

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 20, 2012

The Ames City Council met in special session at 7:00 p.m. on the 20th day of March, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council Members present: Davis, Goodman, Orazem, Szopinski, and Wacha. Council Member Larson was absent.

MOTION APPROVING 5-DAY CLASS B BEER PERMIT FOR COMFORT FOOD & BBQ CATERING AT AG LEADER: Moved by Davis, and seconded by Goodman to approve a 5-Day (March 23 - 27) Class B Permit for Comfort Food & BBQ Catering at Ag Leader, 2202 S. Riverside Drive, Ames.

Vote on Motion: 5-0. Motion declared carried unanimously.

JOINT MEETING WITH PLANNING & ZONING COMMISSION: Mayor Campbell welcomed the members of the Planning & Zoning Commission (P&Z). Council Members and P&Z members introduced themselves.

P&Z members in attendance were:

Elizabeth Beck
Debra Lee
Chuck Jons
Norman Cloud
Yvonne Wannemuehler
Rob Bowers

Ms. Beck thanked the Council for the opportunity to discuss P&Z priorities, and said that the Commission has attempted to align its priorities with the Council's priorities. She referenced the memo sent to Council from P&Z on January 4, 2012, and discussed the topics the Commission would like to discuss with the Council, including:

1. Industrial Lands
2. Traffic Impacts and Intermodal Transit
3. Tax Base Diversification
4. Land Use Policy Plan (LUPP)/ Codes Review for Consistency with Sustainability
5. District Planning - Niches
6. Flood Mitigation Efforts

Commission Member Jons discussed the need to attract jobs to Ames. He said there needs to be industrial land ready for businesses, or business will go elsewhere. Mr. Jons encouraged the Council in developing industrial land, so as not to further suffer from lost tax base. He also told the Council he would like to see the City review traffic plans more closely as they relate to future growth, and that he would like to see the shared use paths along the creek system in Ames utilized more in bringing people to Ames.

Commission Member Cloud recalled multiple situations where a previous development's traffic flow was fine, but then an extension of the development caused a neighborhood street to become an arterial street. Mayor Campbell said when the LUPP was initially created, the intended growth areas were taken into account with the traffic patterns. She said more recently, growth

has been in areas where it was not planned or intended, which then causes the traffic issues. Council Member Goodman said that the Council should look at proposed developments in the context of existing long term investments to be sure that infrastructure can be used as anticipated.

The group further discussed the LUPP and the need to review it. Planning and Housing Director Steve Osguthorpe said a process was recently adopted for reviewing the LUPP both as requested, as well as a regular 5-year cycle for review. He said it just needs to be determined when the cycle will begin and when the first update will occur. Mayor Campbell asked the Commission if someone wants to annex some land, which may include jobs, whether the City should put that priority above the review of the LUPP. Mr. Cloud said P&Z has been having these discussions, and that though multiple projects are getting completed, there aren't enough people looking at the big picture of how Ames is being developed.

Mayor Campbell said maybe Council should take a hiatus from referring these issues to staff and P&Z, and first review the LUPP. Ms. Lee said the purpose of the LUPP is to simplify these types of decisions, and said it should be decided if a review of the LUPP is important enough to devote staff time toward it first, and then each request that comes in. Council Member Goodman said he feels as if no matter what the Plan says, there could always be a different opportunity that creates pressure, so it will take Council and P&Z to decide and prioritize. Mr. Cloud said it is hard to pinpoint where growth should occur, and said that he is not confident in the Council's desires, making it hard for him to make decisions on P&Z.

Mr. Osguthorpe commented that the recent discussions related to traffic have suggested that the capacity is there, but quality of life may be affected. Ms. Beck discussed the need for traffic patterns involving vehicles, public transit, bike paths, and pedestrian walkways. Discussion continued on development, traffic, and the possibility of updating the LUPP. Council Member Szopinski stated that Council members are not of one philosophy on how quality of life is defined, so decisions are based on the majority. Mr. Cloud said he would like to have a better feel for what the consensus would be on particular issues.

Ms. Lee said she feels a chance to look at the LUPP is an opportunity for a community discussion on the values of the community. Mr. Jons said less emphasis could be placed on the long-range plan since the City must negotiate with surrounding entities concerning how we want Ames to look. He would rather see the City be the instigator of new and different ideas. He also said he is concerned the City would spend a large amount of resources and time developing the LUPP when those within the City could be utilized more cost effectively. Mr. Cloud said he doesn't totally disagree. He said at some point the City needs regulation, and a consensus on how to deal with these issues. Ms. Beck said she agreed that the conversation needs to happen, to determine what the community wants Ames to be. She also said that she agrees that \$150,000 does not need to be spent. Mr. Jons said it is very difficult to get the entire community involved in these discussions. Ms. Beck said if the conversation consisted of a representative group, it could be useful.

Council Member Wacha referenced the request for a consistent idea of the Council's viewpoints in certain instances. He said he struggles with the inconsistency also, but that every request that does not fit within the LUPP can be denied, neither can everything be "rubber stamped." He said it's not black and white, but more of a gray. Member Goodman said he feels that if millions of dollars are being spent on infrastructure, then it should be less "gray," and that maybe a plan with more flexibility is needed. Member Wacha said the other complication is the forever-

changing make-up of the City Council.

There was discussion on the qualities of Ames that make it unique, and the growth of Ames. Mayor Campbell wondered where the intention is to grow in terms of maintaining viable school districts. Mr. Cloud said P&Z had this discussion, and he has “given up” on controlling the market in the short term. He said he is puzzled as to if it can be legislated, or if it is just going to happen. Member Goodman said there is a limit to the infrastructure investments. Member Orazem said the number of children in Story County is smaller, and if Ames wants more children more jobs are needed. He said Ames currently has the same amount of jobs as it did in 2000. Member Szopinski said there are people that work in Ames that no longer live here because of a lack of affordable housing. Member Goodman said the current trajectory shows the Gilbert district growing. Council Member Davis said with the growth, Gilbert may benefit in the short term, but Ames still benefits through property taxes and additional affordable housing that is then available. He said there is a natural progression in neighborhoods, and the Ames school district could also benefit in the coming years.

Mr. Jons asked how staff is coming with the Council goal of flood mitigation. Assistant City Manager Bob Kindred said that since the floods, staff has been working with ISU, Story County, and others to coordinate efforts to deal with flooding, and that the Iowa Flood Center is doing a lot of work in Story County to help discern the best ways to mitigate flooding. Mr. Kindred said staff is putting together a Request for Proposals to go out next month for an engineering study similar to the study completed after the 1993 floods, but with much higher quantity and quality of data, and better tools and modeling which will hopefully be completed by the end of the year. Mr. Kindred said different rainfall models are being taken into account in order to bring options to policy makers based on different levels of protection, with the associated costs and regulations for each option.

City Manager Steve Schainker said in the commercial market, everyone wants to be on South Duff Avenue. He said the current Council is much more conservative than the national requirements, and requires those building there to build 3 feet higher than the projected 100-year base flood elevation. He said a map of the flood plain would show that the majority of Ames’ commercial areas are in the flood plain. Mr. Schainker said that very important policy decisions will need to be made.

Ms. Lee suggested a public relations effort to update the community on the flood mitigation progress, since residents are seeing the activity on South Duff Avenue now. Mr. Cloud said many of the older businesses on South Duff Avenue are thinking they will be impacted even more during a flood now since newer businesses are building higher. Council Member Goodman said it is frustrating that its taking so long, but the public should know that the City is engaged in a process more bold than ever before to mitigate future flooding, but Council has made a decision not to stop development in the area. Mr. Bowers said every time it floods, it floods differently. Member Wacha said he suggested looking at aerial views of Ames during the last flood. He said whoever builds on South Duff Avenue is taking a risk, and the new buildings will have a minuscule effect on existing businesses.

Mr. Schainker said for cities and city staffs, the most important thing is the LUPP, and once that is established, everything is planned off of that such as parks, sidewalks, bike paths, water towers, sewer lines, water lines, arterials, etc. He said that having a Plan does not mean there is no flexibility. Ms. Beck said she is very glad the community has a LUPP, but is not

comfortable always being asked to make exceptions. Mr. Schainker said a Plan becomes stale after 20 years, and to review it every 5 years will allow for the community's changing values and direction, but also allow for some certainty during the periods of time in between the reviews.

Mr. Schainker told P&Z that the Planning priorities referred by Council are requests from customers that need addressed. Discussion ensued on the outstanding council referrals and the staff time committed to each priority. Mr. Schainker suggested beginning with the higher priority items. Mr. Osguthorpe said the highest priorities are already in process, or customer-initiated. Mr. Schainker asked for direction on the higher-ranked referrals. Council Member Davis agreed with the priorities, and said he would like to see them all resolved and addressed. Mayor Campbell noted the amount of referrals. Mr. Schainker said new referrals could divert staff work on the current referrals.

Discussion ensued on meeting deadlines with customers, and also the need for a review of the LUPP.

Council Member Wacha thanked P&Z for their advisory work, and recognized the complexity of the issues. Mayor Campbell thanked Ms. Beck and Mr. Jons for their time and said she looks forward to Mr. Bowers and Ms. Wannemuehler's work on the Commission.

COMMENTS: Mayor Campbell reminded the group of the Boards and Commissions luncheon on Wednesday, March 21. She also told the group that the Ames Day at the Capitol is Monday, March 26.

ADJOURNMENT: The meeting adjourned at 8:53 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary

**MINUTES OF THE MEETING OF THE AMES AREA
METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE
AND REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL**

AMES, IOWA

MARCH 27, 2012

**MEETING OF THE AMES AREA METROPOLITAN
PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 27th day of March, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Campbell, Clinton, Davis, Goodman, Orazem, Szopinski, Wacha, and Warren Madden, who was representing the Ames Transit Board at this meeting. AAMPO Administrator John Joiner and Rudy Koester, City of Ames Transportation Planner, were also present. Voting Members Larson and O'Brien were absent.

2013 TRANSPORTATION PLANNING WORK PROGRAM (TPWP): Transportation Planner Rudy Koester explained that this is an annual Program. The Draft 2013 TPWP contains the same work elements. The Transportation Planning Review by the Federal Highway Administration and Federal Transit Administration occurred last June, and those recommendations are included in the Work Program being presented at this time.

Moved by Clinton, seconded by Davis, to approve the Draft FY 2013 Transportation Planning Work Program (TPWP) and set May 22, 2012, as the date of public hearing.

Vote on Motion: 8-0. Motion declared carried unanimously.

2013 PASSENGER TRANSPORTATION PLAN (PTP): Transit Director Sheri Kyras brought the Policy Committee's attention to the recommended projects in the Plan. This annual report is required for all transit agencies. It is a requirement that any human service transportation coordination happening within the community be documented.

Moved by Davis, seconded by Madden, to approve the Final FY 2013 Passenger Transportation Plan Update for submission to Iowa Department of Transportation and Federal Transit Administration.

Vote on Motion: 8-0. Motion declared carried unanimously.

APPOINTMENT TO STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS) BOARD OF DIRECTORS: Moved by Wacha, seconded by Davis, to appoint John Joiner to the SUDAS Board of Directors.

Vote on Motion: 8-0. Motion declared carried unanimously.

ANNUAL SELF-CERTIFICATION: Transportation Planner Koester advised that, pursuant to federal regulations, each MPO must self-certify that the transportation planning process is addressing the major issues in the Metropolitan Planning Area and is being conducted in accordance with all applicable requirements.

Moved by Goodman, seconded by Davis, to approve the AAMPO annual self-certification.

Vote on Motion: 8-0. Motion declared carried unanimously.

2035 LONG-RANGE TRANSPORTATION PLAN AMENDMENTS: Mr. Koester stated that the Iowa Department of Transportation (IDOT) informed the AAMPO Technical Committee on March

12, 2012, that it had started the process for improvements to the interchange of Interstate 35 and Highway 30. Since that is located within the AAMPO's planning boundary, in order for the IDOT to properly complete the preconstruction steps, qualify for federal funding, and keep on its project time line, the project must be included in the AAMPO's Long-Range Transportation Plan (LRTP). A public meeting is required before the LRTP may be amended.

Moved by Clinton, seconded by Davis, to set the date of public hearing for May 22, 2012, for amendments to the 2035 Long-Range Transportation Plan.

Vote on Motion: 8-0. Motion declared carried unanimously.

COMMENTS: Mr. Clinton asked if there had been any discussion about changing the city population threshold to be allowed to have its own MPO. Transit Director Kyras advised that she had received information about the recently passed Senate version of a new transportation bill (MAP 21). In that bill, there is language that would eliminate MPOs below the 200,000 level; however it does allow for a waiver process. At the inquiry of Mr. Clinton, Ms. Kyras encouraged the AAMPO members to contact legislators in an effort to retain the AAMPO.

ADJOURNMENT: Moved by Goodman, seconded by Davis, to adjourn the AAMPO meeting at 7:12 p.m.

MINUTES OF THE REGULAR CITY COUNCIL MEETING

Mayor Campbell called the Regular Meeting of the Ames City Council to order at 7:14 p.m. with Davis, Goodman, Orazem, Szopinski, and Wacha present. *Ex-officio* Member Finseth was also present. Council Member Larson was absent.

The Mayor noted that the Council Action Form pertaining to the 2012/13 Funding Contract for the Ames International Partner Cities Program (Consent Item No.10) had indicated an allocation of \$3,000; however, it should have stated an allocation of \$5,000.

Mayor Campbell also recommended that Item No. 36 (SE 16th Street Tax Abatement) be postponed until the April 10, 2012, meeting since one Council member was absent.

PROCLAMATION FOR GOOD NEIGHBOR EMERGENCY ASSISTANCE MONTH: Mayor Campbell proclaimed April 2012 as Good Neighbor Emergency Assistance Month. Accepting the Proclamation were Pat Thiede, Jere Maddux, Barb Gurganus, Mike Fritz, and Kathy Hanson.

CONSENT AGENDA: Moved by Goodman, 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 March 6, 2012
3. Motion approving Report of Contract Change Orders for March 1-15, 2012
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – Ge'Angelo's, 823 Wheeler Street, #9
 - b. Class E Liquor, C Beer, and B Wine – Wal-Mart Store #749, 3015 Grand Avenue
5. Motion approving submission of application for participation in Governor's Traffic Safety Bureau 410 Grant Program
6. Motion approving request from Story County Prevention Policy Board for use of City Hall as drug drop-off site on April 28, 2012
7. RESOLUTION NO. 12-109 approving Shift Differential for Police supervisors

8. RESOLUTION NO. 12-110 approving endorsement of Iowa Economic Development Authority Application for Financial Assistance for Iowa Choice Harvest, LLC
9. RESOLUTION NO. 12-111 approving 2012/13 Funding Contract for Ames International Partner Cities Program
10. RESOLUTION NO. 12-112 approving proposed 2012/13 Annual Action Plan projects' amended budget for CDBG Program
11. RESOLUTION NO. 12-113 authorizing placing the Single-Family Conversion Pilot Program (in connection with the 2011/12 CDBG Program) on hold, maintaining and rolling over \$25,000 budget, and directing staff to solicit proposals in Fall 2012
12. RESOLUTION NO. 12-114 approving amendment to Human Services Contract with ChildServe
13. RESOLUTION NO. 12-115 approving revisions to Records Retention Schedule
14. RESOLUTION NO. 12-116 approving Engineering Services Agreement for 2011/12 Downtown Pavement Improvements to Civil Design Advantage of Grimes, Iowa, in an amount not to exceed \$78,200
15. Airport hangar lease renewals:
 - a. RESOLUTION NO. 12-117 approving ten-year lease with Ames Hangar Club
 - b. RESOLUTION NO. 12-118 approving ten-year lease with Brian Aukes
 - c. RESOLUTION NO. 12-119 approving five-year lease with Craig Sommerfeld
 - d. RESOLUTION NO. 12-120 approving five-year lease with Ames Viking Aviation
 - e. RESOLUTION NO. 12-121 approving five-year lease with Kenneth Augustine
16. RESOLUTION NO. 12-122 approving preliminary plans and specifications for Vet Med Substation Capacitor Bank Foundation Installation; setting April 25, 2012, as bid due date and May 8, 2012, as date of public hearing
17. RESOLUTION NO. 12-123 approving preliminary plans and specifications for South 4th Street Water Main Repair; setting April 18, 2012, as bid due date and April 24, 2012, as date of public hearing
18. RESOLUTION NO. 12-124 approving preliminary plans and specifications for 2011/12 Asphalt Pavement Improvements (Barr Drive, Indian Grass Court); setting April 18, 2012, as bid due date and April 24, 2012, as date of public hearing
19. WPC Facility Replacement Pumps Project:
 - a. RESOLUTION NO. 12-125 authorizing \$78,000 for the project from available Sewer Fund balance
 - b. RESOLUTION NO. 12-126 awarding contract to Fairbanks Morse of Kansas City, Kansas, for four Raw Water Vertical Turbine Solids-Handling Pumps in the amount of \$472,880
20. Fleet Replacement Program:
 - a. RESOLUTION NO. 12-127 awarding contract to O'Halloran International for a 2013 International WorkStar chassis for Electric Services in the amount of \$72,426.00
 - b. RESOLUTION NO. 12-128 awarding contract to Altec Industries for a utility body and aerial platform with accessories for Electric Services in the amount of \$108,910.00
21. RESOLUTION NO. 12-129 approving Change Order No. 25 to Weitz Company for the Ames Intermodal Facility
22. RESOLUTION NO. 12-130 approving contract and bond for Main Street Alley (Kellogg Avenue to Douglas Avenue)
23. RESOLUTION NO. 12-131 approving contract and bond for Resource Recovery Plant Truck Scale Upgrade
24. RESOLUTION NO. 12-132 approving contract extension to Waste Management of Ames for FY 2012/13 for Hauling and Related Services for Resource Recovery Plant
25. RESOLUTION NO. 12-133 approving contract extension to Waste Management of Ames for FY 2012/13 for Hauling Ferrous Metals for Resource Recovery Plant

26. 2010/11 Collector Street Pavement (Storm Street) Improvements:

- a. RESOLUTION NO. 12-134 approving Change Order #4 in a credit amount of \$17,482.34
- b. RESOLUTION NO. 12-135 accepting completion

Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one came forward to speak during this time.

NEW CLASS C LIQUOR LICENSE FOR SIPS/PADDY'S IRISH PUB: Moved by Goodman, seconded by Davis, to approve a new 12-month Class C Liquor License for Sips/Paddy's Irish Pub, 124 Welch Avenue.

Vote on Motion: 5-0. Motion declared carried unanimously.

NEW CLASS E LIQUOR LICENSES FOR KUM & GO: Moved by Davis, seconded by Goodman, to approve new Class E Liquor Licenses for:

- a. Kum & Go #113, 2801 East 13th Street
- b. Kum & Go #227, 2018 Isaac Newton Drive

Vote on Motion: 5-0. Motion declared carried unanimously.

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY: Moved by Davis, seconded by Goodman, to approve a 5-Day Class C Liquor License for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue.

Vote on Motion: 5-0. Motion declared carried unanimously.

2012/13 ART AROUND THE CORNER SCULPTURES: Moved by Szopinski, seconded by Orazem, to adopt RESOLUTION NO. 12-136 approving the 2012/13 Art Around the Corner (AATC) sculptures, as follows:

1. *Iowa* by Zachary Bowman, Cedar Falls, Iowa
2. *Walker 1.0* by John Brommel, Des Moines, Iowa
3. *Hatching Sprout* by Michael Sneller, Cedar Rapids, Iowa
4. *Barbara's Portal* by Jaak Kindberg, Greenwood, Arkansas

and two alternates, as follows:

1. *Point Defiance* by Beth Nybec, Kansas City, Missouri
2. *Let's Cool One* by Paul Howe, Greensboro, North Carolina

Steve Kawaler, Chairperson of the AATC, advised that the 2012/13 Art Around the Corner Exhibition received 29 entries from 12 sculptors. He also noted that this is the last year that the project will be called Art Around the Corner; the name will change to Ames Outdoor Sculpture Competition.

According to Mr. Kawaler, the entries were evaluated by a jury of three Ames residents. At the inquiry of Council Member Orazem, Mr. Kawaler advised that another Public Art program, i.e., Neighborhood Sculpture, periodically purchases one of the AATC sculptures for placement in a qualifying neighborhood.

Pictures of the chosen sculptures were shown to the City Council. Mr. Kawaler explained that three alternates, to be used if any of the top four is unavailable, were actually chosen; however, one of the alternates presented installation issues that rendered it unsuitable for display.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR SUMMER EVENTS: Tom Drenthe, Director of the Main Street Cultural District, was present.

Moved by Davis, seconded by Wacha, to approve the following:

1. Main Street Farmers' Market, Saturdays from May 5 to October 27:
 - a. RESOLUTION NO. 12-137 approving closure of street and parking spaces in 400 block of Main Street from 6:00 a.m. to 1:00 p.m.
 - b. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for entire Central Business District from 8:00 a.m. to 6:00 p.m.
 - c. RESOLUTION NO. 12-138 approving waiver of fee for blanket Vending Permit.
2. Tune in to Main Street, Thursdays from May 24 - July 26:
 - a. RESOLUTION ON. 12-139 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
 - b. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for CBD sidewalks from 8:00 a.m. to 8:00 p.m.
 - c. RESOLUTION NO. 12-140 approving waiver of fee for blanket Vending Permit
 - d. RESOLUTION NO. 12-141 approving closure of 24 parking spaces in CBD Lot X
3. Art Walk on Friday, June 1:
 - a. RESOLUTION NO. 12-142 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.
 - b. Motion approving blanket Temporary Obstruction Permit for MSCD sidewalks from 3:00 p.m. to 8:00 p.m.
 - c. Motion approving blanket Vending Permit for MSCD from 8:00 a.m. to 8:00 p.m.
 - d. RESOLUTION NO. 12-143 approving waiver of fee for Blanket Vending Permit
 - e. RESOLUTION NO. 12-144 closing six parking spaces near intersection of Main Street and Kellogg Avenue for food vendors
4. 4th of July Parade and Festival on Wednesday, July 4:
 - a. RESOLUTION NO. 12-145 approving closure of Clark Avenue between 5th Street and 6th Street from 6:00 p.m. on Tuesday, July 3, until conclusion of parade on July 4 for City Council Community Pancake Breakfast
 - b. RESOLUTION NO. 12-146 approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. to approximately 3:00 p.m. for parade
 - c. RESOLUTION NO. 12-147 approving waiver of parking meter enforcement for the entire Central Business District on July 4
 - d. RESOLUTION NO. 12-148 approving closure of Parking Lot MM, Parking Lot N, Parking Lot Q, and south half of Parking Lot M from 6:00 a.m. to 3:00 p.m.
 - e. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for

- MSCD from 8:00 a.m. to 6:00 p.m.
- f. RESOLUTION NO. 12-149 approving waiver of utility fees for use of outlets and water in Tom Evans Plaza and waiver of Vending Permit fee
5. July Sidewalk Sales, July 26 - 28:
- a. RESOLUTION NO. 12-150 approving suspension of parking regulations in CBD from 8:00 a.m. to 6:00 p.m, July 26 - 28
 - b. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit
 - c. RESOLUTION NO. 12-151 approving waiver of fee for Blanket Vending License

Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

IOWA STATE UNIVERSITY (ISU) REQUEST TO LEASE LAND ON THE SOUTHWEST PORTION OF MOORE MEMORIAL PARK:

Parks and Recreation Director Nancy Carroll explained that ISU had requested to locate an approximately 5,000-square-foot golf maintenance facility at the southwest corner of Moore Memorial Park. Its existing golf maintenance facility is located in the floodplain, and excessive damage had occurred to it multiple times over the past several years. A lack of available land outside the floodplain would make it difficult to construct a new facility on ISU property. According to Ms. Carroll, long-term, the University is considering construction of a new clubhouse and practice green west of its existing clubhouse.

Ms. Carroll noted that the proposed location for the facility is immediately adjacent to a tree planting memorial honoring victims of 911 and approximately 50 feet west of a fenced natural gas restricted area.

A chronological history of events that had occurred since the request was received was provided by Director Carroll. She also reviewed the written response of Trees Forever, noted the comments received from the public at a meeting held in November 2011, and summarized feedback from the 350 letters that had been mailed by the City pertaining to this issue. Ms. Carroll said that, overall, the responses (approximately 10% response rate) indicated support for the City to enter into an agreement with ISU; however, she emphasized that a few residents adamantly oppose park land at Moore Memorial being used for a golf maintenance facility.

Ms. Carroll advised that the Parks and Recreation Commission, at its February 2012 meeting, unanimously voted to recommend that the City enter into a 50-year, no-fee lease agreement with ISU to locate a golf maintenance building in Moore Memorial Park. The Commission also directed the City staff to work with members of Trees Forever to redevelop new 911 Memorial plantings at another acceptable location with the Park System at ISU's expense and to ask University officials to afford the Parks and Recreation Commission an opportunity to "review and react" to the building contextually and aesthetically.

Reporting that the Park was made possible by a bequest from the Vern and Bertha Moore Family, Ms. Carroll reviewed the two conditions contained in the Last Will and Testament. She also listed the conditions that the City had placed on its acceptance of the bequest, which were agreed to by the Moore Estate's attorney and included in the approval Resolution adopted in 1987. According to Ms. Carroll, 40 acres of land at Moore Memorial Park is already leased to ISU and used for research plots. The annual rent of \$3,000 is used for Moore Memorial Park improvements.

Ms. Carroll showed the Council a conceptual drawing of the proposed 50' x 100' maintenance facility. She noted that the dimensions of the proposed leased area would be approximately 17,000 square feet, which would allow for access to the facility during the construction phase and after the building has been completed. According to Ms. Carroll, ISU has also agreed to allow the City to store park equipment and materials in part of the facility.

City Manager Schainker noted that the Council was not being asked to approve the construction of the maintenance facility or the lease at this time; it was being asked to set the date of public hearing on entering into the lease.

Council Member Orazem asked if the building could be configured in such a way as to be integrated into the 911 Memorial. Director Carroll reported that that had not been discussed. She noted that it had been proposed that the Memorial be recreated at a different location; however, she would discuss Mr. Orazem's idea with University officials and the Parks and Recreation Commission. It was also noted that the three pine trees that are currently part of the Memorial would be left at their current location as it is unknown whether they could be successfully transplanted. Ms. Carroll also pointed out that the three pine trees, when full-grown, would nearly hide the proposed building from sight.

Cathy Brown, representing Iowa State University, noted that the Veenker Golf Course had been in existence since 1938. It serves as the course for ISU Golf Team, the Iowa Masters Championship, a practice facility, a driving range, and also provides for public use. Ms. Brown showed a map of the impact of the 2010 Flood on the current building. She also pointed out the boundaries of the Golf Course, the current shed, and the location for the proposed shed.

George Servoy, 2827 Greensboro Drive, Ames, advised that he had lived in Ames since 1943 and formerly had been a long-time employee of ISU. Noting that he walks in Moore Memorial Park every day, Mr. Servoy expressed his strong opposition to allowing the construction of an ISU Golf Maintenance Facility in the proposed location. He presented the history of the site in question since 1987, noting ongoing concerns over the location of the Northern Natural Gas pipeline. He disputed that the City would receive any benefit from ISU's Park Maintenance Facility being located in Moore Memorial and strongly urged the Council not to approve the lease.

Marcia Imsande, 2032 Pinehurst Drive, Ames, clarified that she was not a member of Trees Forever. She said that she cannot imagine a worse location for the ISU Golf Maintenance Facility. Ms. Imsande strongly urged the Council not to approve the lease or allow the construction of the Facility in Moore Memorial Park. She also recommended that the City work with the University to find a different location for it.

John Nervig, 2808 Hampton Street, Ames, said that he was the Co-Chairman of the Iowa Master's Golf Championship and had been using Veenker Golf Course for close to 60 years. He said that he had never seen anyone in the area in question. Mr. Nervig stated that he did not even know that the 911 Memorial was located in Moore Memorial Park and felt that it would be a good idea to move the Memorial to a location where more people would see it. He emphasized that he was very much in favor of allowing the ISU Golf Maintenance Facility to be located in Moore Memorial Park at the location being recommended by the Ames Parks and Recreation Commission and ISU.

Council Member Orazem asked if Northern Natural Gas (NNG) had been consulted about the proposed construction of the Golf Maintenance Facility. Ms. Brown advised that the University had

not consulted NNG, but would be doing so in the near future. Mr. Orazem urged that the City and University take into account the view of the Facility along the trail.

Moved by Szopinski, seconded by Orazem, to adopt RESOLUTION NO. 12-152 approving the provisions to be reflected in the 50-year Lease Agreement with Iowa State University.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Szopinski, seconded by Orazem, to direct staff to work with members of Trees Forever to redevelop, at ISU's expense, the 911 Memorial Planting.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Szopinski, seconded by Orazem, to direct staff to request that ISU officials allow the Parks and Recreation Commission the opportunity to review the building contextually and aesthetically.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Szopinski, seconded by Orazem, to adopt RESOLUTION NO. 12-153 setting the date of public hearing for April 10, 2012, for approval of the lease.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

RENTAL REGISTRATION FEES FOR 2011/12: Finance Director Duane Pitcher told the Council that rental registration fees are billed annually after approval by the City Council. They are calculated by dividing the current year final amended budget by the current number of registered rental units. This method allows the City to closely match the actual cost of administration of the rental program to the user fees charged. Mr. Pitcher reminded the City Council, in February 2011, it increased staffing levels in the Rental Inspection Program for FY 2011/12. The additions were made to reduce a six- to nine-month backlog in rental inspections and to improve the timeliness of future inspections by transitioning a part-time inspector to full-time and adding a 0.4 FTE increase in clerical support. It was pointed out that the rental registration fees that will be billed in Calendar Year 2012 are the first that reflect the increase in staffing levels and corresponding increase in fees.

It was noted by Finance Director Pitcher that, during last year's budget process, the City Council had been informed that the personnel additions alone would result in an increase of \$3.38/unit in rental registration fees. Since the adoption of the FY 2011/12 budget, there have been other budget changes that have impacted the Rental Inspection Program, including increased costs for information technology charges due to heavier use by the Program, personnel changes, payment of unemployment benefits, and an increase in the number of units. The combination of those changes caused the costs allocated for rental inspections to be approximately \$16,000 over the adopted FY 2011/12 budget, which normally would be passed on in higher rental fees.

Mr. Pitcher told the Council that it could choose to exclude the cost of unemployment benefits from the Rental Registration Fees, which would result in an increase of approximately 7% in the fees per the FY 2012/13 Budget. If the Council were to choose to include the unemployment expenses in the amount collected in fees billed this year, the fee increase for FY 2012/13 would be minimal. Mr. Pitcher noted that the Fire Chief will be retiring this summer and the salary share would decrease. Also, the number of rental units will increase as additional apartments are constructed.

City Manager Schainker informed the Council of the complexities of the fee calculation. He noted that the unemployment claim was filed by an employee who spent the majority of his career in building inspections, not rental inspections. Therefore, Mr. Schainker said he could justify not charging the costs associated with the unemployment claim to rental inspections.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-154 approving the proposed changes to the Rental Registration fees to increase overall as provided in Column B of the Council Action Form, which excludes the cost of unemployment benefits from the amount collected in Rental Registration fees.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

WEEDS AND GRASS HEIGHT COMPLAINTS: City Manager Schainker advised that state law governs weed control within the state. Under those provisions, each county appoints a Weed Commissioner, who is responsible for developing and enforcing a County Noxious Weed Control Program. In order to provide for better response to Ames citizens who complain about noxious weeds and to provide a clearer understanding of weed prohibitions, Mr. Schainker said that it would be advisable to adopt a City ordinance that would make the presence of noxious weeds a public nuisance enforceable as a municipal infraction. Under such an ordinance, the City Manager could designate the City's Neighborhoods Inspector as the official who would be authorized to enforce violations of the weed prohibitions.

At the inquiry of Council Member Davis, City Attorney Marek advised that the *Iowa Code* would be incorporated by reference, which lists the noxious weeds that would be included. By doing so, the City would not need to amend its Ordinance every time the State amends that section.

Council Member Davis noted that he would like staff to attempt to get voluntary compliance from the violator before filing a Municipal Infraction. City Manager Schainker noted that it had always been the practice of the City to work with its residents in order to achieve voluntary compliance.

Council Member Orazem pointed out that if the State's list of noxious weeds does not include any of the weeds about which Ames citizens are complaining, it would not change anything.

Upon the question of Council Member Davis, City Attorney Marek advised that currently, there is no authority in the *Municipal Code* for the City to take enforcement action against violators who have noxious weeds on their property; state law governs that.

Moved by Goodman, seconded by Wacha, to direct staff to prepare an ordinance defining noxious weeds as specified in the *Iowa Code*, declaring noxious weeds a public nuisance enforceable as a municipal infraction, and publishing notice of public hearing.

Council Member Davis expressed his uncertainty that adopting a local ordinance would change anything. He believes that the City has a process in place already, i.e., by enforcing the provisions of the *Iowa Code*.

Council Member Orazem requested that the Council be provided with the list of complaints, specifically to ascertain if any of the species included in the *Iowa Code* Section are the ones that the City has received complaints about.

Vote on Motion: 5-0. Motion declared carried unanimously.

SE 16TH STREET TAX ABATEMENT PROJECT: This item was pulled by Mayor Campbell since there was one Council member absent.

MEC INTERCONNECTION 161kV LINE CONSTRUCTION: Electric Services Director Donald Kom informed the City Council that a Proposed Order had been approved by the Iowa Utilities Board granting the City a franchise to built its Interconnection Line between Ames to Ankeny. However, there is a period of 14 days during which someone could appeal that decision. Mr. Kom noted that the proposed schedule for construction of the Line took into account the 14-day appeal period.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-156 approving the preliminary plans and specifications for the MEC Interconnection 161kV Line Construction and setting May 9, 2012, as the bid due date and May 22, 2012, as the award of contract.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ENGINEERING SERVICES AGREEMENT FOR SANITARY SEWER SYSTEM EVALUATION: Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-157 approving an Engineering Services Agreement for Sanitary Sewer System Evaluation with Veenstra & Kimm, Inc., of West Des Moines, Iowa, in an amount not to exceed \$2,198,500.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

FBO LEASE: Public Works Director John Joiner advised that with the potential improvements to the Airport Terminal Building, the City felt it best not to enter into another five-year FBO lease. Hap's Air Service was agreeable to enter into a one-year extension.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-158 approving a one-year extension of the FBO Lease with Hap's Air Service.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ANNEXATION AGREEMENT INCENTIVES FOR E. LINCOLN WAY TO 590TH STREET: Seana Perkins, Business Development Coordinator, advised that, following Council direction, the Ames Economic Development Commission initiated conversations with eight property owners to ascertain their willingness to annex to Ames. She summarized the results of her discussions with the affected property owners.

Ms. Perkins asked for direction by the City Council as to whether it encourages the annexation of the area in question. If so, she will pursue developing appropriate agreements that reflect the conditional support for all of the property owners and the partial property tax abatement and utility connection fee waivers for the three existing residential properties and one commercial area. It was noted that 99.3% of the affected property owners had indicated support for annexation conditioned on the City extending utilities. Ms. Perkins also asked for direction from the Council as to whether it would support moving ahead with an 80/20 annexation if the three residential property owners did not wish to annex.

Council Member Szopinski suggested that discussions pertaining to the issue of providing water and sanitary sewer precede the discussion of annexation. She noted that it was still unclear to her whether the City would be providing the water or if water would be provided by a Rural Water District.

City Manager Schainker advised that the next steps would be to work on Pre-Annexation Agreements to see if the City could provide enough incentive for the three residential property owners to agree to annex.

Council Member Orazem asked when the City would hear from the Rural Water District. Assistant City Manager Kindred noted that the City had attempted to set up a meeting with the Rural Water District. He advised that it has to be determined whether the Rural Water District has the capacity to provide water to the area in question. City Attorney Marek noted that, legally, the Rural Water District has the authority to serve the area, as approximately 20 years ago the City granted the Rural Water District that authority. However, it remains to be seen if they have the capacity once a customer is located in its area to actually provide water to that location.

Council Member Goodman noted that there are no projects pending for this area. The type of industry, number of jobs to be created, size of project, etc., may affect the property owners' excitement over being annexed. He felt that the Council had to discuss and determine its expectations for the area first before the decision on annexation would be made.

City Manager Schainker told the Council that staff was not expecting a decision on annexation at this meeting; staff was only asking for direction to be given as to whether it should continue to pursue proposed annexation along E. Lincoln Way. He advised that Council members were to have provided questions relative to this project to him by March 27. He plans to bring those back to the City Council for it to decide which questions it wants answered.

Council Member Goodman reiterated that the Council needed to determine its expectations for the area in question. Council Member Szopinski stated her opinion that the City needed to have qualifying criteria to ensure an adequate return on its investment.

Moved by Wacha, seconded by Orazem, to direct staff to contact the landowners along E. Lincoln Way to 590th Street, who are currently reluctant to annex, to discuss the three strategies listed in the Council Action Form.

Council Member Davis suggested that the property owners be told of the City's possible use of the 80/20 Rule if they were not willing to annex.

Vote on Motion: 5-0. Motion declared carried unanimously.

City Manager Schainker asked the City Council members to submit their list of expectations desired from the City's investment to him. He noted that a workshop, perhaps two, may need to be set to address the questions and expectations. Staff will work on finding the date(s) for the potential workshop(s).

INTERMODAL FACILITY: City Manager Schainker advised that approval of the budget was critical because the Intermodal Agreement requires that if the revenues in the fund do not cover the operations and capital improvement expenditures, the University and the City will each provide

equal supplemental operational support in the form of subsidies, as necessary, to maintain a positive balance.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-159 approving the 2012/13 Budget, as proposed by staff, for the new Intermodal Facility.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON UNDERGROUND TRENCHING FOR ELECTRIC SERVICES: Mayor Campbell opened the public hearing. No one wished to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Goodman, to accept the report of bids and delay award of a contract. Vote on Motion: 5-0. Motion declared carried unanimously.

HEARING ON AMES MUNICIPAL CEMETERY GROUNDS FENCING PROJECT: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-160 approving final plans and specifications and awarding a contract to Taylor Fencing of Clio, Iowa, in the amount of \$42,935.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2010/11 ASPHALT RESURFACING/SEAL COAT REMOVAL/ASPHALT RECONSTRUCTION PROGRAM: Mayor Campbell opened the public hearing and closed it after no

one asked to speak.

Moved by Orazem, seconded by Goodman, to adopt RESOLUTION NO. 12-161 approving final plans and specifications and awarding a contract to Manatt's of Ames, Iowa, in the amount of \$306,883.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2011/12 AND 2012/13 NEIGHBORHOOD CURB REPLACEMENT PROGRAM: The public hearing was opened by Mayor Campbell. No one requested to speak, and the hearing was closed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-162 approving final plans and specifications and awarding a contract to TK Concrete of Pella, Iowa, in the amount of \$80,975.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2012/13 WATER SYSTEM IMPROVEMENTS, WATER SERVICE TRANSFER, CONTRACT NO. 1 (LINCOLN WAY FROM NORTH RIVERSIDE DRIVE TO NORTH HAZEL AVENUE): The Mayor opened the public hearing. There being no one wishing so speak, she closed the hearing.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-163 approving final plans and specifications and awarding a contract to MPS Engineers of Des Moines, Iowa, in the amount of \$74,945.60.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2012/13 WATER SYSTEM IMPROVEMENTS, WATER MAIN REPLACEMENT (EAST LINCOLN WAY FROM CENTER AVENUE TO 729 EAST LINCOLN WAY): The hearing was opened and closed by Mayor Campbell after no one came forward to speak.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 12-164 approving final plans and specifications and awarding a contract to Ames Trenching of Ames, Iowa, in the amount of \$154,686.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON RESOURCE RECOVERY PLANT SECONDARY FEED SYSTEM FOR PRE-PROCESSED BOILER FUEL: Mayor Campbell opened the public hearing. No one requested to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-165 reallocating \$14,034 in savings from the Resource Recovery Improvements Program in the 2011/12 Capital Improvements Plan.

Roll Call Vote: 5-0. 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. 12-166 approving final plans and specifications and awarding a contract to A-Lert Construction Services of Fredonia, Kansas, in the amount of \$62,040.

Roll Call Vote: 5-0. 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. 12-167 approving the contract and bond.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON AMES/ISU ICE ARENA RUBBER FLOORING REPLACEMENT: The hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-168 approving final plans and specifications and awarding a contract to Rink Systems of Albert Lea, Minnesota, in the amount of \$93,308.60.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2011/12 COLLECTOR STREET PAVEMENT IMPROVEMENTS (ASH AVENUE, MORTENSEN PARKWAY TO KNAPP STREET): Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-155 approving final plans and specifications and awarding a contract to Manatt's of Ames, Iowa, in the amount of \$1,161,811.46.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON ZONING ORDINANCE TEXT AMENDMENT RELATED TO THE DEFINITIONS OF "STORY" AND "BASEMENT:" The Mayor opened the hearing. It was closed after no one asked to speak.

Moved by Goodman, seconded by Davis, to pass on first reading a Zoning Ordinance text amendment related to the definitions of "story" and "basement."

Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE CHANGING THE TERM OF OFFICE COMMENCEMENT DATE FOR LIBRARY BOARD OF TRUSTEES: Moved by Davis, seconded by Goodman, to pass on first reading an ordinance changing the term of office commencement date for Library Board of Trustees from July 1 to April 1.

Roll Call Vote: 5-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Moved by Wacha, seconded by Goodman, to refer to staff the letter from Chris Theissen dated March 21, 2012, requesting to add a category to the minimum off-street parking requirements of the *Municipal Code* for "Farm/Home Store."

Discussion ensued among the Council members as to whether to broaden the discussion to include more than farm stores. Council Member Davis pointed out that if the discussion were broadened, he would be concerned that the Theissen's expansion project would be delayed. City Manager Schainker noted that this had not been built into the Planning priorities and asked if Council preferred to have this project supersede another priority. Planning and Housing Director Steve Osguthorpe felt that it could be worked in with the projects currently being worked on.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Davis, seconded by Goodman, to refer to City Manager Schainker for preparation of a memo to the City Council explaining what the issues are in response to the letter from Kurt Friedrich dated March 23, 2012, that requested a change in the cost-sharing provision of the original 2005 Ringgenberg Development Agreement.

Vote on Motion: 4-1. Voting aye: Davis, Goodman, Orazem, Szopinski. Voting nay: Wacha. Motion declared carried.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 9:42 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor