

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 6, 2009

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on January 6, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex Officio* Member Tracy was absent.

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

1. Motion approving minutes of Special Meeting of December 13, 2008, and Regular Meeting of December 16, 2008
 2. Motion approving certification of civil service applicants
 3. Motion accepting Report of Contract Change Orders for December 1-15 and December 16-31, 2008
 4. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Class C Liquor & Outdoor Service Privilege - Mangostino's Bar & Grill, 604 E. Lincoln Way
 - b. Class C Liquor - WestCyde Wings, 3706 Lincoln Way
 - c. Class B Beer - Pizza Pit, 207 Welch Avenue, Ste. 201
 5. RESOLUTION NO. 09-001 approving and adopting Supplement No. 2009-1 to Municipal Code
 6. RESOLUTION NO. 09-002 approving contract and bond for 2006/07 Annual Residential Street Low Point Drainage Improvements (Stanton Avenue/Chamberlain Street)
 7. RESOLUTION NO. 09-003 approving contract and bond for Non-Ferrous Metals Recovery System
 8. RESOLUTION NO. 09-004 approving Change Order to Engineering Services Contract with HWS Consulting Group for South Duff Improvement Project in an amount not to exceed \$10,200.00
 9. RESOLUTION NO. 09-005 approving Change Order to Engineering Services Contract with Howard R. Green Company for South Duff Storm Sewer Reconstruction in an amount not to exceed \$29,000.00
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Roy Cakerice, 2911 Duff Avenue, Ames, speaking on behalf of Friends of Carr Pool, presented figures given to him by City staff that represented the amount of subsidies given to different Parks & Recreation programs. He compared the subsidies per participant for each program and stated that the subsidy for each Carr Pool participant was \$2.08. Council Member Larson pointed out that the subsidy shown for Carr Pool is actually \$2.08 per use, not per participant. It is possible that the same person would use the pool every day, so he did not feel that was a fair comparison.

Ron Gardner, 2223 Prairie View East, Ames, commented on how the cost of living for individuals has gone up. He stated that he believes taxes must be increased proportionately in order for the City to provide the same services.

Kay Wall, 1004 Kellogg, Ames, stated that she had spoken with people who noted that the ballot for the Furman Aquatic Center referendum did not state that Carr Pool would be closed if the Center was built. She said that those people also had indicated that they would not have voted for the Aquatic Center if they had known it would result in the closure of Carr Pool.

WiFi HOT SPOTS AT CITY FACILITIES: Finance Director Duane Pitcher advised that City staff had solicited proposals to provide wireless broadband data connectivity (WiFi hotspots) at City Hall, the Community Center, Ice Arena, Municipal Pool, and at the new Furman Aquatic Center. He explained that the Request for Proposals (RFP) was issued to five potential providers known to provide systems compatible with the network infrastructure in place at the targeted locations and to an additional three firms following advertisement of the project. One proposal was received. According to Mr. Pitcher, the proposal that was submitted did not include all components requested by the RFP. It also came in \$14,993 over the approved budget. City staff believes that it might be more cost-effective for the City to purchase the hardware, installation, and public Internet connection components separately rather than from a single provider, as the components might be included in state of Iowa contract pricing.

Moved by Mahayni, seconded by Popken, to accept the report of one proposal.

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

Moved by Mahayni, seconded by Popken, to reject the proposal and direct staff to solicit new bids and/or proposals, including the purchase of the hardware, installation, and public Internet connection components separately.

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

SUGGESTED CHANGES TO THE ZONING AND SUBDIVISION CODES: Planning & Housing Director Steve Osguthorpe asked the City Council to consider amendments to the City's Subdivision and Zoning Codes pertaining to the following:

1. Provisions that recognize lots created by Plats of Survey that have not been previously reviewed or approved by the City

Mr. Osguthorpe recommended that the City Council refer this issue to staff to prepare the appropriate amendments that will officially recognize as lots those parcels created through conveyance via Plats of Survey up to a defined point in time. He noted that some surveyors, who prefer to avoid City review of Plats of Survey before filing them with the County Recorder, might object to this new procedure. Mr. Osguthorpe pointed out, however, that the amendments would not impose any greater burden than City subdivision authority already imposes. Also, parcels defined by recorded Plats of Survey are assigned tax parcel numbers by the County, which leads property owners to believe that the parcels were created with City approval and that they are valid lots of record. However, Municipal Code Section 23.103 prohibits the City from issuing any Zoning and/or Building Permit for land that has not been platted in accordance with the City's subdivision regulations.

2. Confirmation of the City's intent to review Plats of Survey within the Ames Urban Fringe

Director Osguthorpe stated that Iowa Code Section 354.9 establishes the City's authority to review subdivisions and Plats of Survey within two miles of its boundaries. He noted that the review of both subdivision plats and Plats of Survey in the County requires final City approval to be by resolution. Mr. Osguthorpe requested that the City Council refer this issue to staff so that the appropriate amendments could be prepared for the Subdivision Code that would include reference to Code of Iowa Section 354.9.

3. Definition of "bedroom" as it pertains to calculation of required parking spaces

According to Director Osguthorpe, there is no definition in the Zoning Code of what constitutes a "bedroom." In reviewing recently submitted building plans, staff has identified instances where rooms have been designated as "dens" or "offices," even though the rooms have the layout and features of separation and privacy that a typical bedroom offers and could easily be used for sleeping purposes. Mr. Osguthorpe said that the significance of the issue is that the number of off-street parking spaces required is based on the number of bedrooms. He requested that this issue also be referred to staff for preparation of appropriate amendments that define and/or address parking standards based on the number of bedrooms.

4. Clarification on the number of parking spaces within a garage

Mr. Osguthorpe advised that the Zoning Code currently limits the number of parking bays in a garage for a single-family dwelling to no more than three. Due to different interpretations of the intent of that limit, a number of houses have been built with more than one garage in order to exceed three parking bays per dwelling. This is often accomplished by barely separating the second garage from the first garage in order to define it as a separate structure under the Building Code. There are also situations where garages with more than three parking bays are laid out in tandem, rather than side-by-side. Per Mr. Osguthorpe, if the intent of the Code is to minimize the visual dominance of the garage, it inadvertently excludes tandem parking spaces that do not require additional garage doors and would, therefore, not be evident from the street. Staff is requesting that this issue be referred to staff for clarification purposes.

Moved by Goodman, seconded by Popken, to refer suggested changes to the Zoning and Subdivision Codes.
Vote on Motion: 6-0. Motion declared carried unanimously.

ELECTRIC AND WATER EASEMENTS FOR FOUR SEASONS SUBDIVISION: Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-006 accepting electric and water easements from developer of Four Seasons Subdivision to allow for future looping capability.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ALLEY RIGHT-OF-WAY IN EDGEWOOD SUBDIVISION, 5TH ADDITION: Ames Civil Engineer Corey Mellies explained that the owners of the property at 3503 Lincoln Way had requested that the alley on the western portion of their property be vacated. It is a dead-end alley that formerly served the mobile home park. The mobile home park has been removed and the property replatted, and approximately 74 feet of alley right-of-way abutting the property is no longer needed. According to Mr. Mellies, property owners at 3614 Story Street are not interested in purchasing the land, and the property owner at 3620 Story Street has not responded to the City's offer to sell the right-of-way. The property owner of 3503 Lincoln Way is interested in purchasing all 1,770 square feet of alley right-of-way for a total cost of \$7,048.06.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-007 setting the date of public hearing for January 27, 2009, to vacate alley right-of-way located south of 3620 and 3624 Story 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. 09-008 setting the date of public hearing for January 27, 2009, on the sale of alley right-of-way located south of 3620 and 3624 Story Street to the adjacent property owner at 3503 Lincoln Way in the amount of \$7,048.06.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ALLOCATION OF FUNDS FROM WATERSHED IMPROVEMENTS REVIEW BOARD: Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 09-009 approving a request for partial allocation of funds from Watershed Improvements Review Board in the amount of \$15,200.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REZONING PROPERTY LOCATED AT 4098 EAST 13TH STREET (EAST BARILLA SITE): Moved by Rice, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3980 rezoning property located at 4098 East 13th Street (East Barilla site) from Planned Regional Commercial (PRC) to Planned Industrial (P-I).
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

COMMENTS: Council Member Larson stated that some of his constituents had asked him to explain the methodology used for the City's Resident Satisfaction Survey.

Moved by Larson, seconded by Popken, to direct staff to place on a future agenda a report outlining the methodology used for the Resident Satisfaction Survey, e.g., how the survey is selected, how to guarantee that it is statistically valid, etc.

Public Relations Officer Susan Gwaisda gave a brief overview of the process. Council Member Larson indicated that there are community members who would like to comment on the process, and he would still like this item placed on a future agenda.

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

Moved by Mahayni, seconded by Larson, to refer to staff the letter from Chuck Winkleblack pertaining to tax abatement in Somerset Town Center.

Council Member Goodman pointed out that this issue had been debated in the past by the Council, and he was not willing to refer it back to staff. Chuck Winkleblack, 105 S. 16th Street, Ames, explained that construction of the building in question (2717 Stange) began some time ago. He has now been told by City staff that the building qualifies for abatement as retail, but not as a restaurant because it is on the west side. Restaurants, however, qualify on the east side of Stange. Mr. Winkleblack indicated that the issue is very confusing and requests that staff's reasoning be clarified.

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

A short discussion ensued concerning more-proactive enforcement of clearing sidewalks of snow and ice. City Manager Schainker reminded the City Council members that, at their goal-setting update held December 13, 2008, they had requested a report on the City's current policies regarding snow and ice removal from sidewalks and bike paths. No additional formal action was taken by the Council at this time, however, Council Member Popken asked that all citizens clear snow and ice from sidewalks as expediently as possible.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 8:00 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor