

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

AMES, IOWA

NOVEMBER 10, 2009

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on November 10, 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.

Mayor Campbell noted that Item No. 14, which pertained to the offer of the Union Pacific Railroad to donate an abandoned railroad bridge to the City, had been pulled from this agenda by City staff.

**PROCLAMATION FOR NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK:** Mayor Campbell proclaimed November 15-21, 2009, as National Hunger and Homelessness Awareness Week. Accepting the Proclamation were Vanessa Baker-Latimer, City Housing Coordinator; and representatives of Youth and Shelter Services, Good Neighbor, MICA, First United Methodist Food-at-First, Help Center, Emergency Residence Project, ACCESS, and Bethesda Lutheran Church.

Ms. Baker-Latimer advised that this year's activities will focus on awareness on the homeless and the hungry in the Ames community. Each participating agency will be spotlighted on Channel 12 from November 15 - 21.

**RECOGNITION OF VOLUNTEERS INVOLVED WITH RE-LANDSCAPING CITY HALL COURTYARD:** The Mayor introduced Fleet Services Director Paul Hinderaker. Mr. Hinderaker explained that the renovation of the City Hall Courtyard was a public/private project. Special recognition was given to the Central Iowa Water Gardeners' Association for donation and installation of the water feature and Story County Master Gardeners' Association for donation of labor and materials towards this project. Accepting Certificates of Appreciation on behalf of those agencies were Jamie Beyer and Lisa Harmison, respectively. Mr. Hinderaker also recognized staff from City Departments, specifically Parks and Recreation, Public Works, Finance, Facilities, and the City Manager's Office, for volunteering time to help install the landscaping materials.

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

1. Motion approving payment of claims
2. Motion approving minutes of Special Meeting of October 20, 2009, and Regular Meeting of October 27, 2009
3. Motion approving Report of Contract Change Orders for October 16-31, 2009
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Beer & B Wine - Wheatsfield, 413 Northwestern Avenue, Suite 105
  - b. Class C Beer & B Wine - Southgate Expresse, 110 Airport Road
  - c. Class B Native Wine - Kitchen, Bath & Home, 201 Main Street
  - d. Class B Liquor - Country Inn & Suites, 2605 S.E. 16<sup>th</sup> Street
5. RESOLUTION NO. 09-519 approving Affirmative Action report for 2008/09
6. RESOLUTION NO. 09-520 accepting Abstract of Votes for November 3, 2009, Regular City Election
7. Revised Main Street Cultural District Holiday Requests:
  - a. RESOLUTION NO. 09-521 approving closure of Burnett Avenue, from Main Street to 5<sup>th</sup> Street, from 1:00-9:00 p.m. on November 20 for Santa's Village
  - b. Motion approving Blanket Vending License for Central Business District on November 20 from 8:00 a.m. to 9:00 p.m.

8. RESOLUTION NO. 09-522 approving preliminary plans and specifications for Federal Stimulus Program project - Duff Avenue Improvements (7<sup>th</sup> Street to 13<sup>th</sup> Street); setting December 15, 2009, as bid due date and December 22, 2009, as date of public hearing
9. RESOLUTION NO. 09-523 approving preliminary plans and specifications for the Bloomington Road Elevated Tank Mixing System; setting December 9, 2009, as bid due date and December 22, 2009, as date of public hearing  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** Richard Deyo, 505 Eighth Street, Apartment #2, Ames, suggested that street art, and specifically a poem he wrote, be allowed to be painted on a runway at the Ames Municipal Airport. He noted that the runway is not a public street, but the City Council is the body that governs it. Mr. Deyo presented a rough sketch of his proposal and requested that the Council members review it.

**CLASS C LIQUOR LICENSE FOR FUJI JAPANESE STEAKHOUSE:** Moved by Goodman, seconded by Doll, to approve a new Class C Liquor License for Fuji Japanese Steakhouse, 1614 S. Kellogg Avenue, Suite 101.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**ENCROACHMENT PERMIT FOR 406 MAIN STREET:** Moved by Popken, seconded by Rice, to approve an Encroachment Permit for placement of a sign over City sidewalk at Sail Aweigh Travel, 406 Main Street.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**RAILROAD BRIDGE OVER SQUAW CREEK:** This item was pulled by City staff.

**2010 CENSUS:** Public Relations Officer Susan Gwiasda introduced John McCarroll, Director of University Relations at Iowa State. Ms. Gwiasda emphasized the importance of all Ames residents understanding the significance of participating in the 2010 Census, specifically noting that many types of state and federal funding are based on census counts. Ms. Gwiasda stated that Iowa State University students will comprise the largest target group for the educational effort. She pointed out that census law clarifies “residency” as the place a person lives and sleeps the majority of the year.

Ms. Gwiasda explained the public education plan to promote appropriate responses to the 2010 Census. It will include electronic marketing and social media, advertising, and public outreach. A key component is the Complete Count Committee, which is a steering committee to be comprised of representatives from ISU, the schools, media, the business community, and civic and religious groups. Mr. McCarroll advised that the University will kick off its “Claim Ames” campaign in mid-January 2010.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-524 approving \$30,000 from the Contingency Fund to finance the public education plan for the 2010 Census.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**COAL YARD LIGHTING:** Electric Services Director Donald Kom advised that workers at the Electric Services coal yard operate heavy machinery to transport coal from the coal pile to the conveyors feeding the Power Plant boilers. Operating the machinery can be very hazardous during

the winter months when it gets dark during normal shift hours. Standard lighting methods are inadequate for illuminating the top of the coal pile, and workers run the risk of driving off the edge of the pile in a bulldozer in the darkness. The Iowa Association of Municipal Utilities, the City's Workplace Safety Advisor, had recommended that additional lighting be added. In its recommendation, the relevant OSHA regulations requiring employers to provide a worksite free of hazards were cited.

Mr. Kom stated that the flood lights needed will exceed the 1800 lumens limitation specified in the City's Outdoor Lighting Ordinance, and there is a possibility that some light will reach residences located south of the coal yard. Director Kom emphasized that every effort will be made to follow the guidelines set out in the Outdoor Lighting Ordinance to control the glare, while still providing safe working conditions for the equipment operators. He said that the lights will be illuminated only when work is being done in the coal yard, which is normally only in the early evening hours. The lights will be aimed towards the coal pile with shields installed to ensure down-lighting and reduce light pollution. It was noted by Mr. Kom that the City's current Ordinance provides for an exception for hazard warning luminaries required by federal regulatory agencies; in this case, OSHA.

**SUBDIVISION ORDINANCE TEXT AMENDMENTS:** Planning and Housing Director Steve Osguthorpe advised that text amendments were needed to the *Municipal Code* pertaining to subdivisions, and in particular, related to required turnarounds for fire trucks and plat amendment procedures. Mr. Osguthorpe noted that the development community was asked for input initially, but the final proposal was not discussed with those persons prior to it coming before the City Council for approval. Director Osguthorpe asked that the item be postponed until staff has had a chance to review the final proposal with those persons.

Moved by Goodman, seconded by Popken, to table until staff has an opportunity to discuss the proposed text amendments with the development community.  
Vote on Motion: 6-0. Motion declared carried unanimously.

City Attorney Doug Marek explained that several ordinances were recently enacted that amended parts of the subdivision chapter of the *Municipal Code*. Those new ordinances added several new definitions, and they now need to be put into the proper alphabetical and numerical sequences. According to Mr. Marek, the proposed ordinance makes no substantive changes, but just provides definitions in the correct order, both alphabetically and numerically.

Moved by Mahayni, seconded by Doll, to pass on first reading an ordinance renumbering definitions.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ZONING ORDINANCE TEXT AMENDMENTS PERTAINING TO MECHANICAL UNITS:**  
Director Osguthorpe advised that mechanical units are defined in Section 29.201(116) as "a climate control device and/or piece of hardware used for the delivery or measurement of utilities," and the *Municipal Code* requires visual screening of such units. According to Mr. Osguthorpe, screening of mechanical units is described in various sections of the *Code*, with varying requirements, which results in both redundancy and inconsistency among standards. Mr. Osguthorpe also acknowledged that enforcement of the standards had not been consistent.

Mr. Osguthorpe presented pictures of various projects and how screening of mechanical units had been handled. He pointed out the practical difficulties in applying the existing standards, i.e., the

requirement to screen mechanical units as seen from any abutting property is difficult because neither the applicant nor City staff can verify if a unit is seen from an upper-floor balcony of an adjacent private living unit. Mr. Osguthorpe asked for input from Council members on the effectiveness of existing standards and the degree to which mechanical units should be screened.

Council Member Larson said that he thinks education concerning building aesthetics should be provided to the owners when new buildings are being proposed. They might not have thought about how air conditioning units and meters are going to look.

Council Member Rice suggested that staff check with other communities to see how they handle this issue.

Council Member Goodman noted that it is important to have the City look as good as it can to visitors and future residents. He thinks that buildings should be required to be aesthetically pleasing at the level where pedestrians and vehicle occupants can view them.

Council Member Larson noted that specific details will not be able to be ironed-out at this meeting without input from those directly involved in constructing and/or renovating buildings.

Moved by Larson, seconded by Doll, to direct staff to request input from the development community on this issue.

Council Member Popken requested a friendly amendment to the motion that input be received from a broader group of people, e.g., citizens, neighborhoods, professionals (architects, engineers), Chamber of Commerce.

Council Member Mahayni pointed out that another dimension that needs to be considered is ease of enforcement.

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

#### **ZONING ORDINANCE TEXT AMENDMENT REGARDING DEFINITION OF OPEN SPACE:**

Director Osguthorpe recalled that staff had been directed to take an amendment to the Planning and Zoning Commission pertaining to the definition of open space used for determining compliance with the City's minimum density requirements. This direction was prompted by concerns raised by the approach pursued in the Northwood Heights Subdivision, 4<sup>th</sup> Addition.

According to Mr. Osguthorpe, the issue of concern is the potential conflict between the requirement that open space be available for use by all residents and the control of the future improvement, management, and use of parcels that are individually and privately owned by adjacent property owners. Concerns had been received about the novel approach allowed for approval of Northwood Heights, 4<sup>th</sup> Addition, and whether it met the intent of the City Council when the provisions were adopted. Mr. Osguthorpe read the text amendment being proposed by staff and explained the corresponding amendment proposed for the Open Space Requirement Table.

Mr. Osguthorpe stated that the Planning & Zoning Commission, at its meeting of November 4, 2009, had moved to delete this item from its agenda, stating that it should be taken under consideration after the new City Council members are in place.

Council Member Popken asked if the definition of open space would have any impact beyond the

calculation of density. Director Osguthorpe said that it would not affect other areas.

Moved by Popken, seconded by Mahayni, to direct staff to place the proposed revisions regarding open space on the December 8, 2009, City Council Agenda for first reading and to notify the Planning & Zoning Commission that it can still make a recommendation on this item at its next Planning & Zoning Commission meeting.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, asked the City Council to approve the staff's recommended Alternative No. 2; specifically, "common open space owned by the City of Ames or owned by all property owners in common through a Homeowner's Association or a similar private entity." He noted that the space in question is not always owned by all property owners in common.

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

**AAMPO LONG-RANGE TRANSPORTATION PLAN MODEL:** Public Works Director John Joiner explained the transportation modeling process followed by the City. It is GIS-based and utilizes information such as census data, road network data, and land use data to create the base layers. Built on top of that base information is a layer of Traffic Analysis Zones (usually major roadways or natural barriers such as lakes or rivers). Encoded into those Zones are all the socioeconomic data, such as population, demographics, employment, etc. Once the base information is in place, the model is calibrated to the current base year and adjusted until it can accurately reproduce known conditions. Once that is complete, forecasting traffic 25 years into the future occurs. He noted that, on October 27, 2009, the City Council requested a staff report regarding the capability of the contracted Long-Range Transportation Computer Model and the costs to perform "what-if" scenarios.

Council Member Larson asked how long it takes to run different scenarios. Traffic Engineer Damion Pregitzer said it depends on the size of the change. The actual set-up for each scenario could take up to two to three weeks. Director Joiner noted that the public input process takes the greatest amount of time.

Council Member Popken asked if other modes of travel are taken into consideration during modeling. Mr. Pregitzer said that the model is currently completely vehicle-trip based. Mr. Joiner said that the future vision is reflected in the Traffic Analysis Zones based on the socioeconomic data, essentially changing the amount of traffic in each respective zone. It was pointed out by Mr. Joiner that the Model does not identify possible solutions; however, it does note those areas of the network where there are deficiencies based upon established performance standards. The Transportation Model can be run for various growth scenarios, but the Model does not generate proposed projects. Mr. Joiner advised that extensive public involvement is needed to determine solutions acceptable to the community for resolving deficiencies. Once a group of solutions is set, they are then encoded into the model and the model is run to see what deficiencies remain.

Council Member Doll asked for clarification of the motion passed regarding Zoning Ordinance text amendments pertaining to the definition of open space. There was confusion as to whether the motion directed staff to consider amendments pertaining to ownership issues. City Attorney Marek advised that substitutions could be made to the language of the ordinance prior to its being passed on first reading.

Moved by Doll, seconded by Goodman, to direct staff to bring back to Council any alternatives regarding the ownership issue after taking it first to the Planning and Zoning Commission.

Council Member Larson noted that he had other amendments that he might want to propose after hearing the recommendation of the Planning & Zoning Commission. He said that he was concerned about the definition of “public space.” Mr. Larson elaborated that if common space is considered public space, it would come off the tax roles. He does not want space to be considered public unless it falls under the category of parkland. In Mr. Larson’s opinion, this is another consequence of not allowing large lots; it requires a portion of private property to be considered as open space. Mr. Larson agreed with the Planning & Zoning Commission’s recommendation that this is an issue that should be taken up by the next Council.

Council Member Mahayni sees this as an issue of not wanting open space in private hands.

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

**UNION PACIFIC RAILROAD (UPRR) AGREEMENTS FOR 2008/09 AND 2007/08 RAILROAD CROSSING SAFETY IMPROVEMENTS:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-525 approving a Union Pacific Railroad Agreement for 2008/09 Railroad Crossing Safety Improvements (crossing signals at 9<sup>th</sup> Street).

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 Doll, to adopt RESOLUTION NO. 09-526 approving Union Pacific Railroad Agreement for 2007/08 Railroad Crossing Safety Improvements (crossing signals at 16<sup>th</sup> Street).

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

**LYNN AVENUE CLOSURE FOR FIRE LINE INSTALLATION:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-527 approving closure of Lynn Avenue for fire line installation.

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

**HEARING ON AMES POLICE SHOOTING RANGE:** Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-528 approving final plans and specifications and awarding a contract to Keller Excavating, Inc., of Boone, Iowa, in the amount of \$99,929.75.

Council Member Doll asked for an explanation of staff’s recommendation to fund this project in part with Local Option Taxes. City Manager Schainker explained the City of Ames policy on the usage of Local Option Taxes. He noted that under the term of “community betterment,” the City uses Local Option Tax for pay-as-you-go capital improvements; cash is used to pay for public improvements costing \$100,000 to \$200,000. He cited this policy as one of the reasons that the City has been able to maintain its Aaa bond rating.

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

**DRUG PARAPHERNALIA ORDINANCE:** Chief Cychosz summarized the proposed Ordinance. He recalled a concern formerly expressed by Council members that there were items included that have legitimate uses, which somehow might lead to charges. According to Chief Cychosz, this is addressed by specifically enumerating the factors to be considered when making the decision on whether to file charges. These include statements by the user of the items, prior history of use, and the proximity (in space and time).

Erin Kennedy, 717 Sixth Street, Nevada, Iowa, said she believes the proposed ordinance is an environmental strategy focused on reducing the amount of drug paraphernalia available in the Ames community. She feels it sends a clear message, especially to youth, that such usage is not acceptable in the community. Ms. Kennedy asked that the City Council pass the proposed ordinance as it is written.

Denise Denton, Prevention Specialist with Youth and Shelter Services, 902 Douglas, Ames, showed a Community Prevention Matrix that she uses in her work. She described “the perfect storm” relative to drug use, which was comprised of availability, perception of risk/harm/perception, and of actual disapproval. Ms. Denton believes that a tool, i.e., ordinance, that limits availability and access is a crucial element in preventing drug usage and sends a clear message.

Moved by Mahayni, seconded by Doll, to pass on first reading the Drug Paraphernalia Ordinance.

Council Member Rice noted that testimony appears to be geared to preventing drug use by youth. He agreed with that, but not with regulating the availability of certain items to adults.

Council Member Goodman said, in a free society, there are items that can be misused. He does not believe that the proposed ordinance will make a large difference in the amount of drug usage.

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

**ORDINANCE PROHIBITING PARKING ON BOTH SIDES OF SOUTH DAYTON PLACE:**

Moved by Doll, seconded by Mahayni, to pass on first reading an ordinance prohibiting parking on both sides of South Dayton Place from its intersection with South Dayton Avenue to its southern terminus.

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

**ORDINANCE PERTAINING TO NEIGHBORHOOD STREET ART:**

Moved by Goodman, seconded by Rice, to pass on second reading an ordinance pertaining to Neighborhood Street Art. Roll Call Vote: 5-1. Voting aye: Doll, Goodman, Mahayni, Popken, Rice. Voting nay: Larson. Motion declared carried.

**COMPOSTING ORDINANCE:** Moved by Doll, seconded by Goodman, to pass on second reading an ordinance revising composting regulations.

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

**ORDINANCE REVISING ENFORCEMENT PROVISIONS FOR PARKING VIOLATIONS:**

Moved by Doll, seconded by Rice, to pass on third reading and adopt ORDINANCE NO. 4011 revising enforcement provisions for parking violations.

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

**ORDINANCE ESTABLISHING SPEED LIMIT REGULATIONS FROM SOUTH DAYTON AVENUE TO SOUTH DAYTON PLACE ON S. 16<sup>TH</sup> STREET:** Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4012 establishing speed limit regulations from South Dayton Avenue to South Dayton Place on South 16<sup>th</sup> Street.

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

**ORDINANCE PERTAINING TO SOLAR ENERGY SYSTEMS:** Moved by Goodman, seconded by Rice, to pass on third reading and adopt ORDINANCE NO. 4013 pertaining to solar energy systems and allowing such systems as accessory uses in all zones.

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

**COMMENTS:** Moved by Popken, seconded by Goodman, to refer to staff letter from Ken Janssen, Clapsaddle-Garber Association, dated September 24, 2009, regarding the Friedrich Commercial Subdivision at 729 East Lincoln Way.

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

Moved by Popken, seconded by Larson, to refer to staff letter from Historic Old Town Association in reference to changes to its Neighborhood Improvement Program Grant.

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

Council Member Rice asked for a clarification as to whether street art could be allowed by the City at the Municipal Airport. City Manager Schainker reported that the airport, although owned by the City, is tightly regulated by the Federal Aviation Association (FAA).

Moved by Mahayni, seconded by Goodman, to refer to staff the request from Palisade Corporation dated November 6, 2009, pertaining to it moving from Ames to Des Moines.

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

Council Member Goodman requested that the Mayor ask Public Works Director John Joiner to explain the Airport regulations to Richard Deyo pertaining to street art.

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:15 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor