

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MAY 12, 2009

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on May 12, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Keppy was also present.

PROCLAMATION FOR PUBLIC WORKS WEEK: Mayor Campbell proclaimed May 17-23, 2009, as National Public Works Week. Accepting the Proclamation were John Joiner, Public Works Director; Tracy Warner, Municipal Engineer; Damion Pregitzer, Traffic Engineer; Dave Cole, Operations Superintendent; and John Pohlman, Resource Recovery Superintendent.

PRESENTATION BY IOWA STATE UNIVERSITY ON PROPOSED SUBSIDIZED LOW-INCOME ELDERLY HOUSING PROJECT: Representing Iowa State University were Warren Madden, Vice-President for Business and Finance; Cathy Brown, University Planner; and Mary Yearns, Professor and Extension Housing Specialist in the College of Family and Consumer Sciences. Mr. Madden explained that the University hopes to partner with the Volunteers of America (VOA) to build a state-of-the-art research and demonstration facility for older Iowans. He described the VOA as the largest developer of HUD Section 202 properties in the nation. The University is proposing to build a 20-unit housing complex for low-income elders, which would be managed by the VOA. State-of-the-art building design and “smart home” technologies would be incorporated in the project. Research would be conducted, demonstrations would be undertaken, and service learning projects would occur. Per Mr. Madden, after evaluating a number of sites on University property and in the community, the location being proposed is a five-acre site bounded by Scholl Road on the west, the railroad tracks on the north, Minnesota Avenue on the east, and Ontario Street on the south.

According to Mr. Madden, all the details have not been worked out; however, the VOA would like to proceed with the necessary federal grant applications during HUD’s next grant cycle. Mr. Madden noted that the University is not subject to the City’s zoning and planning processes; however, because of the nature of the project and tentative location, the University prefers to work with City staff to find ways to incorporate the neighborhood in the review process. According to Mr. Madden, receiving community input is important to the success of this project.

Council Member Rice asked if the project would expand to the west if it were very successful. Mr. Madden explained that they have not gotten beyond the planning stage for the initial 20 units.

Council Member Larson asked if the VOA had ever built on leased land. Mr. Madden indicated that he is not entirely sure, but believes that it has built on leased land in other communities.

Council Member Goodman asked if the research component is unique to the project proposed in Ames. Professor Yearns stated that it is; the VOA has not partnered with a university in the past. She said that the first step would be for the VOA to get the HUD 202 grant funding. If funding is received, there would then be an 18-month period to create the building design. Research would be done on state-of-the-art construction technologies and may also be, with the residents’ consent, on gerontology.

Mr. Madden explained that the Board of Regents will have to approve the project, and there will be an opportunity for public input at that time. The VOA needs to apply for the grant soon, and if the project is not funded, the project will not move forward. Ms. Yearn said that input will be received from low-income elders via surveys prior to the grant application being submitted. Council Member

Mahayni strongly urged that input be received from the residents who would be neighbors to the housing units.

CONSENT AGENDA: Council Member Larson asked that Items No. 7 and No. 10 be pulled for separate discussion. These items pertained to a plaque to be placed in the Duff Avenue Greenspace and an agreement for Federal Stimulus funds for the resurfacing of Lincoln Way, respectively.

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

1. Motion approving payment of claims
 2. Motion approving minutes of Regular Meeting of April 28, 2009
 3. Motion approving Contract Change Orders for April 16-30, 2009
 4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
 - a. Class C Beer - Swift Stop #2, 3406 Lincoln Way
 - b. Special Class C Liquor - Great Plains Sauce & Dough, 129 Main Street
 - c. Class C Liquor - Mother's Pub, 2900 West Street
 - d. Class B Beer - Jeff's Pizza Shop, 2402 Lincoln Way
 - e. Class C Liquor - Red Lobster #747, 1100 Buckeye Avenue
 - f. Class C Beer - Tobacco Outlet Plus #530, 204 South Duff Avenue
 5. Motion approving submittal of an application for the "Assistance to Firefighters Grant" to FEMA
 6. RESOLUTION NO. 09-177 confirming appointments of GSB representatives Michael Heilman and Kayla Pinegar to Ames Transit Agency Board of Trustees
 7. RESOLUTION NO. 09-179 approving revised Joint Use Municipal Pool Agreement with Ames Community School District
 8. RESOLUTION NO. 09-180 approving preliminary plans and specifications for Unit Nos. 7 & 8 Nitrogen Oxide Reduction Project; setting July 29, 2009, as bid due date and August 11, 2009, as date of public hearing
 9. RESOLUTION NO. 09-181 approving preliminary plans and specifications for Valve Maintenance, Testing, Repair, Replacement, and Related Services & Supplies for Power Plant Boilers; setting May 27, 2009, as bid due date and June 9, 2009, as date of public hearing
 10. RESOLUTION NO. 09-182 approving preliminary plans and specifications for Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for Power Plant Boilers; setting May 27, 2009, as bid due date and June 9, 2009, as date of public hearing
 11. RESOLUTION NO. 09-183 approving preliminary plans and specifications for Specialized Wet Dry Vacuum, Hydro Blasting, and Related Cleaning Services for Power Plant; setting May 27, 2009, as bid due date and June 9, 2009, as date of public hearing
 12. RESOLUTION NO. 09-184 approving purchase of five 40' CyRide buses from Gillig Corporation of Oakland, California, in the amount of \$1,920,000
 13. RESOLUTION NO. 09-185 approving contract and bond for Unit No. 8 Steam Generator Waterwall Panels
 14. RESOLUTION NO. 09-186 approving contract and bond for WPC Facility Clarifier Painting Project
 15. RESOLUTION NO. 09-187 approving Change Order Nos. 1, 2, 3, and 4 for Southeast 16th Street Bridge and Paving Project
 16. RESOLUTION NO. 09-188 approving partial completion of public improvements and lessening security for Walnut Ridge Subdivision, 2nd Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

REQUEST OF AMES FOUNDATION FOR PLAQUE COMMEMORATING MUNN FAMILY:
Council Member Larson agreed that a plaque should be placed in the Duff Avenue Greenspace,

which is the site of the former Munn Lumber business. He asked to know what wording will be engraved on the plaque. Assistant City Manager Sheila Lundt read the proposed wording.

Moved by Larson, seconded by Mahayni, to approve the request of the Ames Foundation for placement, in the Duff Avenue Greenspace, of a plaque commemorating the Munn Family; said plaque to be engraved with wording similar to what was read by Ms. Lundt, be installed by the Ames Foundation, and removed, if directed by the City, by the Ames Foundation.

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

IDOT AGREEMENT FOR RESURFACING OF LINCOLN WAY USING FEDERAL STIMULUS FUNDING: Council Member Larson asked for an update from the City Manager on possible Federal Stimulus Funding projects. Mr. Schainker noted that cities may not utilize Federal Stimulus funds for projects that were already included in their budgets. He reminded the Council that the projects eligible for the Federal Stimulus Program had to be “shovel-ready.” In addition to this project, rehabilitation of George Washington Carver, from Stange Road to Bloomington Road, and the Skunk River Shared Use Path have been approved for Stimulus Funding. According to Mr. Schainker, these projects will save the City \$2.1 million. Mr. Schainker also advised that the City will be applying for Energy-Efficiency Block Grant Funding in an amount up to \$500,000, and staff will come back to the City Council with the list of eligible projects for that Funding prior to the deadline of June 17, 2009. In addition, the City recently learned that it is eligible for \$130,000 in Community Development Block Grant Recovery Funding. Also, under the Federal Stimulus Funding, CyRide will be receiving approximately \$7 million for 14 new buses.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 09-178 approving the IDOT Agreement for American Recovery and Reinvestment Act funding (Federal Stimulus) for Lincoln Way Resurfacing Project (Hickory Drive to 457 feet east of Marshall Avenue).

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

PUBLIC FORUM: Roy Cakerice, 2911 Duff Avenue, Ames, spoke as the President of “Friends of Carr Pool” (Friends). He said that he had asked Parks and Recreation staff to estimate how much it would cost to supplement the July, August, and September utility expenses for Carr Pool (electric, water/sewer, natural gas, and chemicals). Mr. Cakerice advised that the Friends group is proposing to pay for the chemicals, water/sewer, and natural gas for Carr Pool to allow its operation on a daily basis from 11 a.m. to 6 p.m. during July and August 2009.

LIQUOR LICENSE FOR PERFECT GAMES: Moved by Mahayni, seconded by Goodman, to approve a Class C Liquor License with Outdoor Service Area and Catering Privileges for Perfect Games, 1320 Dickinson Avenue.

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

5-DAY LIQUOR LICENSE FOR GATEWAY HOTEL AND CONFERENCE CENTER: Moved by Popken, seconded by Mahayni, to approve a 5-day Class C Liquor License for Gateway Hotel and Conference Center at ISU Alumni Center, 420 Beach Avenue.

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

FIREWORKS PERMIT FOR *ODYSSEY OF THE MIND*: Moved by Popken, seconded by Doll, to approve the request of the Ames Convention & Visitors Bureau for a fireworks display on May 30, 2009, in Stuart Smith Park at 10:30 p.m. in connection with *Odyssey of the Mind* events.

Council Member Goodman asked if the Council's practice had been to deny requests for fireworks displays starting after 10 p.m. Assistant City Manager Lundt noted that the Council's preference has been to approve displays starting no later than 10:00 p.m. Council Member Doll pointed out that the display time was specifically addressed by the applicant: *Odyssey of the Mind* participants will be involved in events until at least 10 p.m., and starting the display at 10:30 p.m. will allow them to watch the fireworks display.

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

ENCROACHMENT PERMIT AT 127 WELCH AVENUE: Moved by Mahayni, seconded by Larson, to approve an Encroachment Permit for placement of a sign at Lee's Cellular and More, 127 Welch Avenue.

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

ADDITIONAL OUTLETS IN BANDSHELL PARK: Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-189 approving the request from the Main Street Cultural District (MSCD) for installation of additional electrical outlets in Bandshell Park with approximately \$1,000 of the cost being reimbursed to the City by the MSCD from proceeds from its 4th of July activities.

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

ASSESSMENT STUDY REGARDING DEMAND FOR MEETINGS/CONVENTIONS: Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-190 approving the request of the Ames Convention & Visitors Bureau for funding in the amount of \$8,300 (out of the available balance in the Hotel/Motel Tax Fund) towards an assessment study to determine current and future demands for meetings and conventions in Ames.

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

MEMORIAL DAY PARADE: Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-191 approving closure of the south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for staging the parade.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-192 approving closure of 5th Street from Grand Avenue to Clark Avenue from 9:30 a.m. until 11:00 a.m. for line-up of and starting the parade.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-193 approving closure of Pearle Avenue at 5th Street from 9:30 a.m. to 11:00 a.m.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-194 approving temporary closure of Clark Avenue, from 5th Street to 9th Street; 9th Street, from Clark to Maxwell; 6th Street, at Clark; and, Duff Avenue, at 9th Street, as the parade moves through the intersections.

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

made a portion of these minutes.

JULY 4TH FESTIVITIES: Moved by Mahayni, seconded by Popken, to approve a Blanket Temporary Obstruction Permit and Blanket Vending Permit for MSCD from 8:00 a.m. to 6:00 p.m.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-195 approving closure of Clark Avenue between 5th Street and 6th Street from 6:00 p.m. on July 3 until the conclusion of the parade on July 4 for the City Council Community Pancake Breakfast.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-196 approving closure of portions of Northwestern Avenue, Main Street, Douglas Avenue, 5th Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 8:00 a.m. to approximately 1:00 p.m. for the parade.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-197 approving closure of 5th Street between Duff Avenue and Carroll Avenue from 7:00 a.m. to 8:00 p.m. for inflatable games, live music, booths, Talent Show, and food vendors.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-198 approving closure of Parking Lot MM and the south half of Parking Lot M for parade staging from 7:00 a.m. to 1:00 p.m. and of Parking Lot Q from 7:00 a.m. to 9:00 p.m. on July 4 for use as volunteer parking.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-200 approving the waiver of electrical fees for use of outlets in MSCD and at City Hall and waiver of Vending Permit fee.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-201 approving closure of the south side of 6th Street adjacent to Bandshell Park for vendor loading and unloading.
Roll Call Vote: 6-0. Resolution declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

GOALS AND OBJECTIVES OF AMES COMPREHENSIVE HISTORIC PRESERVATION PLAN: Planning and Housing Director Steve Osguthorpe advised that, on June 20, 2007, the State Historical Society notified the City that its grant application was approved for funding in the amount of \$30,000 to fund the preparation of the Ames Comprehensive Historic Preservation Plan (HPC). A Steering Committee, comprised of eight members, each representing a segment of the population that is directly affected by historic preservation policies and actions by the City, has been working with public historian Will Page on the development of proposed goals and objectives for the Plan.

According to Mr. Osguthorpe, public input was received at the Joint Meeting of the Planning & Zoning Commission and the Historic Preservation Commission on the proposed goals and objectives. After that meeting, the goals/objectives were revised to incorporate some of the suggested recommendations.

Mr. Osguthorpe said that the wording of the goals and objectives is very important because it provides the justification for the implementation recommendations from the HPC. In reviewing the proposed wording, staff members identified issues that they believed needed further clarification. Director Osguthorpe advised that if the Council members agree that clarification was needed, they should remand the goals and objectives back to staff, the consultant, Steering Committee, and/or the HPC for additional revision. He explained the areas where staff felt clarification was needed, as follows:

Goal 2. Objective “a” commits the City to provide “substantial” support to the Ames Historical Society.

Goal 2. Objective “b” commits the City to “increase” and promote economic incentives to encourage preservation.

Goal 6. Objective “c” commits the City to continue and “expand” local incentives for historic preservation.

According to Mr. Osguthorpe, the Council needs to decide if it wants to make that type of commitment at this time.

Goal 3. Objective “a” seeks to revise Chapter 31 of the Ames Municipal Code to make it consistent with the National Registry Standards.

Mr. Osguthorpe noted that the Council might want clarification how this new approach will be different from the City’s current philosophy.

Will Page, 523 East Sheridan Avenue, Des Moines, Iowa, recognized the members of the Steering Committee, as follows:

Russ McCullough, Ames Development Community
Janet Klaas, Ames Smart Growth
Alan Spohnheimer, Ames Cultural District
Sharon Wirth, Old Town Historic District
Shawn Bearson, South Campus Area Neighborhood Association
Eden Schmitt, West Ames
Ryan Clemens, Iowa State University Student Body
Shellie Orngard, Community-at-Large
Gloria Betcher, Chairperson of the Ames Historic Preservation Commission

Mr. Page emphasized that the Comprehensive Historic Preservation Plan covers a time period of ten years. He presented the proposed Goals and Objectives.

Regarding support for the Ames Historical Society, Mr. Page stated that the Committee believes that the Ames Historical Society serves a vital role to the history of Ames. He emphasized that there is a pressing need for the archived materials to be cared for by a person with a professional background

in document preservation.

Gloria Betcher acknowledged that the City currently provides financial support to the Ames Historical Society in the amount of \$16,000 annually. She said that the Historic Preservation Commission believes that the City should support the Society as its “preservation wing.” A specific amount has not been requested as part of the Goals and Objectives mainly because the Comprehensive Historic Preservation Plan covers a period of ten years.

Council Member Goodman explained his preference that a direct link to a specific agency, i.e., the Ames Historical Society, not be included in the Goals as, some time in the future, that agency might not exist and another third-party might be serving in that role. Mr. Goodman said that he has been frustrated by the lack of an organized funding process, e.g., one similar to what ACCESS or COTA has to follow, for the Ames Historical Society.

Council Member Mahayni asked for the definition of “substantial” financial support. He noted again that the City already provides financial support to the Ames Historical Society; perhaps it should state “increase” the funding level. Mr. Mahayni said that he views “substantial” as meaning that the funding would occur annually.

Council Member Larson suggested that “as determined annually by City Council action” be added behind “substantial support.”

Discussion ensued under Goal 3 regarding revisions to Chapter 31 of the Municipal Code and its related ordinances.

Ms. Betcher stated that the HPC is hopeful that the City Council would approve the Goals and Objectives, as presented. However, if not, it was hoped that the Council would give specific direction as to what revisions should be made.

Various attempts to wordsmith the goals and objectives were made.

Moved by Larson to refer this item back to City staff, the consultant, the Steering Committee and/or the Historic Preservation Commission for additional information and/or changes.
Motion died for lack of a second.

Consultant Will Page recommended that the City Council accept the proposed Goals and Objectives with revisions. This would give the Steering Committee some basis to work with in moving forward.

When discussing providing “substantial” or increasing financial support, Director Osguthorpe recommended that the wording be changed to “expand local incentives and opportunities.”

Moved by Larson, seconded by Goodman, to accept the proposed Goals and Objectives for the Ames Comprehensive Historic Preservation Plan, with revisions, as follows:

Goal 2a: strike “substantial,” – to read, “...to provide support to the Ames Historical Society”

Goal 2b: strike “increase and” – to read, “promote economic incentive opportunities to encourage preservation”

Goal 6c: strike “continue and expand” – to read, “explore local incentive opportunities for historic preservation.”

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

The meeting recessed at 8:55 p.m. and reconvened at 9:00 p.m.

ACQUISITION OF PROPERTIES AT 13TH STREET AND GRAND AVENUE: Damion Pregitzer advised that this project has now evolved beyond the realm of Public Works expertise, specifically, looking at using the properties as rental residential or commercial properties.

Housing Coordinator Vanessa Baker-Latimer recalled that, during discussions regarding intersection improvements at Grand Avenue and 13th Street in mid-2007, some property owners had expressed interest in selling their properties to the City. During acquisition of easements for the scaled-back project last year, three abutting land owners again asked the City to consider purchasing their properties. On October 14, 2008, the City Council directed staff to contact the three property owners. Staff did so, and two property owners agreed to allow a property inspection: Kevin Bourke, 629-631 - 13th Street, who owns the duplex on the northeast corner, and Iowa Seventh Day Adventist Association, 1303 Grand Avenue, which is the church on the northwest corner. Harold and Julie Pike, owners of the property at 704-13th Street (southwest corner) did not want the City to inspect their property at this time, but asked that the City make them an offer.

Ms. Baker-Latimer brought the Council’s attention to the description of structural and maintenance conditions for the properties at 629/631 - 13th Street and 1303 Grand Avenue. She also read an assessment of what it might cost to acquire, improve, and/or demolish the three properties in question. Ms. Baker-Latimer explained that, even with improvements, the structures would still only be in fair to poor condition. According to Ms. Baker-Latimer, it would cost approximately \$85,000 to demolish the three properties.

Council Member Goodman asked if the City had ever purchased properties without a pending project. Mr. Pregitzer said that he is not aware of a time when the City has purchased land without needing it for a specific project.

Council Member Popken noted that the service level standard approved by the City is Level C, but that was not reached at 13th and Grand when the decision was made to only change the traffic signals. He also noted that it is unknown how long the traffic signal improvement will suffice for the traffic demand. Council Member Popken asked what funds could be used to purchase the properties. Ms. Baker-Latimer advised that the CDBG funds could be used under the slum-and-blight criteria; however, only one of the properties could be purchased.

Mr. Pregitzer noted that there are safety benefits for the residents living in this area and to the public, as a whole, if the City acquires the three properties. He explained that the properties are immediately adjacent to one of the busiest intersections in the City. Mr. Pregitzer described the complexity of intersection safety. He also said that the driveways of the corner properties do not meet the recommended spacing from an intersection such as 13th and Grand.

Council Member Larson pointed out that the City would have to invest substantial amounts of money to improve the rental property and then have to rent it for many years to recoup those funds. Ultimately, the property would be torn down when the traffic levels warrant widening of Grand Avenue.

Council Member Rice recognized that there are safety benefits that would be derived from acquiring the properties in this high-accident-prone area. He does not like having two properties in slum-and-blighted conditions at a very busy intersection; it does not make a very good impression of the City. He would like the City to purchase all three properties and landscape the areas in a park-like setting until it is determined what needs to be done. Mr. Rice recognized that there were willing sellers; the City would not need to go through any condemnation proceedings. Council Member Mahayni concurred that having willing sellers is an opportunity for the City at this time.

Ms. Baker-Latimer summarized options available to the City Council, as follows:

1. Acquire all three properties based on appraised values and continue the properties' current uses as rental property and/or utilize the church property as a community center as allowed by the Zoning Ordinance.
2. Acquire all three properties based on appraised values, demolish the structures, and landscape the lots.
3. Proceed to purchase and demolish only one of the properties.
4. Do not proceed with any future action regarding the three properties.

Lynn Burnett, 703-12th Street, Ames, cited his three concerns:

1. The Council agreed to change the lights at 13th and Grand, and the project is slated to occur this year. If the properties are acquired at this time, it could easily be interpreted as a presumed failure of the stoplight upgrade. He asked if it is already presumed that the lights are going to fail, why would the City install them in the first place.
2. He has not noticed a huge movement to move forward with any other intersection improvements; thus, he assumes that there is not a lot of support for the acquisitions of the three properties.
3. There are five or more properties between 13th Street and Lincoln Way that are for sale at this time. He has heard some people say that it would be nice to have a left-turning lane all the way down Grand. If the Council sets a precedent of buying properties with future projects in mind, properties in other locations around town should be considered for purchase just in case they are needed in the future.

Brian Vandewater, 1217 Grand Avenue, Ames, recalled a comment that was made two years ago by a City Council member that there was no widespread support for the 13th and Grand project; in fact, there was widespread opposition. He emphasized that no implication should be drawn that the residents of this area are in favor of the intersection being expanded if the properties are bought by the City. He also noted that the approved signal project has not been done, as promised, and it should be allowed to have time to work. Mr. Vandewater believes that before the properties are purchased, the City should come up with an approved plan as to what will be done with the land that has the support of the community and residents. He pointed out that the owners of the properties in question are not residents of the neighborhood. Mr. Vandewater believes that for the City to acquire the properties at this time would be akin to "putting the cart ahead of the horse."

Kevin Bourke, 3427 Polaris, Ames, advised that he is the owner of 629/631 - 13th Street. He believes that it is inevitable that the 13th and Grand Intersection will have to be expanded, and now is a good time for the City to purchase the properties because their values are at an all-time low. Mr. Bourke pointed out that if he has to upgrade his property, when the intersection has to be widened and the City has to acquire the property through condemnation procedures, the price will be higher. He recommended that the City look to the future. There are willing sellers now, and it is a good time for the City to purchase the properties.

Council Member Rice again noted that the 13th and Grand intersection is a key intersection. It is currently a dangerous intersection.

Moved by Rice, seconded by Doll, to acquire all three properties based on appraised values, demolish the structures, landscape the lots, and direct staff to come back with alternatives to accomplish that, including a funding source.

Council Member Doll acknowledged safety features that would result in grading the land at the northeast corner.

Council Member Larson said that he could not support that motion. He believes that, at some point in time, all three properties will have to be acquired; however, he thinks the City should only purchase the property that is currently listed for sale. Mr. Larson cited his concern that if someone else purchases that property and invests a lot of money in it, it becomes a lot more expensive to acquire. He does not see that situation with the church property or the one on the southwest corner. Mr. Larson agreed with using CDBG funds to acquire the property on the northeast corner since it would meet the slum-and-blight standard.

Council Member Mahayni reiterated that the intersection does not meet Level C Service Standard now and will not even with the new signals. He encouraged his colleagues to imagine what it is going to be like in five years. Mr. Mahayni perceives the purchase of these three properties as an investment.

Council Member Popken said that he is not in favor of using CDBG funds for acquisition of any of the properties. He said that those funds are to be used for projects that benefit low- to moderate-income persons.

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

The Mayor explained that she was electing not to vote on the motion because even if the motion carried, the purchase would have to be approved by Resolution, which requires four votes. There are not four votes in the affirmative, and the measure would ultimately fail.

Moved by Larson, seconded by Rice, to proceed to purchase and demolish only one of the properties, 629/631 - 13th Street, with no funding source attached at this time.

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

UPDATE TO 2008/09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM:

Housing Coordinator Vanessa Baker-Latimer recalled that the City Council, on January 13, 2009, approved a request for a time extension to submit the City's 2009-2014 CDBG Consolidated and

Annual Action Plans to the Department of Housing and Urban Development (HUD). This action was requested due to a delay by the United Way of Story County in completing the acquisition of the Human Service Campus. Ms. Baker-Latimer said that the 2008-09 CDBG budget contained \$600,000 for the acquisition of a facility for this Campus; however, the delay created a need for staff to shift priorities for the 2008-09 Program year to ensure that the City would meet the timely expenditure requirement.

According to Ms. Baker-Latimer, meeting the timely expenditure requirement is not only crucial to the City being able to receive future CDBG funds, but is also important so as not to jeopardize the City's excellent performance standing with HUD. In order to meet the expenditure requirement this year, funds originally budgeted for the Human Service Campus were shifted and reinvested in the following projects:

1. \$324,000 to the Acquisition/Reuse Program to purchase additional houses that can be rehabilitated and sold to first-time homebuyers and/or a qualified non-profit organization
2. Approximately \$178,000 was designated to the upcoming Home Improvement Program to provide grants up to \$20,000 for low- and moderate-income households to make much-needed repairs to single-family homes

After those funding shifts, \$100,000 remained in the Human Services Campus line item that would have rolled into the new Program year. Since the Human Services Campus is not now an active project, the \$100,000 will be shifted into either of the above-named program activities.

Ms. Baker-Latimer further advised that staff received notification on April 21, 2009, from the Omaha HUD Office that the National Timeliness Report shows the City to be in compliance at a 1.48 expenditure ratio for 2008/09.

Also, according to Ms. Baker-Latimer, the City was notified on May 1 that it will be receiving \$491,399 in CDBG funds for the fiscal year beginning July 1, 2009. In addition, the City was officially notified that it will be receiving \$130,258 of Community Development Block Grant Recovery funding as part of the American Recovery and Reinvestment Act of 2009. Staff has 42 pages of program requirements to study and will be participating in a training session next week that will provide clarification. Given the tight turnaround, a special meeting of the City Council to approve documents relating to this funding might be necessary.

REVIEW OF 2006 PARKING STUDY FOR THE UNIVERSITY-IMPACTED AREA (UIA):

Chief of Police Chuck Cychosz reviewed the report on the University-Impacted Area Parking Study, originally presented at the April 25, 2006, City Council meeting. On that date, the Council directed the City Attorney to draft an ordinance: [1] changing to a uniform alternate-side parking sign, [2] eliminating the 2 a.m. to 6 a.m. parking prohibition (except in metered areas); [3] abolishing the four- and six-hour parking limitations at the high-density area only of the University-Impacted Area. When reviewing the draft ordinance, staff in the Police Department and the Traffic Engineer became concerned that there were a number of streets that would have parking regulation changes at zoning boundaries and would be even more confusing. Traffic Engineer Pregitzer reviewed the UIA Parking Study Map illustrating streets with multiple parking regulation changes.

Chief Cychosz suggested that, if the Council wishes to continue exploring incremental parking solutions, the changes be made street-by-street or in street segments. He recommended that to do that, width and traffic flow on a street must be examined and public input should be received, with

the results of the discussions being brought back to the City Council.

Council Member Rice indicated his desire for signs that would be easier to understand and less-restrictive parking in the area.

Council Member Doll said that it isn't as simple as just changing the signs. He perceives that times have changed, and residents of the Greek houses are bringing vehicles to properties that are not designed to accommodate them. There continues to be an overabundance of vehicles that have no place to be parked.

Council Member Goodman believes the parking issues in the UIA are due to the interests of the residents of the neighborhood being diametrically opposed; some want more parking and some want less. This comes from having high-density structures in residential areas.

Brad Bearson, 415 Pearson Avenue, Ames, stated that he lives in the College Heights Neighborhood. He believes that the parking issues in his low-density residential area should be viewed separately from the high-density area. Mr. Bearson recalled that this issue had already been discussed three years ago, and he thought that it was decided at that time that high-density parking regulations not be applied in this low-density neighborhood. He asked what had been done to look at the long-term viable solutions for high-density areas since April 25, 2006. Mr. Bearson believes that 24-hour on-street parking will eliminate parking for neighborhood guests and service vehicles. He also contends that, if the current parking ordinance is enforced, the streets could be readily cleared of snow. Mr. Bearson pointed out that safety, not convenience, is cited as the need for overnight parking on Pearson Avenue and Greeley Street. He asked to see statistics documenting that the area is unsafe. According to Mr. Bearson, removing the parking restriction will encourage storage parking on the streets. He said that neighborhood residents support a City-sponsored parking lot or commercial parking garage and overnight or 24-hour shuttle to ISU stadium parking lot for safety and convenience.

Martha Atkins, 419 Pearson Avenue, Ames, said that she has lived at her residence for 27 years. She pointed out that her neighborhood is low-density on both sides of the street. Her neighborhood is strong, family-oriented, and friendly, and she wants it to stay that way. Ms. Atkins pointed out that her neighborhood is directly adjacent to a high-density neighborhood with different needs. People have moved into the neighborhood knowing the parking regulations. If alternate-side parking is removed, homeowners would not have any place for their guests, service people, etc., to park. According to Ms. Atkins, many of the Greek houses have taken steps to alleviate their own parking problems; they have bought land for parking. She suggested that the Gamma Phi Sorority should create a plan to take care of its parking needs. Ms. Atkins expressed her desire for the Greek system to succeed. She asked the City Council to tell the Gamma Phi Sorority tonight to take care of their own parking problems. Ms. Atkins said this can't wait until the fall. She offered her assistance to the Gamma Phi Sorority members to help them alleviate their parking problems.

Susan Wallace, House Director of the Gamma Phi Sorority, Ames, said that this is not an issue that affects only Gamma Phi; it affects six high-density residences. Purchasing land for parking purposes is not an option; they are a 503c corporation. Ms. Wallace said that she is not asking for special treatment for Gamma Phi only. She said that her first main concern was selective enforcement; some of the house residents got parking tickets, while others did not. Ms. Wallace asked that the City Council provide the same consideration to the residents of the sorority houses as it provides to the current resident neighborhood.

Joe Rippetoe, 419 Pearson Avenue, Ames, refuted points made by Ms. Wallace in her initial letter to the Mayor and City Council. He argued that: (1) the 2 a.m. to 6 a.m. prohibition serves as low-density residential areas' only defense against storage parking; (2) the signage is ambiguous and confusing the first time you see it; (3) it is perfectly reasonable that enforcement happens when neighbors complain; that is not selective enforcement; (4) if the 2 a.m. to 6 a.m. prohibition is compromising the safety of the Gamma Phi residents, the safety of all kids is compromised. Mr. Rippetoe stressed that the parking regulations in low-density residential areas must remain as they are.

Council Member Popken perceives two issues: (1) what to do in light of the 2006 direction given by the City Council to staff, and (2) what to do with the immediate issue brought forward by the Gamma Phi Sorority.

Council Member Goodman pointed out that these parking restrictions have developed over time. People have become accustomed to them and expect them.

Moved by Goodman, seconded by Doll, to nullify the Council's direction made on April 25, 2006, as it relates to parking in the University-Impacted Area; thus, directing staff to make no changes.

Ex officio Member Keppy said that he does not perceive any detriment being caused to the neighborhood if parking is allowed on the street from 2 a.m. to 6 a.m. He also doesn't think it is fair to tell the residents to solve their own problems.

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

RESOURCE RECOVERY RECYCLABLES: Public Works Joiner recalled that on January 27, 2009, the Council authorized staff to negotiate with the owners of the three properties across Borne Avenue east of the Resource Recovery Plant, i.e., 503 E. Lincoln Way, 116 Borne Avenue, and 122 Borne Avenue. Staff has now negotiated agreeable prices with the owners of 503 E. Lincoln Way and 122 Borne Avenue. The owner of 116 Borne Avenue has made many interior improvements and is asking \$105,000. If that price is paid, it would result in \$11,000 more than originally authorized by the City Council. The funding would come from the Resource Recovery Fund balance.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-202 approving acquisition of 503 E. Lincoln Way in the amount of \$160,000.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-203 approving acquisition of 116 Borne Avenue in the amount of \$105,000.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-204 approving acquisition of 122 Borne Avenue in the amount of 44,000.

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

FURMAN AQUATIC CENTER: Scott Hock, Recreation Supervisor, showed pictures of the ongoing construction of the Aquatic Center.

Parks and Recreation Director Nancy Carroll summarized the report regarding the financial status of the Furman Aquatic Center. She gave a detailed overview of changes to expenses.

Regarding project funding, Ms. Carroll said that the original projections have remained unchanged since construction began. She noted, however, that following the award of bid, the general contractor revised the sales tax refund estimate from \$100,000 to a range of \$250,000 to \$270,000. This amount will not be determined until the project is closed-out and all contractors report sales tax expenditures. Staff is recommending that the original sales tax refund be left at \$100,000, and if additional taxes are received at the end of the calendar year, staff will determine what additional equipment/amenities could be purchased. This will be based on customer feedback from the 2009 season.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-205 approving Change Order No. 3 in the amount of \$63,019.

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

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-206 approving contracts, as follows:

- United Industries of Sterling, Kansas, in the amount of \$17,789.75
- Recreonics of Louisville, Kentucky, in the amount of \$15,226.23
- WMS Aquatics of Ellensburg, Washington, in the amount of \$8,284.14
- Adolph Kiefer & Associates of Zion, Illinois, in the amount of \$4,881.21
- Marine Rescue Products, Inc., of Newport, Rhode Island, in the amount of \$3,896.00
- The Lifeguard Store of Normal, Illinois, in the amount of \$2,180.00
- Lincoln Equipment of Concord, California, in the amount of \$2,400.00
- Recreation Supply of Bismarck, North Dakota, in the amount of \$347.00
- Aquatic Technology, Inc., of Vassalboro, Maine, in the amount of 34.95

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

POWER PLANT SCADA UPGRADE: Electric Services Director Donald Kom explained the project.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-207 approving the waiver of the Purchasing Policy requirement for formal bidding procedures and awarding contract to Open Systems International, Inc., of Minneapolis, MN, for Power Plant Supervisory Control and

Data Acquisition (SCADA) Upgrade in the amount of \$51,444.25, plus applicable sales taxes and approved travel expenses.

Paul Burja, Instrument and Control Technician, advised that the new contract provides for scheduled upgrades to the software and hardware.

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

RESIDENTIAL PROPERTY MAINTENANCE COMMITTEE: City Manager Schainker reminded the Council that staff was directed to establish an ad hoc committee to develop recommendations to address maintenance code issues for owner-occupied residential properties. He said that staff is looking for direction from the Council regarding the suggested composition of the Committee.

Fire Chief Clint Petersen said that staff is recommending that the ad hoc committee be composed of two proponents, two opponents, and four neutral parties. It is also important that Committee members represent various neighborhoods within the community. Staff is recommending that the criteria for appointment would be:

Single-family residence homeowner
Volunteered
Willing to commit to six to ten meetings of three hours each
Geographically disbursed

Council Member Goodman recommended that the Committee be comprised of four proponents and four opponents.

Moved by Larson, seconded by Mahayni, to support the proposal as presented by staff with the Mayor approving the selected members.

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

HEARING ON 2006/07 STORM SEWER OUTLET EROSION CONTROL PROJECT (TOP-O-HOLLOW ROAD): Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-208 approving final plans and specifications and awarding a contract to Keller Excavating, Inc., of Boone, Iowa, in the amount of \$103,968.20.

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

HEARING ON 2008/09 WATER SYSTEM IMPROVEMENTS (WATER MAIN REPLACEMENT - KELLOGG AVENUE): The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-209 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$203,638.00.

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

HEARING ON 2008/09 WATER SYSTEM IMPROVEMENTS (WATER SERVICE TRANSFERS): The Mayor opened the public hearing. No one asked to speak, and Mayor Campbell closed the hearing.

Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 09-210 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$155,891.00.

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

made a portion of these minutes.

HEARING ON RESOURCE RECOVERY PLANT FERROUS MAGNET INSTALLATION PROJECT: The public hearing was opened by Mayor Campbell. After no one came forward to speak, the Mayor closed the public hearing.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-199 approving final plans and specifications and awarding a contract to A-Lert Construction Services of Fredonia, Kansas, in the amount of \$19,840.00.

Council Member Larson raised attention to the engineer's estimate being extremely lower than the bid. John Pohlman indicated that staff had felt the engineer's estimate was too high. According to Mr. Pohlman, A-Lert is currently the contractor on another project at the Plant and has done excellent work. They already have equipment and personnel in Ames and can do this job in between times when they are waiting for materials on the other job.

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

ORDINANCE CHANGING ALL REFERENCES TO "ELWOOD DRIVE" TO READ "UNIVERSITY BOULEVARD": Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance changing all references to "Elwood Drive" to read "University Boulevard".

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

ORDINANCE ASSIGNING WARDS AND PRECINCTS TO ANNEXED AREAS: Moved by Goodman, seconded by Popken, to pass on second reading an ordinance assigning Wards and Precincts to annexed areas and correcting boundary descriptions.

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

ORDINANCE INCREASING ELECTRIC UTILITY RATE: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3987 increasing the electric utility rate by 5% and increasing the power factor adjustment from 85% to 90% effective July 1, 2009.

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

ORDINANCE INCREASING WATER RATES: Moved by Goodman, seconded by Popken, to pass on third reading and adopt ORDINANCE NO. 3988 increasing water rates effective July 1, 2009.

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

ORDINANCE INCREASING STORM SEWER RATE: Moved by Popken, seconded by Goodman, to pass on third reading ORDINANCE NO. 3989 increasing the storm sewer rate effective July 1, 2009.

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

ORDINANCE ESTABLISHING PARKING REGULATIONS ON WAKEFIELD CIRCLE AND HYATT CIRCLE: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3990 establishing parking regulations on Wakefield Circle and Hyatt Circle.

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

COMMENTS: Moved by Popken, seconded by Mahayni, to refer to staff the letter dated May 4, 2009, from Attorney Larry Curtis regarding City right-of-way located on Sumner Street and the public alley on S.E. 2nd Street.

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

Moved by Popken, seconded by Mahayni, to refer to staff the memo from the Planning & Housing Director regarding zoning text amendments relating to mechanical equipment screening and landscaping standards.

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

Council Member Rice said that he was encouraged by the Friends group coming up with an alternative for Carr Pool. City Manager Schainker noted that there are many more costs other than utility fees, i.e., labor, concessions, and the Council would have to decide how much it is willing to subsidize.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 11:18 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor