

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 12, 2012

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on June 12, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Orazem, Szopinski, and Wacha. *Ex officio* Member Baker was also present.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of May 15, 2012, and June 4, 2012, and Regular Meeting of May 22, 2012
3. Motion approving Report of Contract Change Orders for May 15-31, 2012
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, & B Wine – Kum & Go #200, 4510 Mortensen Road
 - b. Class E Liquor, C Beer, & B Wine – Kum & Go #214, 111 Duff Avenue
 - c. Class E Liquor, C Beer, & B Wine – Kum & Go #215, 4506 Lincoln Way
 - d. Class E Liquor, C Beer, & B Wine – Kum & Go #216, 203 Welch Avenue
 - e. Class E Liquor, C Beer, and B Wine – AJ's Liquor, 4518 Mortensen #109
 - f. Class E Liquor – MMDG Spirits, 126A Welch Avenue
 - g. Special Class C Liquor – Hickory Park, 1404 South Duff Avenue
6. RESOLUTION NO.12-279 approving reappointment of Harry Budd and Sherry Meier and appointment of Jane Acker to Library Board of Trustees
7. RESOLUTION NO. 12-280 adopting new and revised fees
8. RESOLUTION NO. 12-281 approving agreement with ICMA-RC to act as 457(b) plan administrator through June 30, 2017
9. RESOLUTION NO. 12-282 approving amendment to 28E Agreement to indicate that United Way of Story County is responsible for providing ASSET Administrative Services
10. RESOLUTION NO. 12-283 approving Engineering Services Agreement for 2010/11 Airport Improvements (West Apron Rehabilitation)
11. RESOLUTION NO. 12-284 approving Intermodal Facility Tenant Lease with Jefferson Partners, LP, d/b/a Jefferson Bus Lines
12. RESOLUTION NO. 12-285 accepting proposal from National Insurance Services for continuing current group life and long-term disability policies
13. RESOLUTION NO. 12-286 approving Contract for Safety and Training Services with Iowa Association of Municipal Utilities (IAMU)
14. Public Art Commission Membership:
 - a. RESOLUTION NO. 12-287 changing Steve Kawaler's appointment to 1 year
 - b. RESOLUTION NO. 12-288 reducing membership from 16 to 14
15. RESOLUTION NO. 12-289 authorizing funding source to purchase *Topographical Illusion II* artwork for Municipal Auditorium
16. RESOLUTION NO. 12-290 authorizing disposal of Police Department rifles
17. RESOLUTION NO. 12-291 awarding contract to DPC Industries, Inc., of Omaha, Nebraska, in the amount of \$.685/gallon for purchase of 2012/13 Liquid Sodium Hypochlorite for Water Treatment Plant and Power Plant
18. RESOLUTION NO. 12-292 awarding contract to Independent Salt Co., of Kanopolis, Kansas, for purchase of Rock Salt for 2012/13 Ice Control Program

19. RESOLUTION NO. 12-293 approving contract payment to American Professional Service Group, Inc., for yard waste services for Spring 2012 Yard Waste Free Day
20. RESOLUTION NO. 12-294 waiving formal bidding procedures and awarding contract extension to Quality One Commercial Cleaning, Inc., for custodial services for City Hall
21. RESOLUTION NO. 12-295 approving renewal of contract with W-S Industrial Services, Inc., of Council Bluffs, Iowa, in an amount not to exceed \$156,000 for Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for Power Plant
22. RESOLUTION NO. 12-296 approving renewal of contract with Biosolids Management Group, Inc., of Boone, Iowa, in an amount not to exceed \$1,000,000 for Power Plant Ash Hauling Services
23. RESOLUTION NO. 12-297 approving renewal of contract with Diamond Oil Company of Des Moines, Iowa, in an amount not to exceed \$1,137,500 for Electric Services Diesel Fuel Supply
24. RESOLUTION NO. 12-298 approving renewal of contract with Tri-City Electric Company of Iowa of Davenport, Iowa, in an amount not to exceed \$180,500 for Power Plant Breaker and Relay Maintenance
25. RESOLUTION NO. 12-299 approving contract extension with Electronic Engineering Company of Ames, Iowa, for 800MHz Trunked Radio Equipment, Pagers, and Related Equipment and Services for City departments
26. RESOLUTION NO. 12-300 approving preliminary plans and specifications for Maintenance Facility Energy Efficiency Projects; setting July 12, 2012, as bid due date and July 24, 2012, as date of public hearing
27. RESOLUTION NO. 12-301 approving preliminary plans and specifications for new Five-Year Well Rehabilitation Contract; setting July 11, 2012, as bid due date and July 24, 2012, as date of public hearing
28. RESOLUTION NO. 12-302 approving contract and bond for 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction (22nd Street, 25th Street, 26th Street, Fletcher Boulevard, & Melrose Avenue)
29. RESOLUTION NO. 12-303 approving contract and bond for 2010/11 Airport Improvements (West Apron Rehabilitation)
30. RESOLUTION NO. 12-304 accepting completion of Power Plant Unit No. 8 Stack Repair Project
31. RESOLUTION NO. 12-305 accepting completion of Power Plant Unit No. 8 Air Heater Baskets Installation Project
32. RESOLUTION NO. 12-306 accepting completion of Water Treatment Plant Five-Year Well Rehabilitation Project
33. Water Pollution Control Facility Biosolids Disposal:
 - a. RESOLUTION NO. 12-307 accepting completion of contract for Year Two with Nutri-Ject Systems, Inc., of Hudson, Iowa
 - b. RESOLUTION NO. 12-308 awarding contract in the amount of \$48,974.66 to Nutri-Ject Systems, Inc., of Hudson, Iowa, for Year Three of three-year agreement
34. RESOLUTION NO. 12-309 approving Plat of Survey for 820 Miller Avenue
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Holly Fuchs, 806 Brookridge Avenue, Ames, commended the Public Works Department for the job done on extension of sidewalks on Main Street near HyVee Drug Store.

ENCROACHMENT PERMIT FOR 217-219 MAIN STREET: Moved by Davis, seconded by Wacha, to approve an Encroachment Permit for awnings at Emerhoff's, 217-219 Main Street. Vote on Motion: 6-0. Motion declared carried unanimously.

NEW CLASS B NATIVE WINE PERMIT FOR 1118 SOUTH DUFF AVENUE: Moved by Davis, seconded by Goodman, to approve a new Class B Native Wine Permit for Swift Stop #4, 1118 South Duff Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

5-DAY CLASS C LIQUOR LICENSE FOR DUBLIN BAY: Moved by Davis, seconded by Larson, to approve a 5-Day Class C Liquor License for Dublin Bay at CPMEI Event Center, 2321 North Loop Drive. Vote on Motion: 6-0. Motion declared carried unanimously.

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING: Moved by Davis, seconded by Larson, to approve a 5-day Class C Liquor License for Olde Main Brewing at ISU Alumni Center, 420 Beach Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS C LIQUOR & B WINE PERMIT FOR DELI VITI: Moved by Goodman, seconded by Wacha, to approve a new Class C Liquor and B Wine Permit for Deli Viti, 323 Main Street, #102. Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS C LIQUOR LICENSE FOR CHARLIE YOKE'S: Moved by Goodman, seconded by Davis, to approve a new Class C Liquor License for Charlie Yoke's 2428 Lincoln Way. Vote on Motion: 6-0. Motion declared carried unanimously.

NEIGHBORHOOD ART ACQUISITION PROGRAM SCULPTURE SELECTIONS: Art Baumgartner, representing the Public Art Commission Neighborhood Sculpture Committee, said that they were recommending that the City purchase two sculptures for the Neighborhood Art Program. He advised that, during the 2011/12 exhibition year, "Just Between Thieves" by Jaak Kindberg of Greenwood, Arkansas, was displayed at the northeast corner of Fifth Street and Clark Avenue. It is proposed that this sculpture be purchased for \$3,200 and be placed in the front yard of Fire Station No. 2 on Welch Avenue. The application for placement of this sculpture came from Anne Taylor, a Campustown merchant. During the 2011/12 exhibition year, "Dire Enticement" by Beth Nybeck of Kansas City, Missouri, was displayed at the southeast corner of Main Street and Clark Avenue. It is proposed that this sculpture be purchased for \$6,000 and be placed in Duff Park. This neighborhood park is located at the southwest corner of Duff Avenue and 14th Street. Placement at this location was initiated by the Public Art Commission itself. Since Neighborhood Art placements have previously been well-received at a number of other neighborhood parks, this placement also received support from Parks and Recreation Department staff.

Council Member Orazem asked how people could apply if they were interested in having a sculpture in their neighborhood. Mr. Baumgartner replied that they could contact Patti Cotter or him through the City's Public Art Commission to receive an application. Ms. Cotter added that applications are available on-line via the City's web site.

Moved by Goodman, seconded by Szopinski, to adopt RESOLUTION NO. 12-310 approving purchase of 2011/12 Neighborhood Art Acquisition Program sculpture selections.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

MIDNIGHT MADNESS ON JULY 14, 2012: Moved by Davis, seconded by Larson, to adopt/approve the following:

- a. RESOLUTION NO. 12-311 approving closure of certain streets and parking lots on July 14 and 15, 2012
- b. RESOLUTION NO. 12-312 approving suspension of parking regulations and enforcement from 6:00 p.m. to 11:00 p.m.
- c. Motion approving 5-day Class B Beer Permit and Outdoor Service Area in City Hall Parking Lot N
- d. Motion approving tapping of up to seven kegs at once during post-race party with a maximum of 20 kegs total during the evening

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

FLOOD ACTIONS AND UPDATE: Assistant City Manager Bob Kindred reminded the Council that, following the 2010 intense rainfalls and damaging flooding, it had established a goal to mitigate both river flooding and localized flooding in the community. A process to determine how best to achieve that goal has been initiated with collaboration from the public, involvement of other affected jurisdictions, and professional expertise.

Mr. Kindred summarized actions taken since the Flood of 1993 to mitigate damage, which included coordination with Iowa State University (ISU), Story County, and the Iowa Department of Transportation (IDOT). The Iowa Flood Center (IFC) was formed in 2008 and began mapping in 2011; its planned completion is this month. Detailed flood plain mapping of College Creek and Worle Creek is being funded by the Iowa Department of Natural Resources. Work commenced last December and should be completed by this August. The Squaw Creek Basin road-flooding forecasting system is a project being conducted by the IFC through a \$350,000 funding grant from the Iowa Highway Research Board and IDNR. Work began in late 2011. It will provide a much more accurate potential flooding prediction at each roadway crossing. Mr. Kindred reported that the creation of the Squaw Creek Watershed Authority was on this meeting agenda. It will be comprised of members of 12 City Councils/Boards. According to Mr. Kindred, the Ames City Assessor's 2012/13 Budget includes an update to the detailed aerial mapping of Ames; that input is necessary for implementation of the local flood study. A pilot citizen focus group was formed and met on April 18, 2012, to coordinate additional public input meetings with the flood study consultant. A Request for Qualifications pertaining to a Comprehensive Flood Study was issued on April 6 with proposals due April 27, 2012. Eight proposals were received and evaluated. Finalists were interviewed from May 23 - 30, 2012. Contract negotiations are currently being held. Council consideration of a contract and award is tentatively scheduled for June 26, 2012.

It was clarified by Mr. Kindred that the information was being provided to the City Council for its information only; no action was being requested.

SQUAW CREEK WATERSHED MANAGEMENT AUTHORITY: Assistant City Manager Kindred explained that House File 2459 established a State Watershed Planning Advisory

Council and directed state agencies to seek funding to plan and implement a watershed demonstration pilot, and outlined the process for creation of Watershed Management Authorities using 28E intergovernmental agreements. Those Authorities are intended to reduce flood risk and improve water quality, monitor federal flood risk planning and activities, and educate residents of the watershed regarding flood risks and water quality. In response to an announcement by the Iowa Department of Natural Resources, Story County submitted an application for grant funding to establish a Watershed Management Authority (WMA) for the Squaw Creek basin. In November, 2011, Story County was awarded a \$25,060 Watershed Management Authority Phase 1 Contract for this purpose.

Mr. Kindred advised that the Squaw Creek basin includes portions of Story, Boone, Hamilton and Webster Counties and the Cities of Ames, Gilbert, Stratford, and Stanhope. Those eight entities, as well as the Soil and Water Conservation Districts for all four Counties, are eligible to join together and create a Squaw Creek Watershed Management Authority.

It was reported by Mr. Kindred that Watershed Management Authorities are organized by natural watersheds, rather than by the man-made lines that normally de-mark city and county boundaries. They present an opportunity for all affected governments to specifically cooperate and coordinate efforts that affect each other within the specific rainfall basin. While WMAs are used extensively in Minnesota and Wisconsin, none presently exist in Iowa. The creation of a WMA in one of Ames' watersheds will provide an opportunity for the City to partner with other jurisdictions whose citizens and land use decisions directly affect potential flooding along Squaw Creek. It is also an opportunity to work with these other cities, counties, and districts to cooperatively plan and encourage watershed improvements to mitigate flooding in Ames and improve the water quality in Squaw Creek.

Mr. Kindred brought the Council's attention to the key aspects of how the WMA will function. He said that the 28E intergovernmental agreement is concurrently being presented to all 12 City Councils and Boards for approval. All who choose to participate will become charter members of the Squaw Creek Watershed Coalition, which will hold its first organizational meeting on June 21.

Moved by Goodman, seconded by Szopinski, to adopt RESOLUTION NO. 12-313 approving the 28E Agreement creating the Squaw Creek Watershed Management Authority (WMA). Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Szopinski, to designate the Mayor and Assistant City Manager as Representative and Alternate Representative, respectively, to WMA's Board of Directors. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

DISCUSSION OF TAX ABATEMENT CRITERIA FOR DEERY BROTHERS: City Manager Steve Schainker reminded the Council that, in accordance with its latest directive, the City Council was to bring back the previous staff report from the April 10, 2012, meeting, which addressed the request to provide a tax abatement incentive for the three lots that the Deery Brothers hope to develop along S.E. 16th Street. Mr. Schainker reiterated that the staff report provided a possible urban revitalization policy for properties along S.E. 16th Street between S.

Duff and S. Dayton Road and offered eligibility criteria that the City Council members could utilize to determine whether or not to process requests for a tax abatement incentive in that area. City Manager Schainker emphasized that once the Council determines that the eligibility criteria have been met, there is more work to be done on the part of the developer and City Council. After the application is processed, a plan has been developed, and a public hearing is held, the Council would then approve a specific economic development area for each plan. In establishing “performance” criteria, City Manager Schainker cautioned that the Council should understand that, once the plan and the urban revitalization area have been approved, it would not be possible to eliminate the tax abatement incentive, even if the desired performance had not been met. Mr. Schainker pointed out that the Council had different strategies to ensure the performance criteria are met. He explained each, as follows::

1. Make sure that the required action was accomplished prior to the public hearing on the plan.
2. Develop a separate Developer’s Agreement that would require the developer to pay back to the City the value of the property tax abatement received should the performance requirements not be met.
3. Approve the plan and the definition of the economic development area, but delay the third reading of the ordinance until the performance requirements have been met.
4. Make sure to establish only performance criteria that can be verified prior to approving a plan.

Council Member Wacha explained that he had received numerous emails from citizens since the last meeting. He stated that he had not responded to those emails purposely because he realized that he had not understood what many of the other Council members were trying to do at the last meeting. Mr. Wacha said he had had discussions with each of the other Council members, individually, and had drafted a proposal, with the assistance of the City Manager, that he would be comfortable supporting. Mr. Wacha reviewed the qualifying criteria that he was suggesting be included in establishing an Urban Revitalization Area Policy for Southeast 16th Street.

Pertaining to Criterion 5, City Manager Schainker stated that the City Council might want to consider other exceptions from the list of uses currently permitted in the Highway-Oriented Commercial Zoning District.

Pertaining to the criterion referring to the result in “no rise” to the Base Flood Elevation, Council Member Goodman asked if the elevation was measured from the property before grading began or “no rise” after fill dirt was brought in. Planning and Housing Department Director Steve Osguthorpe advised that it would be measured from the base flood elevation as determined by FEMA, which has already been established.

Discussion ensued among the Council members on the qualifying criteria being proposed by Council Member Wacha.

Council Member Szopinski advised that she would not be supporting tax abatement for the Deery Brothers because she believes there are other options, e.g., Developer’s Agreements, zoning overlays. Ms. Szopinski explained that she did not believe the City should encourage building in the flood plain nor did she believe that the City should discourage it. Council

Member Larson contended that if overlays were put on top of the already restrictive zoning regulations, it would pretty much guarantee that no one would ever develop there.

Council Member Orazem inquired how developer's agreements would provide protection for the City regarding performance of the criteria. Mr. Schainker explained that the developer's agreement would require the developer to pay the City the cost of the abatement should they fail to perform as agreed. He also stated that the Council had not yet decided whether the "promise" should be secured by a Letter of Credit.

Council Member Wacha explained that he believed that the City should take advantage of an opportunity to encourage a slight decrease in the flooding risk while benefitting the City with economic development in an area that had been idle for some time. He pointed out that the criteria he suggested were strict.

Larry Reinsch, 317 Mathews Drive, Gilbert, described himself as a "loyal Jeep owner and Jeep historian." He spoke in favor of the City offering tax abatement to the Deery Brothers. Realizing that there is some risk, he asked the City Council to look at the gains that would come to Ames: creation of jobs, sales tax, and help to other businesses when Deery Brothers' customers buy goods from other retailers in the community. Mr. Reinsch emphasized that after three years, Ames would receive 100% of the property taxes in addition to the gains he previously mentioned. He stated that he did not know any of the Deerys personally, but had done research on Deery dealerships established in other communities. Each one had been very pleased with the Deery Brothers' dealerships. Mr. Reinsch pointed out that the company is an Iowa-based company selling American-made products. He respectfully asked the Council to do what it could do to bring a Jeep dealership to Ames and implored the Council not to make it too difficult for the Deery Brothers to build a dealership in Ames. According to Mr. Reinsch, Jeep out-sold GMC during the last year, and Ames would be losing out on a lot of property tax and sales tax monies to other cities if the Deerys built in another city.

Erv Klaas, 1405 Grand, Ames, discouraged the Council from allowing building in the flood plain and from channelizing the River. He told the Council what happens when rivers are channelized. According to Mr. Klaas, there are a lot of questions for which no one knows the answers. Referring to the recommendations that he had presented to the City Council in 2000, and which the Council did not adopt, Mr. Klaas urged the Council not to continue "to make mistakes." Council Member Wacha noted that he was relying on the Iowa Department of Natural Resources that channelizing/straightening the River is environmentally safe and beneficial for flood mitigation. Using his proposed Urban Revitalization Policy for Southeast 16th Street, there would be a requirement that the conditions that allowed the determination of "no rise" be maintained by the property owner. A developer's agreement would be required to ensure that the City will be repaid an amount equal to the tax abatement received if any of the criteria were not met.

Mr. Wacha pointed out that he had not been a proponent of abating retail in the past; however, he believes that taking advantage of the opportunity being presented at this time is worth the risk.

Council Member Orazem noted that this opportunity provides the potential of developing in an area where the City had invested millions of dollars to make it desirable for development. He, however, was not basing his decision on that; he found the value in the flood mitigation efforts.

Council Member Goodman said that the market should decide whether the City needs a Jeep dealership.

Moved by Larson, seconded by Orazem, to approve a proposed policy for establishing Urban Revitalization Areas and Plans on Southeast 16th Street, as described in the qualifying criteria contained in the attachment presented by Tom Wacha at this meeting and the associated map, which was labeled as Attachment B.

Council Member Goodman asked if the policy could include a statement to include any other uses identified and approved by the City Council. City Attorney Marek advised that that would be allowable. Council Member Larson cited his opinion that that might be too broad, and he preferred to leave his motion as he had stated it.

Council Member Orazem asked if the upper limit on the amount of tax abatement would be limited to site preparation and not to the actual construction of the building. City Attorney Marek explained how the amount of abatement would be determined. City Manager Schainker clarified that the abatement had nothing to do with the cost of the fill dirt or widening; that might be a performance indicator if prescribed by the City Council. The amount of the abatement will be determined by the City Assessor and will be based on the assessed value of the improvement.

Mr. Schainker explained the next steps to create an Urban Revitalization Area and Plans for properties on Southeast 16th Street.

Roll Call Vote: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Resolution declared carried and made a part of these Minutes.

EMERGENCY RESPONSE TIMES: Project Coordinator Brian Phillips recalled that after the April 24, 2012, presentation by staff of a report on the topic of emergency response times, the Council requested that the emergency response time issue be revisited and that other cities be surveyed to determine how they are addressing this issue. Several policy questions needing to be addressed by the City Council were explained by Mr. Phillips.

1. Who should adopt the response time goal? Staff recommended that the Fire Department track emergency response times as one of its many “performance measures” that are provided to the City Council to consider.
2. What response time should be measured? Staff believed that a measurement of 85% of calls within a five-minute travel time would be in the middle of the range for other comparable cities that were surveyed and should be used as a performance measure. Staff also believed that it might be possible to have a different, longer response time performance measure for industrial areas, depending on how the area ultimately builds out.
3. How should response time be measured? Staff believes it would be advisable to measure response times based on actual calls. In order to avoid aberrations that might occur from year to year, a rolling five-year period should be used to accomplish this measurement. GIS tools allow staff to analyze response time patterns from existing developed areas in the City and project that information onto undeveloped areas that are being considered for annexation to better project anticipated response times from new areas.

4. Should there be a separate response time measure for fire and medical assist calls? Since Mary Greeley Medical Center is the primary provider of ambulance service in the community, staff believes the City should work with them to establish an appropriate medical response time measure as well as develop cost-effective options for achieving the performance expectation.
5. What City Council Decisions can help the City better meet the response time performance measure? The Council could consider three strategies to help the City provide improved emergency service delivery:
 - a. When making LUPP and zoning decisions, the City Council could give more consideration to locating high density residential and assisted living/retirement communities closer to the urban core.
 - b. The City Council could require more stringent fire protection requirements related to sprinklers, smoke detectors, construction standards.
 - c. The City could provide programs to place defibrillators in public places and enhance efforts to provide bystander first aid and CPR training.

City Manager Schainker said that if the Council agrees with the staff recommendations, a motion would need to be made to do the following:

1. Rather than the City Council formally adopting an emergency response time goal for the community, the Fire Department will continue to monitor response times as part of their departmental effectiveness measures. This departmental measure will be based on 85% of the actual calls responded to within five minutes.
2. While currently there is only one response time measure for both fire and medical incidents, there is an expectation that the City staff will continue discussions with representatives from Mary Greeley Medical Center that might result in a different response time measure for medical responses and new techniques for providing emergency medical service in the City.
3. While currently there is only one emergency response time measure for all parts of the City, there is an expectation that City staff will continue to analyze this issue and it might be possible to establish a different response time measure for the industrial area to the east.
4. For purposes of obtaining information regarding the possible impact of future land use decisions, the City Council will review GIS modeling projections regarding projected response times to the new areas.

Moved by Davis, seconded by Szopinski, to approve the recommendations as presented by staff.
Vote on Motion: 6-0. Motion declared carried unanimously.

The meeting recessed at 8:44 p.m. and reconvened at 8:50 p.m.

AMCOR RIGID PLASTICS USA, INC.: Ron Hallenbeck, representing the Ames Economic Development Commission, advised that AMCOR purchased the Ball Plastics plant over a year ago. The project, with an investment of over \$25 million, will allow for expansion and

modernization of the plant on the north side. The Iowa Economic Development Authority will review AMCOR's application for assistance later this month. City Manager Schainker stated that the City Council is being asked to adopt a resolution supporting the submittal of an application from AMCO requesting assistance from IEDA as well as committing to the local match to be provided in the form of a forgivable loan in the amount of \$35,000. The local match would come through \$17,500 from the City's available balance in the Economic Development Fund and \$17,500 from the Ames Economic Development Commission.

City Manager Schainker described the matrices used to critique the applications.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-314 endorsing the Iowa Economic Development Authority application for financial assistance for AMCOR Rigid Plastics USA, Inc., with local match in the form of a forgivable loan.

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

SOLUM, INC.: Mr. Hallenbeck advised that Solum would be a new company to Ames. It is a Mountain View, California-based agricultural technology company that has developed advanced measurement systems for soil sample analysis. It is looking at leasing a building on South Bell Avenue and hopes to begin operations in July 2012. Twenty-five (25) high-paying full-time jobs would be created. Total investment is expected to be \$16.14 million, including a \$100,000 forgivable loan from IEDA as well as other state tax credits and incentives projected to total an additional \$158,000. IEDA will review Solum's application for assistance later this month. The local match would be a \$40,000 forgivable loan to be funded with \$20,000 from the City and \$20,000 from the Ames Economic Development Commission.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-315 endorsing the Iowa Economic Development Authority application for financial assistance for Solum, Inc., with local match in the form of a forgivable loan.

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

UNITED SUPPLIERS, INC.: Mr. Hallenbeck advised that United Suppliers is an existing business hoping to expand its offices in Ames and move 15 employees from the Eldora offices to Ames. Thirty-five (35) new jobs will be added in the next five years with the Ames office becoming the corporate headquarters. Total investment expected for the project is over \$1.975 million. Since the project is a relocation of a company within the state of Iowa, there is no assistance expected from the Iowa Economic Development Authority. The City is asked to provide \$50,000 with \$25,000 coming from the Ames Economic Development Commission.

It was stated by Mr. Hallenbeck that the company will also be applying for Industrial Property Tax Abatement under the existing City program.

Mr. Hallenbeck introduced Brad Oelman, the CEO for United Suppliers. Mr. Oelman explained that his company is a wholesale ag distributor of crop nutrients and crop protection products. It is owned by 770 ag retail details in 21 states throughout Central United States. Mr. Oelman expressed that the company is excited about its move to Ames, which is a larger community that will allow it to attract the type of talent needed to continue future growth.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-316 providing authorization to negotiate a City of Ames and Ames Economic Development Commission Economic Development Agreement with United Suppliers, Inc., with local assistance in the form of a forgivable loan.

Council Member Goodman stated his preference that companies not apply for tax abatement in addition to a forgivable loan.

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

UPDATE ON HAZARD MITIGATION GRANT PROGRAM (HMGP) PROJECT: Municipal Engineer Tracy Warner stated that FEMA had indicated that an additional four (4) projects of the original 11 submittal did not qualify for funding, which meant that a total of nine out of the eleven (11) projects were not eligible for grant funding. The City's Notices of Interest for those nine projects must be withdrawn. City Manager Schainker advised that the City Council needs to determine if the City should proceed with any of the projects that will not receive federal funding. Ms. Warner stated that the two projects that are still eligible for FEMA funding are: (1) Northridge Parkway and (2) Stuart Smith Park Bank Armoring.

According to Ms. Warner from information sent by FEMA, the City needs to demonstrate more than one event occurring. FEMA considers frequency of the impact. Extensive documentation is needed to be filed by residents, which is not coming through. Additional information is being garnered pertaining to Northridge Parkway; however, the City does have enough information to move forward with the Stuart Smith Park Bank Armoring project. Ms. Warner also noted that the City will need to prioritize the bond issue with the Capital Improvements Plan (CIP) for the Flood Response Program pertaining to the projects that are being withdrawn. City Manager Schainker recalled that local match had been included in the CIP. A decision on whether or not to issue the bonds needs to be made quickly as the Finance Director is beginning the process to issue the bonds.

Noting that only two (2) of the 11 projects submitted ended up being considered, Council Member Goodman stated that he did not see any value in seeking FEMA funds in the future. He noted his frustration over the amount of staff time that had been "wasted" by being so committed to preparing the applications for consideration under FEMA's Hazard Mitigation Grant Program. Mr. Goodman wanted staff to document the experience, so that future Council's can benefit from that information to make reasonable choices.

Moved by Goodman, seconded by Wacha, to designate the Municipal Engineer Tracy Warner as Authorized Representative for Stuart Smith Park Bank Stabilization project.

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

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-317 approving local match funding up to \$120,000 for Stuart Smith Park Bank Stabilization project.

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

LEASE TO YOUTH & SHELTER SERVICES FOR PARKING LOT P: Public Works Director John Joiner explained the two issues that remain for Council consideration regarding the Lease

were the establishment of the monthly rental fee and determination of who should be responsible for routine maintenance of the lot.

Moved by Szopinski, seconded by Orazem, to direct the City Attorney to create a new lease agreement with Youth and Shelter Services for exclusive use of Municipal Lot P expiring June 30, 2017, at a rate of \$20/space/month, and maintain all other provisions of the current Agreement and adopt RESOLUTION NO. 12-318 setting the date of public hearing for July 24, 2012.

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

SOUTHEAST ENTRYWAY PROJECT: Civil Engineer II Eric Cowles informed the Council that the City was successful in receiving grant funds for a portion of this project.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-319 approving the Iowa Department of Transportation Planting Grant 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 Goodman, to adopt RESOLUTION NO.12-320 approving final plans and specifications and awarding a contract to Truelsen Blumenthal, LLC, of Grimes, Iowa, in the amount of \$343,416.

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

HEARING ON UNIT NO. 7 STACK REPAIR PROJECT: Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-321 approving final plans and specifications and awarding a contract to NAES Power Contractors of Cranberry Township, Pennsylvania, in the amount of \$227,354.00.

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

HEARING ON BROOKSIDE PARK - EAST SIDE IMPROVEMENTS: Parks and Recreation Director Nancy Carroll advised that the Fiscal Year 2012/13 Budget and Capital Improvements Plan includes a total of \$507,500 from Local Option Sales Tax funding to replace Brookside Park's four tennis courts with lights, to replace the east concrete steps adjacent Brookridge Avenue, to replace the walkway leading from Brookridge Avenue west into Brookside Park, and to repair and rebuild the west limestone walls. According to Ms. Carroll, the City went out for bids on the project, listing the lighting as an alternate. One bid was received, which exceeded the approved budget by \$150,300 (with lights). The lighting was included in the bid document as an alternate.

Ms. Carroll provided the history of the Brookside Tennis Courts. In 1997, the City Council had redirected \$100,000 in City funding that would have been used to reconstruct the tennis courts at Brookside Park to partner with the Ames Community School District and the Friends of Ames Tennis and construct a new eight-court facility at Ames High School. The School District donated the land and \$50,900. The Friends group privately fund-raised \$207,000. The School

District agreed to pay the City \$2,500 annually for a period of ten years to help pay for the ongoing maintenance costs of the tennis courts at Brookside. At that time, the City Council decided that the four courts at Brookside would be maintained at a “recreational level” until the City made a final decision regarding the future existence of the courts.

The Council was told that a letter was mailed to over 300 households inviting them to a meeting concerning the Brookside Park tennis courts and renovations. According to Ms. Carroll, 11 residents attended that meeting and voiced support for four tennis courts with lights to be rebuilt at the site. Staff also asked those 11 people for their input in light of the significant budget shortfall. Seven persons provided feedback, which Ms. Carroll summarized.

Ms. Carroll stated that staff was suggesting that a recommendation regarding funding for lighting the tennis courts be solicited from the Parks and Recreation Commission. There are limited resources, and it would be beneficial for the City Council to know where the Commission values and prioritizes the lighting in relation to other Parks and Recreation CIP options. It was also being recommended that \$53,000 in savings realized in the development of Northridge Heights Park (due to fill dirt savings) be redirected to this project.

The public hearing was opened by the Mayor.

Holly Fuchs, 806 Brookridge Avenue, Ames, distributed a letter to the Council that she had written. She advised that it had been 15 years since she began speaking in favor of reconstructing the Brookside Park Tennis Courts with improved drainage and lighting. She asked the Council to approve the alternative that would reconstruct Brookside Park tennis courts, add improved lighting, and replace and rebuild the east limestone walls and stairway.

Annette O’Conner, 816 Brookridge Avenue, Ames, asked for clarification of the alternatives available to the City Council. She found Alternatives 2 and 3 as the most attractive; her family really supports the idea of having lights. Ms. O’Conner said that she found Alternative 4 totally unacceptable.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 12-322 accepting the report of bids for the 2011/12 Asphalt Pavement Improvements Program (Abraham Drive and Todd Circle); approving final plans and specifications, and awarding a contract to Manatt’s of Ames, Iowa, in the amount of \$484,000.00.

It was clarified that the alternative will result in a total cost for construction, engineering, and contingency of \$560,800. In order to finance that alternative, the additional \$53,300 would be reallocated from the Park Land Acquisition and Development Fund from savings realized from the Northridge Heights Park project.

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

HEARING ON 2011/12 ASPHALT PAVEMENT IMPROVEMENTS PROJECT (ABRAHAM DRIVE AND TODD CIRCLE): The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-323 approving final plans and specifications and awarding a contract to Manatt's of Ames, Iowa, in the amount of \$210,231.93.

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

HEARING ON VET MED SUBSTATION CAPACITOR BANK FOUNDATION INSTALLATION: The public hearing was opened by Mayor Campbell. No one asked to speak, and the hearing was closed.

Moved by Wacha, seconded by Larson, to accept the report of no bids.

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

Moved by Wacha, seconded by Larson, to direct staff to rebid the project.

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

Moved by Wacha, seconded by Larson, to adopt RESOLUTION NO. 12-324 approving preliminary plans and specifications; setting June 27, 2012, as bid due date and July 10, 2012, as date of public hearing.

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

HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO ADOPT ALTERNATIVE LANDSCAPING STANDARDS FOR AUTO AND MARINE CRAFT TRADE USES (Continued from May 8, 2012, and May 22, 2012): Planning and Housing Director Steve

Osguthorpe recalled that the Council had continued the discussion on the alternative landscaping provisions in order for staff to prepare a hypothetical site plan showing how an auto dealership site would be landscaped under the current *Code* requirements versus the proposed alternative standards and to contact the remaining auto dealerships in Ames to receive feedback on the proposed ordinance.

According to Mr. Osguthorpe representatives from local auto dealerships were invited to a meeting to explain the proposed amendments and provide feedback. Amescars.Com Incorporated; Wilson Auto Group, Inc.; George White Chevrolet; Lithia HDM Inc.; Quality Motors of Ames Ltd.; and Willey, Inc., were notified of the meeting. Danny and Denny Wilson (Wilson Auto Group) and Doug Livy (Quality Motors) attended. The Wilsons expressed their support for the amendments because they offered added flexibility. Mr. Livy stated that he also liked the flexibility component of the proposed amendments. Staff has received no negative feedback on the proposed standards.

Mr. Osguthorpe showed the Council hypothetical site plans showing landscaping under both the existing and proposed alternative standards.

It was emphasized by Director Osguthorpe that the proposed standards would not replace or change current standards, but were an optional alternative to current standards.

The Mayor continued the hearing. She closed same after no one requested to speak.

Council Member Goodman asked questions about security lighting. Mr. Osguthorpe stated that the recommended alternative included more restrictive lighting.

Moved by Davis, seconded by Wacha, to pass on first reading an ordinance making a Zoning Ordinance text amendment to adopt alternative landscaping standards for auto and marine craft trade uses.

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

NOXIOUS WEEDS ORDINANCE: Moved by Goodman, seconded by Larson, to pass on second reading an ordinance incorporating *Iowa Code* Section 317.1A, defining noxious weeds, into the *Municipal Code* and declaring noxious weeds as a public nuisance enforceable as a municipal infraction.

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

Moved by Wacha, seconded by Larson, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 5-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: Goodman. Motion declared carried.

Moved by Larson, seconded by Orazem, to pass on third reading and adopt ORDINANCE NO. 4114 incorporating *Iowa Code* Section 317.1A, defining noxious weeds, into *Municipal Code* and declaring noxious weeds as a public nuisance enforceable as a municipal infraction.

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

REZONING PROPERTY LOCATED AT 3799 CEDAR LANE: Moved by Davis, seconded by Larson, to pass on third reading and adopt ORDINANCE NO. 4115 rezoning property located at 3799 Cedar Lane from Planned Residence District (F-PRD) to Government/Airport (S-GA).

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

ORDINANCE TO ADD AN EXCEPTION FOR STRIPING OF PARKING SPACES DESIGNATED FOR OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE:

Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4116 to add an exception for striping of parking spaces designated for outdoor display of vehicles for sale or lease.

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

ORDINANCE TO ADOPT PROVISIONS FOR INTEGRATED SITE PLAN SUBDIVISIONS: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4117 to adopt provisions for integrated site plan subdivisions.

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

ORDINANCE ESTABLISHING PARKING REGULATIONS FOR TIMBER RIDGE DRIVE: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4118 establishing parking regulations for Timber Ridge Drive.

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 Wacha, seconded by Goodman, to refer to staff the letter from Mid-Iowa Community Action to adjust ASSET funding levels between Emergency Food and Family Development programs.

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

Moved by Wacha, seconded by Szopinski, to refer to staff the letter from The Arc to transfer monies from the respite retreats program to the Active Lifestyles program.

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

Moved by Davis, seconded by Goodman, to refer to staff the letter from Kurt Friedrich dated June 7, 2012, requesting for an extension of time on the Development Agreement for 605 and 619-719 East Lincoln Way relating to the requirement to pave a drive aisle and provide additional parking.

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

Moved by Goodman, seconded by Szopinski, to refer to staff an email dated June 1, 2012, from Jim Hennager, new owner of an arts and craft store on Main Street, requesting cigarette butt disposal receptacles in the mini park area near 136 Main.

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

Moved by Larson, seconded by Goodman, to refer to staff the letter from Heartland Senior Services for supplemental funding for Fiscal Year 2012.

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

Moved by Szopinski, seconded by Orazem, to refer to staff the letter from LaMacchia Group, on behalf of the Greater Iowa Credit Union, dated May 23, 2012, requesting for vacation of an alley lying north of Lot 7, Block 2, of College Park Addition.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:17 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor