

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

AMES, IOWA

APRIL 14, 2009

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on April 14, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Doll, Goodman, Larson, Popken, and Rice. Council Member Mahayni was absent. *Ex Officio* Member Tracy was also present.

**RECOGNITION OF AMES HIGH BASKETBALL TEAMS:** Mayor Campbell recognized the Ames High Girls Varsity Basketball Team and Head Coach Joel Sullivan, which was State Runner-Up. Tricia Nesbitt, a senior, thanked the community for its support. The Ames High Boys Varsity Basketball Team and Head Coach Vance Downs were recognized as State Champions with a perfect 26-0 record. Jesse Pritchard, a senior, also thanked the community for its support.

**PROCLAMATION FOR NATIONAL VOLUNTEER WEEK:** Mayor Campbell proclaimed April 19 - 25, 2009, as National Volunteer Week. Accepting the Proclamation were Shellie Orngard, Director, and Amanda Martin, Community Relations Manager, representing the Story County Volunteer Center. Ms. Orngard described events occurring during National Volunteer Week. Ms. Martin, who is in her second year serving the Ames area as an AmeriCorp/Vista volunteer, invited the public to participate in a variety of upcoming volunteer projects.

**PROCLAMATION FOR FAIR HOUSING MONTH:** April 2009 was proclaimed as Fair Housing Month by Mayor Campbell. Cindy Jorgensen, representing the Ames Rental Property Owners Association, and Vanessa Baker Latimer, City of Ames Housing Coordinator, accepted the Proclamation.

Mayor Campbell announced that the Council would be working from an Amended Agenda. Specifically, acceptance of partial completion of public improvements and lessening security for Dayton Park, 5<sup>th</sup> Addition, had been added to the Consent Agenda, and Items 39 and 40 pertaining to Ada Hayden Lake fishing regulations and an IDNR grant for a fishing pier, respectively, had been pulled by City staff.

**CONSENT AGENDA:** Council Member Larson asked that Item No. 11 pertaining to the Neighborhood Block Party Trailer be pulled for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of the Regular Meeting of March 24, 2009, and Special Meeting of March 30, 2009
3. Motion approving Contract Change Orders for March 16-31, 2009
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
  - a. Class C Liquor - India Palace, 120 Hayward Avenue
  - b. Class C Liquor - Dangerous Curves, 111 5<sup>th</sup> Street
6. Motion approving submission of Department of Justice Byrne Memorial Grant application
7. Motion approving submission of Maddie's Fund Grant on behalf of Animal Control Division
8. RESOLUTION NO. 09-125 approving Traffic Safety Improvement Program (TSIP) Grant Agreement for 2008/09 Traffic Signal Program (Lincoln Way and Sheldon Avenue)
9. RESOLUTION NO. 09-126 approving Traffic Safety Improvement Program (TSIP) Grant Agreement for 2009/10 Traffic Signal Program (Lincoln Way and Ash Avenue)

10. 2006/07 Storm Sewer Outlet Erosion Control Project:
    - a. RESOLUTION NO. 09-127 approving easements and purchase of permanent storm sewer easement at 3715 Calhoun Avenue for \$1,159.97
    - b. RESOLUTION NO. 09-128 approving preliminary plans and specifications; setting May 6, 2009, as bid due date and May 12, 2009, as date of public hearing
  11. RESOLUTION NO. 09-129 approving preliminary plans and specifications for 2008/09 Water System Improvements (Water Main Replacement - Kellogg Avenue); setting May 6, 2009, as bid due date and May 12, 2009, as date of public hearing
  12. RESOLUTION NO. 09-130 approving preliminary plans and specifications for 2008/09 Water System Improvements (Water Service Transfer); setting May 6, 2009, as bid due date and May 12, 2009, as date of public hearing
  13. RESOLUTION NO. 09-131 approving preliminary plans and specifications for Installation of Electro-Magnetic Drum Separator and Conveyor; setting May 6, 2009, as bid due date and May 12, 2009, as date of public hearing
  14. RESOLUTION NO. 09-132 awarding contract to RESCO of Ankeny, Iowa, for Electric Distribution Transformers
  15. Fleet Replacement Program, Divisions I & II:
    - a. RESOLUTION NO. 09-133 awarding contract to O'Halloran International, Inc., of Des Moines, Iowa, for truck chassis in the amount of \$75,183
    - b. RESOLUTION NO. 09-134 awarding contract to Henderson Truck Equipment of Manchester, Iowa, for a dump body and wing plow at a combined total cost of \$52,670.87
  16. RESOLUTION NO. 09-135 waiving formal bidding procedures and authorizing staff to solicit bids for four two-month fuel purchase contract periods for CyRide
  17. RESOLUTION NO. 09-136 approving renewal of contract with Keck, Inc., of Des Moines, Iowa, to supply diesel fuel to Power Plant from July 1, 2009, through June 30, 2010, in an amount not to exceed \$1,500,000
  18. RESOLUTION NO. 09-137 approving renewal of contract with Waste Management of Ames, Iowa, for Hauling Ferrous Metals for Resource Recovery Plant
  19. RESOLUTION NO. 09-157 accepting partial completion of public improvements and lessening security required for Dayton Park, 5<sup>th</sup> Addition
  20. RESOLUTION NO. 09-138 accepting completion of Ames Public Library Video Security Equipment Project
  21. RESOLUTION NO. 09-139 accepting completion of Gas Turbine #1 Motor Control Center Installation for Electric Services
- Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**BLOCK PARTY TRAILER:** Council Member Larson said that he had requested to pull this item from the Consent Agenda so that an explanation could be given as to why the City is considering this purchase. He introduced Jane Acker and Jerry Chase, who had been involved in the Community Conversations on Diversity, to discuss how the Block Party Trailer will help to strengthen neighborhoods.

Jerry Chase advised that an Action Forum was held at the conclusion of the Community Conversations on Diversity, and stemming from the Action Forum was the formation of Action Teams. One of the Teams was comprised of those who wanted to work on strengthening neighborhoods. He said that one of the mechanisms of getting neighbor-to-neighbor communication is through block parties, which would allow social interaction among them. To help facilitate those block parties, it is being proposed that a neighborhood block party trailer be purchased.

Jane Acker described that a neighborhood block party trailer would contain barricades, tables, chairs, outdoor games, a first aid kit, small sound system, and community information. It would be made available to neighborhoods through a reservation system handled by the Parks & Recreation Department. The Police Department would deliver and pick up the trailer. Ms. Acker advised that the trailer (and its contents) is estimated to cost approximately \$8,000, and private funds are currently being raised for its purchase. The City is not being asked for monetary support at this time; however, their facilitation of the donations, trailer storage, and reservation system is being requested.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 09-124 accepting and providing for operation of a Neighborhood Block Party Trailer.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** Susan Wallace, House Director of Gamma Phi Beta Sorority, 318 Pearson Avenue, Ames, noted that the City Council had received a letter from her dated April 7, 2009, wherein she referenced parking ordinances, particularly on Pearson Avenue and Greeley Street. Ms. Wallace indicated that the alternate-side parking is not particularly bothersome; however, at issue is the 2 AM-to-6 AM parking prohibition. According to Ms. Wallace, the signage is particularly ambiguous and enforcement seems to occur only when neighbors complain. She advised that the 2 AM-to-6 AM parking prohibition also compromises the safety and security of the women who park on those streets. Ms. Wallace said she understands the need to regulate parking, particularly in a residential neighborhood adjacent to a university campus; however, she thinks that the 2 AM-to-6 AM restriction serves no purpose. She asked that the City Council review and change the parking regulations on Pearson Avenue and Greeley Street and that this issue be placed on the next Council agenda for discussion.

**NEW CLASS E LIQUOR LICENSE FOR FAREWAY STORE #093:** Moved by Goodman, seconded by Doll, to approve a new Class E Liquor License for Fareway Store #093, 3619 Stange Road.

Vote on Motion: 5-0. Motion declared carried unanimously.

**NEW CLASS E LIQUOR LICENSE FOR FAREWAY STORE #386:** Moved by Rice, seconded by Popken, to approve a new Class E Liquor License for Fareway Store #386, 619 Burnett Avenue.

Vote on Motion: 5-0. Motion declared carried unanimously.

**NEW CLASS C LIQUOR LICENSE FOR WESTCYDE WINGS:** Moved by Larson, seconded by Popken, to approve a new Class C Liquor License for WestCyde Wings, 3706 Lincoln Way.

Vote on Motion: 5-0. Motion declared carried unanimously.

**2009 NEIGHBORHOOD SCULPTURE ACQUISITIONS:** Darla James, Secretary of the Public Art Commission, advised that at its April 1, 2009, meeting, the Commission approved the purchase of three sculptures, as follows:

1. "Wild Flowers" by Robert Lamberson for \$1,200 - to be placed in the triangle at Cessna and Agg (in the South Campus Neighborhood)
2. "Jester" by Tom Newport for \$1,200 - to be placed in Old Town Park, 826 Douglas Avenue, in celebration of the Historic District's 20<sup>th</sup> Anniversary in September

3. "Slight of Hand" by Robert AJ Thorpe for \$2,000 - to be placed west of Stange between Northridge Parkway and Northridge Lane (in Somerset Village Horseshoe Park)

According to Ms. James, there were four applications for sculptures submitted this year. They are selected by what artwork they want, the budget, and the location where the neighborhood wants the artwork installed.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-140 approving the 2009 Neighborhood Sculpture acquisitions.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**MAIN STREET CULTURAL DISTRICT'S (MSCD) "TUNE IN TO MAIN STREET" ACTIVITIES FROM MAY 28 - JULY 30:**

Moved by Doll, seconded by Popken, to approve a Blanket Temporary Obstruction Permit for the Central Business District (CBD) sidewalks from 8:00 a.m. to 8:00 p.m.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Doll, seconded by Popken, to approve a Blanket Vending Permit for the entire CBD.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-141 approving a waiver of parking meter fees and enforcement in CBD from 3:00 p.m. to 6:00 p.m.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-142 approving a waiver of the fee for a Blanket Vending Permit.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-143 approving usage of and waiver of the fee for electricity in and near Tom Evans Plaza.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION ON. 09-144 approving closure of 24 parking spaces in the CBD Lot X.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**MAIN STREET CULTURAL DISTRICT'S ART WALK ON JUNE 5, 2009:** Moved by Doll, seconded by Popken, to approve a Blanket Temporary Obstruction Permit for MSCD sidewalks from 8:00 a.m. to 8:00 p.m.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Doll, seconded by Popken, to approve a Blanket Vending Permit for the MSCD from 8:00 a.m. to 8:00 p.m.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-145 approving a waiver of the fee for a Blanket Vending Permit.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-146 approving a waiver of the parking meter fees and enforcement for the MSCD from 3:00 p.m. to 8:00 p.m.

Vote on Motion: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-147 closing two parking spaces on the southeast side of Kellogg Avenue for a food vendor.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 09-148 approving usage of electricity in and near Tom Evans Plaza and a waiver of the fee therefor.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**REQUESTS FROM THE GOVERNMENT OF THE STUDENT BODY (GSB) PERTAINING TO “ONE COMMUNITY” EVENT ON APRIL 24, 2009:**

Representating the GSB, Lauren Suerth, 225 Welch Avenue, Ames, and Paul Keppy, 3414 Frederiksen Court, Ames, requested that the City contribute \$1,000 to the second annual “One Community” event on April 24, 2009. In addition to last year’s contributors, the University and local businesses are planning on taking an active role in this year’s celebration. This event will be held at Fire Station 2 in Campustown. According to Ms. Suerth, a portion of Chamberlain Street and Parking Lot Y will need to be closed, and they are requesting that parking enforcement be suspended from 1 to 9 PM and a waiver for electricity usage for this event. Ms. Suerth said that the event was so successful last year, the GSB decided that it was vital and necessary to continue this event. Due to miscommunication, the application was not submitted to the City in a timely manner.

Mayor Campbell expressed concerns about this event coming on the heels of the VEISHEA celebration, as City staff resources will be pretty well spent after that event. Council Member Doll asked to know what was expected of City staff for this event. Ms. Suerth again acknowledged that this request came late to the Council; they inadvertently missed that step. However, they are only asking to close Chamberlain Street from 1 to 9 PM, close the parking lot, waive enforcement of meters on that street, and waive the costs for electricity used by the band. Mr. Doll noted that last

year's event was run heavily by City staff, and asked if that would be the case again this year. Ms. Suerth advised that students will run the event, but City staff is invited to assist. She noted that this would be a partnership among the students, University, and the City. Due to the late request to the City, Ms. Suerth said that the assistance of City staff will not be required; of course, they are welcome to attend. She stated that this celebration was initially being planned to mark the completion of Campustown Court, which was supposed to be finished by this date. It is also designed to show appreciation to the students for a great year.

Council Member Rice indicated that last year, this event was to be used as a spring welcome to new students and summer students. Council Member Larson said that a lot of effort is put into the fall welcome event, and considerable staff time and City financial resources are allocated toward that event. He pointed out that this event seems more like a thank you and not so much a spring welcome. Mr. Larson is concerned about City staff being asked to get involved in another large event right on the heels of VEISHEA. He would like to see the GSB help facilitate the acquisition of the Block Party Trailer and having that funding as well as funds from the City go towards that purchase.

Council Member Goodman acknowledged the reservations that the Council had in helping fund this event last year. However, he indicated that he would approve the City's financial allocation in the amount of \$1,000 for two reasons: (1) He thinks \$1,000 is reasonable, and (2) because he senses a different energy in the Campustown Student Association. That Association is more active than he has seen any other student association or business association in Campustown for years. He asked to know how much the GSB is contributing to this event. Ms. Suerth replied that the GSB will be contributing \$1,200.

Assistant City Manager Sheila Lundt stated that some City staff will be available to assist with this event. She believes that the students have done a good job in planning the event, and there is funding available in Contingency if the Council decides to allocate it.

Council Member Larson expressed his dismay that more time was not available to support this event. He suggested that, instead of holding this event, the funding and planning be put towards making the fall Welcome Back Students event a really outstanding event.

Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 09-149 approving the request for \$1,000, to be allocated from the Council Contingency account.

Council Member Rice indicated that this event meets two of the Council's goals: (1) rejuvenate Campustown and (2) strengthen neighborhoods.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 09-150 approving the temporary closure of a portion of Chamberlain Street and Parking Lot Y and suspension of parking enforcement from 1:00 p.m. to 9:00 p.m.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 09-151 approving usage of electricity and a waiver of the fee therefor.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PROPERTY MAINTENANCE CODE VOLUNTEER PROGRAM:** Assistant City Manager Bob Kindred reminded the City Council members that one of the budget commitments they made to help strengthen neighborhoods was to add a Neighborhood Intern. He introduced Brian Mond, Neighborhood Intern, who has been working with City Neighborhood Planner Jeff Benson on devising a Volunteer Program for Property Maintenance.

Mr. Mond gave a report on the Volunteer Program for Property Maintenance. He said that a Volunteer Program for Property Maintenance would have several purposes to address the City Council's goal of strengthening neighborhoods. The Program would match people who need assistance improving their properties with volunteers who are willing to help with exterior property maintenance. It would mainly connect owner-occupied residents who are elderly, disabled, and/or low-income with students, neighbors, and neighborhood associations, who would perform exterior residential maintenance. The Story County Volunteer Center has offered to prioritize the requests for assistance, match the needs of property owners with the skills of volunteers, and organize the volunteers. Potential resources in addition to the Story County Volunteer Center and Iowa State University Interfraternity Council were named as neighborhood associations, other neighborhoods, faith groups, youth groups, student groups, service clubs and volunteer organizations, and individuals.

Council Member Popken asked to know how residents would ask for help. Mr. Mond advised that, after a complaint about property maintenance has been made, a City Inspector would provide the option for assistance to the property owner. Council Member Doll inquired as to whether it would be possible for a property owner to ask for assistance before a complaint was filed. Mr. Mond stated that it would be possible to do that.

Council Member Doll suggested that the Retired Senior Volunteer Program (RSVP) be contacted as a group that might like to assist.

Shellie Orngard advised that the Story County Volunteer Center serves 116 non-profit organizations. It has not served person-to-person, however. Groups have helped low-income and elderly residents with weatherization projects, which come in at the recommendation of Mid-Iowa Community Action. Ms. Orngard requested that a recommendation from the City Inspector be made for assistance. She suggested that the Ames Volunteer Program start small and then incrementally increase its scope if funding and volunteer assistance is available.

Council Member Rice noted that people with low- or moderate-incomes might be able to apply to the Story County Housing Authority for grant funds and the City's Community Development Block Grant (CDBG) program.

Council Member Popken suggested that this type of Program would be a good one to implement regardless of whether or not the Residential Property Maintenance Code is adopted. Building Official David Brown indicated that there is currently a need for this Program.

Moved by Popken, seconded by Goodman, to direct staff to bring back options for proposed implementation of a Volunteer Program for property maintenance assistance.

Council Member Goodman said that “proposed implementation” is more aggressive than he wants to be without knowing all the details. He said that, whether or not there is a Property Maintenance Code, the idea of creating some sort of mechanism to help people make improvements when they cannot otherwise afford them would achieve some of the Council’s goal.

Council Member Larson noted that he did not want the Story County Volunteer Center to be put on the spot tonight because it could be a huge implementation issue for them. After studying such a program, it might be that everything should be coordinated through the City.

Moved by Popken, seconded by Goodman, to direct staff to bring back options for a proposed Volunteer Program for assistance with property maintenance.

Planner Jeff Benson clarified that what was being proposed is “more than an idea and less than a proposal.” He suggested that staff come back to the City Council with options. He noted that property maintenance is a responsibility, and the City is not trying to take over that responsibility for people.

Vote on Motion: 5-0. Motion declared carried unanimously.

**PROPERTY MAINTENANCE CODE OPTIONS:** Assistant City Manager Kindred recalled that the Council had held a work session on this issue on March 30, 2009, and learned about the vast amount of input that had been received over the past several months. At that work session, the City Manager reviewed five options that could be taken by the City Council. After the public input received on March 30, a sixth option has been added, which is a variation of Option 4. He emphasized that staff believes there is a need for stronger emphasis on property maintenance to retain the quality of neighborhoods; however, they also realize that this is a very controversial issue. Mr. Kindred said that no matter what option is chosen, there will be opposition from members of the community. He specifically noted Option 4 and a new Option 6:

Option 4. Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues for rental housing units at this time and move ahead to establish a citizen committee to work with City staff to recommend minimum property maintenance standards for owner-occupied residential units for City Council consideration.

An ordinance would be brought back to the City Council that reflects the new language agreed to by the Rental Housing Committee regarding property maintenance standards for residential rental units. In addition, staff would work with a citizen committee to develop Code language focusing on the levels of the decision continuum for owner-occupied residential properties.

Option 6. Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to interior issues and establish a citizen committee to work with City staff to recommend minimum exterior property maintenance standards for both owner-occupied and rental residential units.

An ordinance would be brought back to the City Council reflecting the new language agreed to by the Rental Housing Committee regarding the 55 (+/-) interior



issues related to rental housing units. These changes would be part of the modified Rental Housing Code.

Council would also delay action on exterior issues related to both rental and owner-occupied residential units until it receives recommendations from the new citizen committee. Eventual Code changes related to exterior residential property maintenance would become part of a City-wide Residential Property Maintenance Code that applies to both rental and owner-occupied units. Staff would work with the ad hoc citizen committee to develop Code language.

Referring to the 23 items from the Rental Property Code to be included for owner-occupied housing, and pertaining specifically to Option 6, Council Member Larson asked what exactly would be included as exterior items and if they would be aesthetic or safety-related. Chief Petersen advised that there are safety-related items that would be included in that list of 23. He gave examples as stairways, entrances, exits, ice build-up from gutters and downspouts. Council Member Popken asked staff to enumerate the items that would be safety-related. Chief Petersen noted that Option 6 also deals with the moratorium.

It was noted by Mayor Campbell that she had received a card from Mark Edwards indicating that he desired to speak; however, he was no longer present.

Dee Betts, 506 Jewel Drive, Ames, said that she was a member of the ad hoc Rental Housing Advisory Committee. She suggested that the Committee's recommendations be accepted in totality. Ms. Betts asked that adoption of the Rental Housing Code not be held up while another committee be set up to address the Residential Property Maintenance Code.

Council Member Goodman said that he would be comfortable keeping all safety-related items from the list of 23 in the list of requirements for the Property Maintenance Code, but not those pertaining to decorative features.

Moved by Rice, seconded by Doll, to approve Option No. 4: to revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues for rental housing units at this time and move ahead to establish a citizen committee to work with the City staff to recommend minimum property maintenance standards for owner-occupied residential units for City Council consideration.

Council Member Doll asked to know how the penalties for not meeting the Code would be structured. He would like to see that covered the next time that this item is brought before the City Council. City Attorney Doug Marek said they have a draft prepared that contains those procedural mechanisms.

Council Member Goodman advised that, although he appreciated the work of the Committee, he would not be supporting the motion due to his feelings about equity and functionality. He noted that 71% of the complaints were against owner-occupied homes. Council Member Rice indicated that he would accept an amendment to his motion to also include owner-occupied units at this time.

A preference for Option 6 was expressed by Council Member Goodman. Assistant City Manager Kindred indicated that if the Council approved Option 6, the moratorium issue would need to also be addressed.

Al Warren, 3121 Maplewood Road, Ames, noted that since the ordinance has not come back to the City Council in its final form, they had time if they wanted to pull out those 23 items. An idea that had been proposed by a member of the Committee was to have a chapter that would apply to every household (owner-occupied and rental) in Ames and a chapter that would apply only to rental units. Mr. Warren indicated that there is a lot of confusion currently in the community and direction was needed from the City Council.

David Brown, Building Official, recalled that one of the reasons the Rental Housing Code began being discussed over a year ago was because there had been staff turnover in the Inspections Division and interpretations were being made that were different than their predecessors. Their mission was to make the Code interpreted consistently the same by inspectors and property owners. He believes that the Committee has produced a clear set of rental standards, and City staff and property owners need those standards approved at this time. He believes the standards are fair and reasonable; however, they all require judgment to be rendered by an administrator. Mr. Brown urged the City Council to adopt the Rental Housing Code at this time and then move forward to arrive at standards for owner-occupied housing.

Vote on Motion: 3-2. Voting aye: Doll, Popken, Rice. Voting nay: Goodman, Larson. Motion declared carried.

Assistant City Manager Kindred advised that the next step would be for the draft Rental Housing Code be brought back to the City Council for approval. Staff will also come before Council with the proposed charge and committee make-up to work on a Residential Property Maintenance Code.

The meeting recessed at 9:15 p.m. and reconvened at 9:22 p.m.

**UPDATE ON POWER PLANT COAL SUPPLY OPTIONS:** Assistant City Manager Kindred stated that the City of Ames has no jurisdiction over the issue of annexation or location of the coal storage facility in Nevada. Staff's responsibility is to bring forth the best option for Ames taxpayers for this critical purchase.

Assistant Electric Services Director Brian Trower advised that on July 28, 2008, the City issued a Request for Proposals (RFP) for coal and coal transportation/delivery services to five coal companies and to three other entities that had expressed interest in providing transportation/delivery services. The purpose of that RFP was to secure a contract for coal and its transportation/delivery to the Power Plant beyond December 31, 2009, which is the expiration date of the current contracts. Proposals were received on September 3, 2008, from three coal companies to supply coal and from two other companies to provide transportation/delivery services. Mr. Trower noted that staff would be discussing only the transportation/delivery services tonight.

According to Mr. Trower, proposals for coal transportation/delivery services were received from Alliant Energy - Williams Bulk Transfer (AE-WBT) and Central Iowa Terminal. He noted that CIT's base price/ton was \$32.34 and AE-WBT was \$36.47 without escalation factored in. According to Mr. Trower, every \$500,000 equals a 1% increase in electric rates. Under CIT's proposal, the estimated rate increase necessary for coal movement and delivery only would be 4.90%; under AE-WBT's proposal, the rate increase necessary would be 7.40%. Mr. Trower noted that the proposal from Central Iowa Terminal (CIT) was for transportation/delivery services from a proposed coal terminal to be located and built on the Union Pacific rail line approximately one mile southwest of the city limits of Nevada, Iowa. He advised that after review of the two

transportation/delivery proposals, CIT's proposal was clearly favorable for the City and its electric ratepayers.

Mr. Trower presented the major features of the two proposals and contrasted the differences between them. The increase in annual coal transportation/delivery charges under a new contract (starting on January 1, 2010) would be \$2,448,437 for CIT and \$3,698,437 for AE-WBT. In summary, AE-WBT's cost for services would be \$1,250,000 greater than CIT's.

Another difference in the two proposals was that CIT's proposed pricing would be for a contract term of five years, while AE-WBT's would be for only one year. Mr. Trower advised that the RFP had asked for contract term lengths of either three, five, seven, or ten years. AE-WBT had initially responded that they were not able to meet the minimum contract term lengths, but later indicated that perhaps they could. To date, nothing in writing has been received from AE-WBT to that effect. It is staff's belief that AE-WBT would need a long-term agreement with the City to remain a reliable coal transportation option for the Power Plant.

Regarding coal storage, CIT's proposed coal terminal would have the capability of storing up to 30,000 tons for the City indefinitely at no additional charge. This would allow the Power Plant the option of reducing its on-site storage down to 10,000 to 15,000 tons and would mitigate coal shortage issues that have occurred in the past. Those occurrences have required the Power Plant to reduce normal output in order to conserve coal, and in one case, forced it to purchase replacement power at uneconomical prices. Electric Services Director Don Kom advised that 30,000 tons provides approximately 22 to 25 days' usage. Mr. Trower described incidents that had occurred when the City did not have enough coal and had to purchase replacement power. He advised that AE-WBT has no long-term storage capability. Its dome storage capability is intended to accommodate the surge of coal due to the unloading of unit trains. Once unloaded, the coal has to be moved expeditiously from the dome to the customer's destination. If that is not done, the coal will in a few weeks heat up by spontaneously combustion, risking a coal fire in the dome. CIT will compact all coal intended for long-term storage, essentially eliminating the risk of coal getting hot and catching fire.

Mr. Trower stated that the terminal's proximity to the Power Plant is also an issue. The terminal that CIT has proposed southwest of Nevada, Iowa, is approximately nine miles east of the Power Plant. AE-WBT's facility in Williams, Iowa, is 36 miles north of the Plant. If 312,000 tons of coal were hauled annually, hauling from AE-WBT would require 900,000 truck miles to accomplish the deliveries, but only 225,000 truck miles if hauled from CIT's proposed site. The benefits would be from savings of diesel fuel for trucking and the corresponding reduction of 1303 tons of CO<sub>2</sub> emissions on behalf of the environment. The faster cycle times for the shorter round trip to and from CIT's terminal near Nevada means that the same amount of coal could be hauled in a shorter window of time, resulting in reduced overtime costs for coal yard personnel. Also, the trucking and the receiving of coal would likely be performed safer because it should be accomplished during daylight hours.

Reducing the truck-miles and the turnaround times in the winter should result in a significant improvement in the reliability of coal supply to the Power Plant. Mr. Trower reiterated that last December (2008) and January (2009), due to a combination of factors, not the least of which was trucking issues associated with winter weather, the Power Plant was unable to receive sufficient coal and came precariously close to running out of coal. CIT's proposed terminal near Nevada with its proximity to the City's Power Plant would provide a significantly better outcome under similar

circumstances. The road conditions that negatively impacted trucking this winter from AE-WBT would have affected trucks less on an 18 mile round-trip to CIT versus the 72 mile round-trip north on I-35 to AE-WBT. There would be a greater likelihood that trucks would operate on days with inclement winter weather, plus the turnaround time would be considerably shorter, resulting in more coal being delivered.

According to Mr. Trower, in addition to the December 2008-January 2009 incident, the City came very close to running out of coal during August and early September of 2008. This occurred during summer peaking season, at a time when the plant is capable of burning 1,250 to 1,500 tons coal per day. With less than 7,000 tons coal shown in inventory on August 10, 2008, the City got within approximately five (5) days of the Plant being out of coal and unable to generate electricity. The primary reason given by AE-WBT to explain the August-September 2008 coal delivery shortage was that trains hauling coal were backed up following the June rains and flooding in Iowa and in the Midwest.

Mr. Trower noted that CIT's proposal provides for a complete unit train of coal railcars, either by lease or by purchase. They have an additional agreement with the Union Pacific (UP) Railroad that the UP would loan CIT a train set of coal railcars if CIT's own train set would be taken out-of-service. By contrast, AE-WBT relies upon the Burlington Northern Santa Fe (BNSF) Railroad to provide train sets to haul coal from the Peabody mine in Wyoming to their terminal in Williams, Iowa. This means that the BNSF has ultimate control of the train set and can take it away from AE-WBT's service to serve other customers. Mr. Trower advised that that actually occurred in early December of 2008. The BNSF requested AE-WBT to take a unit train out-of-service for one load cycle (approximately 7 days) the first week of December. That train set got lost in BNSF's system for at least three weeks and was eventually located in Illinois. Under pressure indirectly from the City of Ames along with direct pressure from AE-WBT, the BNSF put a different train set into service the last week of December to resume transportation of coal from the mine to Williams. Coal transported to CIT's proposed terminal outside of Nevada would be hauled from the mine by the Union Pacific (UP) Railroad.

Mr. Trower explained that coal transported to AE-WBT in Williams is first hauled from the mine by the Burlington Northern Santa Fe (BNSF) Railroad to Sioux City, Iowa, where the unit train is transferred over to the Canadian National (CN) Railroad who completes the haul to AE-WBT's terminal in Williams, Iowa. The single line haul to CIT's proposed terminal is obviously more straightforward which provides both economic and logistical advantages over a two-line haul. The two line haul necessary to serve AE-WBT involves more crews plus the coordination and placement of crews between the two railroads (BNSF and CN) in order to orchestrate the handoff that occurs in Sioux City, Iowa.

According to Mr. Trower, the terminal proposed by CIT would be able to provide the City of Ames Power Plant with the flexibility of using an assortment of coals in the event that it would want to switch or blend coals, or broker the City's coal supply via the Over the Counter (OTC) trading market. The OTC market for coal is very appealing in that the traded price for coal may be 25 to 50% less than the contract price for a similar coal. Mr. Trower said that contract coal prices for 8,400-8,800 Btu/lb coal out of the Powder River Basin (PRB) in the last half of 2008 ranged from approximately \$15/ton to more than \$20/ton. If the same coal that sells for \$20/ton under contract could be purchased on the OTC market for \$15/ton, the savings for the approximately 300,000 tons of coal that the City of Ames Power Plant needs annually is \$1,500,000. In order to consider OTC market coal, the Power Plant must be capable of burning a variety of coals that may be bought via

the OTC market process. The market does not designate a specific coal in the bidding process; it can only specify certain parameters such as heating value (Btu/lb.), sulfur content (%), etc., that the bidders of coal into the market must meet. AE-WBT's coal terminal and dome does not have the room to unload different coals and keep them separate. Also, there are other customers that AE-WBT serves from their facility that do not have the flexibility to burn different coals or ones that have been blended or mixed. CIT's proposed terminal's capability to unload and store coals separately would provide options for flexibility and for favorable economics over the current capability of AE-WBT.

Assistant City Manager Lundt told the Council that no specific action was being asked for at this meeting. However, it is important that Council and the public also understand the economic and reliability advantages that would accrue to Ames Electric Services customers if such a facility were to be built. Director Kom stressed that having a reliable source of coal and its transportation is paramount to the successful operation of the City's Electric Utility.

Ms. Lundt advised that if CIT determines that their proposal to build a coal terminal in Nevada will not be possible, the City would issue a new RFT. The City concurrently is looking at how long it can wait; by June, decisions must be made.

Nancy Miller, 23584 - 600<sup>th</sup> Avenue, Nevada, pointed out that she does not represent all residents of Nevada, but does represent "most" of them and certainly all of the members of the "No Coal Team." Ms. Miller said she can't believe that Ames Electric Services thinks that the Nevada "coal dump" is still a possibility and referred to those associated with Ames government as being afflicted with a disease that "causes blindness, loss of hearing, and a significant decline in reasoning". She emphatically stated that the City of Nevada and the Story County Board of Supervisors have said no to the CIT "coal dump;" it is a "dead issue." Ms. Miller said that other communities in Story County "do not exist just for the benefit of Ames," and those communities should not just "have to suck it up so that Ames can get whatever" it wants. She asked why the residents of Story County should subsidize the electric rates for Ames residents. Ms. Miller noted that other sites in Boone County are being looked at for coal dump sites, and she warned the Ames residents about the coal dust infiltrating the City from the west. She recommended that Ames locate its coal dump next to the railroad tracks or annex land to the west. Ames would then have the "best of both worlds – the approximately whopping \$35,000/year in tax money and the estimated eight additional jobs." Ms. Miller said that Ames has no jurisdiction over the unincorporated areas of Story County.

**PURCHASING POLICIES:** Purchasing Agent Luana Stoneking explained the lay-out of the new Purchasing Policies & Procedures Manual. The Manual is divided into two sections. For the first time, a guide to Purchasing's intranet site has been included. Ms. Stoneking advised that every two years, staff reviews the Policies and Procedures, and revisions are made periodically as areas that can be improved are identified.

**Review of previously approved policy changes (2003-present) relating to State Auditor recommendations:** Finance Director Duane Pitcher recalled that a report pertaining to the State Auditor's recommendations was presented to the City Council on March 10, 2009. The period of the State Auditor's review began in 2003, and there have been numerous changes to the Purchasing Manual since that time. Since May 2003, there have been five revisions to the purchasing policies that either clarified or revised the policy relating to change orders. The most significant of those revisions, in June 2007, increased the limits of authority for contract changes to match contract award authority. Additional revisions are proposed to further clarify the policy, as follows:

1. That payments are supported by sufficient supporting documentation and retention of documents related to contractual requirements.
2. Additions and clarifications dealing with documentation and records retention are proposed in numerous sections and would apply to all types of purchasing documents.

Mr. Pitcher advised that a review of the City's Records Retention Schedule is being done city-wide; however, the areas specifically recommended by the Auditor's Report were covered. Those specifically were:

1. Retention of rejected bids and proposals
2. Documentation to demonstrate compliance with the contract

Ms. Stoneking reviewed the proposed revisions that are unrelated to the State Auditor's Report. The most significant change would be an increase in the small purchase, capital, and procurement card single transaction limit from \$1,000 to \$2,500. This is the threshold at which a purchase order is required.

According to Ms. Stoneking, the Purchasing Division will conduct training and information sessions with employees in user departments to inform them of the revisions and to replace their existing manuals. The policies and procedures are also available on the Purchasing Division Intranet site.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 09-152 approving proposed revisions related to the State Audit Report.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 09-153 approving proposed purchasing policies effective June 1, 2009.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PROCESS FOR HIRING PROFESSIONAL SERVICES CONTRACTORS:** Ms. Stoneking explained that the City contracts for many types of services that are considered "professional services" for budget and accounting purposes. The more traditional professional services are based on professional licensing and include architectural and engineering services, landscape architecture services, legal services, some medical services, and public accounting services. The current purchasing policy calls for competitive written proposals to be solicited when the cost of professional services is \$50,000 or more. When the proposed work is included in a Federal or State grant, the threshold amount may be lower and grant requirements may apply.

According to Ms. Stoneking, the City's purchasing policies include a provision that an exception to the requirement for competitive proposals may be requested if the proposed consultant has previously performed related work on the system for which services are being contracted and if contracting with another professional would cause additional expense to the City in order for the consultant to become familiar with the system. The request to waive the policy would be

submitted to the City Council if the cost is \$50,000 or more. Ms. Stoneking said this oftentimes

also occurs with smaller projects.

Ms. Stoneking advised that most requests for proposals (RFP) for professional services, particularly for architectural and engineering services, are solicited directly by the City's departments. Most departments try to solicit competitive proposals if there appears to be a benefit to doing so, even if the cost is expected to be less than \$50,000.

According to Ms. Stoneking, firms who have an interest in contracting with the City initiate and then maintain contact with departments to keep them informed about the services they provide. Staff in the various departments learn about firms who provide professional services relating to their needs through information provided directly by these firms, through attendance at conference and trade shows, and through peers and supporting organizations. The City's Purchasing Division maintains lists of firms who have submitted requests to be on "bidders lists" and these lists are available to all departments. Departments also contact firms with whom they have had positive experiences on prior contracts. Public Works and Water & Pollution Control maintain formal lists of firms providing various types of professional services and send notification of projects based on those lists. Some departments contact Purchasing to determine if a list exists. Some departments develop lists of potential providers through contact with other City departments or their peers in other cities and utilities. Electric Services also researches potential providers via the Internet if a list of potential providers does not exist.

Ms. Stoneking further stated that projects funded by Federal and State grants frequently have a requirement that potential providers be pre-qualified in that particular type of work in order to submit a proposal, or that an established list of potential providers such as registered targeted small businesses be notified. Large projects may be posted on a departmental web site or on the Purchasing Division web site. When required by a grant or determined to be appropriate, a notice is published in the local newspaper or in a trade publication.

Municipal Engineer Tracy Warner pointed out that when RFPs are issued for professional services, such as architectural and engineering services, the proposal documents include at least a project description, submittal requirements, and evaluation criteria. Some RFPs, particularly those with a large scope of services, have minimum quality requirements including experience in successfully completing work of a similar size and scope. Qualifications are critical, including both the firm and the proposed project team. If the information a department has about a firm and its staff indicates that the minimum qualifications would not be met or that the firm does not provide the services to be contracted, then that firm would not be invited to submit a proposal. However, any firm contacting the department issuing the RFP or Purchasing to ask for proposal documents would receive them and could submit a proposal. Ms. Warner pointed out that there are also very specialized services with no qualified pool of competitors in the area. She gave specific examples of RFPs that yielded over a hundred responses. Also, she pointed out that it can cost thousands of dollars to prepare a proposal, and if working in the City of Ames is not in a company's marketing plan, they are not going to submit one.

Assistant City Manager Kindred summarized that the onus is on the service-provider to inform the City of Ames that they are interested in bidding on projects. Ms. Lundt pointed out that large projects over a five-year period are listed in the City's Capital Improvements Plan.

**IDENTITY THEFT PREVENTION PROGRAM** Finance Director Pitcher advised that modifications

to the Fair and Accurate Credit Transactions Act of 2003 (FACT), administered by the Federal Trade Commission (FTC), require that all public utilities formally establish and maintain an Identity Theft Prevention Program. The purpose of the Program is to help prevent, detect, and mitigate identity theft by establishing a process to identify and report transactions that indicate a pattern, practice, or specific activity of the possible existence of identity theft. Mr. Pitcher reviewed the required elements of the Program. He advised that a Privacy Committee consisting of City staff was established, conducted a needs assessment, and drafted a Program for the City based on FTC guidelines, specific training, and information provided by the Iowa Association of Public Utilities. This Program now needs approval of the City Council and is required to be in place by May 1, 2009.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-154 approving the City's Identity Theft Prevention program.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009A:** Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-155 providing for issuance of \$6,995,000 General Obligation Refunding Bonds, Series 2009A, and providing for levy of taxes to pay same.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**UPDATE ON OUTSTANDING ECONOMIC DEVELOPMENT LOANS** Finance Director Pitcher advised that the City currently has five outstanding economic development loans. The loans are current with the exception of Home Styling Furniture and BioForce Nanoscience.

Home Styling Furniture. City Attorney Marek presented a detailed loan status report pertaining to Home Styling Furniture. He advised that, in December 2005, this matter was brought to the City Council for direction on how to proceed. At that time, Home Styling Furniture owned outstanding principal plus interest and job penalties totaling \$99,997.90. The City Council directed staff to negotiate an agreement prorating penalties on both loans on the basis of 13.5 of 35 required jobs having been created. The result would have been a penalty of approximately \$50,000 plus any outstanding debt of principal and interest. Nadler Brothers, which had assumed all obligations of Home Styling Furniture, has not agreed to prorated penalties. Barry Nadler indicated by telephone to Mr. Marek that Nadler Brothers Company never intended to assume the obligations of Home Styling Furniture for job creation, but even if it had, the obligations would have been satisfied by jobs created by other Nadler Company business ventures in Ames. Mr. Marek presented three options to the City Council:

1. Declare the loans in default, and if necessary, proceed with litigation against Nadler Brothers Company for the outstanding principal plus interest and job penalties totaling \$99,997
2. Waive the penalty provisions, but proceed to collect, with litigation, if necessary, outstanding principal and interest (approximately \$5,000) on the Revolving Loan
3. Waive the penalty provisions and write-off the debt

Mr. Marek advised that, if the Council is inclined to pursue collection, he recommended that both



loans be declared in default. However, if the Council believes that the penalties should not apply in this case, direction not to pursue should be given to him. It was reported by Mr. Marek that the City does have the loan agreements and the guarantees; the loan agreements provide that the agreement continues until fully collected.

Moved by Goodman, seconded by Popken, to direct the City Attorney to pursue collecting the outstanding principal plus interest and job penalties in the amount of \$99,997.

Vote on Motion: 5-0. Motion declared carried unanimously.

BioForce Nanoscience. Finance Director Pitcher advised that BioForce Nanoscience is a small, publicly traded company based in Ames that develops diagnostic and research testing equipment for the biomedical field. The company does not yet produce profits and has been dependent on continued equity contributions and loans to fund current operations. With the current financial situation, both equity and debt funding have been difficult to obtain.

Greg Brown, CFO of BioForce Nanoscience, 5614 Thunder Road, Ames, said that their product was introduced to the market in 2006. The product sells for approximately \$100,000. They must sell 24 units/year to break even. In 2008, they ran at about half the revenue level they needed to break even. According to Mr. Brown, they have cut their expenses as much as possible. He said that the companies that typically fund companies like BioForce Nanoscience are no longer in existence. At this time, the company is not generating cash flow adequate to pay outstanding loans and continue operations. They are hoping for increased sales and are asking to be given until early July 2009 to follow-up on working out options for making the loan current.

Moved by Goodman, seconded by Rice, to direct staff to provide additional time for BioForce Nanoscience to improve cash flow and work out terms to get the loan current.

Finance Director Pitcher indicated that staff would be reporting back to the City Council on this issue in July.

Vote on Motion: 5-0. Motion declared carried unanimously.

Quality Attributes Software, Inc. Mr. Pitcher explained that Quality Attributes Software, Inc., (QAS) is an Ames-based software development company engaged in the integration, monitoring, collection, and display of building control systems and the energy used by buildings from any number of data points. This company was recently sold to Visenergy, Inc. Visenergy is a New Jersey-based solar electric engineering firm that offers turnkey solar electric systems for residential, commercial, and government clients. Visenergy has asked that the City assign the current outstanding loan to QAS to Visenergy. The QAS loan terms included a provision for a personal guarantee for the loan, and according to Mr. Pitcher, the CEO of Visenergy has agreed to provide a replacement personal guarantee. Visenergy plans to keep the operations of QAS located in Ames, and if they do choose to move the company, would still be subject to default and penalties

related to moving the company out of Ames. Mr. Pitcher noted that the Iowa Department of Economic Development has agreed to the sale.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 09-156 agreeing to the sale of the company to Visenergy, transfer ownership to Visenergy, and replace personal

guarantees.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**ADA HAYDEN HERITAGE PARK FISHING REGULATIONS AND IDNR GRANT PERTAINING TO FISHING PIER:** Mayor Campbell noted that these two items had been pulled from the Agenda by staff.

**INTENSITY REQUIREMENT IN GENERAL INDUSTRIAL (GI) DISTRICT:** Planning and Housing Director Steve Osguthorpe reminded the City Council members that when they had decided to eliminate the floor-area ratio from the GI District in October 2008, he had introduced the idea of implementing something similar to shadow-platting to provide for maximum density. Mr. Osguthorpe explained four options for the Council's consideration, three of which would necessitate text amendments to the GI development standards in Section 29.901(3). He noted that the Planning & Zoning Commission had, by a vote of 5-0, recommended to retain the existing language and make no changes to the development standards for the GI District. Mr. Osguthorpe said that if the City Council members felt additional standards were necessary to ensure the efficient use of industrial land, they should choose to require a 30-foot side setback for parcels that did not meet the 35% lot coverage. Director Osguthorpe added that, after looking at aerial photographs and seeing what 50% lot coverage looks like compared to 35%, staff realized that 35% appeared to be sufficient.

City Planner Charlie Kuester advised that, presently, with a minimum threshold of 50%, about 60% of the lots would be out of conformity. If 35% minimum lot coverage and a 30-foot setback were required, 25% would be non-conforming. He showed examples along the South Bell corridor.

Moved by Larson, seconded by Doll, to not amend Sections 29.901(3) and/or (4); thus, retain the existing requirements.

Council Member Goodman voiced that he agrees with the Planning & Zoning Commission, but on TIF parks, he feels the City should have higher standards, i.e., more requirements. He wants to make sure that the City has a good return for its tax dollars.

Council Member Popken voiced his concern that industrial land is not being used efficiently. He feels perhaps that Option 2 (adopting the language proposed by staff to adopt either Option A, Option B, or Option C to create a Minimum Development Coverage standard) might be best.

Council Member Larson said that there doesn't seem to be a problem that needs to be fixed. Speaking to his fellow Council members, he said that he hoped that the Council would get to the point where when the advisory boards and commissions and the City staff tells them to do something, the Council actually goes along with their recommendation.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, agreed that if the City has a stake in the TIF District, Assessment Agreements should be entered into to ensure proper development. However, for other types of development, he believes that the market should dictate. Mr. Winkleblack added that he is not sure how much land will be developed at market rate, because there seems to be so many "give-aways." He thinks that many TIF projects will be done in the foreseeable future, and hopefully, those will be good for the City and for the developers. In Mr. Winkleblack's opinion, there are so many things that may be built on industrial land, and sometimes, it is appropriate to

allow a large setback due to such things as the noise level. If this is changed, modifications will constantly need to be made and variances will be requested. Mr. Winkleblack believes that the amount of inefficient land use in Ames “is the exception and not the rule.” He urged the City Council to approve the recommendations of the City Manager and the Planning & Zoning Commission.

Council Member Goodman asked if the City’s industrial land could be used more efficiently if roads were built on the back side of the lots. Mr. Winkleblack pointed out that the platting was done to help maintain flexibility; the lots might be combined to create one large lot. If a large lot (five or ten acres) was needed for an industry, the roads would have to be torn out. The construction of only cul-de-sacs allows that flexibility and doesn’t waste infrastructure costs.

Assistant City Manager Kindred pointed out that, if Alternative 1, which is being recommended by the City Manager, is approved, the City has additional opportunities to make sure that the risk is minimized when there is a public investment through Tax-Increment Financing. However, if Option 2 were adopted, it would apply to everyone throughout the entire community.

Council Member Popken voiced his concern that the City has an investment in the lots – whether it is due to the creation of a TIF District or just by maintenance of the infrastructure – and if the lots are not used efficiently, resources will be wasted. If that is the case, Mr. Popken believes the City has a policy problem.

Mr. Kindred pointed out that staff had collected data on every General-Industrial-zoned parcel in Ames. He stated that the level of development intensity is around 36%, and if the City Council members are dissatisfied with that, they need to direct staff to look at another tool. The market has driven that development absent any requirements.

Vote on Motion: 4-1. Voting aye: Doll, Goodman, Larson, Rice. Voting nay: Popken. Motion declared carried.

**ORDINANCE INCREASING ELECTRIC UTILITY RATE:** Moved by Goodman, seconded by Doll, to pass on first reading an ordinance increasing electric utility rates by 5% and increasing the power factor adjustment from 85% to 90% effective July 1, 2009.  
Roll Call Vote: 5-0. Motion declared carried unanimously.

**ORDINANCE INCREASING WATER RATES:** Moved by Goodman, seconded by Rice, to pass on first reading an ordinance increasing water rates effective July 1, 2009.  
Roll Call Vote: 5-0. Motion declared carried unanimously.

**ORDINANCE INCREASING STORM SEWER RATE EFFECTIVE JULY 1, 2009:** Moved by Goodman, seconded by Doll, to pass on first reading an ordinance increasing the storm sewer rate effective July 1, 2009.  
Roll Call Vote: 5-0. Motion declared carried unanimously.

**ORDINANCE ESTABLISHING PARKING REGULATIONS ON WAKEFIELD CIRCLE AND HYATT CIRCLE:** Moved by Doll, seconded by Goodman, to pass on first reading an ordinance establishing parking regulations on Wakefield circle and Hyatt Circle.  
Roll Call Vote: 5-0. Motion declared carried unanimously.

**COMMENTS:** Mayor Campbell announced that tonight is Molly Tracy’s last meeting. Paul Keppy will

become the *ex officio* Council member effective April 15, 2009.

Moved by Rice, seconded by Popken, to refer to staff the letter from David and Charlene Norris dated April 1, 2009, asking the Council to consider a waiver of subdivision standards for a proposed subdivision south of Ames (Timber Ridge Estates on 265<sup>th</sup> Street).

Council Member Larson recalled receiving a similar request some time ago and it was not referred at that time pending the creation of rules for development in the Urban Fringe. He asked for the status of those rules. Director Osguthorpe advised that staff has worked on changes to the 28E Agreement among the entities and will be getting back together with the other entities to obtain their feedback.

It was pointed out by Assistant City Manager Kindred that if the rules are not yet approved, staff would not have any additional information to provide to the Council. Council Member Rice expressed his concerns that the property owners have waited nearly three years for an answer to their request. He would like staff to at least respond to their request and inform them of the status of the rules.

Vote on Motion: 3-2. Voting aye: Larson, Popken, Rice. Voting nay: Doll, Goodman.  
Motion declared carried.

Council Member Rice asked if there would be an interim daily rate for use of the Dog Park. He would like staff to publicize that, if possible. This would be for visitors as well as people who want to first check out the Park to see if it is some place they want to take their dog before they buy a longer-term pass.

Moved by Rice, seconded by Goodman, to ask staff for a report on rates established for the Dog Park.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Rice, seconded by Larson, to refer to staff the letter from the sorority concerning parking regulations on Pearson and Greeley, specifically exploring the retention of the alternate-side parking regulation and eliminating the 2-to-6 prohibition.

Council Member Popken recalled that a similar discussion occurred in the recent past. At that time, there was a large neighborhood contingent who supported retaining the current regulations, and the City Council chose not to change the regulations.

Police Chief Chuck Cychosz said that he had just reviewed the Council Minutes from that meeting when they discussed eliminating the 2-to-6 prohibition and move to an alternate-side parking regulation only. He recalled that the majority of people who spoke at that meeting were from the area in question, i.e., around Pearson and Country Club. The Council decided at that time to leave the regulations in place for that low-density residential area and pointed staff to analyze the high-density-area parking. The Chief expressed staff's willingness to look at the issue again since those now requesting the change were not represented several years ago when the issue was discussed.

Council Member Doll asked if staff could provide the former report for review by the City Council. Council Member Rice pointed out that the House Director of Gamma Phi Beta Sorority had

requested that this issue be brought back at the next City Council meeting, and he would like to have the report prior to that meeting.

Chief Cychosz reported that any changes to be discussed would need citizen involvement. Mayor Campbell pointed out that any changes to the Pearson and Greeley area would have a ripple effect on adjacent areas.

Council Member Rice said that he sees this as a life-safety issue for the population of the area in question, as young women are having to go out and move their vehicles at two o'clock in the morning and walk back from distant parking lots. He believes that alternate-side parking would work better for this type of area.

Vote on Motion: 2-3. Voting aye: Larson, Rice. Voting nay: Doll, Goodman, Popken. Motion failed.

Moved by Goodman, seconded by Doll, to bring the former report on this issue back to the City Council as an agenda item in the next month.

Vote on Motion: 3-2. Voting aye: Doll, Goodman, Rice. Voting nay: Larson, Popken. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 11:25 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor