

**MINUTES OF THE MEETING OF THE AMES AREA
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY COMMITTEE
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JULY 14, 2009

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE MEETING**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 14th day of July, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Ann Campbell as Administrator. Voting members present were Campbell, Doll, Goodman, Larson, Mahayni, Popken, and Rice, representing the City of Ames City Council, and Mike O'Brien, Boone County Supervisor. Wayne Clinton, representing the Story County Board of Supervisors and Robert Anders, representing the Ames Transit Agency, were absent. Mike Clayton from the Iowa Department of Transportation was also present.

LONG-RANGE TRANSPORTATION PLAN UPDATE: Assistant Public Works Director Tracy Warner reported that the City had gone through an extensive process of following the federal procedures to hire a consultant for this project. She described what would be included in the scope of services for the Engineering Services Contract with HDR. Ms. Warner advised that the Plan will have a completion date of October 2010 and will project out 25 years. There will be opportunities for extensive public participation. According to Ms. Warner, the Plan will consider the new MPO boundary and will take into consideration Ames' urban fringe area (two-mile growth area).

According to Ms. Warner, a bicycle and pedestrian level of service will be established as part of this Plan. The new Plan will include not only traditional elements, but will also contain an emphasis on safety in accordance with state-of-the-practice planning measures and direction from national and local policymakers. Ms. Warner said that all required planning factors as specified in federal SAFETEA-LU transportation legislation will also be included.

Council Member Popken pointed out that a model would be developed as part of the Plan. He recalled that "what if?" scenarios regarding the build-out of the City had previously been requested; however, the cost was prohibitive. Mr. Popken asked if those types of scenarios would be able to be done under the new Plan. Traffic Engineer Damion Pregitzer explained that this Plan will include the incorporated area of Ames as well as its two-mile fringe, and different growth scenarios will be able to be performed as long as the land is in the two-mile boundary.

Council Member Larson noted the Plan's completion date of October 2010. He recalled that the Planning & Zoning Commission had requested that the City Council develop a "vision," and he assumed that any changes coming from that process would be able to be included in the Plan. Ms. Warner explained that significant changes would be able to be incorporated in the Plan as long as it was not too late in the process. She noted that the Plan must be adopted by October 2010 or the City would not be eligible to receive federal funding.

Referring to the potential of Campustown redevelopment, Mr. Larson also asked if multi-modal facilities would be included in the Plan. Ms. Warner explained that the new Plan will encompass all areas: transit, bicycle, pedestrian, and vehicular. Potential environmental impacts will also be looked at with the conceptual road alignments.

Council Member Goodman asked how a bicycle and pedestrian level of service will be developed. He noted that a high level of usage would be needed. Mr. Pregitzer explained that public input will

be very important. Through the public participation, both quantitative measures, which would require a large quantity of pedestrians or bicyclists, and qualitative measures (how comfortable a person feels in the area) will be considered. If adequate data is not received, more qualitative measures will be used.

Moved by Mahayni, seconded by Rice, to recommend approval of the Engineering Services Contract with HDR of Omaha, Nebraska, for the Long-Range Transportation Plan in the amount of \$353,681. Vote on Motion: 8-0. Motion declared carried unanimously.

Moved by O'Brien, seconded by Doll, to adjourn the AAMPO meeting at 7:12 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:13 p.m. on July 14, 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 30TH ANNIVERSARY OF NATIONAL ALLIANCE ON MENTAL ILLNESS OF CENTRAL IOWA: Mayor Campbell proclaimed July 21, 2009, as the day to observe the 30th Anniversary of National Alliance on Mental Illness (NAMI) of Central Iowa. Accepting the Proclamation were Deb Niehof, Executive Director of NAMI of Central Iowa; Wendie Cooper, Board President, and Dr. Fred Borgen, Sherry Bradley, Barbara Royer, Board Members.

CONSENT AGENDA: Council Member Doll asked to pull Item No. 11, the Human Services Contract with The Richmond Center, for separate discussion. He advised that he would be abstaining from the vote on that item due to having a conflict of interest.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of June 23, 2009, and Special Meeting of July 6, 2009
3. Motion approving certification of civil service applicants
4. Motion approving Contract Change Orders for June 16-30, 2009
5. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
 - a. Class C Liquor - Fox I Lounge, 111 South 5th Street
 - b. Class C Liquor - Welch Ave Station, 207 Welch Avenue
 - c. Class C Liquor - Capone's, 2518 Lincoln Way
 - d. Class B Beer - Panchero's, 1310 S. Duff Avenue
 - e. Class C Liquor - Applebee's, 105 Chestnut
 - f. Class C Liquor - Sportsman's Lounge, 123 Main Street
6. RESOLUTION NO. 09-304 approving and adopting Supplement No. 2009-3 to the Municipal Code
7. RESOLUTION NO. 09-305 approving appointment of Bill Malone to fill vacancy on Historic Preservation Commission
8. RESOLUTION NO. 09-306 approving parking the Block Party Trailer on City streets for community cultural events
9. RESOLUTION NO. 09-307 approving partial funding request from Watershed Improvement Review Board (WIRB)
10. RESOLUTION NO. 09-309 approving Engineering Services Agreement for 2035 Long-Range Transportation Plan update
11. RESOLUTION NO. 09-310 approving Professional Services Agreement in the amount of \$61,617 with Stanley Consultants of Mescaline, Iowa, for WPC Disinfection Study
12. RESOLUTION NO. 09-311 waiving formal bidding requirements and authorizing staff to enter into 2009/10 Software Maintenance Contracts with Sungard Public Sector for the joint public safety

computer network at an estimated cost of \$51,623

13. RESOLUTION NO. 09-312 waiving formal bidding requirements and authorizing staff to enter into 2009/10 Software Maintenance Contracts for integrated applications with Sungard Public Sector in the amount of \$88,081
14. RESOLUTION NO. 09-313 approving a contract with Fletcher Reinhardt Company of Cedar Rapids, Iowa, for Power Quality Socket Type Electric Meters for Electric Services in an amount not to exceed \$78,606
15. RESOLUTION NO. 09-314 approving preliminary plans and specifications for Conveyor Belt Replacement at Resource Recovery Plant; setting August 12, 2009, as bid due date and August 25, 2009, as date of public hearing
16. RESOLUTION NO. 09-315 approving preliminary plans and specifications for 2008/09 CyRide Route Pavement Improvements (Northwestern Avenue); setting August 5, 2009, as bid due date and August 11, 2009, as date of public hearing
17. RESOLUTION NO. 09-316 approving preliminary plans and specifications for 2008/09 Asphalt Paving Improvement Program (Arizona Avenue); setting August 5, 2009, as bid due date and August 11, 2009, as date of public hearing
18. RESOLUTION NO. 09-317 approving preliminary plans and specifications for the 2009/10 Downtown Street Improvements (Kellogg Avenue); setting August 5, 2009, as bid due date and August 11, 2009, as date of public hearing
19. RESOLUTION NO. 09-318 approving contract and bond for Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for Power Plant Boilers
20. RESOLUTION NO. 09-319 approving contract and bond for Valve Maintenance, Testing, Repair, Replacement, and Related Services & Supplies for Power Plant Boilers
21. RESOLUTION NO. 09-320 approving contract and bond for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant
22. SAM Water Tower Project:
 - a. RESOLUTION NO. 09-321 approving Change Order
 - b. RESOLUTION NO. 09-322 accepting final completion of Project
23. RESOLUTION NO. 09-323 approving Final Plat for Grand Aspen Subdivision, 3rd Addition
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

HUMAN SERVICES CONTRACT FOR THE RICHMOND CENTER: Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 09-308 approving the 2009/10 Contract for Human Services with The Richmond Center.

Roll Call Vote: 5-0-1. Voting aye: Goodman, Larson, Mahayni, Popken, Rice. Voting nay: None. Abstaining: Doll. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Erin Kennedy, 717 Sixth Street, Nevada, Iowa, requested the City Council's permission to use City Hall as a community drug drop-off site on August 1, 2009, from 10:00 a.m. to 1:00 p.m.. The purpose of the event is to allow community members a safe and confidential manner of prescription and over-the-counter drug disposal. Ms. Kennedy made this request on behalf of the Story County Prevention Policy Board in cooperation with Youth and Shelter Services, Ames Police Department, ISU Public Safety, McFarland Clinic, Mary Greeley Medical Center, and Heartland Senior Services. This will allow community members to bring expired or unused medications (pills, lotions, or creams) or expired/unused pet medications for safe disposal. Ms. Kennedy asked that this item be placed on the next City Council Agenda.

WI-FI SERVICES STATUS REPORT: Moved by Popken, seconded by Rice, to table Item No. 47, the Wi-Fi Services report, until July 28, 2009.

Council Member Popken explained that the Agenda is very lengthy, and the report could be delayed until the Council's next meeting.

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

FIVE-DAY SPECIAL CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY: Moved by Goodman, seconded by Doll, to approve a Five-Day (July 20 - 24) Special Class C Liquor License for Olde Main Brewing Company at the Department of Animal Science Building, 1221 Kildee Hall.

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

FIVE-DAY CLASS C LIQUOR LICENSE FOR GATEWAY HOTEL: Moved by Mahayni, seconded by Doll, to approve a Five-Day (July 21 - 25) Class C Liquor License for Gateway Hotel and Conference Center at the ISU Alumni Center, 420 Beach Avenue.

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

SPECIAL CLASS C LIQUOR LICENSE FOR AMES BEST PIES & CATERING: Moved by Rice, seconded by Popken, to approve a new Special Class C Liquor License for Ames Best Pies & Catering, 2321 North Loop Drive.

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

CERTIFIED LOCAL GOVERNMENT GRANT: Moved by Mahayni, seconded by Goodman, to approve submission of Certified Local Government grant application to conduct Masonry Restoration Workshop.

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

CAFÉ DIEM STREET CONCERT: Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-324 approving closure of Main Street from Kellogg to Douglas from 6:00 p.m. to 10:00 p.m. on July 17 for Café Diem Street Concert.

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

AMES FAMILY FEST: Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 09-325 approving closure of East Fifth Street from Duff to Carroll from 10:00 a.m. to 10:00 p.m. on August 8 for Ames Family Fest.

Sally Shaver, 1203 Scott Avenue, Ames, told the City Council that the event is a free all-day family event.

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

REQUESTS FOR SHRINE BOWL PARADE ON JULY 25, 2009: Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-326 approving closure of portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Pearle Avenue, and Clark Avenue from 8:00 a.m. to Noon for parade scheduled at 9:30 a.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 Doll, to adopt RESOLUTION NO. 09-327 approving closure of Parking Lots M and MM (west of City Hall) for parade staging between 6:00 a.m. and Noon.
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 Doll, to adopt RESOLUTION NO. 09-328 waiving the fee for electricity usage in Tom Evans Plaza.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

HYVEE DRUGSTORE FUNDRAISER FOR JUVENILE DIABETES RESEARCH FOUNDATION:

Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 09-329 closing Depot Parking Lot V east of the entryway drive aisle on July 18, 2009, from 9:00 AM to 6:00 PM.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 09-330 approving suspension of parking enforcement in Depot Parking Lot V on July 18, 2009, from 9:00 AM to 6:00 PM.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

DOWNTOWN DOLLAR DAYS ON JULY 30, 31, AND AUGUST 1, 2009: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-331 approving suspension of parking regulations in the 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 Doll, seconded by Popken, to approve a blanket Temporary Obstruction Permit for sidewalks in the MSCD.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Doll, seconded by Popken, to approve a blanket Vending License for the MSCD.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-332 waiving 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.

DOWNTOWN SUMMIT: Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-333 approving the request from the Main Street Cultural District for suspension of parking regulations in Central Business District Lots X, Y, and Z on August 25 and 26, 2009.

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

SENATOR GRASSLEY'S 2009 AMBASSADOR TOUR: Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-334 approving a \$1,000 contribution (from the Council's Contingency Account) to offset the cost of hosting a dinner for the international ambassadors, contingent upon the Chamber of Commerce, Convention & Visitors Bureau, and Iowa State University each contributing \$1,000 to the event.

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

NORTH RIVER VALLEY PARK LOW-HEAD DAM: Lyle Hammes, Environmental Engineer with the Water and Pollution Control Department, reminded the Council that, in August 2008, he had introduced a number of proposed safety modifications to the North River Valley Park low-head dam. Mr. Hammes recalled that the project had been initiated by a local group of kayakers called the Skunk River Paddlers (Paddlers). Last August, the Council had approved the general concept and directed City staff to work with the Paddlers to come up with an acceptable construction plan.

According to Mr. Hammes, the sole purpose of the low-head dam is to maintain a pool of water in River Valley Park. This spot is a prime recharge location for the City's water supply aquifer. Mr. Hammes said that one of the problems is that the dam does not look dangerous. The primary danger is that immediately downstream from the dam, there is a recirculation effect, and if a person were to get caught up in that, they might not be able to escape. In 2006/07, there were ten deaths in Iowa caused by low-head dams.

Mr. Hammes told the Council that the City has some safety measures at the North River Valley Park location: signage warning people that they are approaching the dam, there is an upstream exit location to allow persons to get out of the river, and there is fencing near the parking lot.

The proposed safety measures were detailed by Mr. Hammes. The proposed improvements consist of placing rows of boulders in an arch configuration on the downstream side of the dam. The boulders will minimize the recirculation effect that creates the dangerous conditions. There is also benefit to aquatic life from this design; it allows fish to migrate both upstream and downstream. A third benefit would be to recreation; kayakers could use "water features" created by the boulder arrangement for play activities.

The Council was reminded that the City held a public open house jointly with the Iowa Department of Natural Resources (IDNR) and local groups. It was well-attended and determined that there was public support for the project. In addition, there were several offers to assist the project with monetary donations, labor to decrease the construction costs, and possibly by providing construction materials.

Regarding the cost of this project, Mr. Hammes said that it is projected to cost \$144,000 (per an estimate from the IDNR). It is expected that there will be state funding available through a grant for dam modification. The grant calls for a 50/50 cost-share. Mr. Hammes asked the City Council to allocate \$50,000 towards this project. He noted that those funds could come from savings in the State/Mortensen Elevated Tank Project. It is also anticipated that some local funding will be received.

Mr. Hammes said the next steps that need to be taken by the City are to submit the grant application and work with the IDNR to create construction plans. The City would also need to administer the contract and monitor the construction of the improvements. The IDNR has also volunteered to assist with construction observation and supervision. According to Mr. Hammes, the City needs to determine how well the boulder placement will hold up over time. Also, there is the potential for damaging the dam if construction is not done carefully, and a plan will need to be devised. There is also an issue of access to the site during construction.

Linda Manatt, 3016 Burnham Drive, Ames, encouraged the City Council to approve appropriations for improvements to the 13th Street Dam. Ms. Manatt shared her family's tragic story that occurred at the U.S. Filter dam located just off Highway 69. In April 2005, her husband, Tom, and son, Robert, were canoeing in this location. They went over the dam, their canoe capsized, and Tom drowned after being trapped under the water by the force of the backwash. Even though the water was not that deep and her husband was a strong man and excellent swimmer, the autopsy report showed that his only injuries were consistent with those of drowning. It is believed that he was trapped in the backwash, and even a life jacket would not have saved him. Ms. Manatt cited her belief that government's first priority should be the safety of its citizens, and no historical value should be held in higher regard than human life. It is also her belief that Tom would not have drowned that day if safety improvements had been made to the

dam. Ms. Manatt brought the Council's attention to the Whitewater Coalition's website, which is a valuable resource to learn more about low-level dams. She pointed out that there have been 11 deaths in Iowa since 2005 as a result of low-head dams. Ms. Manatt asked the City to make the much-needed modifications to the dam.

Sarah Manatt, 1617 Douglas Avenue, Ames, indicated that she and her family had liked to fish at the location of the 13th Street dam. However, after her father's death, she has become quite aware of the dangers of the dam, and no longer likes to go to that location. Ms. S. Manatt agreed that the water around the dam is powerful and surging, and is very dangerous. She asked that the Council appropriate the funds necessary to increase the safety of the dam.

Greg Vitale, 2510 Pierce Avenue, Ames, concurred that there is a significant safety issue with the 13th Street dam. He advised that part of the South Skunk River Water Trail in Story County goes through the City of Ames, including the dam at 13th Street. Mr. Vitale noted a recent incident with a similar dam in Des Moines that took the life of a man. He asked that improvements be made to the 13th Street dam that will possibly turn it into a community asset, not a liability. Mr. Vitale indicated that there is a possibility that members of some of the Skunk River Paddlers would be willing to provide in-kind work towards improvements to the dam.

Steve Vasey, 919 Murray Drive, Ames, representing the Hawkeye Fly Fishing Association, said that the group advocates for reconnecting river segments by the removal of dams that serve no purpose and modifications to dams that do serve a purpose. He believes that his organization will be able to contribute between \$500 and \$1,000 through a grant program and would be able to coordinate volunteer labor activities for this project.

Piper Wall, 912 Clark Avenue, Ames, also spoke about the hazards of the dams, noting that they do not look dangerous. She cited her experience as a kayaker for 26 years and indicated her support for this project.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-335 approving an amount not to exceed \$50,000 for local match.

Council Member Doll asked if the project in question would completely get rid of the backwash situation. Mr. Hammes advised it was his understanding that, if designed properly, it would eliminate the recirculation effect.

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

Moved by Popken, seconded by Goodman, to authorize staff to submit an application to the IDNR River-Dam Safety Grant Program for North River Valley Park Low-Head Dam.

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

REVISIONS TO METER AND METER-SETTING FEES: John Dunn, Director of Water and Pollution Control, recalled that, at the June 9, 2009, meeting, the Council approved a multi-year contract with Elster AMCO Water, Inc., to purchase water meters. As a result, the charges for meters and meter-setting fees need to be adjusted to reflect the new prices. It was noted that, even with increases in labor and other components, the new meter supply contract enables staff to recommend significantly lower meter-setting fees. The percentage of reduction varies based on meter size and type; for the most-common meter type, the proposed fees are reduced by approximately 14%.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-336 approving revisions to Appendix Q: Meter and Meter Setting Fees.

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

PROPOSED PROGRAM TO PROVIDE WATER SERVICE OUTSIDE THE CITY LIMITS:

Assistant City Manager Bob Kindred advised that the City has a longstanding policy of not providing essential services outside the corporate limits. This policy serves as an incentive for individuals and companies to locate within the City and, thus, pay their fair share of all costs. It also is a disincentive for sprawl into the unincorporated area. One exception to this policy is mandated by Iowa Code Section 357A.2, which requires cities to provide water service within two miles of their city limits under certain conditions.

Mr. Kindred stated that rural water agencies are generally empowered to provide water service in unincorporated areas across the state. However, when rural customers within a city's two-mile fringe area desire such service, Iowa Code requires that the Rural Water District ask the city for permission to provide service to the property. A city might decide to deny the request because its growth plan indicates that the city intends to eventually annex the area. If the city denies the request, the city itself must provide water to the rural customer within four years.

Five requests from Rural Water Districts have been denied by the City because the areas in question are designated for future annexation in accordance with the LUPP. Those actions now obligate the City to provide water service to five county households located in the City's two-mile fringe on West Lincoln Way, University Boulevard, and South Riverside Drive. These locations, as well as the proposed Rose Prairie development, were pointed out on the Land Use Policy Plan Map.

According to Mr. Kindred, when customers within the City desire water service to locations that have not previously been served, the Municipal Code requires that the customer pay a one-time connection fee of \$18/lineal foot of frontage (with a minimum of \$650/lot). This fee is intended to cover one-half of the cost of an eight-inch water main across the frontage of the property.

According to Mr. Kindred, some rural households do not have a City water main in front of their properties. A new water line must be laid to provide rural water service. In those cases, it is advisable to run smaller temporary mains out to the rural customer using rural water district construction standards. The primary reason for using smaller mains is water quality, since one or two homes cannot generate enough water turnover to maintain a safe water supply in an 8" main. Larger mains would also be too costly for the small number of rural customers served. It was noted that State Code does not require the City to extend fire service to these rural water customers. Temporary mains would be abandoned after the area is annexed and a standard 8" main extended to the area. In these cases, staff is recommending that the rural customer be responsible for the actual cost of design and installation of the smaller line. If other rural customers later be served off the same line, it may be possible for the other customers reimburse their proportional share of the water main's cost to the initial customer.

Mr. Kindred pointed out that the City had received a state grant several years ago to provide water service to a new industry to be located off of South Riverside Drive. When that development did not come to fruition, the City had to pay back those monies to the state. However, a water main does exist in front of the properties in question located on South Riverside Drive. Mr. Kindred noted that staff was recommending that the households pay the full connection fee even if a water main exists. He noted that the City Attorney has advised staff that existing City water customers may not subsidize rural water customers.

Council Member Goodman expressed his dislike that some rural customers would be treated differently just because there happens to be an 8" main in front of their properties. This seems inequitable to him because the charges would be distributed unevenly.

Moved by Rice, seconded by Popken, directing staff to prepare an ordinance requiring rural water customers to pay the actual costs of connecting to the City's water supply.

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

Mr. Dunn said that fees for initial meter settings, meter reading and billing, and consumption charges will need to reflect the actual cost of providing service. He described options for rural water rates:

1. Establish customer classes similar to those used for accounts inside the city limits. Since customers outside the city limits are not Ames sewer customers, there would be no financial incentive for them to establish yard water or irrigation accounts. (For Ames customers, there is a financial benefit to establishing an irrigation account and paying the higher water rates, as there is an offsetting savings on the sewer charges.) As such, if this option were selected, it is possible that customers outside the corporate limits would be paying less than Ames residents for water used for irrigation purposes.
2. Establish a rate for non-Ames residents that mirrors the irrigation rates charged within the City. Under this option, all water used outside the city limits, regardless of the customer class or type of usage, would be charged using the highest rate structure used within the City.

For either option, the Council could elect to vary the rates seasonally as is done for customer accounts inside the City, or the tiered rates could be imposed year-round. Another possibility is that a surcharge could be established on water sold outside the corporate limits, which would be similar to the 15% surcharge included in the sewer contract with the City of Kelley.

Moved by Larson, seconded by Popken, to establish a water rate for non-Ames residents that mirrors the irrigation rates charged within the City plus a 15% surcharge.

Council Member Goodman asked if the 15% surcharge is sufficient to cover the costs of administering this program. City Manager Schainker pointed out that this is a new program, and it is unknown at this time what those costs will be.

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

Mr. Dunn said that the City also needs guarantees that back-flow will not occur from the customer's premises into the water systems. He said that the metering and back-flow protection can occur in two places:

1. Rural customers be made to install the specified meter and back-flow protection device just inside the roadway right-of-way where the meter can be readily read each month. The meter and back-flow device would be installed in an aboveground heated meter box that protects the devices from freezing in the winter.
2. The meter and back-flow device, if required, could be located inside the customer's home. This option should only be allowed if the City is assured that the property's plumbing is code-compliant and does not subject the water utility to undue risk. In these cases, the customer would need to have their home inspected by City Inspections staff and changes, if needed, made by licensed plumbers, so that the City can be reasonably sure that no unsafe or unsanitary conditions

exist. If there is a well also existing on the property, a back-flow protection device may still be required.

Moved by Goodman, seconded by Mahayni, directing staff to pursue the two above-named options.
Vote on Motion: 6-0. Motion declared carried unanimously.

John Forth, 2725 South Riverside Drive, Ames, asked for clarification as to when a back-flow preventer would be required. Mr. Dunn advised that if the plumbing in the property were brought up to City of Ames' standards and there is no well, no back-flow preventer would be needed.

Mr. Forth stated that he had been told by a former Public Works Director in approximately 2004 or 2005 that the City could not recoup any more than its expenses. He noted that he had been quoted \$7.50/foot for water and \$14/foot for sewer at that time. Ms. Warner pointed out that costs have increased since that time to keep up with material costs; however, staff will verify the exact amount.

Steve Harder, 2809 South Riverside Drive, Ames, pointed out advised that the property owners in question could have been hooked up to Xenia Rural Water years ago.

Council Member Larson asked staff to make sure that the ordinance back-flow preventers be inspected annually. Mr. Dunn said that an annual inspection would be required; if anything is found to be deficient, the property owner would bear the cost of repairing the device.

The meeting recessed at 8:27 p.m. and reconvened at 8:32 p.m.

SOURCE WATER PROTECTION ORDINANCE: Christina Murphy, Assistant Director of Water and Pollution Control, showed a map of the locations of the City's well fields. She advised that City staff had been working with Dr. Bill Simpkins of Iowa State University to develop a better understanding of the Ames aquifer. Ms. Murphy said that the Southeast Well Field and Youth Sports Complex Well Field are of primary concern because they are comprised of a shallow, unconfined alluvial aquifer that has minimal overburden protecting it from contamination.

It was pointed out by Ms. Murphy that the Municipal Code requires all new developments to meet storm water design requirements that prohibit an increase in the rate of runoff for 5-, 10-, 50-, and 100-year design storm events; this is typically accomplished by constructing detention basins. Ms. Murphy also stated that the IDNR requires new wells to be 1,000 feet from any lagoons.

Ms. Murphy noted developments along South Duff Avenue and their effect on the City's wells. She stated that, based on past correspondence regarding the Super Wal-Mart site and from the IDNR, any storm water detention or bioswale that is subject to contamination from storm water would be required to meet the same site separate distance as a lagoon. Of major importance is that if an existing well were to fail, the City would not be allowed to re-drill a replacement well within 1,000 feet of a storm water detention basin.

It was stated by Ms. Murphy that Super Wal-Mart was required to be platted and storm water quantity requirements were waived in lieu of storm water quality requirements. Super Wal-Mart's bioswale is designed to only take rooftop water and is not considered a potential contaminant source. Ms. Murphy noted that staff recently determined that a Minor Site Plan was required for a proposed development at 205 SE 5th Street (PETCO, Inc.). In order to waive storm water quantity requirements, the developer applied for a Variance from the Zoning Board of Adjustment (ZBA), but the ZBA denied PETCO's request to waive the requirement. One main issue brought up at the ZBA meeting was that, by waiving storm water quantity requirements for the PETCO development, site flooding downstream on other properties would occur. However, after staff reviewed this, it believes that, because of the limited

amount of developable area affected by the proposed ordinance and the proximity to the South Skunk River, waiving the requirement would have little or no effect on flooding downstream during minor storm events.

Ms. Murphy told the Council that the three main goals of a proposed text amendment (to Chapters 23 and 29) are:

1. Put protective measures into place based on requirements in the Iowa Administrative Code that preserve the ability to re-drill a well in the same location in the Southeast and Youth Sports Complex Well Fields.
2. Allow coordination between Public Works, Planning and Housing, and Water and Pollution Control to provide more clarification to developers on storm water requirements and allow storm water quality based treatment in lieu of storm water quantity based treatment.
3. Allow development to occur along South Duff Avenue corridor without jeopardizing the long-term water supply for the community.

According to Ms. Murphy, another possible concern is the cost of doing storm water quality based treatment. She said that staff is in the beginning stages of requiring both storm water quantity and quality based management for all new developments. The cost of development due to this ordinance revision would be minimal. Ms. Murphy advised that, after the study of the aquifer is finished, staff will recommend a more extensive source water protection ordinance by creating an aquifer protection overlay that would limit certain land uses that could contaminate the aquifer within the designated capture zones.

Moved by Rice, seconded by Goodman, to direct staff to prepare appropriate text amendments to Ames Municipal Code Chapters 23 (Subdivisions) and 29 (Zoning) that will protect the City's ability to re-drill a well based on separation distances listed in the Iowa Administrative Code [567] Chapter 43.

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

WATER TREATMENT PLANT STUDY: Director John Dunn reminded the Council that, at its workshop on May 19, 2009, staff and the consulting team presented the findings of a year-long evaluation of: conditions at the existing Water Treatment Plant (WTP), projections for future growth and demand, the impacts of water conservation programs, types of drinking water treatment technologies, and providing additional reserve capacity. It was staff's recommendation at that time that the City pursue the construction of a new lime-softening treatment facility at a new site. Before proceeding with further work on the project, staff is requesting policy direction from the Council on five specific issues.

Jim Meredith, FOX Engineering, 1601 Golden Aspen Drive, Ames, was present on behalf of the consultants who performed the evaluation of the Plant.

Mr. Dunn reviewed each of the following issues in detail:

1. Justification for a major reinvestment in drinking water infrastructure
2. Identification of a preferred alternative for meeting the long-term drinking water needs for Ames
3. Demand-Side Management measures
4. Wholesale water sale to other municipalities
5. Reserve capacity for future growth

Regarding reserve capacity, Mr. Dunn told the Council that City staff met with the State SRF representatives approximately one month ago. Staff specifically asked about additional growth capacity and what implications that had on funding. The SRF representatives told staff that, in general, they do not fund what they consider “speculative growth.” If projections can be substantiated, they will provide funding.

Discussion ensued on the potential rate impact comparison between Alternate 2 (construction of a new lime softening plant at a new location) vs. Alternate No. 4B (a phased-construction variation of Alternative No. 2 involving postponing certain elements to a second phase, including the demolition of the old facilities at the existing site and reconstruction of the existing filter building to provide administrative space at the old site). Mr. Dunn summarized the trade-offs between the two alternatives. He said they differ primarily in the timing of demolition of the existing facility. Alternative No. 2 (moves ahead with demolishing the existing facility as soon as the new plant goes on line) has the lowest overall cost and the lowest rate impact for customers. Alternative No. 4B has the lowest initial cost due to the deferral of the demolition work. Drawbacks are the concerns voiced by neighbors about aesthetics and safety of the facility if left abandoned for a period of time.

Council Member Goodman asked if there would be any benefits to moving forward quickly in terms of the current economy and the attractiveness of more contractors bidding for the work. Mr. Dunn referenced the Federal Stimulus package and said that it might be beneficial to move more quickly due to the amount of spending that is being allowed on infrastructure.

Council Member Goodman noted that a decision on demolition did not need to be made tonight. Ms. Murphy indicated that staff did not need that decision tonight; however, reiterated that the neighbors are wondering what will become of the property.

Moved by Mahayni, seconded by Goodman, to approve the following alternatives:

1. Conclude that there is a need for an extensive reinvestment in drinking water treatment infrastructure, and direct staff to proceed with planning and design for a new water treatment plant.
2. Direct staff to continue with the existing Demand-Side Management Program, but do not include a demand reduction in the design capacity of the new treatment facility.
3. Direct staff to contact surrounding municipalities to see if there is an interest in purchasing water wholesale from the City of Ames.
4. Direct staff to include an additional 1.5 million gallons per day capacity as a future growth reserve.

Council Member Larson noted that it made sense to him to concentrate on construction of a new Plant first and then discuss demolition at a later time.

Council Member Doll asked staff to prepare a report on like-size treatment facilities in the state to ascertain how Ames compares as far as capacity and rates. Mr. Dunn states that staff conducts such a survey every two years; that process is currently underway. It is anticipated that the information will be shared with the Council when discussion occurs on the next Capital Improvements Plan.

City Manager Schainker made it clear to the Council that the City would not be selling off part of its capacity; the reserve capacity is for the uncertainty of growth for Ames, e.g., industrial growth, large population growth.

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

Moved by Popken, seconded by Goodman, to direct staff to move forward with the design of a new 15- mgd/day lime-softening water treatment plant.

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

Mr. Dunn told the Council that the next steps would be to develop an engineering services contract with the consulting team for final design, identify and secure a site, determine interest from neighboring municipalities, and develop a financing plan for the project.

STREETS OF NORTH GRAND SUBDIVISION: Planning and Housing Director Steve Osguthorpe gave the history behind approval of the Final Plat and Developer's Agreement pertaining to the Streets of North Grand Subdivision. He noted that the Agreement required reconfiguring the parking area on Lot 2 to comply with the minimum off-street parking standards in the Ames Municipal Code and with the parking lots on Lots 1 and 3 no later than one year from the recording of the Final Plat. A further responsibility requires the owner to make necessary improvements to bring the building up to Code regarding fire resistance ratings. This involves the installation of a roll-up fire door (or similar fire-resistant barrier), which was required to be installed by July 18, 2008.

According to Mr. Osguthorpe, the Developer's Agreement identified the remedies that the City could seek if the owner failed to make the necessary improvements:

1. The City may withhold occupancy permits for any construction within the Subdivision, except for development on Lot 3 (Walgreen's).
2. The City could draw on the bond provided by the owner to cover the parking lot reconfiguration and fire-resistance improvements.

Mr. Osguthorpe said that the Agreement also allows for the owner to ask for a one-year extension to reconfigure the parking lot "if, due to circumstances beyond the control of the owner...reconfiguration cannot be completed..." The City Council granted that one-year extension on July 15, 2008. The owner has made no progress on either the parking lot reconfiguration or the fire-resistance improvements, and is now asking for another one-year extension.

It was noted by Mr. Osguthorpe that the City's Building Official does not support an additional delay in the installation of the fire-resistance improvements. Also, the Municipal Engineer has now concluded that, due to increased costs of construction (primarily asphalt), the financial guarantee for the parking lot should be raised an additional \$7,050 over the existing bonded amount of \$478,638. In addition, the City Attorney has advised that the one-year extension provision only applied to the parking lot improvements and not the fire-resistance requirement.

Moved by Goodman, seconded by Popken, to deny an extension of time for compliance with fire resistance rating requirements of openings in walls adjacent to property lines.

City Manager Schainker clarified that the developer has until August 31, 2009, to install the fire wall.

Attorney Patrick Burk, Brick Gentry Law Firm, West Des Moines, Iowa, advised that the owners are requesting an extension on both the fire door and the parking lot reconfiguration. His client initially had planned to tear down the old Sears building, but now is planning to retain the building for a new tenant. Mr. Burk advised that he does not have information on a new tenant; however, his client plans for the new tenant to share in or bear the cost of the fire-resistant door. He said that if a fire door is

installed now, it is likely that it would have to be removed when a new tenant occupies the building. Mr. Burk requested that the Council grant extensions to both issues with a limitation placed on the fire door issue that, at the time a new tenant occupies the building, it be brought up to Code. He told the Council that the sole reason the fire door issue even exists is due to an “imaginary plat line” that was created in 2007.

Council Member Doll asked if there were going to be any other changes or additions to the drawings that were initially shown to Council when the “Streets of North Grand” was approved two years ago. Mr. Burk said, “There may or may not be.” In the short term, however, the Sears building is being actively marketed for retail.

Council Member Rice indicated his sympathy for the developer due to the “arbitrary line” and what actually changed for fire safety, which in Mr. Rice’s opinion, was nothing. He believes that it does not increase or decrease any safety factor at the Mall. Mr. Rice said he had a problem with forcing the tenant to do that.

Council Member Larson said he totally disagreed with Council Member Rice. Mr. Larson pointed out that there is currently a vacant Sears store, which is probably not checked very frequently by anyone. If a fire started in that area, it could spread throughout the entire mall where there are people; it is a life safety issue.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-343 approving a one-year extension (until July 18, 2010) to reconfigure the parking lot on Lot 2.

Council Member Larson stated that he was extremely disappointed in the North Grand Mall, and particularly after he heard Mr. Burk’s comments at this meeting. He said those comments indicated to him that the “Coming Soon” signs are not true, and what might “come soon” is totally different than what was represented to the Council in the past. Mr. Larson said that he appreciated that staff was offering some concessions to the owners of North Grand Mall. His understanding was that the extension granted last year was to be for only one year, and the Agreement never contemplated a second year extension. Mr. Larson does not believe that the City Council has been “anywhere near as willing to cut slack” to the potential developer of the new mall on East 13th Street, and he thinks there are a lot more possibilities of that project becoming a viable mall in this community than North Grand. He reiterated that he was extremely disappointed in North Grand Mall and its owners, and he will not support any extension of time.

Council Member Goodman said he shares Mr. Larson’s concerns about North Grand Mall, but thinks there hasn’t been an opportunity to be lenient or hard on the Wolford Development. Mr. Goodman pointed out that this is a hard time economically, and the extension of time for the parking lot reconfiguration is a reasonable compromise to make. Mr. Larson recalled that the same discussion occurred a year ago.

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

PURCHASE OF 629/631 - 13TH STREET: City Manager Schainker offered the following funding options for the purchase of the duplex at 629/631 - 13th Street:

1. HUD funds may be utilized with the goal of eliminating slum and blight. An amendment must be made to the City's 2009/10 CDBG Annual Action Plan, which will be coming before the Council on July 28.
2. General Fund revenues may be used to purchase the property; however, efforts have been taken to establish an adequate fund balance to maintain the City's Aaa bond rating.
3. Local Option Sales Tax Fund balance can be used because the purchase of the property can be considered a "community betterment" project.
4. County-Wide Affordable Housing Funds could be used.
5. General Obligation Bonds.
6. Local Option Sales Tax Fund Balance today, and issue G. O. Bonds in future years.

City Manager Schainker explained Option 6. The Council could use \$128,000 from the available balance in the Local Option Sales Tax Fund to purchase and remove the property. In future years, rather than utilizing sales tax funds to finance some CIP projects as currently planned, G.O. Bonds would be issued as an alternate funding source for this type of essential corporate purpose project. This would allow the Local Option Sales Tax Fund to be restored to its planned level. The downside would be that citizens would be required to pay interest on the issuance of debt for projects that were originally planned to be paid for with cash.

Kevin Bourke, 3427 Polaris, Ames, property owner of 629/631 - 13th Street, advised that there is extreme concern on behalf of his tenants. One tenant is going month-to-month on a lease, and the other tenant's lease terminates at the end of July 2009. Discussion of relocation expenses for the tenants ensued. Tracy Warner and Vanessa Baker-Latimer, Housing Coordinator, indicated that federal guidelines dictate that relocation assistance must be provided.

Moved by Popken, seconded by Rice, to approve Option 6 and direct staff to use Local Option Sales Tax Fund today and G.O. Bonds in the future.

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

SE 16TH STREET PAVING AND BRIDGE REPLACEMENT: Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-337 to accept as complete and satisfactory the contract for SE 16th Street Paving and Bridge Replacement, ordering final payment, determining amount to be assessed, and ordering final plat and schedule.

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

THIRD-PARTY ADMINISTRATOR FOR WORKERS' COMPENSATION AND MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM: Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-338 awarding a contract to EMC Risk Services, LLC, of Des Moines, Iowa, in an amount not to exceed \$50,000 for Third-Party Administration for Workers' Compensation and Municipal Fire and Police Retirement System.

Council Member Doll asked who currently manages this work. He noted that \$50,000 could equate to a new FTE (full-time equivalent). Risk Manager Inta Bingham indicated that this had previously been handled in-house. Because the workers' compensation field is so complex and most Risk Managers do not have that type of expertise, there are benefits from going with a broader network.

Those benefits include trained professionals administering the claims and assisting injured employees in returning to productive work as soon as possible. Council Member Goodman asked to have a report in one year on the rate of return.

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

LIBRARY EXPANSION FEASIBILITY STUDY: Art Weeks, Library Director, explained that more community discussion is needed before an option for either expansion of the Library at the current site or relocation of the Library to another site. The agreed-upon schedule with the architectural firm indicated that public forums would have been concluded by May and Phase 1 completed entirely by September 2009. The Library Board has agreed, as has the Historic Preservation Commission, that Phase I should be extended to allow additional forums for citizen input before a recommendation is made.

Mr. Weeks also advised that the Library Board of Trustees is requesting that \$51,000 in additional funding be allocated from the 2009/10 Capital Improvements Plan (CIP) be assigned to the project to pay for an extension of the concept design phase in the Contract with Meyer Scherer & Rockcastle, LTD.

City Manager Schainker noted that it is unknown at this time whether the Library may need to move forward in the future with any of the maintenance items/repairs being asked to be deleted from the 2009/10 CIP. He advised that, by approving the requested budget amendment, the Council would not be committing to move the deleted projects into a future year's CIP. If the expansion of the current library is not approved by the voters, the maintenance/repairs would have to be re-prioritized with other projects currently budgeted in the 2010-2014 time frame.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-339 approving Change Order No. 1 with Meyer, Scherer & Rockcastle, LTD., in an amount not to exceed \$51,000 for existing building and alternate site studies.

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 Goodman, to adopt RESOLUTION NO. 09-340 approving amendment to 2009/10 CIP to provide for Library Expansion Feasibility Study.

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

HEARING ON ADOPTION OF 2008 NATIONAL ELECTRIC CODE, WITH LOCAL EDITS:

Mayor opened the hearing and closed same after no one came forward to speak.

Moved by Goodman, seconded by Doll, to pass on first reading an ordinance adopting the 2008 National Electric Code, with local edits.

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

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, and continued it to June 9, June 23, and July 14, 2009. City Attorney Doug Marek advised that representatives from Interstate Power and Light Company (IPL) have requested that the hearing be once again continued, noting that the parties have not reached agreement

regarding the eminent domain or indemnity issues. In addition, Jeff Rosencrants, Deputy General Counsel, was not able to be present at this meeting.

Mark Harmison, 2060 S. 500th Avenue, Ames, spoke of his opposition to granting the power of eminent domain to a third party. He acknowledged that he lives outside the city limits. Mr. Harmison believes that it is morally wrong to grant such a powerful tool to a private entity that is not accountable to voters.

Council Member Popken asked if it would be beneficial for the Council to discuss this issue in the hope of providing further direction to staff. Mr. Marek advised that the Utility has proposed alternatives that would be acceptable to the eminent domain issue; however, it has indicated that the current language pertaining to the indemnity issue is not acceptable. He recommended that discussions continue staff-to-staff.

Marion Fitzgerald, 26566 - 650th Avenue, Nevada, Account Manager for Alliant Energy, indicated that there are four options contained in the Council Action Form, which pertain to eminent domain, and IPL would find any of those acceptable. He reiterated that the Utility views eminent domain as a last resort and has only used it twice.

Discussion ensued on the four options pertaining to eminent domain:

1. The Council could choose to eliminate eminent domain authority in the franchise ordinance.
2. The Council could include a provision in the franchise ordinance that grants the power of eminent domain to IPL on a case-by-case basis by Council resolution.
3. The Council could include in the franchise ordinance a provision that grants the power of eminent domain to IPL, but require the gas company to first “consult” with the City Council at a public session to justify why the exercise of this power is necessary.
4. The Council could include in the franchise ordinance a provision that grants the power of eminent domain to IPL for the first three to five years of a 25-year franchise with options for the Council to extend this authority in five-year increments.

City Attorney Marek advised that draft language in the ordinance states, “This Ordinance shall allow the franchisee to appropriate and condemn property when necessary to provide gas service to its customers.” Mr. Marek said that it was his understanding that the transmission lines that serve Ames are under the authority of Northern Natural Gas, as opposed to Alliant.

Moved by Larson, seconded by Doll, to include a provision in the franchise ordinance that grants the power of eminent domain to IPLC on a case-by-case basis by Council resolution.

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

Council Member Doll asked for clarification as to the indemnification issue. Mr. Marek advised that the current franchise language (dating back 25 years) provides that the City will not be responsible, even for damage caused by the City, to the franchisee’s equipment in the right-of-way. That language is not commonly seen in this type of agreement; however, it might have been 25 years ago.

Moved by Goodman, seconded by Larson, to continue the hearing to July 28, 2009.

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

HEARING ON 2008/09 CYRIDE ROUTE PAVEMENT IMPROVEMENTS (TORONTO STREET AND HUTCHISON STREET): The Mayor opened the hearing and closed same after no one requested to speak.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-341 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$399,342.

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

HEARING ON NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENTS PROGRAM (CURB REPLACEMENT PROGRAM): The public hearing was opened by Mayor Campbell. She closed the hearing after no one came forward to speak.

Tracy Warner noted that this project is using Community Development Block Grant Recovery funds, and as such, HUD must approve the project. She advised that the City has not received the HUD Agreement, so Council should only accept the report of bids at this time and delay award until concurrence from HUD is received.

Moved by Mahayni, seconded by Doll, to accept the report of bids and delay award.

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

ORDINANCE REVISING APPENDIX K RENAMING SOUTH DAYTON AVENUE TO SOUTH DAYTON PLACE: Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance revising Appendix K renaming South Dayton Avenue to South Dayton Place.

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

REVISION TO SEWER UTILITY ORDINANCE: Moved by Goodman, seconded by Mahayni, to pass on first reading a revision to the Sewer Utility Ordinance to eliminate the 5,000 cubic-foot-per-calendar-year limit on sewer rate exemptions.

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

ORDINANCE AMENDING SUBDIVISION REGULATIONS FOR LOTS CREATED THROUGH CONVEYANCE OR RECORDED PLATS: Moved by Mahayni, seconded by Popken, to pass on second reading an ordinance amending subdivision regulations for lots created through conveyance or recorded plats.

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

ORDINANCE AMENDING SUBDIVISION REGULATIONS PERTAINING TO REQUIREMENTS FOR PLATS OF SURVEY: Moved by Goodman, seconded by Popken, to pass on second reading an ordinance amending subdivision regulations pertaining to requirements for Plats of Survey.

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

ORDINANCE AMENDING SUBDIVISION REGULATIONS FOR REVIEW OF PLATS OF SURVEY WITHIN THE AMES URBAN FRINGE: Moved by Popken, seconded by Goodman, to pass on second reading an ordinance amending subdivision regulations for review of Plats of Survey within the Ames Urban Fringe.

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

ORDINANCE REPEALING FISHING POPULATION SECTIONS AT ADA HAYDEN LAKE:

Moved by Popken, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 3996 repealing fishing population sections at Ada Hayden Lake.

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

ORDINANCE PERTAINING TO PLACEMENT, SCREENING, AND LANDSCAPING AROUND MECHANICAL EQUIPMENT UNITS:

Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3997 making a zoning text amendment pertaining to placement, screening, and landscaping around mechanical equipment units.

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 Rice, to refer to staff the email from Ria Kinert regarding composting.

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

Moved by Popken, seconded by Goodman, to direct staff to prepare a formal recommendation to be brought back to the Council for consideration regarding the Story County Needs Assessment.

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

Moved by Larson, seconded by Mahayni, to refer to staff the letter from Story Construction, requesting specifically a report from staff regarding the possibility of constructing an indoor youth sports practice and game facility in the General Industrial Zone.

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

Moved by Rice, seconded by Goodman, to direct staff to send a letter to Story County indicating the City's support of modifications to low-head dams within Story County and encouraging the County to do the same.

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

Moved by Rice, seconded by Goodman, to refer to staff the request of the Story County Prevention Policy Board to allow City Hall to be a drug drop-off site.

Vote on Motion: 4-2. Voting aye: Doll, Larson, Mahayni, Rice. Voting nay: Goodman, Popken. Motion declared carried.

Moved by Goodman, seconded by Larson, to refer to staff the email from Nitin Gadia regarding using art to create community and neighborhood building exercises on intersections.

Council Member Rice indicated that he had not received that e-mail.

Vote on Motion: 5-0-1. Voting aye: Doll, Goodman, Larson, Mahayni, Popken. Voting nay: None. Abstaining: Rice. Motion declared carried.

Moved by Doll, seconded by Mahayni, to refer to staff the letter from Story County Policy Prevention Board for a review of City Ordinance Section 27.23 on Dope Paraphernalia.

Vote on Motion: 3-3. Voting aye: Doll, Larson, Mahayni. Voting nay: Goodman, Popken, Rice.
Mayor Campbell voted aye to break the tie. Motion declared carried.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 10:45 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor