

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 14, 2010

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on September 14, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member England was also present.

**PROCLAMATION:** Mayor Campbell proclaimed September 17 - 23, 2010, as "Constitution Week 2010." Accepting the Proclamation was Corine Nordeen on behalf of the Sundial Chapter of the Daughters of the American Revolution.

**CONSENT AGENDA:** Council Member Larson asked to pull Item #18 (contract for Power Plant Ash Hauling Services) for separate discussion.

Moved by Mahayni, seconded by Wacha, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Special Meetings of August 16 and August 31, 2010, and Regular Meeting of August 24, 2010
3. Motion approving Report of Contract Change Orders for August 16-31, 2010
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Beer – Elmquist/Decker's BP, 821 Lincoln Way
  - b. Class C Liquor & Outdoor Service – Brewer's, 2704 Stange Road
  - c. Class C Liquor & Outdoor Service – Wallaby's Grille, 3720 W. Lincoln Way
  - d. Class C Liquor – La Fuente Mexican Restaurant, 217 South Duff Avenue
  - e. Class C Liquor & Outdoor Service – Hickory's Hall, 300 S. 17<sup>th</sup> Street
6. Motion setting the following City Council meeting dates:
  - a. January 18, 2011, at 5:15 p.m. for CIP Worksession
  - b. January 28, 2011, at 2:00 p.m. for Budget Overview
  - c. February 1, 2, 3, and 8, 2011, at 5:15 p.m. for Budget Hearings/Wrap-Up
  - d. March 1, 2011, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
7. RESOLUTION NO. 10-413 approving appointment of Linda Griffen to fill vacancy on Public Art Commission
8. RESOLUTION NO. 10-414 approving revision to Personnel Policies
9. RESOLUTION NO. 10-415 approving revision to ASSET Policies and Procedures
10. RESOLUTION NO. 10-416 approving Annual Street Finance Report
11. RESOLUTION NO. 10-417 providing for the issuance of \$6,690,000 General Obligation Corporation Purpose Bonds, Series 2010A, and providing for levy of taxes to pay same
12. RESOLUTION NO. 10-418 waiving enforcement of Ordinance 19.9 from 1:00 - 3:00 p.m. on September 19, 2010, to allow golf cart rides for mobility impaired individuals at Ada Hayden Heritage Park
13. RESOLUTION NO. 10-419 approving 2010/11 Contract for Human Services with Foster Grandparent Program
14. RESOLUTION NO. 10-420 approving Underage Tobacco Enforcement Agreement between Ames Police Department and Iowa Alcoholic Beverages Division
15. RESOLUTION NO. 10-421 approving acceptance of 2010 Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program
16. Engineering Services Contracts for Miscellaneous Boiler Projects II (Power Plant):

- a. RESOLUTION NO. 10-422 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Unit No. 8 Turbine Blade and Parts Procurement in an amount not to exceed \$30,000
  - b. RESOLUTION NO. 10-423 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Electromatic Relief Valve Replacement in an amount not to exceed \$24,000
  - c. RESOLUTION NO. 10-424 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Unit No. 7 Circulating Water Pipe Rehabilitation in an amount not to exceed \$50,000
17. RESOLUTION NO. 10-426 approving contract and bond for Vet Med Substation SF<sub>6</sub> Circuit Breakers
  18. RESOLUTION NOs. 10-427, 10-428, and 10-429 approving contract and bond for Vet Med Substation Electrical Materials, Bid Nos. 1, 2, & 3, respectively
  19. RESOLUTION NO. 10-430 approving contract and bond for Vet Med Substation Metal Clad Switchgear
  20. RESOLUTION NO. 10-431 approving contract and bond for 2009/10 Airport Improvements (Taxiway A1 Rehabilitation & Taxiway A Drainage Improvements)
  21. RESOLUTION NO. 10-432 approving final acceptance of the 2008/09 Neighborhood Curb Replacement Program (12<sup>th</sup> and Harding)
  22. RESOLUTION NO. 10-433 approving final acceptance of the 2008/09 CyRide Route Pavement Improvements (Toronto and Hutchison)
  23. RESOLUTION NO. 10-434 approving final acceptance of the 2008/09 CyRide Route Pavement Improvements (Northwestern Avenue from Johnson Street to 30<sup>th</sup> Street)
  24. RESOLUTION NO. 10-435 approving final acceptance of STIMULUS: George Washington Carver (Stange Road to Bloomington Road)
  25. RESOLUTION NO. 10-436 approving final acceptance of the 2008/09 Asphalt Pavement Improvement Program (Arizona Avenue from Phoenix Street to Ross Road)
  26. RESOLUTION NO. 10-437 approving final plat for Sunset Ridge Subdivision, 4<sup>th</sup> Addition
  27. RESOLUTION NO. 10-438 approving final plat for Northridge Heights Subdivision, 10<sup>th</sup> Addition

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

**POWER PLANT ASH HAULING SERVICES:** Council Member Larson noted that staff has tried several times to arrive at a successful bid for disposal of ash from the Power Plant. Due to the magnitude of the costs for this project, Mr. Larson asked the Electric Services Director to expound on it. Director Donald Kom reported that this was the third time that the City had gone out for proposals on this project. The two previous times, it was bid through an invitation-to-bid process. The first time, none of the bids had the proper permitting/documentation. The second time, the City received only one bid, and Council chose to reject it. After evaluation of the service, two options were devised: (1) should the waste product go to a landfill, or (2) is there a good alternative use for the waste product. This time, City staff chose to go out for proposals, instead of bids, asking for those two options. Proposals were received and evaluated. The proposed awardee (BMG) said that they had a beneficial use for the ash, i.e., using it as a subfill on its own site. As long as it is covered, that will meet the requirements of the Iowa Department of Natural Resources (IDNR). The proposal is contingent on receiving IDNR approval; if that is not received, the City will look at the landfill option.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 10-425 awarding a contract to Biosolids Management Group (BMG), Inc., of Boone, Iowa, for Power Plant Ash Hauling Services in the amount of \$1,160,000, contingent on BMG receiving the necessary approval from the Department of Natural Resources.

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

**PUBLIC FORUM:** No one wished to speak, and the Mayor closed Public Forum.

**ARTS FESTIVAL ON SEPTEMBER 26, 2010:** Heather Johnson, representing the Octagon Center for the Arts, said that the 40<sup>th</sup> annual arts festival is planned to be held in Downtown Ames on September 26, 2010. It is free and open to the public. There will be booths selling art works, crafts, and food items, and there will be entertainment on the sidewalks in Tom Evans and Cynthia Duff Plazas.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 10-439 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6:00 a.m. to 6:00 p.m.

Council Member Goodman said that he would be abstaining from the vote due to a conflict of interest.

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

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 10-440 approving a waiver of the fee for usage of electricity.

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

Moved by Wacha, seconded by Davis, to approve a Blanket Temporary Obstruction Permit for the sidewalks adjacent to closed streets.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Wacha, seconded by Davis, to approve a Blanket Vending License.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: None. Abstaining: Goodman. Motion declared carried.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 10-441 approving a waiver of the fee for a Blanket Vending License.

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

**AMES HIGH HOMECOMING:** Kim Richards, 2221 Buchanan Drive, Ames, Co-Chair of the Ames High Homecoming Committee, stated that the parade is planned to begin at 6:30 p.m. on Monday, September 27.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-442 approving closure of Parking Lot MM and the south half of Parking Lot M at 5:30 p.m. on September 27, 2010. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-443 approving closure of portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, and Pearle Avenue from 5:30 p.m. to approximately 7:30 p.m. for a parade scheduled at 6:30 p.m. on September 27, 2010.

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

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-444 approving suspension of the parking meter fees in the Main Street Cultural District from 5:30 p.m. to 6:00 p.m. on September 27, 2010.

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

Moved by Davis, seconded by Mahayni, to approve a Fireworks Permit for display after the football game (approximately 9:15 p.m.) on October 1, 2010.

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

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-445 approving a waiver of the fee for a Fireworks Permit.

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

**ARTIST FOR 2011-12 “ART IN THE PARKS” PROJECT:** Chad West, Chair of the Public Art Commission Art in the Parks Committee, requested approval to proceed with the selection of Peter Irniq as the next artist for the *Art in the Parks* program. Mr. Irniq is an artist, cultural teacher, and former Commissioner of Nunavut, Canada, a northern arctic territory near Greenland. His expertise is in making stone landmarks called inuksuk. Inuksuit designate good hunting areas, fishing spots, trails, and serve as a point of reference for travelers. It is hoped that the Public Art Commission can bring Mr. Irniq to Ames in late September or early October 2011.

Mr. West advised that the Parks and Recreation Commission had approved the installation of three inuksuit sculptures in three separate locations: Emma McCarthy Lee Park, Ada Hayden Heritage Park, and Brookside Park. The preliminary budget for the project totals \$15,100, and is proposed to be funded by the Public Art Commission’s 2009/2010 rollover funds, 2010/2011 currently appropriated funds, and 2011/2012 projected funds.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-446 approving Peter Irniq of Nunavut, Canada, as the artist for the *Art in the Parks* program.

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

**REQUEST FROM AMES CONVENTION & VISITORS BUREAU (ACVB) FOR FUNDING “FLAT-SPACE STUDY:”** City Manager Steve Schainker recalled that, on May 12, 2009, the City Council had agreed to partially fund a feasibility study to assess the overall impact of current and future demands of meetings and conventions in Ames. That study cost \$65,000; the City of Ames paid \$8,300 as did Iowa State University and the Ames Economic Development Commission. The results of that report were presented at a public meeting held in the Scheman Center on May 12, 2010. On August 31, 2010, the City Council had referred a letter from the ACVB requesting that the City contribute an additional \$5,000 towards a facility program analysis. The follow-up study, costing \$40,000, will identify actual space needs, location recommendations, and associated costs for the preferred recommendation. Funding is proposed to be received from the ACVB (\$20,000), Iowa State University (\$10,000), Ames Economic Development Commission (\$5,000), and the City of Ames (\$5,000.)

Mr. Schainker clarified that the City is not being asked to commit to financing the ultimate project. He emphasized that it is hoped such a project will improve the viability of Ames as a convention and meeting center, and maintaining a competitive position would have a positive financial impact on the community.

Moved by Goodman, seconded by Orazem, to approve an allocation to the Ames Convention & Visitors Bureau in the amount of \$5,000 from Hotel/Motel Tax proceeds to help fund a Facility Program Analysis (second phase of the “Flat Space” Study).

Mr. Schainker emphasized that the actual facilities programming is at a site that is at Iowa State Center; that is the preferred site that will be the focus of this study.

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

**REQUEST FROM JANE GRAHAM TO ADDRESS LANDSCAPING IN TOM EVANS PLAZA:** Artist Jane Graham, 63150-270th Street, Nevada, advised that, in 2003, she and artist Ursula Ruedenberg solicited the City and the PAC to re-do the mural that was located in Tom Evans Plaza. Ms. Graham said that she and Ms. Ruedenberg expanded the original mural dimensions; it is now 26' tall x 25' wide. According to Ms. Graham, she has been under contract to maintain the Mural since 2003. Since that time, she has noticed that the trees from the landscape renovation project of 2001 have slowly reduced the visibility of the Mural. Ms. Graham believes that the declining visibility of the art element of the Mural is destroying the logical harmony of elements within the Plaza. Pictures from distances of approximately 10' and 25', from Main Street, and from the Central Business District parking lot were shown by Ms. Graham. She requested that a landscape architect be retained to evaluate the plantings in an attempt to find a solution. Ms. Graham advised that her personal preference would be for the trees to be removed.

Thomas Weber, 430 Lynn Avenue, Ames, advised that he is a former member of the Public Art Commission. He gave the history of the fund-raising efforts that were undertaken to allow for the painting of the Mural. According to Mr. Weber, the tree species in question will grow to a width of approximately 25'. He said that, currently, the gap between the trees is approximately eight

(8) feet, but that will fill in as the trees further mature. Ms. Graham noted that the trees will probably grow to a height of approximately 25'. Mr. Weber stated his preference for the trees be cut down.

Mayor Campbell advised that the Public Art Commission met on this issue on August 4, 2010, and recommended that the City seek alternatives to improving the visibility of the Mural with minimal impact to the other landscaping. The Main Street Cultural District also discussed this issue. Its Board of Directors indicated that cutting down the trees was not necessary. They suggested that the trees be trimmed slightly to allow more viewing of the Mural.

Council Member Orazem said that it would have been better to have a different species of tree planted there. He surmised that the trees could be removed and another type planted. It is his belief that trees could be planted that would not have as broad of crown and would be less obstructive. It was his suggestion that the trees also be planted farther apart.

After being questioned by Council Member Goodman, Assistant City Manager Bob Kindred stated that the City has an easement with the owners of the building for the Mural. He is unsure how long the easement is valid.

Council Member Larson stated his preference for staff to ask a qualified landscaper to recommend a solution to resolve the conflict between the Mural and the existing landscaping.

Mr. Kindred advised that the City's Parks Superintendent had evaluated the trees and stated that they are too large to be transplanted successfully.

Moved by Mahayni, seconded by Larson, to direct staff to retain a landscape architect to arrive at a well-designed park while making sure that the visibility of the Mural is maintained for its life.

Mr. Weber said that he counted nine other trees present in Tom Evans Park (in addition to the two in question).

Omar de Kok-Mercado, 418 Aplin Road, Ames, believes that the type of current tree species could be trained over time to grow away from the Mural.

Council Member Wacha acknowledged that the Mural is beautiful, and if he wants to see it better, he moves closer to it. He said that he agreed with the MSCD that the trees should not be cut down.

Council Member Goodman said that he would support the motion if the other Council members were willing, if recommended by the landscape architect, to remove the two trees that interfere with the Mural. He emphasized that; otherwise, it would be a waste of staff members' time to have this item referred back to them and a waste of money to retain a landscape architect.

Council Member Mahayni said that he believes a person should not have to move closer to the Mural to see it; it should be able to be seen from a distance of 20 - 25'.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Mahayni, Orazem. Voting nay: Wacha. Motion declared carried.

**5-DAY CLASS LIQUOR LICENSE FOR CHRISTIANI'S EVENTS AT THE ISU ALUMNI CENTER, 420 BEACH AVENUE:** Moved by Mahayni, seconded by Davis, to approve a new 5-Day Class C Liquor License for Christiani's events at the ISU Alumni Center, 420 Beach Avenue.

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

**2010 FLOOD MITIGATION OVERVIEW:** City Manager Schainker noted that the overview is being presented per Council direction given to staff on August 24, 2010.

Assistant City Manager Kindred presented a chronological history of the actions taken following the 1993 Flood; in particular, the Flood Plain Management Study, home buy-outs, water well improvements, new flood plain development standards, and a 28E intergovernmental agreement among the City, Story County, Iowa State University, and the Iowa Department of Transportation.

Referencing the Flood Plain Management Study, Mr. Kindred noted that the City does the "legwork," i.e., engineering analysis. If the City didn't do it, eventually FEMA would do it. FEMA is charged with updating the information, however, it could take five or ten years. Council Member Larson noted that it took 11 years after the 1993 Flood to get the map updated (after state and federal review).

Council Member Larson noted the summary of costs from the 1993 Flood. He asked if there were any cost estimates from the 2010 Flood. Mr. Kindred advised that they were not yet available.

Council Member Orazem asked what determines the level of structural damage. Mr. Kindred advised that FEMA makes those determinations.

Council Member Davis asked Housing Coordinator Vanessa Baker-Latimer how three to five more homes were selected as potential buy-outs from the 2010 Flood. Ms. Baker Latimer advised that she worked with the City's Building Official to identify those single-family homes. She noted that the flood waters reached areas farther than those impacted in 1993 and anticipates that there will be properties that will be eligible for the buy-out program; however, it is voluntary on the part of the home owner.

City Manager Schainker explained that affected property owners first must work through their own insurance companies and then seek FEMA funding. There is also the Iowans Helping Iowans program that could be of assistance to some affected persons.

Mr. Schainker advised that flash flooding may be related to the City's storm sewer or sanitary sewer, and, if so, the City will need to address those issues.

Possible next steps were summarized by City Manager Schainker. He said that he feels strongly about the first two initiatives:

1. Invite ISU, Story County, and the IDOT to join with the City in again commissioning a comprehensive Flood Plain Management Study. The results of that Study would serve as a

basis for establishing flood mitigation priorities and regulatory changes.

2. Submit a Notice of Interest to apply for Hazard Mitigation Grant Program funding for potential acquisition of additional flood-prone properties.

Additional discussion ensued regarding the benefits of doing an engineering analysis of the flood plain. Mr. Schainker explained that if the floodway line is changed after the study, it may create a “defacto prohibition” (i.e., any property that falls within the floodway would have limitations on the building of structures. He also noted that accomplishing the proposed next steps could take months, and in many cases, years, to complete.

City Manager Schainker advised that the City is just beginning to work with FEMA regarding public infrastructure damage. He noted that mitigation money is a possibility, which would allow the City to take action in attempts to “floodproof” its buildings, updating the warning system, etc.; however, no monies have been received as of this date. Council Member Davis asked to know the time frame on Hazard Mitigation Grant Program funding for potential acquisition of additional buy-outs. Ms. Baker-Latimer said that staff has been told that it could take up to one year; however, staff was encouraged to expedite the application. She is waiting for additional information as to the level of funding available. It was pointed out by City Manager Schainker that a possible future policy question related to buy-outs is the local match. He asked Ms. Baker-Latimer if it were possible to reallocate CDBG funds. Ms. Baker-Latimer answered that the request has been made, and the Director will respond to her later in the week. Mr. Schainker said, if approval is received, CDBG funds could be used for buy-outs; there would be a 15% local match required.

Mr. Schainker emphasized that it was important for the City to submit its Letter of Interest for the Hazard Mitigation Grant monies as soon as possible. Council Member Orazem asked if guidance from the City Council would be required. Ms. Baker-Latimer explained that staff will complete the application, and if it needs to be approved by the Council, it would be added to the next agenda. City Manager Schainker said that he did not believe anything would be binding on the City’s part just by submitting an application. Mr. Larson felt that it was important for the City to get the grant application filed as soon as possible.

At the inquiry of Council Member Larson, Ms. Baker-Latimer explained how buy-outs work in relationship to flood insurance proceeds. Mr. Schainker explained the dilemma that exists for some apartment property owners: since it might take up to a year to receive buy-out money, due to cash flow issues, some owners have taken FEMA money to refurbish the units enough to rent them. Council Member Davis asked if the income generated during the interim also counted. Mr. Schainker said that staff cannot answer that question at this time.

Mayor Campbell referenced a number of independent discussions regarding future flood prevention measures that had been occurring by individuals, groups, and businesses. She emphasized that no decisions had been made by the City and would not be until they had all the data.

Tam Lorenz, 311 S. Maple, Ames, said she was speaking in response to an article in the *Des Moines Register* shortly after the flood that proposed raising University Boulevard. She said that she was lucky when the flood flowed east on S. Fourth Street and turned south instead of north toward her home. Ms. Lorenz believes that there was a lot more water this time than in 1993. She



had no flood water in her basement in 1993, 2008, or 2010, and she would like to keep it that way. Admittedly, Ms. Lorenz said she was not an engineer, but the water has to go somewhere, and if it doesn't go towards Iowa State, she believes it will come through her neighborhood. Ms. Lorenz asked the Council to keep in mind that there are many single-family affordable houses in this area, which is "prime territory" for affordability. Mayor Campbell reiterated that solutions being suggested by some are "just that - suggestions;" there are no solutions currently on the table and won't be until the City has the data.

Omar de Kok-Mercado, 4118 Aplin Road, Ames, emphasized the importance of sustainable solutions when it comes to solving the floodplain problem, e.g., partnering with ISU for research opportunities north of Ames, studying the watershed by restoring riparian wetlands, and extensions on the widths of buffer zones. He urged the City to look at things that are environmentally beneficial and economically sound.

Paula Miller, 313 S. Hazel, Ames, explained how much her home and neighborhood mean to her. Ms. Miller said that if University Boulevard is raised as ISU is proposing, she will not only lose her home, but also her heritage, and subsequently, her son's heritage. She stated that she moved back to Ames because of the neighborhood and has no plans to leave her home.

Judith Lemish, 327 S. Maple, Ames, noted the number of attendees at this meeting who live just east of the University. She said that that area has established neighborhoods with long-time residents, who are very concerned. Ms. Lemish stated her preference that, when it comes to a study being done, neighborhoods be involved. She hopes that the City will communicate directly with the residents or the neighborhood representative.

Richard Patterson, 312 S. Hazel, Ames, asked how much farther the water would be pushed past the level where it was this time if a levee were constructed by Iowa State University. Mayor Campbell said that the construction of a levee is not on the Council's table; that is not being speculated at this time.

Clete Mercier, 305 Westbrook Lane, Ames, said that Clear Creek flows behind his property; however, his home was not flooded. He said that he had listened to others' concerns over the recent flood and those concerns need to be addressed; however, he believes that the City should be looking long-term. Mr. Mercier said that he firmly believes that there is global climate change and that 500-year floods will be occurring more often. He stated that to continue to allow building in the flood plain will just fill in that space. Mr. Mercier gave an analogy of filling a five-gallon bucket with water and then putting a brick in the bucket to show that the water rises and to support his feeling that raising the land three feet and allowing building there is not the answer. He reported that there is plenty of land around Ames that is not in the flood plain. Mr. Mercier suggested that the City re-think the location of some of the commercial and business areas, e.g., West Ames and recommended that staff review the City's zoning plan.

George Covert, 3000 Northridge Parkway, Ames, said that the problems that the property owners are having in Northridge are part of a larger picture; the deluge of water occurred throughout Ames. He does not consider the water problems in Northridge as a flood event because it didn't involve a river, flood plain, or a flood; however, it involves the City's storm sewer system.. Mr. Covert described some of the problems endured by 20+ homes after the deluge event. He believes that the problems being encountered by residents of Northridge Subdivision are the result of the failure of the City's storm sewer system to handle the rainfall. Mr. Covert reported that six

City Council meetings from 1993 - 1995 dealt with this issue and resulted in a 1994 City plan, which he believes has not been implemented. He said that he hopes that the 2010 and past floods will serve to motivate action on solutions to this long-standing and damaging problem.

Steve Marley, 1502 Meadowlane Avenue, Ames, said that, after living in his home for 44 years, he had a foot of water in his basement for the first time in the August flood. Mr. Marley believes that none of the flood mitigation programs instituted after the 1993 Flood worked. He noted the flood plain development since 1993 and believes that the building of Target, WalMart, and other businesses has affected the water levels around River Valley Park. Mr. Marley voiced his concerns about requests for additional development in the South Skunk Corridor and hoped that they would not be approved.

Audrey Marley, 1502 Meadowlane Avenue, Ames, asked how much had been done since the Study was completed after the 1993 Flood. She noted that unless the City follows through, nothing is gained. Ms. Marley said that 1993 was the first time that water ever came into her yard; in 1996, it was a little farther, and in 2010, it was higher. Ms. Marley expressed her concern that the flood waters will rise higher and overtake her house. She asked that the City take action to prevent flooding. She concurred with Mr. Marley that allowing infill on South Duff and buildings to be constructed is a contributing factor to flooding in Ames.

Kathy Gourley, 7331 Hyperion Point, Johnston, said that she grew up on Meadowlane Avenue. She said that she had spent most of the past month helping her parents recover from the August flood; they had never had any water in their basement before this event. Ms. Gourley said that the event was devastating and their recovery is far from over. She wished to make the City aware that other Iowa communities have taken more immediate steps and cited specifically actions taken by the City of Cedar Falls and the Flood Resource Center created by the state of Iowa at the University of Iowa. Ms. Gourley urged that the City not allow any more development in the flood plan and that it focus on flood prevention. She feels that the idea of elevating properties in the flood plain does not remove them from the flood plain.

Council Member Orazem asked for clarification as to whether the damage to the Marley's home was due to flooding or some other source of water in the basement, e.g., storm sewer back-up. Ms. Gourley advised that the sump pump was running, but could not keep up with the rise in the water table; the water table was higher than the basement floor. Mr. Orazem asked Ms. Gourley if she was saying that the water table rose because of allowing building on South Duff. Ms. Gourley confirmed that was what she was saying and said that the "more you restrict the water, it has to go someplace." According to Ms. Gourley, the water did not come directly from the river; it came up through the floor.

Allan Frandson, 54493 - 130<sup>th</sup> Street, Story City, stressed the disadvantages of Option No. 5: i.e., Reservoir 1 and Reservoir 2. He explained what happened when the water of the Skunk River was dammed. Mr. Frandson said when the water is dammed-up, the drainage tile gets plugged up quickly. He alleged that the cost would not only be \$36 million for the reservoirs, but there will be millions of dollars' worth of damages from plugged tile. Mr. Frandson also noted that if the dirt is too wet, farmers cannot get in their fields to plant. He stated that he highly supported all of the other options (except for building a dam on the Skunk River).

Hank Kohler, 1435 Arthur Drive, Ames, stated that he did not build his business in the flood plain; he purchased the building at 551 South Duff 27 years ago. They have gone through the

Flood of 1993, 2008, and 2010. Mr. Kohler said that he invested his own funds into building a flood wall in 1995, which meant he was not eligible for mitigation monies received by others in 1996. He stated that he, personally, would like to see his property turn into trees/bushes; however, his family has been involved financially in the business for 26 years and can't just walk away from it. Mr. Kohler addressed the comments of others' concerning raising property in the flood plain, e.g., WalMart, Target. He said that he has talked to engineers and looked at aerial photos, and once Ames is having a major flood event, the floodway (river itself) becomes immense, and compared to the immense area covered by water, the developed areas are very small. He refuted that it was like "dropping a brick in a bucket" and said it was more like "a pebble in a pond." The raising of the properties changed the floodway a very small amount once the floodway is that big. Mr. Kohler said many blame those businesses, but that is not it. It starts flooding because the area receives too much rain.

Erv Klaas, 1405 Grand, Ames, recalled that he had made a presentation in 2000 after the Flood of 1993 to the Council. At that time, he urged the City to have as wide a floodway as possible. The City was given an option at that time by Consultants Snyder & Associates for a 1/10th of a foot rise, and it chose to go for a more financially conservative approach of a foot, which allowed for the development of the Target store, Wal-Mart store, and other businesses to locate on South Duff. Mr. Klaas contended that if the City had adopted the 1/10th of a foot floodway, 27 structures would have had to be moved off of Duff Avenue, and the retailers in the area did not want that. Mr. Klaas said that the area is called a flood plain on South Duff for a reason; "it floods there." He also spoke about the ecological services that flood plains perform. Mr. Klaas alleged that flash flooding is being caused by piping put through the flood plains in order to pipe water directly into the streams. Mr. Klaas believes that the City has modified the landscape to such an extent that it is not getting the benefits of the flood plain's ecological services. When the property value losses are discussed, no one talks about the ecological services being lost. Mr. Klaas said he was not sure what the City could do now that development on South Duff has been allowed to such an extent. He noted that levees and dams up and down the Mississippi basin have not worked and urged the Council to let the flood plain be a flood plain.

An unidentified speaker who said he lived west of Story City said that he was one of the persons who fought hard against the dam being constructed in the River and gave an account of his experience. He contended that when New Highway 30 was built, they did not leave an opening large enough for water to go out; then another road was constructed north of that, which further trapped the water. Dirt was brought in and motels were built. The speaker recommended that the City open up Highway 30, get a wider spot, and open up the new road and allow water to get out.

Monte Parrish, 1511 Stone Brooke Road, Ames, said that he was one of those persons who put a lot of dirt in the floodway and built a hotel; so he is more in favor of legal building in the floodway fringe than most people. He noted that it's long enough between floods that everyone forgets the definition of floodway fringe and suggested that an educational program be done that presents information in a simple manner and makes analogies that can be easily understood. Mr. Parrish strongly recommended that the City Council consider ways to prevent floods giving two examples: (1) widen the Highway 30 bridge over the Skunk River and (2) look at less-invasive ways to "store" water.

An unidentified person who said she is a tenant at 221 S. Oak, Ames, said that she has a year of

disaster response experience and has researched floods. From her experience in Southern Mississippi where problems were caused by erosion of the coastline, she alleged that development significantly contributes to flooding. The speaker said that when there is a lot of concrete, natural ways to absorb water are sealed off.

Council Member Wacha said he feels an obligation to ensure that public comments are kept as accurate as possible. Noting that this is a very sensitive situation, he addressed a couple points made by Mr. and Mrs. Marley. Mr. Wacha clarified that WalMart does pay property taxes and sales taxes in Ames; it does not pay state taxes, however, because it is not an Iowa corporation. He also noted that the Marleys live upstream from South Duff, so building on South Duff in no way affects the water that they had in their basement.

Council Member Goodman noted that a lot of debate could happen tonight; however, the real goal of this meeting was that it is very important for the Council to have as much information as possible when making very important decisions. He noted that information presented to the City Council in the past is that building in the floodway fringe (which is different than the floodway), if it were built-out completely, would raise the water no more than one total foot. Mr. Goodman believes that Ames is just getting more water.

Alan Frandson again spoke asked if a new application for a study would be submitted. City Manager Schainker clarified that the application being discussed would be to apply to the state for buy-out money. Mr. Kindred said that City staff is recommending partnering with other entities to conduct of a new Flood Plain Management Study. Mr. Schainker said that staff would recommend using the results of the updated Study to base the City's decisions.

Council Member Orazem noted that the City Council will not take any action that is not based on scientific study. He advised that Iowa State University will be presenting a program on the science of meteorology, hydrology, geology, and engineering as it pertains to this particular floodplain on October 13.

Council Member Mahayni acknowledged that this issue is very complex, and it takes time to gather all the information needed. He pointed out that no action will be taken by this Council without public meetings first being held.

The meeting recessed at 9:24 p.m. and reconvened at 9:38 p.m.

**DEER RUN LANE:** Planning and Housing Director Steve Osguthorpe advised that the request is for a waiver of the City's subdivision standards. The site is east of North Dakota Avenue and west of Squaw Creek. The proposed division of land is a four-lot split of a ten-acre tract. The subject lot is approximately 11.83 with a single-family home. Since the applicant proposed to create more than three lots and since there is no infrastructure, a Preliminary Plat would be required. According to Mr. Osguthorpe, the lot lies within the Natural Area of the Ames Urban Fringe Plan, and that designation is intended to prevent development. The policies of the Natural Area recognize that residences may exist within the corridor, but establishment of new non-farm residential development is to be prohibited.

Charles Olson, 3853 Deer Run Lane, Ames, said that he and his wife intended to purchase a lot

from his neighbor. It is a large lot and they planned initially to just sell off one lot; however, have been informed that they would have to file for a major subdivision plat, so they decided to further subdivide Lot 5 to create three additional lots.

Council Member Orazem asked what could be done with the land within the Natural Area of the Ames Urban Fringe Plan. Director Osguthorpe said that the ideal would be that no further development occur in the Natural Area.

Director Osguthorpe told the Council that division of the land in question would be inconsistent with the Ames Urban Fringe Plan and with past practices of the City Council since the Plan was adopted. He said that the City Council could direct staff to change the Plan and the Urban Fringe Map.

It was inquired by Council Member Larson as to whether subdivision requirements would be necessary if there was only one additional lot created. He noted that the existing subdivision was established well before the adoption of the Ames Urban Fringe Plan. Director Osguthorpe said that the lack of infrastructure would trigger the need for the Major Subdivision process.

Council Member Mahayni noted that there are many large lots in this area, and the Council needs to be careful about setting a precedent by allowing development in the Natural Area.

Council Member Goodman recalled that the Urban Fringe Plan was a culmination of years' worth of discussions of many communities and their interests. The "no-build" areas were representative of goals that came from the communities' values. Mr. Goodman concurred with Mr. Mahayni, stating that a change now would not be respectful of those discussions. Council Member Wacha pointed that if the lot split were approved, the policies of the Urban Fringe Plan would need to be amended.

Moved by Mahayni, seconded by Goodman, to deny the request for waiver of subdivision regulations for Deer Run Lane.

Council Member Orazem said that he does have a problem with four lots being created, but not with two. He does not see the area in question as totally a Natural Area; development had occurred prior to the adoption of the Urban Fringe. Likewise, Council Member Davis said that it made sense to him to allow subdivision of this lot as the adjacent lots have already been subdivided. In that way, the lots would look consistent up to Deer Run. Council Member Orazem noted that the lot in question is very large. He would not be in favor of four lots being created, but thinks it makes sense to allow one additional lot.

Director Osguthorpe advised that if the issue were to be addressed through a text amendment, policy would be included in the Code; by doing so, staff would know what was acceptable if the issue arose again.

Vote on Motion: 3-3. Voting aye: Goodman, Mahayni, Wacha. Voting nay: Davis, Larson, Orazem. Motion failed.

Council Member Larson asked Director Osguthorpe to expound on the possibility of a text

amendment being adopted that would allow the subdivision of certain property. Director Osguthorpe said that staff could present alternative approaches to the City Council.

Moved by Larson, seconded by Davis, to direct staff to develop a text amendment that would look at the adjacent properties and the overall density requirements within the Urban Fringe and properties adjacent to the Natural Area to allow for the possibility of subdividing within that Area.

Council Member Mahayni thinks that if this area is changed in the Urban Fringe Plan, another study should be done as it has an effect on the remainder of the area as well as the other Natural Areas; it impacts more than just this lot. Mr. Larson did not feel that a study would be necessary, as the Natural Areas designation was placed in the Urban Fringe Plan long after the existing development was in place. Director Osguthorpe gave the history of how the locations for Natural Areas were determined in the Urban Fringe Plan.

Motion withdrawn by Council Member Larson.

Moved by Larson, seconded by Davis, to refer this back to staff to see what options are available to allow subdivision of the land in question and still preserve the Natural Area around it.

Vote on Motion: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

#### **REQUEST FROM RANDALL CORPORATION PERTAINING TO GRAND AVENUE**

**EXTENSION:** City Manager Schainker advised that the Randall Corporation made application to the City to further subdivide Grand Aspen Subdivision and the Aspen Ridge Subdivision. In order to approve the proposed subdivisions, the lots must have frontage on City street right-of-way. Mr. Schainker noted that over the years, the responsibilities detailed in the Developer's Agreement between the City and the Randall Corporation have been renegotiated many times in order to facilitate the development of property on both sides of the private driveway. Even though individual responsibilities have changed, the ultimate cost to each party has remained as originally proposed.

According to Mr. Schainker, the challenge facing City staff and the developer is a provision in the existing Developer's Agreement that does not require the City to accept ownership of the right-of-way for the proposed extension of Grand Avenue south through Coldwater Golf Course and Grand Aspen Subdivision to South 16<sup>th</sup> Street until the City has secured federal funding to build the project. Until that occurs, the developer may not construct any building or improvement on the easement area and no public road may be built. Without access of all the proposed lots to a public right-of-way, the subdivision cannot be approved. The developer is requesting that the City accept the road right-of-way and pave the section of the proposed Grand Avenue extension adjacent to Grand Aspen and Aspen Ridge Subdivisions as soon as possible. According to Mr. Schainker, the current estimate for this unbudgeted project is \$400,000.

Mr. Schainker presented the pros and cons of the developer's request. He emphasized that the developer is not asking the City to do anything that was not its responsibility as contained in the Developer's Agreement; however, timing of the public improvement would change.

It was stated by City Manager Schainker that staff had identified a strategy to accomplish the

street project without raising taxes or reducing fund balances. He explained that favorable bids for a number of capital improvement projects have resulted in savings in bond proceeds that could be redirected to this street project. He noted, however, that the savings identified from capital improvement projects to support the unbudgeted street project could be directed to another higher priority project of the City Council if this project were not done. According to Mr. Schainker, another option would be for the City to accept the right-of-way and allow the existing pavement to serve as the public road until federal funding is secured to construct the Grand Avenue extension.

It was also acknowledged by City Manager Schainker that the developer is requesting the Agreement be modified to allow for an additional curb cut for the Aspen Ridge Subdivision off of South 16<sup>th</sup> Street.

Matt Randall, 420 South 16<sup>th</sup> Street, Ames, said that he was extremely confident that the entire 15-acre parcel will be sold by mid- to late-year. He noted that the City has a desire to extend Grand Avenue in this area; however, that extension is not important to Randall Corporation, and it is not known whether Grand Avenue is ultimately going to be extended.

To Council Member Goodman, the key issues are the time frame, that the deal is not a tax-exempt deal, and that the terms of the widening be worked out. He would be comfortable directing staff to work out those issues with Randall Corporation and come back to the City Council.

Council Member Larson said that he would like to have some kind of financial consequence for the Randall Corporation if the deal did not occur within two years. Mr. Randall said that the Randall Corporation already invested thousands of dollars; it has done its part. City Manager Schainker noted that both parties had lived up to the responsibilities and obligations of the Agreement.

Moved by Goodman, seconded by Larson, to direct staff to work with the Randall Corporation on three key issues: (1) Time frame (that it happen quickly or within a reasonable period of time), (2) that the project not be tax-exempt, and (3) that widening of the street be part of it.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**INTERMODAL FACILITY AGREEMENT WITH FEDERAL TRANSIT ADMINISTRATION (FTA):** Transit Director Sheri Kyras advised that approval of the Intermodal Facility Agreement with the Federal Transit Administration is the last step in receiving the TIGER I funding award. The FTA Agreement is between the City of Ames, as the designated recipient of the federal TIGER funds, and the FTA. City Manager Schainker clarified that through this Agreement, the City will be financially responsible for the facility and, its operation. He advised that it will be necessary to address issues such as how possible deficits/surpluses from the facility's operation will be addressed as well as the procedures to dissolve the contract if it is determined that the arrangement is not beneficial to the City. Ms. Kyras advised that FTA's deadline for formal adoption of its Agreement is September 21, 2010, which does not allow for the completion of discussions and documents with Iowa State University prior to its approval by the City Council.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-449 approving the

Intermodal Facility Agreement with the Federal Transit Administration.

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

**REPORT ONE. 13<sup>TH</sup> STREET RESURFACING:** Public Works Director John Joiner advised that Story County is reconstructing E. 13<sup>th</sup> Street from 570<sup>th</sup> Avenue to 580<sup>th</sup> Avenue, but that leaves a section from I-35 to 570<sup>th</sup> Avenue, which is within the City limits, that is in very poor condition. He explained that the City has done only routine maintenance of that section in previous years because of its anticipated replacement when the Lifestyle Center is built. Mr. Joiner noted that the City has received numerous complaints about the condition of the road. City staff has identified a more lasting maintenance technique, which was explained by Director Joiner. The treatment is estimated to cost approximately \$160,000 for construction with engineering and administration projected to cost \$25,000. The treatment would add five to seven years to the life of the roadway.

City Manager Schainker noted that typically staff would not ask the Council to consider a project of this magnitude until it had been included in the budget. However, it is felt that more timely action is needed to ensure that the roadway is driveable. Mr. Schainker noted that savings from various capital improvement projects funded by General Obligation Bonds had been identified to cover the estimated \$185,000 for this project if Council so directs.

Moved by Mahayni, seconded by Orazem, to adopt RESOLUTION NO. 10-448 directing staff to perform a more lasting maintenance technique (asphalt stabilization of the existing pavement and overlaying it with four inches of asphalt) with the project being paid for with the savings from various capital improvement projects funded by General Obligation Bonds.

Council Member Wacha said that he has extreme difficulty approving E. 13<sup>th</sup> Street resurfacing at an estimated cost of \$185,000 knowing that it will be torn out and redone when the Lifestyle Center is constructed. He asked how much more the road would deteriorate if the project was postponed for one year. Mr. Joiner answered that the roadway greatly deteriorated over the past year. The road is in such bad shape, and he is not sure what else staff could do to even make it traversable. It was noted by Council Member Orazem that the project would not be started before next May; more may be known about the progress of the Wolford Lifestyle Center by then.

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

**RESPONSE TO ISSUANCE OF FINAL NPDES PERMIT:** Water and Pollution Control Director John Dunn gave the history of the NPDES Permit. He also noted that on August 10, 2010, a summary of six issues of significant concern with the Draft Permit had been presented to the Council. After receiving Council's concurrence, those six issues were raised to the IDNR in the form of public comments. The IDNR accepted the revisions requested by the City for only one of the six issues; the other five issues were not changed. The IDNR then marked the Permit as "final," making it a legally enforceable permit.

Director Dunn described the areas of concern over the five remaining permit elements. Staff is



recommending that the City file an Administrative Appeal with the Director of the IDNR. It must be filed no later than September 30, 2010. In addition, staff is recommending that the agreement with the outside consultant be continued to provide ongoing technical, regulatory, and legal advice and assistance. A total of \$5,183.61 has been spent to date on outside assistance during the public comment phase.

Moved by Mahayni, seconded by Goodman, authorizing staff to file an Administrative Appeal with the Director of the Iowa Department of Natural Resources.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-450 allocating additional funds in an amount not to exceed \$10,000 for continuation of outside consulting services regarding this issue.

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

### **IOWA LEAGUE OF CITIES V. US ENVIRONMENTAL PROTECTION AGENCY (EPA):**

City Attorney Marek explained that since 2005, the EPA has initiated a series of more restrictive rule interpretations regarding acceptable treatment plant designs that have placed otherwise compliance facilities in violation of their discharge permits. These new rule interpretations are forcing state regulatory agencies to dictate additional sewer system and treatment plant designs to address wet weather flows. The new requirements could expose the City to fines and enforcement of penalties of \$37,500/day. To avoid those, the City would likely need to construct additional flow equalization storage capacity and/or expand the hydraulic capacity of the Treatment Plant, which could range from \$30 million to more than \$50 million.

Mr. Marek advised that the Iowa League of Cities has recognized that the EPA's new rule interpretations are having a dramatic and unanticipated financial impact on Iowa cities and has initiated direct legal action. The Petition for Review that has been filed in the United States Court of Appeals for the 8<sup>th</sup> Circuit challenges the legal authority for the EPA advice that is causing the IDNR to hold cities to a higher standard than in the past. The League has retained the law firm of Hall & Associates as counsel for the litigation. It has requested that municipalities with a common interest in the outcome of this case share in the legal fees and expenses, asking that at least ten cities commit to sharing in the expenses in an amount not to exceed \$25,000/each. This amount could decrease if more cities or state leagues agree to participate.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-451 approving the Joint Litigation Agreement.

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

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-452 authorizing payment of a portion of the League of Cities legal fees to Hall & Associates, Washington, not to exceed \$25,000, to be allocated from the Sanitary Sewer Fund.

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

### **PROGRESS REPORT ON CITY ORGANIZATION GOAL OF SUSTAINABILITY:**

Mayor Campbell suggested that, due to the lateness of the hour, Item No. 43 be rescheduled until the next meeting.

Moved by Goodman, seconded by Davis, to direct that the progress report on the City organizational goal of sustainability (Item No. 43) be postponed to the Council meeting of September 28, 2010.

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

**HEARING ON POWER PLANT UNIT NO. 8 STACK REPAIR REPORT:** Mayor Campbell opened the public hearing. She closed same after no one requested to speak.

Moved by Mahayni, seconded by Wacha, to adopt RESOLUTION NO. 10-453 approving final plans and specifications and awarding a contract to Gerard Chimney Company of St. Louis, Missouri, in the amount of \$191,400.00, plus applicable sales taxes.

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

**HEARING ON VET MET SUBSTATION EXPANSION:** The public hearing was opened by the Mayor. No one came forward to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 10-454 approving final plans and specifications and awarding a contract to National Conductor Constructors of Brainerd, Minnesota, in the amount of \$1,220,639.54.

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

**ORDINANCE PERTAINING TO MUNICIPAL CODE CHAPTER 5 AND ENACTING SIGN REGULATIONS AS SEPARATE CHAPTER 21:** Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance pertaining to the 2009 International Building Code with local amendments (*Municipal Code Chapter 5*) and enacting sign regulations as a separate Chapter 21.

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

**ORDINANCE PERTAINING TO MUNICIPAL CODE CHAPTER 8:** Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance pertaining to the 2009 International Fire Code with local amendments (*Municipal Code Chapter 8*).

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

**OUTDOOR LIGHTING ORDINANCE:** Moved by Davis, seconded by Goodman, to pass on second reading a text amendment to the Outdoor Lighting Ordinance.

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

**ORDINANCE CONCERNING GOVERNING OF PUBLIC LIBRARY AND CLARIFYING PROCEDURES FOR REMOVAL OF LIBRARY EMPLOYEES:** Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance concerning governing of the public library and clarifying procedures for removal of Library employees.

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

**ORDINANCE ESABLISHING “NO PARKING” REGULATION ON JENSEN AVENUE:**

Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4043 establishing a “No Parking” regulation along the west side of Jensen Avenue from 20<sup>th</sup> Street to 24<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.

**COUNCIL COMMENTS:** Council Member Orazem stated his opinion that it is very important for the public to avoid blaming people for the flood, especially uninformed opinions of that sort. He does not think that is what Ames is about. Mr. Orazem recognizes that there are problems, and the community needs to face those problems. He felt that some of the discussion from citizens tonight was inappropriate, and he suggested that the community learn from the past and move forward to study the issues and come up with good solutions. Mr. Orazem reiterated that there will be opportunities for the public to get additional information and ask questions of scientists concerning this issue; those will be held at West Towne Pub on September 22 and at Iowa State University on October 13. Mayor Campbell clarified that those meetings are being sponsored by Iowa State University, and not by the City.

Referencing questions raised about property tax statements received by Ames residents, Council Member Orazem specifically noted that Story County Treasurer Dave Jamison had sent a clarification. Mr. Jamison’s memo stated that tax statements pertaining to 17,172 parcels had gone out with the correct amount of the tax, but an incorrect history being listed. Council Member Orazem thought it would be helpful if the memo from Mr. Jamison could be put on the City’s web site.

Council Member Goodman acknowledged receiving a letter dated September 6, 2010, regarding Adult Lap Time at the Furman Aquatic Center. Mr. Goodman believes that Parks & Recreation Director Nancy Carroll will respond to the letter, and requested that a copy of staff’s response be sent to the City Council.

Moved by Mahayni, seconded by Davis, to refer to staff the letter from William C. Black and Maria E. Blanco dated September 3, 2010, requesting a waiver of the infrastructure requirements for property adjacent to 193<sup>rd</sup> Street.

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

Council Member Mahayni also voiced his concerns over some of the public comments made during tonight’s discussion on the 2010 Flood. He pointed out that there are rumor mills that are based on misinformation, and noted that the Council needs to be careful about dealing with that type of information.

Council Member Larson asked if the 13<sup>th</sup> Street (Ontario west of Stange) project will be finished prior to the end of this year’s construction season. He noted that it did not appear that there were many crews working at that site, and there is quite a bit of work remaining to be finished. Director Joiner stated that that project was mainly funded through Service Transportation Funds, which are federal funds administered through the Department of Transportation (DOT). For that reason, the project needs to be developed and administered following DOT regulations. Under those regulations, there are “working days” established, rather than establishing a completion date that has to be met by the contractor. Mr. Joiner explained that “working days” are the number

of “good weather” days that can be used to control the operation. On this project, all working days have been used up, and the project was to be finished by the end of August. It is estimated that there are four to five weeks of work left to be done. It is anticipated that it will be completed by mid- or late-October. The prime contractor has told the City that the paving operation will begin by the end of September. Since the contractor has exceeded the number of working days allowed, it is being fined \$400/day for each good weather day that the project is not finished.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 11:25 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor