

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 23, 2009

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on June 23, 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.

PRESENTATION OF AMERICAN PUBLIC POWER ASSOCIATION AWARDS: Electric Services Director Donald Kom advised that the City's Electric Utility is part of the American Public Power Association (APPA). The APPA has recently nationally recognized the City of Ames with the following awards: (1) Energy Innovator Award. This Award was only given to two utilities throughout the country. It recognized the City's achievements in energy conservation. (2) Community Service Award. There were four utilities nationwide that received this Award. It recognized activities being done by City employees and residents to help the community be better stewards of electricity.

CONSENT AGENDA: Mayor Campbell announced that Item No. 22, which pertained to the 2009/12 Line Clearance Program, was being pulled by City staff for separate discussion. Council Member Goodman asked that Item Nos. 15 and 16 pertaining to amendments to Human Services contracts be pulled to allow for discussion. Council Member Popken requested that Item No. 23 be discussed separately. Council Member Larson noted that Item No. 32 had been pulled from the Agenda via a memo from City staff.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of June 9, 2009, and Special Meeting of June 16, 2009
3. Motion approving Contract Change Orders for June 1-15, 2009
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Special Class C Liquor License - Hickory Park, 1404 S. Duff Avenue
5. Motion directing City Attorney to draft ordinance renaming portion of South Dayton Avenue to South Dayton Place
6. Motion approving submission of grant application to Department of Justice for Bulletproof Vest Partnership Program
7. RESOLUTION NO. 09-261 approving appointment of Council Member Riad Mahayni to AEDC Board of Directors
8. RESOLUTION NO. 09-262 approving revisions to Personnel Policies & Procedures
9. RESOLUTION NO. 09-263 approving revised 2009/10 Pay Plan
10. RESOLUTION NO. 09-264 approving revisions to ASSET Policies and Procedures
11. RESOLUTION NO. 09-265 approving 2009/10 Commission On The Arts (COTA) Annual Grants
12. RESOLUTION NO. 09-266 approving 2009/10 Human Services (ASSET) contracts
13. RESOLUTION NO. 09-267 approving funding agreement with Ames Historical Society
14. RESOLUTION NO. 09-270 approving extension of COTA Mini-Grant Contract with Ames Community Arts Council
15. RESOLUTION NO. 09-271 approving Certificate of Consistency with City's 2004/09 CDBG Consolidated Plan on behalf of nonprofit organizations receiving Emergency Shelter Grant funds
16. RESOLUTION NO. 09-272 approving IDOT Agreement for STP funding: 2009/10 Arterial Street Pavement Improvements, 13th Street from Union Pacific Railroad to Stange Road
17. RESOLUTION NO. 09-273 approving preliminary plans and specifications for Federal Stimulus Program Project – Skunk River Trail (South River Valley Park to Carr Pool); setting July 21, 2009, as bid due date and July 28, 2009, as date of public hearing

18. RESOLUTION NO. 09-274 approving preliminary plans and specifications for Federal Stimulus Program Project – Lincoln Way (Hickory Drive to 475' east of Marshall Avenue); setting July 21, 2009, as bid due date and July 28, 2009, as date of public hearing
 19. RESOLUTION NO. 09-276 awarding contract to Ferguson Process Services of Cannon Falls, Minnesota, in the amount of \$115,000 for Valve Maintenance, Testing, Repair, Replacement, and Related Services & Supplies for Power Plant Boilers
 20. RESOLUTION NO. 09-277 awarding contract to W-S Industrial Services, Inc., of Council Bluffs, Iowa, in the amount of \$231,000 for Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for Power Plant Boilers
 21. RESOLUTION NO. 09-278 awarding contract to Bodine Services of Clinton, LLC, of Clinton, Iowa, in the amount of \$48,000 for Specialized Wet Dry Vacuum, Hydro Blasting, and Related Cleaning Services for Power Plant
 22. RESOLUTION NO. 09-279 approving contract and bond for Water Treatment Plant Five-Year Well Rehabilitation Project (Year 3)
 23. RESOLUTION NO. 09-280 approving contract and bond for CyRide Facility Upgrades, Maintenance, & Washbays
 24. RESOLUTION NO. 09-281 approving Change Orders 1 - 4 to the contract with Hooper Corporation for 161-kV In-Town Transmission Line
 25. RESOLUTION NO. 09-282 approving Change Orders 6, 7, and 8 for Grand Avenue Extension in an amount not to exceed \$50,555.32
 26. RESOLUTION NO. 09-283 approving submittal of State Recreational Trail Grant application for Shared Use Path (Skunk River Trail)
 27. RESOLUTION NO. 09-284 accepting completion of SE 16th Street Paving and Bridge Replacement
 28. Somerset Subdivision, 22nd Addition:
 - a. RESOLUTION NO. 09-285 approving/motion denying waiver of requirement for financial security of sidewalks and street trees
 - b. RESOLUTION NO. 09-286 approving Major Final Plat
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

AMENDMENT TO HUMAN SERVICES CONTRACT WITH MID-IOWA COMMUNITY ACTION (MICA): Council Member Goodman noted that MICA was asking to shift money from one purpose to another. He asked if the agency was now re-prioritizing. Assistant City Manager Sheila Lundt advised that MICA is not experiencing the workload in its Community Development Program that it was anticipating; thus, the money is not being drawn down for that purpose. However, MICA has overspent in the area of the Food Pantry, and it is asking for those funds to be transferred to that service. According to Ms. Lundt, the agency is spending more time working with fulfilling basic needs for families.

Council Member Goodman also asked if every funder needed to approve the transfer of funds from one program to another. Ms. Lundt replied that they did not; United Way and the City were asked to approve the shift in funding. Mr. Goodman inquired if there was another avenue within ASSET to deal with unanticipated demands on programs. According to Ms. Lundt, United Way is the only funder that has the ability to fund a limited number of emergency grants.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-268 approving an amendment to the Human Services Contract with MICA allowing the reallocation of \$2,500 from the Family Development Program to the Food Pantry Program.

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

AMENDMENT TO HUMAN SERVICES CONTRACT WITH CHILDSERVE: Assistant City Manager Lundt explained that ChildServe is serving more infants than older children; many of the low-income families being served have infants and/or toddlers rather than school-age children. Thus, ChildServe is requesting a reallocation of \$1,100 from the funding for Children's Day Care to Infant Care. Ms. Lundt pointed out that, last year, ChildServe could not draw down all its money because it was too late in the year before it was realized that more infants were being served.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-269 approving the amendment to the Human Services Contract with ChildServe allowing the reallocation of \$1,100 from the Children's Day Care Program to the Infant Care Program.

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

2009/12 LINE CLEARANCE PROGRAM: Purchasing Agent Luana Stoneking distributed a time line of staff's action taken in regard to the award of contract for the 2009/12 Line Clearance Program. She explained that, on June 9, 2009, the City Council had awarded a contract for this Program to Wright Tree Service. On June 11, 2009, an error was discovered on the Bid Evaluation: the headers, which contained the bidders' names were transposed. As a result, Wright Tree Service, Inc., was shown as the low bidder. The low bidder was actually Asplundh Tree Expert Company. Within ten minutes of realizing the error, a City Buyer called Wright Tree Service and left a message for Wilbur Nutter advising of the error and that they should not proceed with securing a Performance Bond or any other resources until the matter was resolved. Later that afternoon, the Buyer followed up with Wright Tree Service, reiterating that they should not proceed with anything pertaining to this contract and advising that this matter would be on the City Council Agenda for June 23. City Manager Steve Schainker explained that the Buyer was a City Procurement Specialist who handles large projects for the Electric Services Department.

Ms. Stoneking further explained that the contract was awarded by Council on June 9. The Notice of Award was mailed on June 10. The error was discovered on June 11.

City Attorney Doug Marek explained that this is a service contract, not a public improvements contract; thus, the City is not required to accept the lowest responsive bid. He stated, however, that the Council awarded the bid on erroneous information and analysis of the bids. Mr. Marek advised that the issue before the Council is whether to rescind the previously granted award and make award to the lowest bidder, which was previously inaccurately represented, or to abide by its former decision. According to Mr. Marek, Council's decision should hinge on whether the company who received notice of the bid award took any action in the short amount of time before the error was detected. Mr. Marek summarized that there is neither a legal obligation to remain with the previously granted award nor to rescind it and award to the lowest bidder.

City Manager Schainker stated that the City has concluded that both companies are qualified. He pointed out that the City believed that it was recommending awarding the project to the lowest bidder; however, there is only a difference of approximately \$1,900.

Assistant City Manager Lundt pointed out that Wright Tree Service had worked for the City several years ago and Asplundh had been the service provider for the past eight years. She advised that the contract extensions are optional; the City Council could direct the staff to re-bid this project next year.

Scott Packard, CEO for Wright Tree Service, Inc., P. O. Box 1718, Des Moines, Iowa, spoke. Also

present from the company were Will Nutter, President, and Jerry Black, Division Manager. Mr. Packard asked that the City Council not rescind the contract awarded to Wright Tree Service on June 9, 2009. He referenced a letter received by the City on this date and placed around the dais outlining the company's objection and position. Summarizing same, Mr. Packard pointed out that the City's Request for Proposal (RFP) did not state that the award would go to the lowest bidder. According to Mr. Packard, the RFP did state, however, that preference would be given to Iowa-based companies using both Iowa labor and Iowa products, and he asked the City Council to take that into consideration when making its final decision. Mr. Packard advised that Wright Tree Service has always been, and will continue to be, an Iowa-based, Iowa-owned company that is committed to partnering with other Iowa companies. He said that the other bidder, contrary to what was presented, is not an Iowa-based company, but based in Willow Grove, Pennsylvania.

Mr. Packard believes that the margin of difference in the proposals is inconsequential (less than six-tenths of one percent over the life of the contract) and offered that, if price remains the issue, Wright Tree Service would provide a \$4,000 credit to the City. He urged that the City Council reaffirm its decision to award the contract to Wright Tree Service.

Council Member Larson asked to know more about the bid document citing a preference for an Iowa-based company and Iowa products. Ms. Stoneking quoted language contained in the Notice to Bidders. She pointed out that, since this is a service contract and not a public improvement contract, there is no legal requirement. City Attorney Marek confirmed that service contracts do not require local preference.

Mr. Larson concluded that, with everything being equal, the City would have awarded the contract to the lowest bidder. Ms. Stoneking concurred that both bidders were pre-qualified. She added that this was an Invitation to Bid, not an RFP.

Council Member Goodman said, from his business experience, if the price is very close, it is sometimes good to choose another provider to compare service and quality. He pointed out that the City is not obligated to renew the contract in the future, and the price difference is nearly negligible. Because Wright Tree Service was told that it had been awarded the contract, Mr. Goodman felt that it might be reasonable to allow it to retain the contract.

Council Member Larson offered his perception that two bidders were equally qualified, the preference laws did not apply, staff made an error in presenting the information, so the contract should go to the low bidder.

Moved by Larson, seconded by Mahayni, to adopt RESOLUTION NO. 09-275 rescinding the contract award to Wright Tree Service, Inc., of Des Moines, Iowa, for the 2009/12 Line Clearance Program and awarding a contract to Asplundh Tree Expert Company of Fairfax, Iowa, in the amount of \$270,100.

Council Member Rice said that Council had made its decision based on the information it had been provided; however, that information was incorrect. When the Council voted, it was not aware of the error.

Mr. Goodman cited his preference for the City to honor its commitment and allow Wright Tree Service to retain the contract. Council Member Doll disagreed, stating that the Council made its decision based on the information showing which company was the lowest bidder. Mr. Goodman objected to that statement, again pointing out that the City is not legally obligated to make the award

to the lowest bidder. Mr. Doll said that the Council intended for the award to go to the lowest bidder, and that is what it had thought was done.

In Council Member Larson's opinion, the City Council has no other choice but to award the contract based on which company actually was the lowest bidder. Asplundh had the lowest bid, and through no fault of its own, its bid numbers were mistakenly put under the heading for Wright Tree Service.

Council Member Doll asked that the Council direct that the contract be rebid next year.

Moved by Doll, seconded by Goodman, to amend the motion to include direction to staff to re-bid this project next year.

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

Moved by Doll, seconded by Goodman, to approve the motion, as amended.

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

CHEMICAL TREATMENT SERVICES & SUPPLIES FOR POWER PLANT: City Manager Schainker pointed out that the City is not recommending, after analyses have been performed, that the lowest bidder receive the award for this project. Electric Services Director Kom advised that the City sent out the RFP and received proposals from four companies. Three of those companies ultimately qualified for consideration. Mr. Kom stated that price was not the only factor; there were other considerations. The second step was the evaluation of the submitted proposals, and after evaluations were completed, the lowest-cost bidder was not selected.

Phil Schendel, Electric Maintenance Superintendent, provided additional information as to the evaluation process. From the scoring during the evaluation phase, the top two were given an opportunity to be interviewed. After those interviews, the final decision was made. The evaluations were based on vendor responsiveness to the requirements of the RFP, their recommendations based on current Plant conditions, references and history of performance, base costs associated with the RFP, and chemical unit costs. After review of the scored proposals, the evaluators made the recommendation to award the contract to ChemTreat, Inc. Mr. Schendel emphasized that one of the most important criteria was service. He advised that the types of programs used by the two companies to treat the boiler and cooling tower are identical. According to Mr. Schendel, after the interview process, the evaluators felt that ChemTreat met the City's requirements better than G.E.

John Kurtz representing GE Water and Process Technologies (GE), Omaha, Nebraska, said that his company has a long history of service to the City's Power Plant, with that service documented as having excellent results. Mr. Kurtz pointed out that GE was the low bidder in this process. He respectfully requested that the decision on award of contract be delayed until further review can be performed.

Council Member Goodman noted that the dollar difference between the proposals submitted by the two companies is large. He asked for an explanation on what the differences were. Mr. Schendel reiterated that service was a key factor. The chemicals used by the two companies are much the same. Most of the chemicals used by ChemTreat are available at a depot in Eldridge, Iowa. The chemicals used by G.E. come from an out-of-state location. Mr. Schendel brought the Council's attention to the base bid, stating that there is not a great difference between the two proposals.

Council Member Mahayni noted the Manager's Recommendation, which stated that the level of

expertise of ChemTreat's on-site staff is superior to the other bidders. Its service representatives are very close and can come to the Power Plant in a very short period of time in case of an emergency. ChemTreat's chemical feed equipment is more user-friendly and is superior in the manner in which it feeds the chemicals and monitors the results. It also is more adaptable to use with different chemicals from other suppliers.

Council Member Larson pointed out that there was a matrix and criteria for the award. It was pointed out to the bidders that award would not necessarily be to the one with the lowest price.

Assistant City Manager Lundt advised that employees from different areas in the Power Plant reviewed the proposals. All acknowledged that G.E. is a good company; however, one of the key things was ChemTreat's ability to get technicians on site quickly when there are water quality issues. Mr. Schendel noted that the Plant had endured two failures, one of which required the purchase of new tubes. He said those failures were partially due to chemical erosion.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-276 awarding a contract to ChemTreat, Inc., of Glen Allen, Virginia, in the amount of \$250,000 for Chemical Treatment Services & Supplies for Power Plant.

Mr. Kurtz took exception to Mr. Schendel's point concerning boiler tube failures. He said that the most recent boiler tube failure was clearly an "outside-in" failure as opposed to a water side "inside-out" failure. He contended that GE's results have been stellar, its service has been stellar, and its responsiveness has been stellar. According to Mr. Kurtz, in all the years that G.E. has been providing service to the City, there has not been an incident so critical that the response time difference would have been a factor. Mr. Kurtz pointed that it is the responsibility of the service provider to prevent critical incidents by providing the tools and training necessary so that the staff is able to respond.

Mr. Schendel asked to clear up what appeared to be a misunderstanding. When referring to internal erosion, it was not due to G.E.'s chemicals. He commended G.E. for correcting problems caused by a previous chemical supplier, adding that G.E. has done a good job for the City over the years. According to Mr. Schendel, G.E.'s past performance is not the issue. From the presentations, staff felt that it would be more advantageous for the City to go with ChemTreat. He added that software support was also an important consideration in the decision-making.

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

PUBLIC FORUM: No one spoke during this time.

CLASS C BEER PERMIT FOR WALGREEN'S: Moved by Goodman, seconded by Popken, to approve the transfer of the Class C Beer Permit for Walgreen's from 2501 Grand Avenue to 2719 Grand Avenue.

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

MIDNIGHT MADNESS: Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-287 approving closure of certain streets and parking lots on July 11 and 12, 2009.

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

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-288 approving suspension of parking regulations and enforcement from 6:00 p.m. to 11:00 p.m.

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

Moved by Mahayni, seconded by Rice, to approve a 5-day Class B Beer permit and Outdoor Service Area in City Hall Parking Lot N.

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

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-289 approving waiver of the fee for use of electricity in Parking Lot N and in Main Street Cultural District (MSCD).

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

Moved by Mahayni, seconded by Popken, to approve a Blanket Vending License for MSCD.

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

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-290 approving waiver of the fee for a Blanket Vending License.

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

FIREWORKS PERMITS: Moved by Mahayni, seconded by Goodman, to approve a permit to shoot fireworks from Stuart Smith Park on July 4, 2009, at approximately 9:30 p.m., with rain dates of July 5 or 6, pending approval of Iowa State University.

Council Member Rice asked for clarification of the time of the fireworks. He noted that the application stated the fireworks would begin at 10:00 p.m., however, the agenda stated 9:30 p.m.

Shannon Bardole, representing the Ames Jaycees, stated that the shoot would occur after dusk, which would be closer to 10:00 p.m. The show is expected to last about 20 minutes.

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

Moved by Mahayni, seconded by Rice, to approve a permit to shoot fireworks from an area southeast of intersection of University Boulevard and SE 16th Street for Opening Ceremonies of Iowa Games at approximately 9:15 p.m. on July 17, 2009.

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

Moved by Doll, seconded by Popken, to approve a permit to shoot fireworks on the Iowa State Lot E-85 for the WELS International Youth Rally at approximately 10:00 p.m. on July 10, 2009.

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

BLOOMINGTON ROAD EXPANSION: Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-291 approving the Second Amendment to the Agreement for Public Improvements pertaining to Bloomington Road Expansion.

Council Member Larson noted that representatives from the Union Pacific Railroad have given the City Traffic Engineer a firm date (second week in July) for the crossing work to be completed. He expressed his desire that something temporary be done by the City if the Railroad does not get it done at that time. Mr. Larson is concerned about the "bad corner" at Stange and Bloomington; that

intersection needs to be signalized as soon as possible. City Manager Schainker reminded the City Council that the Railroad will not allow work to be done by anyone else.

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

HEARING ON ORDINANCE GRANTING TO INTERSTATE POWER AND LIGHT COMPANY (IPL), ET AL, THE RIGHT TO OPERATE A NATURAL GAS DISTRIBUTION SYSTEM UNDER A NON-EXCLUSIVE FRANCHISE: Mayor Campbell noted that the hearing had been opened on May 26, 2009, continued to June 9, 2009, and again continued to this meeting. City Attorney Doug Marek advised that he had received a phone call from IPL representatives at 5:00 p.m. today asking that the hearing once again be continued as it still has concerns about some sections of the proposed Ordinance, specifically, relocation, liability, and eminent domain.

Moved by Mahayni, seconded by Rice, to continue the hearing to July 14, 2009.

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

SUBDIVISION ORDINANCE TEXT AMENDMENTS RELATED TO PLATS OF SURVEY, BOUNDARY LINE ADJUSTMENTS, RETRACEMENT SURVEYS, AND SUBDIVISION REVIEW IN URBAN FRINGE: Planning & Housing Director Steve Osguthorpe recalled that the City Council had previously heard concerns expressed by staff over the creation of parcels through Plats of Survey that have not been processed or approved by the City. According to Mr. Osguthorpe, laws prohibits the issuance of permits on lots not otherwise created through adopted subdivision regulations. Therefore, subsequent owners of those lots are unaware that subdivision laws have not been adhered to and that they are not allowed to develop their lots unless they legally go through the subdivision process. Mr. Osguthorpe read portions of Code of Iowa Section 354, which governs the subdivision of land. He said that the proposed amendments would provide resolution to the problem of lots that were created without benefit of City review. This would also lessen the infrastructure burden on property owners who want to simply adjust their lot lines without requiring additional public improvements, and it would also simplify the process of doing a retracement survey. According to Mr. Osguthorpe advised that staff put forth considerable effort to obtain input from individuals most affected by the changes and believe that the proposed amendments reflect input received to date.

Director Osguthorpe summarized the amendments, which would:

1. Define more specific procedures for processing plats of survey before being submitted to the County for recording.
2. Provide means to officially recognize parcels created through conveyance, but which were not previously reviewed or approved under city subdivision standards.
3. Confirm the City's intent to review plats of survey within the Ames Urban Fringe.
4. Define boundary line adjustments and review procedures and exempt them from public improvement requirements (within limited exceptions).
5. Exempt from City review all retracement surveys that are clearly titled, "Plat of Retracement Survey."

The City Council was told by Mr. Osguthorpe that if the ordinances move forward in normal sequence, the effective date would be August 4. That date would be the date for conformance to these Ordinances.

Mr. Osguthorpe explained that Boundary Line Adjustments (BLA) would be exempt from public improvements unless the BLA extends frontage with existing improvements. Conveyance Parcel division would be exempt from public improvements if a Plat of Survey was recorded prior to August 4, 2009. He explained the review processes for Conveyance Parcels, Retracement Surveys, and Plats of Survey. Mr. Osguthorpe emphasized that Retracement Surveys would not be recognized for permitting purposes; only the original survey will be recognized. Another issue, according to Director Osguthorpe, is that Iowa Code Section 355.10 requires recording Plats of Survey within 30 days after signature on plat. Because a resolution is required, this presents a dilemma for surveyors. Staff's solution is to differentiate between "proposed" and "official" Plat of Survey by definition. The steps after approval were outlined by Mr. Osguthorpe.

Council Member Popken questioned the August 4, 2009, effective date. He asked if someone could then "get in under the wire" to avoid having to adhere to the new regulations. Director Osguthorpe said there had been enough education about the proposed changes that staff does not anticipate any problems.

Moved by Goodman, seconded by Rice, to pass on first reading an ordinance amending the subdivision regulations for lots created through conveyance or recorded plats.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Doll, to pass on first reading an ordinance amending the subdivision regulations pertaining to requirements for Plats of Survey.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance amending the subdivision regulations for review of Plats of Survey within the Ames Urban Fringe.
Roll Call Vote: 6-0. Motion declared carried unanimously.

GRAND ASPEN SUBDIVISION, 3RD ADDITION: City Manager Schainker recalled that the City Council's action to approve the Preliminary Plat for Grand Aspen Subdivision, 3rd Addition, on May 26, 2009, was conditioned upon the developer signing the agreement proposed by the City staff. The developer, Matt Randall, had expressed concerns with the proposed Agreement because it required a Letter of Credit to be secured for bike path improvements for an unspecified period of time. Mr. Randall also had indicated that he could not complete the street widening and bike path improvements prior to the approval of the Final Plat. The developer did not sign the Agreement, and consequently, the Preliminary Plat has not been approved.

Matt Randall, 420 SE 16th Street, Ames, acknowledged that the September 1, 2009, date is acceptable. He submitted the plat in December 2008 and it has taken this long to get it approved.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-292 approving the Developer's Agreement.
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. 09-293 approving a waiver

of the Subdivision Ordinance street light requirement.

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. 09-294 approving the Preliminary Plat, subject to the Developer's Agreement being signed and the following stipulations:

1. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and Final Plat approval.
2. The Final Plat shall label the identified bike path along South 16th Street as a "shared-use path."
3. A notation to label the boundary of the "Floodway" shall be added to the Final Plat.
4. The statement on the Preliminary Plat that "Outlot B's uses will be in conformance with the RH zoning" shall not be shown on the Final Plat.
5. A perpetual negative easement shall be shown on the face of the Final Plat of subdivision with respect to the south line of the site such that there shall be no access to South 16th Street from the site, except for one 30-foot intersecting driveway located directly across from and aligned with Fountain View Drive to serve as access to Lot 1, and also that there shall be no access along the easterly and westerly sides of Grand Avenue, except for a driveway 30-feet- wide from the easterly and westerly sides 419.99 feet north of the south line of the site.

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

SUPPLEMENTAL DEVELOPER'S AGREEMENT FOR DAUNTLESS SUBDIVISION: Moved by Larson, seconded by Doll, to adopt RESOLUTION NO. 09-295 approving the Supplemental Developer's Agreement for Dauntless Subdivision from a point 540 feet north of the centerline of Mortensen Road.

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

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT: Assistant City Manager Bob Kindred recalled that the City had been notified that it is eligible to receive \$544,000 in funding through the Federal Energy Efficiency and Conservation Block Grant (EECBG) program. It was noted that this topic was discussed by the City Council at its meeting of June 9, and staff had been given direction as to what types of projects it preferred to be included in the Grant application. Mr. Kindred reviewed the list of possible projects and their estimated costs. The projects were categorized under four initiatives: (1) Street Lighting and Parking Lot Lighting Demonstration Projects, (2) Major Energy Efficiency Improvements to City Facilities, (3) Energy Conservation Education, and (4) Hybrid Vehicles.

Regarding the Energy Conservation Education component, Mr. Kindred advised that the Ames Community School District Superintendent had submitted a letter to the City stating that the District would welcome funding to be used to purchase equipment needed for a new Environmental Studies course at Ames High School.

Council Member Popken preferred that street lighting and parking lot lighting demonstration projects be limited to South 16th Street between South Duff and University Boulevard and to City Hall's east and west parking lots. Council Member Goodman concurred. Council Member Doll disagreed, preferring that the latter two projects stay in as possibilities. He recalled that people have asked for improved lighting on Mortensen. Council Member Popken said that he had no problems with those two locations, but didn't want them to be prioritized so highly.

Mr. Larson expressed his opinion that the project matrix is a good one as long as the Council has the opportunity to approve the projects again and if it can be shown that one is superior to another. Mr. Kindred advised that actual funding allocations will be determined by the City Council after the Grant is received and the highest priority alternatives are studied and evaluated.

Moved by Popken, seconded by Goodman, to authorize staff to submit a grant application for Energy Efficiency and Conservation Block Grant (EECBG) funding and approving staff's strategy for use of funding, as follows:

1. Parking Lot and Street Lighting Improvements - lowering the priority for Mortensen Road from State Avenue west to the Middle School and SE 16th Street between South Duff and Dayton Avenue
2. Energy-Efficiency Improvements to City Facilities - making improvements to one City building, with extension to multiple buildings if funding allows
3. Energy Conservation Education
4. Hybrid Vehicles - limited to sedans only

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

CONTRACT RENEWAL WITH WELLMARK FOR HEALTH ADMINISTRATIVE SERVICES: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-296 approving renewal of the contract with Wellmark for health administrative services, specific and aggregate excess insurance, and access fees for benefits, effective July 1, 2009.

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

ADMINISTRATIVE SERVICES FOR DENTAL BENEFITS: Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-297 approving renewal of the contract with Delta Dental for administrative services for benefits, effective July 1, 2009.

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

WORKER'S COMPENSATION - PHARMACEUTICAL SERVICES: Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-298 approving renewal of the contract with Pharmaceutical Technologies, Inc., for worker's compensation pharmaceutical services.

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

CASUALTY & LIABILITY INSURANCE COVERAGES: Moved by Doll, seconded by Goodman, to adopt RESOLUTION NO. 09-299 approving a contract with the Iowa Communities Assurance

Pool (ICAP) for renewal of casualty and liability insurance coverages in the amount of \$424,075.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

GROUP LIFE, SUPPLEMENTAL LIFE, & LONG-TERM DISABILITY INSURANCE: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-300 approving a contract with National Life Insurance for group life, supplemental life, and long-term disability insurance.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PROPERTY COVERAGE AND BOILER AND MACHINERY COVERAGE: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-301 approving renewal of the contract with F. M. Global for renewal of property coverage and boiler and machinery coverage for FY 2009/10 in the amount of \$473,300.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

WATER RATE ORDINANCE: City Manager Schainker advised that a Water Rate Adjustment Ordinance was adopted last spring to take effect on July 1, 2009. However, that Ordinance contained two typographical errors in the rate structure that needed to be corrected. In order for the Ordinance to be published and take effect on July 1, 2009, Council would need to suspend the rules and adopt it at this meeting.

Moved by Doll, seconded by Goodman, to pass on first reading the revised Water Rate Ordinance.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Doll, to suspend the rules necessary for the passage of an ordinance.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Goodman, to pass on second and third readings and adopt ORDINANCE NO. 3995 pertaining to water rates.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REPEALING CODE SECTIONS PERTAINING TO FISHING POPULATION AT ADA HAYDEN HERITAGE PARK: Moved by Doll, seconded by Goodman, to pass on second reading an ordinance repealing Code sections pertaining to fishing population.
Vote on Motion: 6-0. Motion declared carried unanimously.

ORDINANCE PERTAINING TO PLACEMENT, SCREENING, AND LANDSCAPING AROUND MECHANICAL EQUIPMENT UNITS: Moved by Goodman, seconded by Rice, to pass on second reading an ordinance making zoning text amendments related to screening and landscaping around mechanical equipment.
Roll Call Vote: 6-0. Motion declared carried unanimously.

RENTAL HOUSING CODE: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3994 approving the Rental Housing Code.
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 Goodman, to refer to staff the letter from the Main Street Cultural District requesting parking hang-tags for vehicles belonging to out-of-town guests attending the Downtown Summit.

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

Moved by Popken, seconded by Rice, to refer to staff the letter from ISU dated June 10, 2009, pertaining to directional signage to significant visitor destinations, but broaden it to include some City signage.

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

Council Member Larson brought the staff's attention to the Iowa League I-Jobs Program Grant and asked that the application be reviewed to see if it would be something worth pursuing.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 8:53 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor