

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

AMES, IOWA

JULY 28, 2009

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on July 28, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Doll, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Keppy was also present. Council Member Goodman was absent.

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

1. Motion approving payment of claims
  2. Motion approving minutes of Regular Meeting of July 14, 2009, and Special Meetings of July 18, 2009, and July 21, 2009
  3. Motion approving Contract Change Orders for July 1-15, 2009
  4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
    - a. Class B Beer - Pizza Ranch, 1404 Boston Avenue
  5. RESOLUTION NO. 09-362 approving appointments to Property Maintenance Appeals Board
  6. RESOLUTION NO. 09-343 approving 2009/10 Human Services Contract with Volunteer Center of Story County
  7. RESOLUTION NO. 09-344 approving amendment to 2009/10 COTA contract with AIOFA
  8. RESOLUTION NO. 09-345 approving preliminary plans and specifications for Power Plant Roof Replacement; setting August 26, 2009, as bid due date and September 8, 2009, as date of public hearing
  9. RESOLUTION NO. 09-346 approving preliminary plans and specifications for Federal Stimulus Program Project – George Washington Carver Avenue (Stange Road to Bayberry Road); setting August 18, 2009, as bid due date and August 25, 2009, as date of public hearing
  10. RESOLUTION NO. 09-347 approving preliminary plans and specifications for Water Pollution Control Facility Raw Water Building HVAC Heat Recovery Unit; setting August 27, 2009, as bid due date and September 8, 2009, as date of public hearing
  11. RESOLUTION NO. 09-348 approving contract and bond for 2008/09 CyRide Route Pavement Improvements (Toronto Street and Hutchison Street)
- Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**STATUS REPORT ON WI-FI SERVICES (TABLED FROM 7/14/09):** Moved by Doll, seconded by Popken, to table to the next regularly scheduled meeting.

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

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

**COMMUNITY DRUG DROP-OFF:** Moved by Mahayni, seconded by Rice, to approve the request of the Story County Prevention Policy board to allow City Hall to be the site of the community “drug drop-off” for disposal of outdated/unused medications on August 1, 2009.

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

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

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

**OUTDOOR SERVICE PRIVILEGE FOR WALLABY’S:** Moved by Larson, seconded by Doll, to

approve an Outdoor Service Privilege for Wallaby's, 3720 West Lincoln Way.

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

**PUBLIC ART COMMISSION:** Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-349 approving the request from the Public Art Commission to expend \$5,000 in donated funds to purchase two pieces of artwork from Priscilla Sage.

Council Member Rice asked to see a picture of the proposed artwork acquisitions. Sam Stagg, President of the Public Art Commission (PAC) explained that the Commission was approached by representatives of the Ames Town & Gown organization and asked to partner to purchase artwork to commemorate the organization's 60<sup>th</sup> Anniversary. Mr. Staff indicated that the artwork, as well as two other pieces of Ms. Sage's artwork, would be hung permanently in the Ames Auditorium lobby. Mr. Stagg showed a picture of one of the artwork pieces and the location where the pieces are proposed to be located.

According to Mr. Stagg, the cost of the two artwork pieces (wall hangings) would be \$16,000. The first installment of \$8,000 would be due in January 2010, with \$5,000 coming from the PAC's "Donated Funds" account, if approved by the Council. The remaining \$3,000 will be provided by private funding raised by efforts of the PAC's Fund-Raising Committee. Mr. Stagg advised that the second installment would be due in January 2012, and would be primarily funded by private donations; that purchase would be contingent upon the funds being raised. Until that time, Ms. Sage will loan the second artwork piece to the City.

Roll Call Vote: 5-0. 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, and continued it to June 9, June 23, July 14, and July 28, 2009.

City Manager Schainker asked the City Council to continue the hearing again as the City and IPL are still at an impasse over two out of the three major issues: indemnification and relocation of facilities in the City's rights-of-way. Staff is attempting to set up a meeting among the City, IPL's corporate counsel, and IPL's Vice-President.

Moved by Mahayni, seconded by Popken, to continue the hearing to August 11, 2009.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**HEARING ON SALE OF 3803 MINNETONKA AVENUE:** The public hearing was opened by Mayor Campbell. The hearing was closed after no one wished to speak.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-350 approving the Contract for Sale Agreement of City-owned property located at 3803 Minnetonka Avenue to Habitat for Humanity of Central Iowa for affordable housing at a cost of \$25,000.

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

**HEARING ON 2009-2014 CONSOLIDATED PLAN AND 2009 ANNUAL ACTION PLAN IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

Housing Coordinator Vanessa Baker-Latimer told the Council that a major requirement in receiving Community Development Block Grant (CDBG) funding is the submission of a Five-Year Consolidated Plan to the federal Department of Housing and Urban Development (HUD). She defined the Consolidated Plan as the planning document for the jurisdiction. It provides detailed background information on the community and must identify the goals and priorities to address the housing and community development needs of low- and moderate-income persons as well as non-low- and moderate-income persons. The Plan must also contain an Annual Action Plan that outlines programs that will be undertaken to meet those goals and priorities.

Ms. Baker-Latimer reminded the Council members that on January 13, 2009, they had approved the proposed 2009-2014 Consolidated Plan priorities and the 2009-2010 Action Plan projects to be made available for public comment. At that time, however, the City had not yet received notification of its 2009-2010 HUD allocation. It was also stated by Ms. Baker-Latimer that on March 5 and 6, 2009, staff hosted public information forums concerning the overall CDBG Program and to solicit input regarding the proposed 2009-2014 Consolidated Plan and 2009-2010 Annual Action Plan. A total of nine citizens attended, and all were receptive to the proposed Consolidated Plan priorities and goals and Annual Action Plan projects.

Ms. Baker-Latimer briefly reviewed the proposed 2009-2010 Action Plan programs, which included:

1. Renter Affordability Program
2. Neighborhood Sustainability Programs
3. Public Facilities Improvement Program
4. 2009-2010 Program Administration

It was noted by Ms. Baker-Latimer that the proposed Plans were published on the City's website for 30 days to allow for citizen review. No comments from the public were received.

The Mayor opened the public hearing and closed same after there was no one requesting to speak.

Council Member Popken recalled that the City Council had received a request for CDBG funding for capital projects for a human service agency. At that time, the Council indicated that it was not interested in using CDBG funds for that particular case, but could be if there was a process that would make that funding option open to all human service agencies. Mr. Popken asked if it were possible to make CDBG funding available to all human service agencies. Ms. Baker-Latimer advised that under the 2009-2010 Action Plan programs, an activity has been added until the Public Facilities Improvement Program, which would include funding (with a budget of \$265,000) for facility repairs/improvements for non-profit organizations. According to Ms. Baker-Latimer, she met with ASSET representatives and suggested a process for taking applications from those agencies that fall within the ASSET guidelines. This Program would be patterned after the Minor Repair Program administered by the City two years ago, except that it could be expanded based on the needs of the agencies. Discussions with the ASSET team included the possibility of matching funds, opening up funding for non-profit agencies, having "shovel-ready" projects, creating criteria that would allow for the greatest impact on low- and moderate-income clients, and limiting each application to \$50,000. It was also decided that ASSET funding could not be used towards the match for CDBG funds.

Moved by Rice, seconded by Mahayni, to adopt RESOLUTION NO. 09-351 approving the 2009-2014 Consolidated Plan and 2009 Annual Action Plan in connection with the Community Development Block Grant.

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

**HEARING ON REZONING OF PROPERTY LOCATED AT 601 SOUTH 16<sup>TH</sup> STREET FROM PLANNED RESIDENCE DISTRICT (F-PRD) TO HIGHWAY-ORIENTED COMMERCIAL (HOC):** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Steve Osguthorpe, Planning and Housing Department Director, reminded the Council that it had recently approved an amendment to the City's Land Use Policy Plan (LUPP) pertaining to land located at 601 South 16<sup>th</sup> Street, changing its designation to HOC. The rezoning application is a follow-up to that change in designation. According to Mr. Osguthorpe, staff found that the rezoning request is consistent with the Future Land Use Map of the Land Use Policy Plan (LUPP), and the applicant has demonstrated that the minimum open space and density standards could be met.

Director Osguthorpe told the Council that, during staff review of the application, discussion occurred with the applicant pertaining to how this rezoning related to the existing Planned Residential Development for Aspen Ridge. He advised that Aspen Ridge has been developed in two phases, and the first one is nearly built-out. A portion of the second phase would be retained in the F-PRD designation while the balance would go to the HOC designation for the proposed hotel site. The issue was whether or not this rezoning would affect the status of the existing Aspen Ridge PRD; however, it was determined by staff that it would still leave the balance of Aspen Ridge compliant with the Zoning Code. Staff member's main concern was that they did not want to create a nonconformity. After receiving the engineer's calculations, it was staff's determination that it met the open-space requirement. Mr. Osguthorpe noted that before the developer can proceed with Phase II, the PRD will need to be amended to reflect a reduction in the boundaries. He noted that some of the discretionary items that the Council will have to make a decision on later pertain to such things as whether there is adequate buffering between a hotel site and a residential site. At this time, staff believes that there is enough land that will not be developed to address the buffering.

Scott Renaud, FOX Engineering, 1601 Golden Aspen Drive, Ames, indicated that he was present to answer any questions that the City Council might have on this rezoning.

Moved by Larson, seconded by Mahayni, to pass on first reading an ordinance rezoning property located at 601 South 16<sup>th</sup> Street from Planned Residence District (F-PRD) to Highway-Oriented Commercial (HOC).

Roll Call Vote: 5-0. Motion declared carried unanimously.

**HEARING ON FEDERAL STIMULUS PROGRAM PROJECT - SKUNK RIVER RECREATIONAL TRAIL (CARR POOL TO SOUTH RIVER VALLEY PARK):** Mayor Campbell opened the hearing. No one asked to speak, and the public hearing was closed.

Moved by Rice, seconded by Popken, to adopt RESOLUTION NO. 09-352 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$175,727.86.

Council Member Larson asked what is happening to the remaining Stimulus funds. Public Works Director John Joiner advised that all Stimulus monies have been allocated to the Metropolitan Planning Organization (MPO) to spend on eligible projects; any "left-over" funding will be spent

on other eligible projects.

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

**HEARING ON FEDERAL STIMULUS PROGRAM PROJECT - LINCOLN WAY REHABILITATION (HICKORY DRIVE TO 475 FEET EAST OF MARSHALL AVENUE):** The public hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-353 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$577,183.62.

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

**HEARING ON NUISANCE ASSESSMENTS:** The Mayor opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-354 assessing costs of snow/ice removal and certifying assessment to Story County Treasurer.

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

**FURMAN AQUATIC CENTER:** Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-355 approving Change Order No. 5 in the amount of \$40,030.

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

Parks and Recreation Director Nancy Carroll gave a report on the progress of the construction of the new Aquatic Center. She pointed out that the bond issue on this project passed approximately two years ago. Ms. Carroll advised that staff has been meeting with the contractor every week and had presented information to the City Council as soon as they had it. According to Ms. Carroll, staff held a weekly meeting today with the contractors, and as a result of that meeting, information was gleaned that superseded the Staff Report dated July 28, 2009.

City Manager Steve Schainker explained that there now appear to be only two possible scenarios: [1] Substantial completion on August 29, 2009, and the facility would open to the public for Labor Day Weekend (August 30 to September 4), or [2] Substantial completion will not be accepted until Spring 2010. Mr. Schainker indicated that City staff feels an obligation to its citizens to open the facility this year. He also stated that staff believes the system should at least be "tested," which would cost approximately \$5,000. Estimated revenue and expenditures were reviewed by Mr. Schainker. He presented three options to be considered by the City Council, as follows:

Option 1: Open for Labor Day Weekend only.  
Admission fees would be collected.  
\$5,800 gain

Option 2: Open for Labor Day Weekend only.  
Ames residents use the facility at no charge.

Non-residents pay admission fee.  
\$1,400 loss

Option 3: Open September 13, 19, and 20, 2009.  
Ames residents use the facility at no charge.  
Non-residents pay admission fee.  
\$10,400 loss

According to City Manager Schainker, the former Options 1 and/or 2 outlined in the Staff Report dated July 28, 2009, could only happen if there is absolutely no rain between today and August 17 or August 24. Therefore, staff believes that those are no longer viable options.

Council Member Larson expressed concern that if the facility were only open for three days and admission was free for Ames' residents, there could be maximum occupancy issues. In addition, demands on staff could be overwhelming. Council Member Popken suggested that the City hold a "soft opening" when the number of users would be limited. Council Member Larson concurred, adding that such an event would allow staff to work out "any bugs" and make sure everything is in order before a grand opening is held. Ms. Carroll advised that 1,400 is the maximum occupancy. She added that if a "soft opening" did occur, it would be difficult to decide who should be allowed to attend. Mr. Larson suggested that the Council combine Options 1 and 3 and provide that direction to staff.

Council Member Rice suggested that the facility be open as much as possible prior to October 1. Ms. Carroll indicated that when the weather gets cooler, it would not be pleasurable to use the facility; thus, a person's experience would not be true to what it would be under normal summer conditions.

Council Member Popken asked if quality would be compromised if the opening of the facility was rushed. Director Carroll advised that the construction company would not compromise quality or be pushed to open by the City; in fact, the contractor, Sande Construction of Humboldt, Iowa, has provided the possible dates to City staff.

Jane Acker, Chairperson of the Ames Parks & Recreation Commission, advised that the Commission discussed this issue at its last meeting. According to Ms. Acker, the Commission strongly urges the City Council to get the Aquatic Center open this season and keep it open as far into September as possible, taking into consideration its fiscal responsibilities.

All Council Members present concurred that the facility should open for Labor Day weekend. Council Member Rice said that he agreed with Council Member's Larson suggestion that staff be directed to follow a combination of Option 1 and Option 3.

Ms. Carroll also noted that if the City does not accept substantial completion of the project until next spring, the City will have to hold 5% retainage (approximately \$450,000). Obviously, that is incentive for the contractor to finish the project.

Council Member Mahayni recommended that a "soft" opening where a celebration would be held with the Furmans being present and a limited number of persons allowed to be admitted. He urged that a "soft" opening occur even for a few hours.

Council Member Larson expressed his opinion that it is important for the City to collect admittance

fees on at least one of the days because it is part of the operational side.

Moved by Larson, seconded by Rice, to direct staff to support Options 1 and 3, with discretion given to the Parks & Recreation Director to make a decision to hold a “soft opening” (if construction is expedited) with a limited number of persons invited and admitted free.

Moved by Rice, seconded by Larson, to amend the motion to direct staff to open the facility on a limited basis during the weeks between September 7 and 18, 2009.

Council Member Doll noted that the cost to operate the facility would be \$900/day regardless of the number of hours it would be open. He is concerned about the cost just to have it open in case “it is warm enough.” Ms. Carroll acknowledged that was correct, but pointed out that the facility could be open more-limited hours, such as from 11 AM to 1 PM on Monday through Friday for lap swimming with no admittance being charged. Labor costs are dependent on how many hours the facility would be open.

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

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

Council Member Larson noted that it appears that the project will be completed on or under budget. He indicated that fact influenced his vote on this issue.

**ICE RESURFACING MACHINE:** Moved by Popken, seconded by Doll, to adopt RESOLUTION NO. 09-356 awarding a contract to Becker Arena Products of Savage, Minnesota, for Ice Resurfacing Machine in the amount of \$83,450.

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

**URBAN DEER TASK FORCE:** Police Chief Chuck Cychosz reminded the City Council that an Urban Deer Task Force was convened in 2006 to address concerns expressed by neighborhood residents regarding the concentration of deer and associated problems. Chief Cychosz stated that an annual deer count is taken. Overall, the count is up this year; however, the Department of Natural Resources (DNR) continues to caution the City about over-interpreting the year-to-year fluctuations. The Chief added that every one of the nine segments where deer counts were taken had deer densities in excess of 30 deer/square mile, which is the threshold where the DNR indicates there is the greatest likelihood of conflict. Chief Cychosz reported that there were 43 vehicle/deer accidents in 2008, which increased from 32 in 2007.

Last year, seven deer were harvested within the City and 11 within the perimeter zone. Hunter participation increased slightly in 2008 (15 licenses). There were no problems reported by the Parks and Recreation Department staff or the Police Department.

According to Chief Cychosz, the Task Force is recommending hunting locations, seasons, and a date structure that is very similar to last year’s. The DNR will allow the City to open the season on September 12 this year. The Parks and Recreation Commission has approved the dates when deer hunting will be allowed at the conclusion of recreation activities in certain locations.

Chief Cychosz explained the new initiative being recommended by the Task Force: hunting be allowed on three or more acres of private or other public property if the owner or agent in control requests it. It is being recommended that a process be established in the Police Department where the owner/agent completes an application and attaches a map of the property. Police Department staff will walk the property to ascertain if hunting should be allowed in that area. Chief Cychosz reported that there was enthusiasm for this by members of the Task Force because much of the hunting is occurring on the east side of Ames, but more calls are being received from the west side. Much of the property on the west side is owned by entities other than the City, and the new program would provide the tool for additional participation. The Chief indicated that the Police Department is prepared to operate the new program. He noted that property owners could limit who could hunt on their properties. All of the rules would continue to apply in any location – public or private.

It was noted by Chief Cychosz that one Task Force member spoke in opposition to hunting in general. Her vote in opposition captured the sentiments of some citizens who are uncomfortable with hunting occurring within the City. The Chief also reported that he receives calls from those who want the City to move more swiftly to eradicate deer; what is being proposed is a compromise between the two.

Council Member Larson asked if the City would be obligated to notify the public of the private sites where hunting is allowed. He is concerned that people will be walking near someone's backyard while hunting is going on. Chief Cychosz advised that the City puts up signs while the hunt is occurring on public property, and it is assumed that private property owners would do the same. He said it could be added as one of the rules. Mr. Larson recommended that be added to the list of rules. He gave an example of land in Northridge Subdivision that borders the Squaw Valley, noting that there is a 75-foot walkway easement that is located behind the houses.

Moved by Popken, seconded by Rice, to approve bow hunting within the Park System, City property, and allow the addition of other eligible public and private property after review by the Police Department, with all other hunting rules (including those regarding tags, proficiency, and reporting) applying to the locations.

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

**UPDATE ON DEMAND-SIDE MANAGEMENT:** Donald Kom, Director of Electric Services, introduced Steve Wilson, Energy Services Coordinator. Mr. Wilson presented a Power Point update on the second year of its Demand-Side Management (“Smart Energy”) programs. In 2008-09, there were 1,452 participants in the programs, which resulted in the following benefits: 2,560,618 kWh saved; 1,533 KW in reduced energy demand; and 2,100 tons of carbon removed. Customers saved approximately \$228,481 and the City benefited by \$1,873,249 in future avoided costs. Mr. Wilson described the 2008-09 milestones achieved by the Demand-Side Management programs.

Council Member Larson asked if there are any programs to encourage energy savings for new commercial construction. Director Kom advised that the City currently offers incentives for residential new construction (Energy Star). Mr. Wilson noted that there are not a lot of utilities that offer incentives for commercial or industrial new construction. He noted that it sometimes is the recognition of being a leader in energy conservation that is the incentive for commercial and industrial customers. Mr. Wilson added that staff could perform load calculations and consider incentives under a custom rebate program. City Manager Schainker noted that the LEED designation focuses on more than energy conservation; it also includes sustainability.



Council Member Popken asked that staff email the Mayor and City Council a copy of the “Smart Energy” Power Point presentation.

**COMMERCIAL AND INDUSTRIAL CUSTOM REBATE PROGRAM:** Steve Wilson explained the Program. He said that a custom rebate provides a mechanism to address efficiency improvement areas not currently covered by the Commercial Demand-Side Management Program. Instituting a custom rebate will provide an incentive for commercial and industrial customers to improve their energy efficiency and reduce summertime electric demand in unique and desirable ways.

Mr. Wilson explained that the Program considers the customer’s current electric system usage and the projected savings after the proposed change. A value, based on capacity savings, is assigned to the project and is used to calculate the rebate to be paid to the customer. It was noted by Mr. Wilson that the Demand-side Management Evaluation, conducted by Wind Utility Consulting, that was completed in July 2006 estimated that a commercial/industrial custom rebate program would produce \$4.70 in benefits for every \$1 spent.

Moved by Mahayni, seconded by Rice, to direct staff to administer a commercial and industrial custom rebate program.

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

**COAL SUPPLY, MOVEMENT, AND DELIVERY:** Brian Trower, Assistant Director of Electric Services, explained that the City currently has contracts for both coal and coal delivery services that began on September 1, 2004, and will expire on December 31, 2009. On July 28, 2009, a request for proposals was issued for coal supply and delivery beginning January 1, 2010. On September 3, 2008, responses were received from five firms. One proposal, from Central Iowa Terminal (CIT) would provide coal movement and delivery at a significant cost savings as compared to the other similar proposals. Mr. Trower noted that CIT’s proposed facility was to be constructed within nine miles of the Power Plant with a storage capability of 30,000 tons. It would have provided a safety reserve for the City, reduced fuel consumed in delivery, and allowed the Power Plant to reduce its on-site stockpile size.

The Council was reminded that, on November 6, 2008, it accepted a report of proposals and directed staff to initiate negotiations with CIT to develop a contract for coal movement and delivery services. Mr. Trower stated that CIT has attempted to secure permits and meet other requirements for construction of the facility; however, local opposition to the terminal has delayed the process. The City sent a notice to CIT on July 10, 2009, to establish a date and process for determining the status and continued viability of CIT’s proposal. CIT then responded that it had been unable to identify an alternate site and requested that it be allowed to withdraw its proposal. According to Mr. Trower, CIT also indicated that it was continuing to move forward with development plans for a facility.

Moved by Mahayni, seconded by Rice, to reject all proposals for Coal Supply, Movement, and Delivery and authorize staff to solicit new bids.

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

**MAIN STREET ALLEY (DOUGLAS AVENUE TO KELLOGG AVENUE) PROJECT:** Moved by Doll, seconded by Popken, to authorize staff to proceed with the Main Street Alley (Douglas Avenue to Kellogg Avenue) Project, including financial negotiation between Alliant Energy and the Electric Services Department.

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

**SOUTHEAST ENTRYWAY PROJECT:** Council Member Doll asked if there was an estimated date for completion. Corey Mellies advised that staff is working with the Iowa Department of Transportation before a consultant is hired.

Moved by Rice, seconded by Doll, to adopt RESOLUTION NO. 09-357 approving the Special Assessment Contract and Waiver with Family Realty, LLC.

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

Moved by Rice, seconded by Doll, to adopt the PRELIMINARY RESOLUTION NO. 09-358.

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

Moved by Rice, seconded by Doll, to adopt RESOLUTION NO. 09-359 approving the preliminary plans and schedule of assessment.

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

Moved by Rice, seconded by Doll, to adopt RESOLUTION NO. 09-360 adopting the Proposed Resolution of Necessity and setting August 25, 2009, as date of public hearing.

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

**SOUTHEAST 16<sup>TH</sup> STREET PAVING AND BRIDGE REPLACEMENT:** Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 09-361 adopting the final assessment and levying assessments.

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

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

Roll Call Vote: 5-0. Motion declared carried unanimously.

**SEWER UTILITY ORDINANCE:** Moved by Popken, seconded by Mahayni, to pass on second reading revisions to the Sewer Utility Ordinance to eliminate the 5,000 cubic-foot-per-calendar-year limit on sewer rate exemptions.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**ORDINANCE AMENDING SUBDIVISION REGULATIONS FOR LOTS CREATED THROUGH CONVEYANCE OR RECORDED PLATS:** Moved by Mahayni, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3998 amending the subdivision regulations for lots created through conveyance or recorded plats.

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

**ORDINANCE AMENDING SUBDIVISION REGULATIONS PERTAINING TO REQUIREMENTS FOR PLATS OF SURVEY:** Moved by Rice, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3999 amending the subdivision regulations pertaining to requirements for Plats of Survey.

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

**ORDINANCE AMENDING SUBDIVISION REGULATIONS FOR REVIEW OF PLATS OF SURVEY WITHIN THE AMES URBAN FRINGE:** Moved by Doll, seconded by Popken, to pass on third reading and adopt ORDINANCE NO. 4000 amending subdivision regulations for review of Plats of Survey within the Ames Urban Fringe.

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

**ORDINANCE APPROVING THE 2008 NATIONAL ELECTRIC CODE:** Moved by Popken, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 4001 approving the 2008 National Electric Code, with local edits.

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

**COMMENTS:** Moved by Popken, seconded by Mahayni, to refer to staff the letter from the Ames Convention & Visitors Bureau regarding All-American Weekend

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

Moved by Rice, seconded by Larson, to refer the letter from Bill Cronin regarding respiratory issues being caused by odors emanating from a new pet store located adjacent to his business and directing staff to providing possible options.

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

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

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor