

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 9, 2011

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on August 9, 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. *Ex officio* Member Finseth was also present.

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

1. Motion approving payment of claims
 2. Motion approving Minutes of Regular Meeting of July 26, 2011
 3. Motion approving Report of Contract Change Orders for July 15-31, 2011
 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 Liquor & Outdoor Service – Olde Main Brewing Co., 316 Main Street
 - b. Class C Liquor – El Azteca, 1520 S. Dayton Avenue
 - c. Class C Liquor – Es Tas Stanton, 216 Stanton Avenue
 - d. Class C Liquor – Okoboji Grill, 118 S. Duff Avenue
 - e. Class C Beer & B Wine – Hy-Vee Gas #5013, 4018 Lincoln Way
 - f. Class C Liquor – Deano’s, 119 Main Street
 - g. Class B Beer – Flame-N-Skewer, 2801 Grand Avenue
 - h. Class C Liquor – Chicha Shack, 2418 Lincoln Way
 6. RESOLUTION NO. 11-373 approving Investment Report for Fiscal Year Ending June 30, 2011
 7. RESOLUTION NO. 11-374 endorsing Iowa Department of Economic Development application for financial assistance for Rural Soluxions, LLC, with local match
 8. RESOLUTION NO. 11-375 approving U. S. 69 Detour Agreement with the Iowa Department of Transportation
 9. RESOLUTION NO. 11-376 approving preliminary plans and specifications for 2010/11 Water System Improvements, Water Main Replacement Contract #2; setting bid due date for September 7, 2011, and September 13, 2011, as date of public hearing
 10. RESOLUTION NO. 11-377 approving contract and bond for Grand Avenue Extension (from South 16th north 400 feet)
 11. RESOLUTION NO. 11-378 approving contract and bond for 2011/12 CDBG Public Facilities Neighborhood Infrastructure Improvements (N. Hazel Avenue)
 12. RESOLUTION NO. 11-379 approving renewal of contract with Baldwin Pole of Bay Minette, Alabama, with a 2.5% cost increase for Wood Distribution Poles for Electric Services
 13. RESOLUTION NO. 11-380 approving contract to Nutri-Ject Systems, Inc., of Hudson, Iowa, for Year 2 of three-year contract for Biosolids Disposal in the amount of \$47,680
 14. RESOLUTION NO. 11-381 approving final acceptance of 2009/10 and 2010/11 Neighborhood Curb Replacement Programs
 15. RESOLUTION NO. 11-382 approving final acceptance of 2008/09 Water System Improvements (Water Main Replacement)
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: A person identifying himself as “Profane, Obscene, and Slanderous,” 505 Eighth Street, #2, Ames, said he was concerned about how City records were kept from a meeting “two times ago” when he wanted to speak “back there, but somebody would not let

him.” The speaker read a poem that he had written approximately ten (10) to 12 years ago when he had just moved to Ames. He said it dealt with nuclear weapons, and it was entitled, “Hello, Good World, Hello.”

No one else requested to speak, and the Mayor closed Public Forum.

RENEWAL OF CLASS C LIQUOR LICENSE & OUTDOOR SERVICE FOR CY’S ROOST:

GROCERY: Moved by Davis, seconded by Goodman, to approve the renewal of a Class C Liquor License and Outdoor Service for Cy’s Roost, 121 Welch Avenue.

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

NEW 5-DAY CLASS C LIQUOR LICENSES FOR OLDE MAIN BREWING CO.:

Moved by Mahayni, seconded by Davis, to approve a new 5-Day (August 10 - 14, 2011) Class C Liquor License for Olde Main Brewing Co., at ISU Alumni Center, 420 Beach Avenue.

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

Moved by Goodman, seconded by Mahayni, to approve a new 5-Day (August 19 - 23, 2011) Class C Liquor License for Olde Main Brewing Co., at ISU Alumni Center, 420 Beach Avenue.

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

REQUESTS FOR ALL-AMERICAN WEEKEND ON SEPTEMBER 3 & 4, 2011:

Tom Drenthe, Events Coordinator for the Main Street Cultural District, 608 Douglas Avenue, Ames, was present.

Moved by Mahayni, seconded by Goodman, to adopt/approve the following:

- a. RESOLUTION NO. 11-383 approving closure of portions of Fifth Street, Burnett Avenue, Main Street, Kellogg Avenue, and Douglas Avenue, and closure of Lot N for a barbeque contest.
- b. Motion approving Outdoor Service for Olde Main Brewing Company
- b. RESOLUTION NO. 11-385 approving waiver of fees for electricity usage.
- c. RESOLUTION NO. 11-386 approving waiver of meter fees for Central Business District
- d. Motion approving Blanket Temporary Obstruction Permit
- e. Motion approving Blanket Vending License
- d. RESOLUTION NO. 11-387 approving waiver of fee for Blanket Vending License

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

MATTHEW’S SUMMIT SUBDIVISION:

Planning and Housing Director Steve Osguthorpe explained the request for a waiver of subdivision regulations that had been made by Mark Gannon for land that is located northeast of Ames in rural Story County.

Council Member Wacha noted that the Ames Urban Fringe Plan 28E Agreement did not take into account this type of situation and asked if there was a plan to address the situation in the future. Director Osguthorpe explained that the issue at hand was very unique. He stated that staff had to interpret which designations were relevant as the land in question straddles two different land use designations. One portion of the site is subject to the provisions of the Ames

subdivision regulations; however, the other portion lies within the Rural Residential area of the Ames Urban Fringe Plan, which exempts the City from review. This site presents a number of anomalies, which, according to Mr. Osguthorpe, will not occur often, if ever, again.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-388 approving a waiver of design and infrastructure standards and the Preliminary Plat requirement for Matthew's Summit Subdivision located at Stagecoach Road and East Riverside Road subject to submittal of the standard signed covenants for Lots 1 and 2; said waiver to take effect if, within six months following the date of the Resolution, signed covenants and an application for the Final Plat are submitted to the City.

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

The meeting recessed at 7:12 p.m. and reconvened at 7:17 p.m.

DEVELOPER'S AGREEMENT FOR GRAND ASPEN SUBDIVISION, 4TH ADDITION: City Manager Steve Schainker referenced a letter received by the City Council on August 4, 2011, from Scott Renaud, representing the Randall Corporation and Campus Crest Ames, L.L.C., requesting modifications to Paragraph #3 of the Developer's Agreement for Grand Aspen Subdivision, 4th Addition. Mr. Schainker reminded the Council that it had previously approved a request from the Randall Corporation to facilitate the development of the Campus Crest Apartments by accelerating the construction of the Grand Avenue Extension project from South 16th Street north to serve as the entry road to the new apartment complex. In return for the accelerated commitment to construct that segment of public street, the City required the property owner (Randall Corporation) to commit to constructing a second lane on the south side of South 16th Street to complete the widening of the street adjacent to non-University property. Rather than require a bond or Letter of Credit to secure the owner's commitment, the Developer's Agreement provided that the City not issue any occupancy permits for the site until the construction of the fourth lane was completed to the satisfaction of the City's Engineer.

Mr. Schainker advised that the new owner, Campus Crest Ames L.L.C., has indicated to the City Inspections Division that it intends to be ready for occupancy of the first building by approximately August 15, 2011, which is prior to the Council's next meeting. Since the second lane on the south side of South 16th Street has not been completed, if the Developer's Agreement is not amended, the Inspections Division would be required to deny occupancy, even if all other Code requirements had been met. In order to avoid that situation, Randall Corporation and Campus Crest are requesting that the last line of Paragraph 3, which includes the requirement for completion of the widening of the street, be stricken.

Scott Renaud, Fox Engineering, Ames, present on behalf of the Randall Corporation, explained that there had been issues with weather and the contractor's (Con-Struct) schedule. He also noted that South 16th Street was used as a detour by the Iowa DOT for the Highway 30 project for a 30-day period; therefore, Con-Struct could not have begun the project at that time. According to Mr. Renaud, a Change Order had been executed by the Randall Corporation with Con-Struct to extend the paving project through September. It is the owners' position that no security is needed since the required fourth lane is under contract to Con-Struct to be completed by November/December 2011. The owner's portion of the work would be completed by Con-Struct in conjunction with their contracted work with the City's project. Mr. Schainker reported

that the City's portion of the project needs to begin, contractually, by Con-Struct no later than August 29, 2011.

Council Member Larson noted his skepticism that occupancy will actually occur on August 15. He asked Mr. Renaud how many of the units would be occupied on or by August 22. According to Mr. Schainker, the City met with Campus Crest before this meeting. There are six large buildings to the north that they want Occupancy Permits issued for by that date. If the buildings do not meet Fire Code and other Code requirements, occupancy would not be allowed. Mr. Larson said that he had been concerned about the street widening project on S. 16th Street long before there was any occupancy on any of the land to the north. He felt the street should have been done before the building construction project started. According to Mr. Larson, there will be trucks continually unloading and barricades, which will be complicated by the large numbers of tenants who will need drive on that road to move into the apartments as well as by the large number of students who will be driving back and forth to the University when classes start.

Melvin Evans, current resident of The Grove, stated that he had been initially told by the owners of Campus Crest that he would be able to move into his new apartment in Campus Crest on August 20. He asked Council for advice as to whether he should back out of his lease. Mayor Campbell said that the Council could not advise him on that matter.

Council Member Orazem expressed concern about the paving project occurring during a time when there will be considerable traffic on that street due to Iowa State football games. Mr. Renaud reported that there will still be three lanes open, and the only time when it will be reduced to two lanes will be on the day that the concrete is actually poured. According to Mr. Renaud, the contractor will not be working on football Saturdays.

Council Member Wacha stated that his main concern is that the project actually get completed. He asked City Manager Schainker if the City would withhold occupancy on some buildings until the second lane on the south side of South 16th Street was completed. By doing so, the City would have the assurance that the paving will be completed. Mr. Schainker said that after the six buildings are completed, the City will have to meet with the owners and find out the schedule for the remaining buildings. The Developer's Agreement contractually binds the developer to construct the lane. The City could sue for performance on the contract itself, but requiring security would be preferable.

In the opinion of Council Member Goodman, instead of withholding occupancy on some units, he would prefer requiring a Letter of Credit. He is concerned that if the buildings are not able to be occupied by the 20th, it will put a lot of tenants in "a bad place and make the City look bad."

In the opinion of Mr. Renaud, there are two separate issues: (1) Randall's past performance, meaning he has always upheld his commitments; and (2) the project has been delayed because Con-Struct has tried to work out schedules. A Letter of Credit would be possible, but Mr. Renaud believes it is unnecessary and adds cost to the project.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 11-389 approving a revision to the Developer's Agreement for Grand Aspen Subdivision, 4th Addition, to eliminate the last line of Paragraph 3, with the requirement for a bond or Letter of Credit to secure the promise to complete the street widening by November 1, 2011.

Municipal Engineer Tracy Warner noted that, more than likely, the contractor would not be able to pave in November. She noted that if the Council wanted the paving done this year, the deadline should be set for earlier than November. Ms. Warner explained that if the project were not completed and the City had to cash in the bond, the project would not be completed in 2011. Cashing in the bond would obligate the City to complete Randall's portion of the project. Specifications would need to be prepared, bids requested, and a contract approved.

Motion withdrawn.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 11-389 approving a revision to the Developer's Agreement for Grand Aspen Subdivision, 4th Addition, to eliminate the last line of Paragraph 3.

Council Member Orazem said he seconded the motion to allow for discussion on the motion. He stated his concern that there would be no security to ensure completion of the project. City Attorney Marek said that, even with the elimination of the last line of Paragraph 3 of the Developer's Agreement, the obligation to perform still exists. However, if the City would be required to enforce the Agreement, it would be required to sue. If the Council is inclined to require a Letter of Credit, the amount of the engineering contract would be the required amount (\$63,247). Mr. Marek further explained that the way the contract was written, the Occupancy Permit was inserted in lieu of financial security.

Council Member Wacha said that he would not be supporting the motion because the City would have no guarantee that the project would be done nor would it have any recourse if the project was not completed.

Ms. Warner pointed out that the contract with Con-Struct for the City's portion of the project was approved under Consent tonight. The project will begin at the end of August, and the contractor has 55 days to complete the project.

Moved by Larson, seconded by Goodman, to approve modification of the Developer's Agreement by eliminating the last line of Paragraph 3, but add a requirement for a bond or Letter of Credit to secure the promise to complete the street widening by October 1, 2011.

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

HOSPITAL REVENUE BONDS: Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 11-390 setting the date of public hearing on a proposal to issue Hospital Revenue Bonds or notes in an amount not to exceed \$65,000,000 for the purpose of financing improvement projects at Mary Greeley Medical Center (MGMC).

City Manager Schainker explained that the issuance of revenue bonds by MGMC does not create a financial obligation or pledge of credit or taxing authority for the City. Only revenues from MGMC will be used to pay back the bonds.

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

IOWA FARM HOUSE ASSOCIATION REQUEST TO EXCHANGE ELECTRIC EASEMENT FOR A PORTION OF THE VACATED ALLEY:

Public Works Director John Joiner explained that the alley was vacated in 1917, but the property was never officially transferred. According to Mr. Joiner, the Farm House Association has been paying property taxes on the property for years. Previous sections of the alley were transferred to abutting property owners in exchange for dedication of an Electric Utility Easement to the City, but for some reason, this section was not transferred.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-391 setting the date of public hearing for September 13, 2011, on the request to exchange an electric easement for a portion of the vacated alley abutting the Iowa Farm Housing Association property.

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

EVALUATION OF RESOURCE RECOVERY PLANT FREE DAYS:

Director Joiner told the Council that, since 1977, the City's Resource Recovery Plant had hosted Free Days for trash disposal to residents who are served by the Plant. The history of Free Days since that time was given by Mr. Joiner. Currently, two Free Days are held each year (April and September). Resource Recovery Plant Superintendent John Pohlmann told the Council that large portions of what citizens bring in on Free Days are bulky items, and due to those items and the large volume of Free Day traffic, the Plant frequently has to close for up to three preceding days to empty the Plant's tipping floor to allow it to accept that volume. This results in poor customer service and additional expense to the garbage haulers, as well as lost revenue for the Plant. That lost revenue typically equates to nearly \$10,000 or more per day.

According to Mr. Pohlmann, over the past 11 years, the average number of Free Day participants has nearly tripled from 240 to over 620 in one day. Additional staffing has reduced some of the long waits and traffic congestion; however, additional staffing has also increased the City's labor expense each Free Day from approximately \$2,160 in 2003 to \$5,200 currently.

Mr. Pohlmann listed several important aspects of the financial costs for Free Days: (1) The actual expense of overtime for labor and additional staff. (2) Disposal costs of excess bulky items that cannot be handled through the City's process. (3) Significant loss of revenue from not collecting a tipping fee for the material coming in and from the material sent directly to the Boone County Landfill. The financial impact of the Spring 2011 Free Day on the Resource Recovery Fund was \$52,712.

Council Member Orazem suggested that some items could be taken to another site and then brought to the Plant when space permitted. Mr. Pohlmann noted the issues with doing that, specifically that another site would need to be found to store the materials and then additional transportation costs would be incurred to bring them to the Plant for processing.

Mr. Pohlmann told the Council members that the City was not asking for a decision by the City Council tonight. Two public meetings will be held in September to discuss the issues. In October, staff will report back to Council with the result of the meetings and staff's recommendations for possible alternatives.

Noting that the Free Day scheduled for September 10 falls on the day of the Iowa State/Iowa football game, Council Member Goodman suggested that another date be found. Mr. Pohlmann explained that advertising had been occurring, and it was too short of notice to change it at this time.

2011/12 FUNDING AGREEMENT WITH AMES ECONOMIC DEVELOPMENT COMMISSION: City Manager Schainker brought the Council's attention to the change under the Scope of Services. The City's contribution will increase to \$150,000, with \$60,000 of that amount to jointly fund a Vice-President for Business Development and Marketing position. Mr. Schainker reviewed the duties that would be expected of that position.

Council Member Goodman asked if there was a way for the City to know approximately how many hours or what percentage of time is being devoted to the City. He clarified that he wanted to know what the City is getting for its money. City Manager Schainker stated that he would work with Dan Culhane to get that report to the Council.

Moved by Mahayni, seconded by Wacha, to adopt RESOLUTION NO. 11-392 approving the 2011/12 Funding Agreement with the Ames Economic Development Commission.

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

REVIEW OF PROPOSED CITY LOGO: Public Relations Officer Susan Gwiasda showed the proposed logo, which is a stylized letter "A" with an arrow suggestive of forward momentum. She gave the history behind the visioning project. Ms. Gwiasda said that the visioning consultant had presented the final report to the Council in June, which included implementation strategies. One implementation suggestion was to develop a new logo for the City incorporating the new tagline ("Heartland's Leading Edge"). A second option was sharing the logo with other organizations that market and promote Ames. The consultants suggested that a shared logo would not only represent the Ames community as one that values partnership and collaboration, but would also provide a common look, tagline, and vocabulary for all users.

According to Ms. Gwiasda, prior to beginning the visioning process, the Ames Chamber of Commerce, in conjunction with the Ames Convention and Visitors Bureau and the Ames Economic Development Commission, had already begun working with a graphic design company to develop a new logo. Those plans were put on hold until the visioning process was complete. The Chamber, ACVB, and AEDC have asked the City to partner with them on a collaborative logo.

Ex officio Member Finseth stated his opinion that the proposed logo bears a strong resemblance to the one used by the City of Ankeny.

City Manager Schainker said it is a very challenging task to get agreement on a logo by three different entities. He noted that there would never be unanimous support from all sectors of the community. Four options for the Council to consider were offered by Mr. Schainker. He asked for direction by the City Council first on the design and then on the color.

Council Member Davis said that he did not feel any additional monies should be expended to hire a new consultant to develop other logo designs for consideration.

Moved by Davis, seconded by Mahayni, to adopt the logo developed by the ACVB and Ames Chamber/AEDC.

Council Member Wacha agreed that the City should not hire a new consultant. However, he stated his personal belief that the City, Chamber, and ACVB should have the same color as a symbol of being *One Community*.

Council Member Goodman noted how the community had been involved in the visioning process to date. His opinion was that taxpayers deserve to continue to be part of the process, and the logo was one part of the visioning process. It was his belief that the next step should involve getting community input on the logo.

Council Member Davis disagreed and stated that the logo was never portrayed as being part of the promised vision; it was a suggestion by the consultant.

Council Member Goodman referenced an email received by the City Council this date from Julie Weeks, Director of the Ames Convention and Visitors Bureau. He perceived her comments as stating that there was no extreme urgency to approve the logo; therefore, he interpreted that as stating that there was time to receive input from the public.

Council Member Larson also stated his preference to involve the community. Council Member Wacha agreed that it was important for the citizens to feel a part of the process. Council Member Davis said that if the decision on this issue were postponed by the Council, he would like a specific time frame established for when it would be brought back to the Council for a decision. Council Member Larson noted that the City should at least give the community a chance to learn of this project. Council Member Orazem pointed out that there needed to be a mechanism on how to get community members' input. He agreed that there would never be 100% agreement. Council Member Larson recommended that the decision be postponed until input from the public could be received. Discussion then ensued on different ways to receive public input.

Motion withdrawn.

Council Member Goodman asked that staff send the information to the City Council again as a reminder of the visioning implementation steps. Ms. Gwiasda reviewed the bullet points of the presentation given to the City Council on July 12, 2011, and the actions taken by the Council on that date.

Council Member Larson said he believes that the logo had been shown to the public at this meeting, there was media present, and postponing the decision for two weeks would allow those who wish to comment on the design to do so.

Moved by Wacha, seconded by Larson, to table the discussion on this topic and direct staff to seek public input on the logo via a press release and a public input meeting and report the input received to the City Council in two weeks.

Motion withdrawn.

Moved by Wacha, seconded by Goodman, to table the discussion for two weeks and direct staff to submit a press release encouraging public input regarding the proposed logo, specifically with the color the same as the ACVB's preference.

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

The meeting recessed at 8:37 p.m. and reconvened at 8:45 p.m.

ESTIMATED COSTS TO EXTEND UTILITIES EAST OF INTERSTATE HIGHWAY 35:

City Manager Schainker recalled that the Council had asked staff to provide an estimate of the costs to extend utilities east of Interstate 35.

Municipal Engineer Tracy Warner gave a presentation on the costs to extend utilities east to the proposed Sunrise Prairie Business Park along E. 13th Street [as proposed by the Ames Economic Development Commission (AEDC)], as follows:

1. The cost to extend sanitary sewer along E. 13th Street from South Dayton Road to 570th Avenue would cost approximately \$1,700,000.
2. The cost to extend sanitary sewer along E. 13th Street from 570th Street to the proposed Sunrise Prairie Business Park is estimated to be \$550,000. It would cost an additional \$550,000 to provide a trunk sewer into the proposed Park.
3. A water main already has been extended to 570th Avenue. The cost to extend a water main from 570th Avenue to 580th Avenue is estimated to be \$750,000. The need for an interior water main loop within the proposed business park will depend on the needs of the industries that locate there.

At the inquiry of Council Member Orazem, City Manager Schainker advised that the obligations of the Wolford Development Agreement run with the land. Those obligations will be imposed on whoever purchases the property, which is in bank receivership at this time.

Ms. Warner next reported on the costs to extend utilities along E. Lincoln Way east to 590th Avenue, as follows:

1. The cost to extend a water main from the east side of the Barilla property to 590th Avenue with a loop north along 580th Avenue is estimated to be \$1,800,000.
2. The cost to extend a sanitary sewer trunk line from the west side of the Barilla property to 590th Avenue is estimated to be \$2,750,000. This would require a force main and lift station to provide service east of 580th Avenue.

Ms. Warner pointed out that the adequacy of sanitary sewer capacity will be dependent on the type of industry that locates there. She noted that Barilla discharges at a very low flow rate; however, the new DuPont ethanol plant being built east of 590th Avenue in Nevada discharges at substantially higher rate. Given the limited capacity, the lift station and force main might need to be decommissioned in the future if a larger sewer project from the south is required to accommodate additional industrial flow demands in the area north of Lincoln Way.

3. Another long-term option is to extend a trunk sewer line from the City's Water Pollution Control Facility north to E. Lincoln Way and east to 590th Avenue. The estimated cost would be \$8,000,000.

Mr. Schainker emphasized to the Council that if it decides to be the developer for a business park along either E. Lincoln Way or along E. 13th Street, there would be substantial additional infrastructure costs to provide water, sanitary sewer, streets, and storm water infrastructure within the park. Those costs would depend on the design of the park.

City Manager Schainker explained possible ways of financing the project.

Council Member Larson indicated, although he liked the idea of development of the Sunrise Prairie Business Park, the costs of infrastructure might be a detriment. Mr. Larson emphasized the need to be able to have large industrial parcels available for the AEDC to market.

Moved by Larson, seconded by Mahayni, to direct the City Manager to have dialog with AEDC regarding the possible annexation of land along E. Lincoln Way.

Council Member Wacha asked if the AEDC believed the better option would be developing an industrial park along E. Lincoln Way versus the Sunrise Prairie Business Park. Mr. Culhane stated that the E. Lincoln Way corridor would be more immediate; there is rail and a willing seller.

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

URBAN DEER MANAGEMENT: Police Chief Cychosz reminded the Council that an annual survey of deer population has been conducted since 2008, there has been a ban put on deer feeding, there have been many public education efforts, and limited urban bow hunting of deer has been allowed. Chief Cychosz showed a map depicting the areas where the majority of the deer were counted during the aerial survey.

Council Member Davis asked what the average deer density/square mile would be. Chief Cychosz said he did not have that information and would have to get it to the Council.

Chief Cychosz recalled that last year was the first year that hunting was allowed on private property. That was generally well-accepted, but some controversy emerged over the appropriateness of two proposed private property locations in North Ames. According to Mr. Cychosz, the Special Urban Deer Task Force identified nine items for recommendation to the City Council. He noted that there was still opposition to hunting.

Dorothy Lewis, 2710 Northwood Drive, stated that she and her neighbors are very concerned about allowing deer hunting in the residential areas. She noted that there are swing sets and play equipment in the area where residential hunting was being allowed during the daylight hours. According to Ms. Lewis, there was only one property between where deer hunting was allowed and Northwood Pre-School. Ms. Lewis expressed her appreciation to Chief Cychosz for including some of the rule changes from the concerned neighbors in the proposal, but conveyed that she and her neighbors believe residential hunts are not safe and are not very effective. She

pointed out that they are not opposed to hunting in public areas and extending hunting in the area of Inis Grove.

Don Lewis, 2710 Northwood Drive, Ames, also thanked the Council for considering the safety concerns of residential deer hunting that had been expressed by citizens. Mr. Lewis emphasized two important considerations as they relate to residential deer hunting: (1) Residential deer hunting will not impact the deer population in the City; it is not part of a deer management plan.. (2) Hunting deer will not decrease the incidents of lime disease.

Council Member Goodman asked what distance requirement existed between the location where hunting is allowed and a school. Chief Cychosz said he believed it was 15 feet.

Council Member Wacha said there is a perceived safety issue in North Ames. He has talked to residents of areas where it has been allowed, and he agrees that deer hunting should not be allowed in residential areas.

Chief Cychosz emphasized the number of vehicle/deer accidents in the City limits. Mr. Wacha noted that it has also been stated that hunting drives the deer out in front of vehicles.

Council Member Goodman said he was a proponent of continuing the Urban Deer Management Program, but suggested that the distance be increased to 400 yards to the stand.

Debbie Gitchell, 2513 Northwood, Ames, indicated that she did not want to discourage the Council from listening to the facts; however, she disputed the statement that increased deer populations did not increase the incidents of disease. She referenced the number of persons in her neighborhood who had been diagnosed with lime disease in recent years.

Moved by Wacha, seconded by Goodman, directing staff to implement the recommendations proposed by the Task Force with the exception that deer hunting within the City in residential areas would not be allowed.

Council Member Orazem said he was adamantly opposed to that motion. He believed that the Task Force recommendations should be approved in their entirety.

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

Moved by Orazem, seconded by Mahayni, to approve bow hunting within the park system, on City property, and on other eligible non-public property with regulations and dates/times suggested by the Police Department, along with the requirements of the existing Urban Deer Management Ordinance.

Ms. Lewis noted that the 200 yards measurement was initially supposed to be from the perimeter of the property. However, what is being proposed by the Task Force is 200 yards from the stand; that makes a big difference. Whatever number the Council comes up, Ms. Lewis asked that the Council make it from the perimeter of the property, not the stand.

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

INCREASE TO PARKING VIOLATION FEES: Police Chief Cychosz gave an overview of the penalties for parking infractions, the cost of parking enforcement operations, and the rationale for potential changes in the parking fines.

Council Member Davis recommended that the City's fine for violation of the municipal regulation reserving space for persons with disabilities should be consistent with the University's (state property) fine; the City's fine is \$100 and the University's is \$200.

Chief Cychosz informed the Council that, if it desires to further consider increases in the City's parking fine structure, it would be important to solicit stakeholder input before a decision is made. *Ex officio* Member Finseth agreed, stating that students would definitely want a chance to provide input.

Moved by Goodman, seconded by Mahayni, to direct staff to talk to stakeholders (neighbors, downtown and Campustown businesses, students, visitors, and organizations.)

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

Council Member Goodman asked staff to include members of the Campustown Action Association.

HEARING ON SALE OF 1013 ADAMS STREET: Mayor Campbell opened the public hearing. There was no one who wished to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-393 approving the sale of 1013 Adams Street to Debra Spohnheimer in the amount of \$145,000.

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

HEARING ON WATER AND POLLUTION CONTROL FACILITY METHANE ENGINE GENERATOR REHABILITATION PROJECT: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-394 approving final plans and specifications and awarding a contract to Ziegler Power Systems of Altoona, Iowa, in the amount of \$108,530.

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

ORDINANCE RELATED TO PRECINCT AND WARD BOUNDARIES: Mayor Campbell asked if anyone wished to speak on first reading of the Ordinance. No one came forward to speak.

City Attorney Marek noted that a revised ordinance had been placed around the dais. The boundaries/map did not change, but the descriptions did. It is now in conformity with the Auditor's recommendations.

Moved by Goodman, seconded by Wacha, to pass on first reading an ordinance relating to precinct and ward boundaries as a result of the 2010 Census.

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

ORDINANCE CORRECTING SCRIVENER'S ERROR REGARDING MECHANICAL UNIT SCREENING DEFINITION: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance correcting a scrivener's error regarding Mechanical Unit screening definition.

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

ORDINANCE CHANGING NAME OF CARDIFF DRIVE TO GRAYHAWK AVENUE: Moved by Goodman, seconded by Wacha, to pass on second reading an ordinance changing the name of Cardiff Drive to Grayhawk Avenue.

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

ORDINANCE REZONING PROPERTY LOCATED AT 1820 SOUTH DAYTON PLACE TO ADD THE SOUTHEAST GATEWAY OVERLAY DISTRICT (O-GSE): Moved by Goodman, seconded by Davis, to pass on second reading an ordinance rezoning property located at 1820 South Dayton Place to add the Southeast Gateway Overlay District (O-GSE).

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

ORDINANCE PERTAINING TO NON-DOMESTIC WASTE PRE-TREATMENT PROGRAM: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance approving implementation of all components of the EPA Pretreatment Program Streamlining Rule and perform, modifying the *Ames Municipal Code* to adopt all EPA Pretreatment Program Streamlining Rule regulations.

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

ORDINANCE REZONING PROPERTY AT 3409-3413 SOUTH DUFF AVENUE: Moved by Mahayni, seconded by Davis, to pass on third reading and adopt ORDINANCE 4077 rezoning property at 3409-3413 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC). Vote on Motion: 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 Goodman, to refer to staff the letter from the President and Vice-President of Green 5th Association pertaining to a damaged retaining wall on the drainage path that runs through the prairie southeast of Pinehurst Drive.

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

Council Member Mahayni read a statement thanking the residents of the 4th Ward who had entrusted him to represent them. He noted that he previously had served on the Planning and Zoning Commission and Historic Preservation Commission, and when he completes this term on the City Council, he will have more than 20 years of public service to the City. Mr. Mahayni announced that, after much thought and reflection, he would not be seeking re-election to the City Council.

Moved by Goodman, seconded by Orazem, to refer to staff the letter from HyVee and Ames British Foods pertaining to wine-tasting, specifically requesting that staff send a letter to the

Council, with a copy to the requesting establishments, reminding what the current laws are and why wine-tasting isn't allowed.

City Manager Schainker asked Council Member Goodman to clarify if he wanted the item on an upcoming agenda. Mr. Goodman said he did not want it on an agenda at this time.

Council Member Wacha asked if what was being requested of staff was for them to send a letter to the requesters explaining why the policy is what it is. Mr. Goodman said that was correct – just the current situation and what the philosophy is; if the Council decides it wants to change that philosophy, then it will direct staff accordingly. Council Member Orazem asked that the letter from staff to Council also include what the state law is as well. Council Member Wacha pointed out that Council had already received a copy of a letter from Assistant City Attorney Judy Parks explaining what Mr. Goodman was asking staff to write. Council Member Larson noted that in the letter to liquor-licensed establishments, Ms. Parks had indicated that there was a possibility that Council could take action to liberalize the City's law. Council Member Orazem said that he understood Ms. Parks' letter to state that the City's interpretation or extension of state law was more stringent than the state law, and he asked to have that explained to the Council.

Council Member Goodman clarified that the letter he was requesting from staff should give the Council a little more feedback on ways the Council could move to allow it. He reiterated that he did not want the issue on an agenda yet; he just wanted more information.

Council Member Wacha stated that he felt the City's ordinance was more restrictive for a reason, and he was not interested in looking at it again. Therefore, he would not be supporting the motion.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:30 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor