

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 26, 2011

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on April 26, 2011, 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.

PROCLAMATION FOR ARBOR DAY: Mayor Campbell proclaimed April 29, 2011, as Arbor Day. Accepting the Proclamation were Dianne Brotherson, Dave Brotherson, Bob Schumer, Bill LaGrange, and Pam Helfer.

PROCLAMATION FOR NATIONAL PRESERVATION MONTH: May 2011 was proclaimed National Preservation Month by the Mayor. Sharon Wirth, member of the Ames Historic Preservation Commission, accepted the Proclamation.

PROCLAMATION FOR PUBLIC SERVICE RECOGNITION WEEK: May 1 - 7, 2011, was proclaimed as Public Service Recognition Week by Mayor Campbell. Arliss Stockdale, Bill LaGrange, Bill Mengeling, Janice Miller, and Randall Cutlip accepted the Proclamation.

PROCLAMATION FOR YOUTH & SHELTER SERVICES MONTH: Mayor Campbell proclaimed June 2011 as Youth & Shelter Services Month. The Proclamation was accepted by Brian Eslinger, George Belitsos, Austin Wooden, Monica Porter, Roberta Malinsky, and Jan Beran on behalf of Youth and Shelter Services of Ames.

PRESENTATION OF CITY'S NEW WEB SITE: Public Relations Officer Susan Gwiasda and Information Technology Director Stan Davis demonstrated the City's new Web site.

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

1. Motion approving payment of claims
2. Motion approving Minutes of the Regular Meeting of April 12, 2011
3. Motion approving Report of Contract Change Orders for April 1-15, 2011
4. Motion approving Report on Ames Municipal Utility Plan from Utility Retirement Advisory Board
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor w/Outdoor Service – Perfect Games, 1320 Dickinson Avenue
 - b. Class C Beer – Swift Stop #2, 3406 Lincoln Way
 - c. Special Class C Liquor – Great Plains Sauce & Dough, 129 Main Street
6. RESOLUTION NO. 11-176 approving appointment of *ex officio* student liaison to City Council
7. RESOLUTION NO. 11-177 confirming appointments of Government of the Student Body Senator Anna Fox and Representative Arjay Vander Velden to the Ames Transit Agency Board of Trustees
8. RESOLUTION NO. 11-178 approving Investment Report for quarter ending March 31, 2011
9. RESOLUTION NO. 11-179 authorizing the call of outstanding bonds and the issuance of General Obligation Refunding Bonds, Series 2011A, and providing for the levy of taxes to pay the same
10. RESOLUTION NO. 11-180 approving Forgivable Loan Agreement with Boehringer Ingelheim Vetmedica, Inc., in the amount of \$61,000 as local match for Iowa Department of Economic Development assistance
11. RESOLUTION NO. 11-181 approving contract with certified public accounting firm to conduct audit services for Fiscal Years ending June 30, 2011, and June 30, 2012
12. RESOLUTION NO. 11-182 approving extension of Agreement with Habitat for Humanity for

13. Campustown Clean-Up Event on April 30 (new date):
 - a. RESOLUTION NO. 11-183 approving closure of Chamberlain Lot Y from 9:00 a.m. to 6:00 p.m.
 - b. RESOLUTION NO. 11-184 approving waiver of parking meter fees and enforcement for Chamberlain Lot Y from 9:00 a.m. to 6:00 p.m.
14. Fleet Tractor and Tank Wagon:
 - a. RESOLUTION NO. 11-185 awarding contract to Vetter Equipment of Nevada, Iowa, in the amount of \$179,500 for one Case-IH Magnum 315 Tractor
 - b. RESOLUTION NO. 11-186 awarding contract to Neese, Inc., of Grand Junction, Iowa, in the amount of \$81,090 for one Nuhn Tank Wagon with a Solids Injector System
15. RESOLUTION NO. 11-187 awarding contract to Entek Systems, Inc., of Sautee, Georgia, in the amount of \$132,060 for Digital Control Unit Switches
16. RESOLUTION NO. 11-188 approving renewal of Agreement with Wellmark BCBS of Iowa for administrative services, specific and aggregate excess coverage, and network access for health benefits
17. RESOLUTION NO. 11-189 approving renewal of Administrative Services Agreement with Delta Dental of Iowa for dental benefits
18. RESOLUTION NO. 11-190 approving renewal of contract with QualityOne Commercial Cleaning in the amount of \$5,500 per month for 2011/12 Custodial Services for City Hall/Community Center
19. RESOLUTION NO. 11-191 approving renewal of contract with Waste Management of Ames, Iowa, in the amount of \$.3915 per mile per ton for Hauling and Related Services to Boone County Landfill for Resource Recovery Plant
20. RESOLUTION NO. 11-192 awarding contract to Waste Management of Ames, Iowa, in the amount of \$.1236 per mile per ton for Hauling Ferrous Metals for Resource Recovery Plant
21. RESOLUTION NO. 11-193 approving renewal of contract with Bodine Services of Clinton, LLC, of Clinton, Iowa, in the amount of \$49,500 for Specialized Wet/Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant
22. RESOLUTION NO. 11-194 approving Contract Change Orders for Engineering services for Coal Handling Fire Protection Project for Power Plant
23. RESOLUTION NO. 11-195 approving preliminary plans and specifications for East 13th Street Project (I-35 Ramps to 570th Street); setting May 18, 2011, as bid due date and May 24, 2011, as date of public hearing
24. RESOLUTION NO. 11-196 approving preliminary plans and specifications for Substation Control Panel Installations; setting May 25, 2011, as bid due date and June 14, 2011, as date of public hearing
25. RESOLUTION NO. 11-197 approving contract and bond for 2011/12 Water System Improvements (Water Service Transfers)
26. RESOLUTION NO. 11-198 approving Plat of Survey for 712 and 718 Duff Avenue
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Ex officio Member Finseth was seated at the dais. Mr. Finseth advised that he is a senior at Iowa State University, majority in Aerospace Engineering.

PUBLIC FORUM: No one came forward to speak, and the Mayor closed Public Forum.

NEW LIQUOR LICENSES FOR DAHL'S FOODS: Moved by Orazem, seconded by Davis, to approve new Class E Liquor, C Beer, and B Wine Licenses for Dahl's Foods, 3121 Grand Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

NEW 6-MONTH LICENSE FOR AMES JAYCEES: Moved by Goodman, seconded by Davis, to approve a new 6-month Class B Beer Permit & Outdoor Service for Ames Jaycees at Bandshell Park. Vote on Motion: 6-0. Motion declared carried unanimously.

OUTDOOR SERVICE PRIVILEGE FOR BLACK MARKET PIZZA: Moved by Davis, seconded by Orazem, to approve an Outdoor Service Privilege for Black Market Pizza, 2610 Northridge Parkway. Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON NUISANCE ASSESSMENTS: Mayor Campbell opened the public hearing. No one wished to speak, and the Mayor closed the hearing.

Moved by Mahayni, seconded by Orazem, to adopt RESOLUTION NO. 11-199 assessing the costs of snow/ice removal and certifying assessments to the Story County Treasurer. 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 PERMIT "VETERINARY OFFICES" IN VILLAGE RESIDENTIAL ZONING DISTRICTS: Planning and Housing Director Steve Osguthorpe described the request of Chuck Winkleblack, one of the Somerset developers, to allow a veterinary clinic for small animals (with kennels specifically excluded) as a permitted use in Somerset. Mr. Osguthorpe advised that the table that defines the permitted uses in Somerset does not currently include veterinary clinics. He said that the reason only small animals would be allowed is because Somerset is not designed like a typical commercial zone with space for loading and unloading large animals.

Council Member Goodman asked why there was not a distinction made between indoor or outdoor kenneling. He felt that indoor kenneling would not create any more of an issue than a veterinary clinic in general. Mr. Osguthorpe said that the applicant did not request permission to kennel animals, and staff did not analyze that use.

The public hearing was opened by Mayor Campbell.

Chuck Winkleblack, 105 S. 16th Street, Ames, stated that the veterinary tenant has no intention of kenneling, whether it be indoor or outdoor. He advised that there would be occasional overnight stays for animals after procedures were performed.

Council Member Orazem asked if uses were construed to be prohibited if they were not specifically listed as being allowed. Director Osguthorpe explained that if a use is specifically "called out" in one zone, but not in others, it is interpreted as not being allowed in the zones where it is not specifically listed.

Council Member Larson said that he did not see any reason not to allow pet grooming and

kenneling at this point, rather than have to go through the process of passing another text amendment if a request for such services were made.

Council Member Davis concurred with Council Members Goodman and Larson, pointing out that the veterinarian currently desiring to open the clinic may leave at some point and another veterinarian could locate there and want to offer those types of services.

Mr. Winkleblack also related his desire that the nine commercial codes be simplified. At present, he feels that they are very confusing, not only to applicants, but also to City staff.

There being no one else wishing to speak, the public hearing was closed.

Moved by Goodman, seconded by Larson, to add “indoor kenneling for small animals” in the use table.

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

Moved by Goodman, seconded by Davis, to pass on first reading an ordinance to permit “veterinary offices -- small animal exclusive – and including indoor kenneling in the Commercial Center of Village Residential zoning districts.

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

HEARING ON VACATING EASEMENTS ON PROPERTY LOCALLY KNOWN AS THE GREEN HILLS COMMUNITY: The Mayor opened the public hearing. After no one came forward to speak, the Mayor closed the hearing.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-200 vacating easements. 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 Davis, to adopt RESOLUTION NO. 11-201 accepting new easements.

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 Davis, to adopt RESOLUTION NO. 11-202 approving the Plat of Survey for 2200 Hamilton Drive.

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

ORDINANCE REVISING THE RENTAL HOUSING CODE: Fire Chief Petersen noted that at issue was the second revision to the Rental Housing Code that has been presented to the City Council over the past two years. The City had heard from a variety of different affected customers throughout the process.

Assistant City Attorney Parks described the process followed by staff to retain or change specific Code sections. The Council’s attention was directed to the minutes of the meetings where it had

made those decisions. The result was the proposed Ordinance that includes 13 substantive sections, penalty provisions, and publication provisions. Ms. Parks advised that she had presented the proposed Ordinance to the Ames Rental Association.

Gloria Betcher, 531 Hayward Avenue, Ames, the Co-President of the South Campus Area Neighborhood (SCAN) Association conveyed that the SCAN completely supports the proposed Rental Housing Code.

Lad Grove, 218 SE 16th Street, Ames, representing the Ames Rental Association, thanked the Mayor and City Council, City Manager Schainker, Assistant City Manager Kindred, City Attorney Marek, Assistant City Attorney Parks, and the Inspections Division staff for all their efforts in revising the Rental Housing Code. Mr. Grove noted that the ARA's attorney had gone on record (via a letter) that they did not agree with the City Attorney regarding the replacement of S-traps; however, the ARA is in agreement that the version of Chapter 13 should be passed in the form that it is being presented at this meeting.

Council Member Wacha asked for clarification of the ARA's position, specifically if it had changed since the Council had received the letter from Attorney Brian Torresi. Mr. Grove advised that the purpose of Mr. Torresi's letter was to go on record that the ARA does not agree that S-traps are dangerous and need to be replaced. However, the ARA is not going to continue the debate pertaining to that issue and is in favor of the amendments to the Ordinance as it is being presented.

Council Member Mahayni quoted the last paragraph of Attorney Brian Torresi's letter. Mr. Mahayni felt that it was threatening that if the Ordinance is passed, "...the ARA will pursue any and all available legal remedies to challenge the proposed Ordinance on constitutional and other grounds..." He specifically asked Mr. Grove if that had changed as well. Mr. Grove advised that he was not retracting anything that Mr. Torresi had said in his letter. He noted that City Attorney Marek had responded to the letter, and it is now a legal question that needs to be sorted out. The proposed Ordinance will allow for S-traps to continue for a period of five years, and during that period, it is hoped that the matter can be "peacefully resolved."

Mr. Mahayni noted his disapproval with the tone and implications of Attorney Torresi's letter, which he found to be quite alarming, especially after a time investment of over two years and after the issue being raised already having been dealt with during the past eight months. He specifically cautioned about attempting to influence public decisions through threats.

Mr. Grove noted that it is a matter of differing legal opinions between two lawyers regarding what is the status of the law pertaining to the issue. He again noted that the ARA was not going to ask the City staff to continue to debate that issue, but leave it up to the two attorneys to resolve.

Mr. Goodman said he assumed that the ARA approved its attorney's letter, which to him meant that the ARA decided, after working with staff and the Council for over a year and a half, to threaten a lawsuit because it did not agree with one issue in the Ordinance. In Mr. Goodman's opinion, it discredits the ARA in general and makes Mr. Grove's comments of appreciation disingenuous.

Council Member Wacha said that he sees Mr. Torresi's letter as "leaving the door open" for future

legal action if the ARA does not get its way on one issue of many. He conveyed that he had interpreted the letter in the same way as Council Members Mahayni and Goodman. Mr. Grove said that his remarks to the Council were not disingenuous. He repeated that the ARA did appreciate all of the efforts put forth in this process, and it is just a matter that the ARA does not agree that all S-traps need to be removed.

Council Member Orazem acknowledged the efforts and hard work of the Rental Property Maintenance Appeals Board and thanked those members.

Moved by Mahayni, seconded by Goodman, to pass on first reading an ordinance revising the Rental Housing Code.

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

RENTAL HOUSING INSPECTION FEES: Mike Frisk, 2425 Kingston Drive, Ames, identified himself as a co-owner of First Property Management and a new ARA Board member. Mr. Frisk stated his concerns over the proposed Resolution, as follows:

1. Paragraph F, listing a charge a fee of \$52/dwelling for inspections made at the special request of the owner, realtor, or potential buyer of a property.

Mr. Frisk advised that he had been selling real estate for over ten years and managing property for 17 years. He noted that he had never had to pay anything for a special inspection and inquired if this was a new fee. According to Mr. Frisk, there are a lot of real estate transactions that rely on Letters of Compliance. Realtors/brokers routinely advise their clients to get an inspection before purchasing the property, and in the past, City staff has performed those inspections. Mr. Frisk said he believed the fee to be \$52/unit, so a pre-inspection for a ten-plex would result in a \$520 fee. He pointed out that rental property owners already pay for an annual inspection, and the fee listed would be three times as much per unit.

Chief Petersen responded that, typically, the first inspection is performed at no charge. If there was an additional inspection outside of that requested, there would be an option to assess a fee for that additional inspection; that option has been in existence for many years. He also pointed out that the new Code no longer requires an inspection at the time of an ownership change. Mr. Frisk noted that he understood that, however, when the property is sold, typically the realtor or potential buyer would want to have the property inspected. If there are issues, they should be dealt with at the time of closing. Chief Petersen advised that the Letter of Compliance would transfer to a new owner without an additional fee being charged. He also said that he does not know of any cases where the City had charged a special fee per unit for a ten-plex. According to Chief Petersen, when the City has conducted second or third inspections, a one-time fee has been charged. The most-common occurrence of that fee is for a pre-sale situation where there has not been a transfer and it is a potential sale. Those inspections are being done for the convenience of a potential buyer. The fee was implemented years ago to that the City did not become a “pre-sale inspection service.”

Council Member Larson pointed out that there are businesses who do provide that type of inspection service to potential buyers. If the City were to perform the inspection, it obviously costs the City to do it.

2. Condominiums fee per unit. Mr. Frisk noted that the annual registration dues for condominiums are \$24.30; however, for apartment buildings over 16 units, it is \$16.83. He does not believe it is fair to charge condominiums more than regular apartments. According to Mr. Frisk, even though it is considered a condominium, there is one Letter of Compliance for the building. He contended that, because the condominiums are usually newer buildings, the inspections are easier and quicker.

Council Member Larson noted that it was the property owners' choice to designate a commercial property (i.e., apartments) as a condominium, and because of that decision, they receive the advantage of a residential tax rate rather than a commercial rate. Council Member Wacha said Mr. Frisk had chosen to take advantage of a legal loop-hole that is costing the taxpayers of Ames thousands of dollars. He doesn't believe the complaint of an additional \$3 inspection charge is a valid issue.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-203 approving rental housing inspection fees for 2010/11.

Council Member Larson referenced his motion at the April 12, 2011, Council meeting regarding the fee structure for next year as it relates to the frequency of inspections. He clarified that the rental registration fees being approved at this meeting are actually for Fiscal Year 2010/11.

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

AIRPORT PRIVATE FUEL REQUEST: Traffic Engineer Damion Pregitzer stated that a letter from Brian Aukes requesting that he be allowed to install a private, 1,000-gallon above-ground storage tank for aviation fuel on his leased land area at the Ames Municipal Airport had been referred by the City Council on April 19, 2011. In the letter, Mr. Aukes stated that the intent of his request was solely for private use; his fuel would not be used by or sold to other Airport users. Mr. Pregitzer referenced guidance provided by the Federal Aviation Administration (FAA) concerning fuel standards and procedures for storage. It was noted that the FAA's guidelines would constitute the minimum standards. The FAA also recommended that any operator of a private fuel storage tank be required to take approved safety training. Mr. Pregitzer advised that if the City Council were to approve Mr. Aukes' request, staff would require specific safety training.

At the inquiry of Council Member Goodman, Mr. Pregitzer explained that the City's agreement with the Fixed Base Operator (FBO), which is currently Hap's Air Service, includes the right to make income from fuel sales from the underground storage tanks owned by the City. Explanation of the flowage fee required to be paid to the City was given. It was specifically noted by Mr. Pregitzer that, if Mr. Aukes' request is granted, the fuel pumped from his tank would be subject to the flowage fee requirement; therefore, still serving as a source of income. It was pointed out that, from discussions with the current Airport users, they do not currently purchase fuel from the FBO, nor do they plan to do so in the future. Additionally, if a change is made to allow private fuel storage for private use only, it would only apply to those users who lease land and facilities at the Airport.

It was reported that the City had previously received requests for private fuel storage (in 1999 and 2000), which had been denied due to several factors, but mainly because of safety concerns. Mr.

Pregitzer explained that changes have occurred that would support this request. He explained that the economics of general aviation airports have been put under additional strain along with the rest of the nation's economy. Also, the standards and regulations governing fuel storage have been created to make this change feasible for airports and their users.

Mr. Pregitzer noted that the current FBO was present at this meeting.

Moved by Davis, seconded by Mahayni, to direct staff to prepare modifications to Mr. Aukes' lease agreement to allow for a self-fueling station subject to specific safety standards, as recommended by staff.

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

SIDEWALK SNOW REMOVAL PRIORITY AREA: Public Works Director John Joiner stated that this report is in response to the Council's request, made on June 22, 2010, that staff establish a pilot area for proactive enforcement of property owners removing snow from their sidewalks. The pilot area was Ash Avenue to South Sheldon Avenue and Hayward Avenue from Chamberlain Street to Storm Street. Mr. Joiner explained that the proactive enforcement effort meant that staff would visually inspect the pilot area once other snow operations were complete (typically two to three days after the snow began). If staff identified a sidewalk that had not been cleared, staff was to post a notice on the front door of the property notifying the owner that he or she had 24 hours to remove the snow/ice. If that was not done within the 24-hour period, the City then hired a contractor to remove the snow and assessed the property owner for the actual cost billed from the contractor plus a \$50 administrative fee.

Mr. Joiner advised that during the 2010/11 Winter, 235 notices were issued to 214 properties. In total for 2010/11, 43 parcels were billed for snow removal, which included 15 in the priority area. That equates to 38% of the notices that were posted in the priority area having to be followed up with the City's contractor. In comparison, 559 notices were issued to 385 properties in 2009/10. It was reported by Mr. Joiner that interns were not used in 2010/11 due to difficulty in coordinating schedules; the interns are part-time temporary employees. This meant that more permanent staff had to be devoted to this effort than first estimated. Mr. Joiner also noted that, because of the different type of winter experienced during 2010/11, it was difficult for staff to determine the effectiveness of the pilot program. There were 30% fewer events last winter with 60% less volume of snow. The data do indicate that a higher rate of City-initiated snow removal was required after initial notification in the pilot area (38%) than for the remainder of the City (15%).

Council Member Goodman conveyed that he was not ready to broaden the area. He would like to get more feedback from staff; more data are required. It appears that the procedure is effective in high-pedestrian area. Council Member Davis said that he would like to continue the "test" for one more year.

Moved by Goodman, seconded by Larson, to extend the pilot program in the same area for one more year.

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

AMENDMENTS TO CHAPTER 31 OF THE MUNICIPAL CODE (HISTORIC

PRESERVATION DISTRICTS): Planning and Housing Director Osguthorpe recalled that the City Council had requested, as part of its 2011/12 budget deliberations, that staff provide a draft of the scope of work for making revisions to Chapter 31 of the *Municipal Code*, which pertains to historic district design standards, before it committed any funding. This project was cited as one of the top priorities in the Planning and Housing Department's Work Program. It is expected that the revisions to Chapter 31 will address the problems experienced with the current Ordinance and provide insight into the appropriate use of alternative materials for structures located in local

historic districts or designated as landmarks. Mr. Osguthorpe requested that the City Council determine if the following two policy changes are still supported.

1. Design Guidelines for alterations to existing garages and restrictions on the demolition of existing garages.

According to Mr. Osguthorpe, presently, the alteration and demolition of existing garages in local historic districts is not regulated by Chapter 31; only the construction of new garages is regulated by the current standards.

2. Design Guidelines for landscape features on properties designated as local historic landmarks or included within a local historic district.

Mr. Osguthorpe advised that landscape features are not regulated by the current Design Guidelines.

It was noted by Mr. Osguthorpe that the Design Guidelines for commercial properties would be drafted by a consultant, which would allow for the future establishment of a local historic district for Downtown or Campustown if the City Council would want that in the future. The adopted Historic Preservation Plan already supports those Guidelines.

Mr. Osguthorpe explained that the primary expense for the revision to Chapter 31, other than the hours of staff time, is the hiring of a consultant with the expertise to produce revised design guidelines that will make use of appropriate 21st Century building techniques and technologies. He outlined the total costs, which equate to \$60,000, as follows: consultant, \$30,000; cash contribution for the grant match, \$20,000; and in-kind contribution for the grant match, \$10,000.

Council Member Wacha asked if there was a plan if the Iowa Historic Resource Development Program (HRDP) grant was not approved. Mr. Osguthorpe answered that staff would have to come back to Council with a recommendation on how to fund the Program.

Gloria Betcher, 531 Hayward Avenue, Ames, stated that her terms on the Ames Historic Preservation Commission had concluded, and as such, she was not speaking on the Commission's behalf. Ms. Betcher advised that she was the one who had worked with the Planning & Housing Department on developing the Scope of Work. She noted that she had a different interpretation than staff had included in its Council Action Form regarding the garages. Her recollection was that it was requested, in the Scope of Work, for an assessment to be made by the consultant, "to assess the impact of making the local historic district resource classifications consistent with the National Park Service resource classification." Ms. Betcher said that meant that garages would come into the equation, and if it were determined that garages would not have a negative impact on the

existing historic districts, design guidelines for those garages would be needed. She felt that it would perhaps be more of a function of the order in which the objectives appear, i.e., developing the design guidelines for garages appears before the assessment of the impact. Council Member Davis asked for clarification as to whether Item 2C in the Scope of Work should be a subset of 2E. Ms. Betcher affirmed that it should be; it wasn't necessarily the intent to regulate garages, but to assess their impact.

Ms. Betcher related the discussions at multiple meetings over landscaping at the Mary Adams property. She said if they had had landscape guidelines in Chapter 31, there would have been a baseline from which to work, and it would not have taken so long to determine that what was important was the slope of the property. It is not meant to be overly restrictive, and the consultant would make the determination as to whether the City is being too restrictive as to how the guidelines are applied. Ms. Betcher specified that it would only pertain to landscapes that are deemed integral to the properties.

The Mayor noted that that the grant application to the State Historical Society must be postmarked by May 16, 2011. City staff in the Planning and Housing Department would be responsible to prepare and submit the HRDP grant.

Director Osguthorpe noted that after receiving the analysis and recommendations from the consultant, decisions will need to be made on how and when the design guidelines will be applied. City Manager Schainker said that staff wanted to know of any topics in the Scope of Services that the Council members did not want included. However, even if the topic is included in the Scope, the Council still will have an opportunity to discuss it, modify it, or exclude it.

Council Member Wacha stated that he did not have any desire to regulate landscapes. Council Member Orazem concurred, stating that he did not want to second-guess people's landscaping. Council Member Larson preferred that the consultant address landscaping features and advise what is important, such as topography or slope, for that particular area. Council Member Goodman agreed with Mr. Larson, saying that the landscaping might be the only piece that is historic; thus, he would like to have landscaping features included in case they were significant to the property. Council Member Davis said he would like to see what the consultant recommends first. He is apprehensive of the Council adopting any of the recommendations that might have unintended consequences, which would necessitate amendments to the ordinance. It was stated by Council Member Goodman that, at the next phase of this project, the Council will need to be very discriminating; however, the first step is to get the information to work with from the consultant.

Moved by Mahayni, seconded by Larson, to direct that staff prepare and submit an HRDP grant for \$30,000.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION 11-204 to approve \$20,000 from the 2010/11 Council Contingency for the local cash match for the Grant and an in-kind commitment of \$10,000.

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

Moved by Larson, seconded by Goodman, to approve the consultant's Scope of Services for

preparation of revisions to *Municipal Code* Chapter 31, as presented by staff.

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

ORDINANCE TO INCREASE STORM WATER RATES: Moved by Mahayni, seconded by Goodman, to pass on first reading an ordinance to increase storm water rates by \$.45/month/customer.

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

ORDINANCE REZONING PROPERTY WITHIN 100-200 BLOCK OF KELLOGG AVENUE CORRIDOR: Moved by Goodman, seconded by Wacha, to pass on second reading an ordinance rezoning property within 100-200 Block of Kellogg Avenue Corridor from Highway-Oriented Commercial (HOC) to Downtown Service Center (DSC).

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

ORDINANCE TO INCREASE WATER AND SEWER RATES: Moved by Mahayni, seconded by Goodman, to pass on second reading an ordinance to increase water rates by 8% and sewer rates by 10%, effective June 1, 2011.

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

ORDINANCE TO PERMIT PLACEMENT OF SIDEWALK SANDWICH BOARDS: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance to permit placement of sidewalk sandwich boards in the Downtown Service Center.

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

ORDINANCE PERTAINING TO F-PRD ZONE: Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4060 adding F-PRD Zone to list of zones where remote parking is allowed, reduce minimum parking requirements for nursing homes and assisted-living facilities, and add group living and assisted-living facilities as permitted uses in F-PRD Zone.

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

ORDINANCE AMENDING SUBDIVISION REGULATIONS RELATED TO PLATS OF SURVEY: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4061 amending subdivision regulations related to Plats of Survey.

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 Larson, seconded by Davis, to refer to staff the letter from Campustown Action Association, specifically requesting that the City Council conduct a special meeting to consider activities to occur during Summerfest to be held in Campustown on June 11.

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

Council Member Wacha reported that he had had a meeting with neighbors regarding the McFarland Clinic plans to expand after that request was referred to staff. He advised that a lot of questions came out of that meeting. According to Mr. Wacha, City Manager Schainker had advised him that it would be the best use of staff's time if all Council members would think about the questions they have related to that topic and bring them up during Council comments at the next meeting so that they could be included in the staff report. Council Member Goodman asked Mr. Wacha to make the

questions available to the Mayor and other City Council members.

Moved by Orazem, seconded by Larson, to request staff to prepare a report on the requests of the Jerry and Judith Ann Smith, who were asking for a Land Use Policy Plan Map change for their properties located at 118, 120, and 122 E. 13th Street from One- and Two-Family Medium-Density Residential to Hospital-Medical.

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

Moved by Mahayni, seconded by Goodman, to refer to staff the request of Herbert and Margaret Strasser to be allowed to have an electric fence in their yard for deer control.

Director Osguthorpe recalled that a recent update to the *Code* addressed certain types of fences; . electric fences are prohibited.

Council Member Wacha stated that, after reading through the Strasser's letter, he did not think a case was made to allow an electric fence. He noted that the picture accompanying the request showed a sidewalk a few feet from the electric fence. Mr. Wacha advised that he would not be supporting the motion because he does not think that would be safe.

Vote on Motion: 2-4. Voting aye: Goodman, Mahayni. Voting nay: Davis, Larson, Orazem, Wacha. Motion failed.

CLOSED SESSION: Moved by Davis, seconded by Wacha, to hold a Closed Session as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining.

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

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 11-205 ratifying the contract with IAFF (Firefighters).

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 Orazem, to adopt RESOLUTION NO. 11-206 ratifying the contract with IBEW (Electrical Workers).

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 9:27 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor