions of the Act will result in few violations of the law.

Assistant Manager Kindred detailed what preparation are being taken by the City. Several issues are presently unresolved: “grounds” for workplace buildings, parking lots, etc., and enforcement roles. After the issues are resolved, Mr. Kindred advised that the City’s Personnel Policies and perhaps sections of the Municipal Code might need to be amended. City Attorney Doug Marek elaborated on other provisions of the Act. He believes that there is some benefit to waiting to see how other jurisdictions interpret the law so as to achieve uniformity in enforcement.

**COMMENTS:** Moved by Larson, seconded by Rice, to refer to staff the letter from Chuck Winkleblack requesting the possible annexation of the property located at 1811 and 1820 S. Dayton Avenue (formerly the Cyclone Truck Stop).

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

Moved by Rice, seconded by Goodman, to refer to staff the email pertaining to a “mammoth RV” parked on Jewel Drive.

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

Moved by Popken, seconded by Goodman, to direct staff to remove the “no-smoking ordinance” currently on the books.

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

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:05 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor