

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

AMES, IOWA

DECEMBER 8, 2009

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on December 8, 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 announced that, in deference to the adverse climatic conditions, several items will be postponed until the December 22, 2009, meeting. Specifically, Agenda Items Nos. 15, 20, 21, and 23 were postponed.

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

1. Motion approving payment of claims
2. Motion approving minutes of Special Meeting of November 17, 2009, and Regular Meeting of November 24, 2009
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for November 15-30, 2009
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor w/Outdoor Service- Cazador Mexican Restaurant, 3605 Lincoln Way
  - b. Class E Liquor & C Beer - A.J.'s Market, 129 Welch Avenue Suite 101
  - c. Class C Liquor w/Outdoor Service - The Café, 2616 Northridge Parkway
  - d. Class E Liquor, C Beer, & B Wine - Cub Foods, 3121 Grand Avenue
  - e. Class C Beer - Swift Stop #7, 2700 Lincoln Way
  - f. Class C Liquor - Tip Top Lounge, 201 E. Lincoln Way
  - g. Class C Liquor w/Outdoor Service - Aunt Maude's, 543-547 Main Street
  - h. Class C Beer - Swift Stop #6, 125 6<sup>th</sup> Street
6. RESOLUTION NO. 09-551 approving preliminary plans and specifications for Repainting of Bloomington Road Elevated Tank; setting January 14, 2010, as bid due date and January 26, 2010, as date of public hearing
7. RESOLUTION NO. 09-552 approving contract and bond for 2008/09 Arterial Street Pavement Improvements Project (North Dakota Avenue from 600 feet south of Delaware Avenue to Ontario Street)
8. RESOLUTION NO. 09-553 approving contract and bond for 2009/10 Arterial Street Pavement Improvements Project (13<sup>th</sup> Street from UPRR Underpass to Stange Road)
9. RESOLUTION NO. 09-565 approving Change Order to Gillig Corporation of Hayward, CA, for \$1,430,096 for buses, to be paid 100% with TIGGER Grant, subject to Transit Board approval
10. RESOLUTION NO. 09-554 accepting completion of FY 2008/09 Well Rehabilitation Project
11. RESOLUTION NO. 09-555 approving Change Order Nos. 7 and 8 and accepting completion of Raw Well Water Transmission Pipeline Project
12. RESOLUTION NO. 09-556 accepting completion of 2006/07 Storm Sewer Outlet Erosion Control (Top-O-Hollow Road)
13. RESOLUTION NO. 09-557 accepting completion of the street lane widening from the east side of Outlot B, Aspen Ridge, to the east side of the lot of Grand Aspen, 3<sup>rd</sup> Addition, and releasing security  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** Tim Coble, President of the Main Street Cultural District, thanked City staff, Construct, and Ames Electric for extra work done during the rehabilitation of Kellogg Avenue. Mr. Coble also thanked the City Council for approving the additional pavers and lighting for the project.

**ENCROACHMENT PERMIT FOR MAILBOX INFRINGING IN RIGHT-OF-WAY AT 426-5TH STREET:** This item was pulled by City staff, as it needs more time to discuss the matter with the U. S. Postal Service.

**NEW CLASS B NATIVE WINE PERMIT FOR CHOCOLATERIE STAM:** Moved by Goodman, seconded by Mahayni, to approve a new Class B Native Wine Permit for Chocolaterie Stam, 230 Main Street.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**REQUEST FOR HISTORIC PRESERVATION COMMISSION:** This item was postponed to December 22, 2009.

**NEWLINK GENETICS CORPORATION LOAN AGREEMENT:** Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-558 approving the Forgivable Loan Agreement with NewLink Genetics Corporation in the amount of \$200,000.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously.

**PUBLIC ART COMMISSION:** Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-559 approving the carry-over of funding from FY 2009 to FY 2010 in the amount of \$4,626.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Sam Stagg, Chairperson of the Public Art Commission, presented the art work donated by Priscilla Sage to be displayed in the west stair tower of the City Hall entrance foyer.

Moved by Goodman, seconded by Mahayni, to accept the Priscilla Sage artwork donation.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**CAMPUSTOWN RAIL JAM:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-560 approving waiver of parking enforcement on Chamberlain Street, between Welch and Stanton, from 9:00 a.m. on January 23 until 12:00 a.m. on January 24.  
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. 09-561 approving closure of Chamberlain Street, between Welch and Stanton, from 8:00 a.m. on January 23 until 12:00 a.m. on January 24.  
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. 09-562 approving the closure of Chamberlain Parking Lot Y from 6:00 a.m. on January 23 until 12:00 a.m. on January 24.  
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. 09-563 waiving fees for use of electricity for lighting and a P.A. system during the event.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**SUBDIVISION ORDINANCE TEXT AMENDMENT RELATED TO MINOR SUBDIVISION**

**PLATS:** Moved by Goodman, seconded by Mahayni, to adopt on first reading an ordinance defining procedures for amending subdivision plats.

Planning and Housing Director Steve Osguthorpe advised that staff reviewed the proposed changes with the development community, and no concerns had been expressed.

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

**PUBLIC IMPROVEMENTS FOR SUBDIVISIONS:** This item was postponed to December 22, 2009.

**LAND USE POLICY PLAN UPDATE:** This item was postponed by December 22, 2009.

**SNOW ROUTE DESIGNATIONS:** Moved by Mahayni, seconded by Goodman, to direct the City Attorney to draft an ordinance modifying Municipal Code Section 22.9, “Snow Routes Designated.”

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

**SIDEWALK SNOW REMOVAL POLICIES:** This item was postponed to December 22, 2009.

**PURCHASE OF ENGINE 2 REPLACEMENT:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-564 awarding a contract to Pierce Manufacturing, Inc., in the amount of \$501,994 for purchase of Engine 2 replacement.

Fire Chief Clint Petersen explained the Request for Proposals process. The City had received four proposals. He noted that staff was requesting authorization to purchase the fire engine prior to City Council approval of the operating budget. According to Mr. Petersen, the bid had very favorable and the vendor was willing to accept that the offer to purchase was contingent upon it being approved in the next fiscal year’s budget. City Attorney Doug Marek added that if the budget item is not approved by the City Council in March when it certifies its budget, the contract will be null and void.

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

**HEARING ON ZONING TEXT AMENDMENT TO AMEND DEFINITION OF OPEN SPACE:**

Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Planning and Housing Director Steve Osguthorpe presented background information. Due to concerns expressed at the November 24, 2009, Council meeting, staff eliminated the term “private” and replaced it with “common.” According to Mr. Osguthorpe, concerns had also arisen about terminology in the ordinance that required open space to be available for use by “all” residents. The proposed text amendment addresses the issue by eliminating the word “all.”

Council Member Larson pointed out that this text amendment pertaining to development in the City’s fringe area was able to be considered because a 28E Agreement with Story County and the City of Gilbert had not been finalized.

Moved by Popken, seconded by Rice, to pass on first reading an ordinance amending the definition of open space to be excluded from the minimum net density calculation in Suburban Residential Zoning Districts.

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

**ORDINANCE PERTAINING TO DRIVEWAYS AND DRIVE AISLES:** Moved by Goodman, seconded by Rice, to pass on second reading an ordinance pertaining to driveway widths and defining driveways and drive aisles.

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

**ORDINANCE ESTABLISHING SPEED LIMIT ON RENAMED PORTION OF SOUTH DAYTON AVENUE:** Moved by Mahayni, seconded by Goodman, to pass on second reading an ordinance establishing the speed limit on the renamed portion of South Dayton Avenue (now known as South Dayton Place).

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

**ORDINANCE RENUMBERING DEFINITIONS RELATING TO SUBDIVISIONS:** Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 4016 renumbering definitions as they relate to subdivisions.

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

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

Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 4017 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. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**COUNCIL COMMENTS:** Moved by Rice, seconded by Doll, to refer to staff the letter from Sue Ravenscroft regarding the new industrial park and the lack of financial backing for Wolford Development.

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

Moved by Rice, seconded by Larson, to refer to staff for study the email requesting a stop sign at Jewel Drive and Diamond.

City Manager Schinker said that he had met with residents of the area, who were going to circulate a petition requesting a stop sign at that location.

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

Council Member Goodman noted that he had been working diligently on ways to attract residential development in the Southwest Growth Priority Area. He had also met with property owners Wanda and Doug McCay.

Moved by Goodman, seconded by Popken, to direct the City Manager to explore partnering with major property owners, Wanda and Doug McCay, in developing an RFP to be sent to some third-party developer(s) aimed at creating growth in the Southwest Growth Priority Area.

Council Member Larson said that he did not see that particular area as being any different than other parts of town as far as development opportunities. It is his belief that if a property owner has an interest in developing his or her land, they should go through the same process as any other property owner.

Council Member Mahayni noted that the City already offers incentives in the Southwest Growth Priority Area. He believes the creation of an RFP would create a dangerous precedent. Mr. Mahayni said that he was against the City “acting as a real estate agent.”

In Mr. Goodman’s opinion, those same arguments could have been made when tax abatements first originated. He stated that the City should get involved in the real estate market when it behooves the tax payer; he is looking to create another avenue that doesn’t currently exist, and that avenue is the development of an RFP.

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

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 7:38 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor