

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 16, 2013

The Ames City Council met in special session at 7:00 p.m. on the 16th day of April, 2013, 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, Larson, Orazem, Szopinski, and Wacha. *Ex officio* member Baker was absent.

Mayor Campbell expressed condolences to the victims of the Boston Marathon bombing.

CONSENT AGENDA: Mayor Campbell stated that Item Nos. 1 and 2 on the consent agenda would be pulled for separate discussion.

Moved by Davis, and seconded by Larson to approve the following items on the consent agenda:

3. RESOLUTION NO. 13-158 authorizing an amount not to exceed \$1,500 for additional litigation expense in Iowa League of Cities v. EPA case

****Additional Item:** RESOLUTION NO. 13-159 approving closure of parking spaces on Chamberlain Street between Welch Avenue and Fire Station #2 driveway and Chamberlain Lot Y on April 19 - 21 to facilitate staging of law enforcement vehicles and related equipment

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

RESOLUTION NO. 13-156 APPROVING CHANGE ORDER NO. 2 TO NAES CORPORATION OF HOUSTON, TEXAS FOR STEAM TURBINE NO. 8 OVERHAUL:

Assistant City Manager Bob Kindred told Council that the requests tonight are urgent matters. He said that every 5-8 years the units get dismantled to evaluate work that needs done. He said Change Order No. 2 will likely need additional funds, and it will be important to act swiftly to minimize the downtime for Unit 8. Electric Services Director Don Kom said the generator and turbine are still being looked at. He said the turbine is offsite where five minor issues are being looked at, but that since it is already apart, staff wants to use due diligence to be sure everything needing correcting is corrected so that the unit will operate longer. Mr. Kom said it would be more cost effective to fix the issues now, but that would extend the outage of the unit another week to ten days. He said staff is weighing the information, bids, and contractors available and should have recommendations by Tuesday's City Council meeting. He told the Council that overall, Unit 8 is in good condition.

Moved by Larson and seconded by Orazem to approve RESOLUTION NO. 13-156 approving Change Order No. 2 to NAES Corporation of Houston, Texas for Steam Turbine No. 8 Overhaul. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

RESOLUTION NO. 13-157 WAIVING CITY'S PURCHASING POLICY AND AWARDED CONTRACT FOR POWER PLANT MOTOR REPAIR TO ELECTRICAL ENGINEERING AND EQUIPMENT COMPANY OF DES MOINES, IOWA:

Mr. Kom said that once the motors were taken to a facility in Des Moines, it was discovered that two of them need full coil rework. He said two other firms were contacted, and it was found out that Electrical Engineering and Equipment Company (3E) can do the work more cost effectively than the other firms. He said to waive the bid requirements would allow the units to stay at 3E. There was discussion regarding the costs.

Moved by Larson and seconded by Orazem to approve RESOLUTION 13-157 waiving City's Purchasing Policy and Awarding Contract for Power Plant motor repair to Electrical Engineering and Equipment Company of Des Moines, Iowa.

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

COUNCIL WORKSHOP ON FLOOD MITIGATION STUDY: Mayor Campbell introduced Water & Pollution Control Director John Dunn. Mr. Dunn told the Council that the presentation given tonight is the same presentation that was given twice to the public on April 10. He said there will be one more opportunity for public input before a final recommendation is made. Mr. Dunn recognized the individuals that have partnered together on this study working toward the City Council's goal of mitigating the effects of flooding on the community.

Mr. Dunn reviewed the scope of work, and said HDR Engineering (HDR) will be presenting alternatives tonight. He noted that HDR maximized public input during the entire process, and treated it as more than just communication to the public, but more like conversations with individuals. Mr. Dunn told the Council that the input really shaped the way alternatives were looked at and evaluated, of which there is no single or easy answer. Mr. Dunn introduced Water Resources Engineer Andy McCoy of HDR. Mr. McCoy said 300 people have attended public meetings, 645 have visited the online meeting, and 181 comments have been received through the website. He described the evaluation process.

Mr. McCoy described how the extreme rain events that have occurred recently in the state of Iowa were used as examples, and through computer modeling were routed into Squaw Creek and the Skunk River to show how an event could exceed the 2010 flood. He said these alternatives were incorporated into web-based maps. Nathan Young of the Iowa Flood Center gave a demonstration of how the maps can be used, and said the web interface was created specific to this project. To access the maps, he said to go to the City's website: www.cityofames.org and then click on "Flood Mitigation Study" which is located under "In the Spotlight". Mr. McCoy said the public could use the tool to search for homes and view the effects of flooding.

Mr. McCoy reviewed the presentation. The alternatives being considered were discussed:

- Centralized Storage
- Regional Flood Storage
- Floodplain Storage
- Diversion (2 options)
- Conveyance Improvements (3 options)
- Levee Protection to 100-year flood level
- Levee Protection to 500-year flood level

For each alternative the benefit cost analysis was reviewed, including construction costs, annual cost, annual benefits, and the benefit/ cost ratio.

Mr. McCoy said HDR needs to obtain Council's feedback on options it is interested in so that next step options can be calculated. There was discussion among the Council members about the alternatives. Mr. Larson asked about combining different alternatives, and if the benefit/ cost ratios could be modeled from several different combination scenarios. Mr. McCoy said that is possible, and that alternatives that provide natural combinations would be channel improvements along Squaw Creek, lengthening the bridge at US Highway 30, and adding a levee. He said now

HDR wants to quantify the different combinations, and asked if there were any alternatives that should not be further considered.

Mr. Schainker said it would be best to optimize the impact for the best cost. Mr. Larson said he would like to know which three options in conjunction with other options could slow the flows down coming into Ames. Mr. McCoy asked if he would like to see the best stand alone detention facilities put in combination with other alternatives. Mr. Larson said yes, and added that the City will have to rethink what is allowed for development. Mr. Goodman said slowing the water down is important, and said that money could be made available for buy outs that would help eliminate economic impacts.

Mayor Campbell said after the 1993 flood there was an effort to have individual properties put up flood walls. Mr. McCoy said they did not look at flood walls for specific properties. Mr. Goodman asked how the project would be funded. Mr. Schainker said outside funding would be researched, or bonds could be issued. Mr. Orazem asked if there are different probabilities for getting outside funding for the different options. Mr. McCoy said the benefit/ cost ratio would need to be above 1. Discussion continued. Mr. Dunn said if the Council paired up different alternatives, not everything would be constructed in year 1, but incrementally which would spread out the expense. Mr. Orazem asked about Decorah, Iowa. Mr. McCoy said Decorah combined levees and bike trails to enhance the area.

Mayor Campbell asked if Council would like staff and the consultants to eliminate the unlikely options. Mr. Larson said he would like at least one option that includes storage in the most cost-effective way. Mr. Goodman asked if we are still within the scope of the study. Mr. Dunn said we are outside the scope, but HDR has agreed to look at one more analysis. Mr. Goodman asked about buyouts. Mr. McCoy said that option can be provided, as it is the baseline that everything is compared to. Mr. Larson said certain entities would need alternative locations if bought out. Mr. Dunn asked the Council if it is accurate to say it would like HDR to prepare combination alternatives with upstream storage. Mr. Orazem said storage vs. levees is a logical question. Mr. Larson said he is interested in any combination with a benefit/ cost ratio better than a 1, then it can be determined if environmental impacts could be mitigated, or if they are too great. He said if the alternative would protect against a 500 year flood and has at least a 1, he wants to see it.

Mr. Dunn said HDR will provide a draft of the final written document within 4-6 weeks and then staff will review it and the finalized report could be presented to City Council in June or July, when staff will present the finalized alternatives. Mr. Dunn said it will be that same time that staff is about to assemble an update to the CIP if there is an option that Council would like to pursue. Mr. Dunn said that Mr. McCoy and his team have done an outstanding job on the study and have been positive ambassadors on the Council's behalf. He said they took many comments and were always respectful and receptive to all of them.

COMMENTS: There were no comments.

The Council recessed at 9:21 p.m. and reconvened at 9:30 p.m.

Moved by Davis and seconded by Larson to go into closed session at 9:31 p.m.

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

Moved by Davis and seconded by Szopinski to return to regular session at 10:35 p.m.
Vote on Motion: 6-0. Motion carried unanimously.

ADJOURNMENT: The meeting adjourned at 10:35 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 23, 2013

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on April 23, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Baker was also present.

PROCLAMATION FOR NATIONAL HISTORIC PRESERVATION MONTH: The month of May was proclaimed as National Historic Preservation Month. Accepting the Proclamation was Bill Malone, Historic Preservation Commissioner. Mr. Malone highlighted upcoming events for the Ames Historic Preservation Commission, including a presentation in May by an expert from Northeast Iowa on window restoration; “Old is the New Green” preservation and sustainability will be the topic in June; and in July, a conference on using state and federal tax credits will be held.

PROCLAMATION FOR ARBOR DAY: Mayor Campbell proclaimed April 26, 2013, as Arbor Day. Accepting the Proclamation were Dave Brotherson and Bruce Vance. Mr. Brotherson thanked the City Electric Services and Public Works Departments for helping to fund the tree-planting efforts.

HISTORIC PRESERVATION AWARDS: Historic Preservation Commissioner Bill Malone presented Historic Preservation Awards to the following:

1. Significant Achievement in Historic Preservation: Ames Smart Growth Alliance

Accepting the Award on behalf of Ames Smart Growth Alliance were Catherine Scott, Erv Klaas, Susie Petra, Sue Krall, Sue Ravenscroft, and Pam Sargent. Ms. Scott advised that the Ames Smart Growth Alliance members had given time and money to advocate for the rehabilitation and reuse of the Roosevelt Elementary School building. She recognized various members of the Smart Growth Alliance for their efforts towards that endeavor.

2. Historic Rehabilitation: John Sargent, 917 Burnett Avenue

Mr. Sargent stated that his home had been constructed in 1913. It had been converted to a triplex in the 1940s. After 70 years, it has now been converted back to a single-family residence.

APPOINTMENT OF EX OFFICIO STUDENT LIAISON: Mayor Campbell introduced Alexandria Harvey, who was being recommended for appointment by the Government of the Student Body as the City Council *ex officio* student liaison. Ms. Harvey stated that she is from Texas and is currently a junior at Iowa State University majoring in Environmental Science and Global Resource Systems. If appointed, Ms. Harvey would serve for one year.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-160 approving the appointment of *ex officio* student liaison Alexandria Harvey.

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

Mayor Campbell recognized Sawyer Baker, who had served as the City Council *ex officio* student liaison for the past year.

CONSENT AGENDA: Moved by Goodman, seconded by Orazem, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of April 8, 2013, and Regular Meeting of April 9, 2013
3. Motion approving Report of Contract Change Orders for April 1-15, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service – Perfect Games, 1320 Dickinson Avenue
 - b. Class C Beer – Swift Stop #2, 3406 Lincoln Way
5. Motion approving Police Department’s application to and participation in Department of Justice Office of Justice Programs Bulletproof Vest Partnership program
6. RESOLUTION NO. 13-161 approving appointment of Council Member Goodman to Ames Transit Agency Board of Trustees
7. RESOLUTION NO. 13-162 confirming appointments of GSB Senator Zachary Murrell and Representative Daniel Rediske to Ames Transit Agency Board of Trustees
8. RESOLUTION NO. 13-163 approving appointment of Deb Thurmond to fill vacancy on Public Art Commission
9. RESOLUTION NO. 13-164 approving Investment Report for quarter ending March 31, 2013
10. RESOLUTION NO. 13-165 approving Preliminary Official Statement for General Obligation Corporate Purpose Bonds, Series 2013, and setting date of sale for May 14, 2013
11. RESOLUTION NO. 13-166 approving renewal of Administrative Services Agreement with Delta Dental of Iowa for dental benefits
12. RESOLUTION NO. 13-167 approving renewal of Agreement with Wellmark BCBS of Iowa for administrative services, specific and aggregate excess coverage, and network access for health benefits
13. RESOLUTION ON. 13-168 approving preliminary plans and specifications for 2013/14 Resource Recovery Process Area Sprinkler System Replacement (Phase I); setting May 22, 2013, as bid due date and May 28, 2013, as date of public hearing
14. RESOLUTION NO. 13-169 approving preliminary plans and specifications for 2012/13 Downtown Street Pavement Improvements; setting May 22, 2013, as bid due date and May 28, 2013, as date of public hearing
15. RESOLUTION NO. 13-170 awarding contracts to RESCO of Ankeny, Iowa, for purchase of Padmounted Transformers and to Wesco Distribution of Des Moines, Iowa, for purchase of Overhead Transformers, all in accordance with unit prices and energy losses bid
16. RESOLUTION NO. 13-171 approving renewal of contract with W-S Industrial Services, of Council Bluffs, Iowa, in an amount not to exceed \$151,000 for Power Plant Specialized Cleaning Services, including Grit Blasting, Hydro-Blasting, Detonation Blasting, and Vac Truck Services
17. RESOLUTION NO. 13-172 approving renewal of contract with Bodine Services of Clinton, LLC, of Clinton, Iowa in an amount not to exceed \$52,000 for Power Plant Specialized Wet/Dry Vacuum, Hydro-Blast, and Related Cleaning Services
18. RESOLUTION NO. 13-173 approving renewal of contract with ChemTreat, Inc., of Glen Allen, Virginia, in an amount not to exceed \$224,000 for Chemical Treatment Services and Supplies for Power Plant
19. RESOLUTION NO. 13-174 approving renewal of contract with Diamond Oil Company of Des Moines, Iowa, in an amount not to exceed \$642,000 to supply Diesel Fuel to the Power Plant
20. RESOLUTION NO. 13-175 approving renewal of contract with Tri-City Electric Company of Iowa, of Davenport, Iowa, in an amount not to exceed \$180,000 for Power Plant Breaker and Relay Maintenance
21. RESOLUTION NO. 13-176 approving renewal of contract with Air Hygiene of Broken Arrow, Oklahoma, in an amount not to exceed \$90,500 for Emissions Testing for Steam Electric Plant and Combustion Turbine Generator

22. RESOLUTION NO. 13-177 approving renewal of contract with Waste Management of Ames in the amount of \$.3941/mile/ ton for Hauling and Related Services from Resource Recovery Plant to Boone County Landfill
23. RESOLUTION NO. 13-178 approving completion of Squaw Creek Pedestrian Bridge
24. RESOLUTION NO. 13-179 approving completion of Flood Damage - Squaw Creek Bank Erosion Projects (north of Stuart Smith Park and near 326 North Riverside Drive)
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one spoke during this time.

5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY: Moved by Davis, seconded by Orazem, to approve:

- a. Special Class C Liquor at St. Thomas Aquinas Church, 2210 Lincoln Way
 - b. Special Class C Liquor & Outdoor Service at Reiman Gardens, 1407 University Boulevard
- Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS C LIQUOR LICENSE & OUTDOOR SERVICE FOR BRICK CITY GRILL: Moved by Davis, seconded by Orazem, to approve a Class C Liquor License & Outdoor Service for Brick City Grill, 2704 Stange Road.

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

SUMMERFEST IN CAMPUSTOWN ON JUNE 8, 2013: Kim Hanna, Director of the Campustown Action Association, and Liz Jeffrey, Event Chair for Promotions for the Campustown Action Association, were present. Ms. Hanna advised that this would be the third year for Summerfest in Campustown. Ms. Jeffrey named a few of the wide variety of activities that will occur during the event. She referred anyone who was interested in registering for the 5K run or seeing what other activities will be offered to the Website: AmesCampustown.com

Moved by Davis, seconded by Larson, to adopt/approve the following:

- a. RESOLUTION NO. 13-180 approving closure of 200 block of Welch Avenue and Welch Lot T from 7:00 a.m. to 11:00 p.m.; and waiver of parking meter fees, electricity use, and Blanket Vending Permit fee
- b. Motion approving Blanket Temporary Obstruction Permit
- c. Motion approving Blanket Vending Permit
- d. Motion approving 5-Day Class B Beer Permit & Outdoor Service

Council Member Wacha expressed concerns that a police officer will not be hired to oversee the beer garden. He was willing to support the motion based on there not being any issues last year; however, if there are issues this year, he expressed his recommendation that an officer be present in the future.

Roll Call Vote: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Resolution/Motions declared adopted/approved, signed by the Mayor, and hereby made a portion of these Minutes.

OKTOBERFEST ON OCTOBER 12 AND 13, 2013: Cari Hague, Main Street Cultural District (MSCD) Director; Terry Stark, 2013 MSCD President; and Bill Malone, Committee Chair for Oktoberfest, were present. Ms. Hague said that the event will be expanded this year due to its

success last year; it will be a day-long festival to showcase the Downtown District. Mr. Stark described some of the musical entertainment that would be offered.

Moved by Davis, seconded by Szopinski, to adopt/approve the following requests from the Main Street Cultural District for Oktoberfest on Saturday, October 12, and Sunday, October 13:

- a. RESOLUTION NO. 13-181 approving closure of Main Street from Kellogg to Douglas from 10:00 a.m. to 2:00 a.m., including closure of 46 parking spaces; and waiver of fees for Blanket Vending Permit, meter costs for parking space closures, and costs for use of electricity in the 200 block
- b. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending Permit
- c. Motion approving 5-day Class B Beer Permit & Outdoor Service (pending dram shop insurance coverage)

Council Member Wacha expressed concerns that a police officer will not be hired to oversee the beer garden.

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

CONTRACT FOR HUMAN SERVICES WITH LUTHERAN SERVICES IN IOWA (LSI):

Assistant City Manager Melissa Mundt told the Council that during the staff transition in the City Manager's Office, it had been discovered that LSI had not submitted its 2012/13 contract. LSI had requested reimbursement for Crisis Intervention and Crisis Childcare Services from the City, which triggered the review of documents and revealed that the contract had not been returned. If approved, the contract for FY 2012/13 would allow LSI to submit requests to draw down funds for the entire period from July 1, 2012, to June 30, 2013.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-182 approving the 2012/13 Contract for Human Services with Lutheran Services in Iowa.

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

REQUEST FOR ADDITIONAL 2013/14 FUNDING FOR ACCESS SHELTER: The Council was advised by Mayor Campbell that Item No. 34 had been pulled by staff.

PURCHASE OF SCULPTURE FOR INTERMODAL FACILITY: Allison Sheridan and Greg Fuqua, Co-Chairs of the Public Art Commission, were present. Ms. Sheridan explained that the Transit Agency had approved using \$39,000 of the Federal Transit Administration (FTA) funding allocation to purchase *Power Tennis*, a piece of artwork by internationally renowned sculptor Bill King. The artwork will be placed to the east of the Intermodal Facility. Public Arts Commission funds in the amount of \$3,500, which were carried over from its 2012/13 budget, will be used for installation costs. At the inquiry of Council Member Goodman, Transit Director Sheri Kyras explained that various expenditures had been made from the Federal Transit Administration funding allocated to the Intermodal Facility; those items, which includes the artwork, will deplete the federal funding.

Council Member Wacha noted that the FTA strongly encourages artwork at facilities that have been built with FTA funding.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 13-183 approving the purchase of the “Power Tennis” sculpture from William King for purchase of artwork for Intermodal Facility.

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

2012/13 NEIGHBORHOOD ART ACQUISITION PROGRAM SCULPTURE SELECTIONS:

Mary Ann Lundy and Greg Fuqua, representing the Public Art Commission, described the three sculptures being recommended for purchase and named the neighborhoods that will receive them.

Moved by Szopinski, seconded by Goodman, to adopt RESOLUTION NO. 13-184 approving the purchase of the of the following 2012/13 Neighborhood Art Acquisition Program sculpture selections:

1. *Barbara’s Portal* by Jaak Kindberg to be placed at Ontario and California in West Ames near the CyRide bus stop turn-around
2. *Walker 1.0* by John Brommet to be placed at Bloomington Road and Fletcher Avenue at the entrance to the Stone Brooke Neighborhood
3. *Hatching Sprout* by Michael Sneller to be placed at Teagarden Park in South Ames

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

STAFF REPORT ON REPLACEMENT OF COMMON LOT LINE SHARED GARAGES:

City Planner Karen Marren recalled that at its March 26, 2013, meeting, the City Council had referred to staff a letter dated March 4, 2013, from Jeff Bryant, who owns property at 220 and 224 S. Riverside Drive. In that letter, Mr. Bryant requested that the City consider a zoning amendment to allow the replacement of existing shared garages with no side-yard setbacks. He wanted to replace an existing common lot line shared garage between his two properties that did not meet the current setbacks required for private garages and accessory buildings. The two homes were built in the 1920s. According to Ms. Marren, Mr. Bryant wishes to remove the existing 18' x 18' garage and replace it with a 26' x 30' garage. A variance from the Zoning Board of Adjustment was requested in July 2009 by Mr. Bryant; however, it was denied because the Board could not find that the replacement met the criteria for the variation. The Board ruled that there was no unique circumstance or a hardship.

Ms. Marren noted that there are several other properties in Mr. Bryant’s neighborhood that either have a shared garage or shared driveways. The current requirements for private garages and accessory buildings found in *Ames Municipal Code* Section 29.408(7) were outlined by Planner Marren. She pointed out concerns that City staff had about common lot line shared garages. Ms. Marren said that if the Council would choose to allow common lot line shared garages, staff would recommend that the following limitations be considered as part of a text amendment:

1. Shared common lot line garages and accessory structures should only be permitted for lots in which an existing common lot line garage or accessory structure exists or on lots where substantial proof can be submitted showing that a shared common lot line garage or accessory structure had previously existed.

2. The structure should not be allowed in the front yard or within the side-yard setback adjacent to the public right-of-way in the case of corner lots.
3. In the case of a corner lot, a garage or accessory building should be set back a minimum of 25 feet from the abutting streets.
4. A detached garage or accessory building on a lot with a one-story principal building should not exceed the height of the principal building.
5. Detached garage or accessory buildings on a lot with a principal building that is taller than one story should not exceed 80% of the height of the principal building or 20 feet, whichever is lower.
6. The structure should not exceed a maximum of 1,200 square feet shared between the two properties.
7. The cumulative garage door width should not exceed 18 feet per lot. Doors less than eight feet in width, such as for lawn and garden equipment, would be exempt from this requirement.

Council Member Larson acknowledged that, in this case, one person owns both parcels of land that share the garage. He asked how it would work if there were two different property owners sharing the garage, especially in regards to maintenance. Acting Planning and Housing Director Bob Kindred pointed out that there are many shared garages that have existed for decades, so apparently, the two parties have made arrangements to cover insurance, taxes, and maintenance. Acting City Attorney Judy Parks explained that explicit covenants may exist between the property owners; however, the City had not been involved in that arrangement due to it being private ownership. If this moves forward, Ms Parks said that she would like to consult with a real estate attorney to see what needed to be included in any agreement between the parties who would be sharing the garage.

City Council Member Larson pointed out the importance of having both property owners agree to any changes and asked that any text amendment include the requirement for both parties to formally agree to those changes. Council Member Goodman disagreed in that it had not been an issue in the past decades, and he did not see a need for the City to get involved in the private arrangement. Ms. Parks confirmed that no issues had been brought to the City's attention in the past. Mr. Larson noted that the current *City Code* does not allow demolition and rebuilding of any shared garage. He preferred that, in the case of demolition and reconstruction of a shared garage, it be required that both parties sign the application and agree to be bound by certain conditions.

Jeff Bryant, 220 South Riverside, Ames, owner of the properties in question, said that he knew of one shared garage being torn down and rebuilt in 1991. He advised that there was a Maintenance Agreement between the two owners outlining the responsibilities of each property owner.

Moved by Goodman, seconded by Orazem, to direct staff to prepare a text amendment pertaining to common lot line shared garages including limitations numbered 1-7, as outlined above.

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

Moved by Orazem, seconded by Goodman, to amend the motion to include the requirement that there be an agreement between the two owners on the reconstruction of, maintenance of, and shared costs for the garage and that evidence of such an agreement be shown to City staff.

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

Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

SMART ENERGY REBATE TO MCFARLAND CLINIC: Representing Electric Services were Steve Wilson, Energy Services Coordinator, and Brian Trower, Assistant Electric Services Director. Mr. Wilson noted that McFarland Clinic had gone “above and beyond” *Code* requirements when building its new facility at 121 E. 12th Street when it installed a geothermal heating and cooling system, rather than a standard electric heating and cooling system.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 13-185 authorizing a *Smart Energy* rebate payment to McFarland Clinic for \$45,290.

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

LIBRARY RENOVATION AND EXPANSION PROJECT: Assistant City Manager Bob Kindred provided the background of this item, which originally came before the City Council on March 26. At that meeting, the item was tabled after the Historic Preservation Commission Chairperson Sharon Wirth had expressed concern over the removal and replacement of the windows in the historic portions of the building and that the changes might jeopardize a future listing of the Library on the National Register of Historic Places. The Council had directed that the Library Board of Trustees and the Historic Preservation Commission meet to discuss the concerns.

According to Mr. Kindred, the Library Board of Trustees and the Historic Preservation Commission met on April 11. He gave a summary of the meeting as well as subsequent discussions that had been held on April 22 and on this date, including a tour of the building by the State Historic Preservation Office (SHPO). The Council was also updated on steps that had been taken after the joint meeting. Mr. Kindred advised that the Library Board of Trustees, on April 18, had stated that, while they did not wish to negatively impact the possibility of a listing on the National Historic Register and are willing to consider preservation of the wood windows if that is the only factor that would impact the National Register, they did not support changes to the plans regarding other historic elements, such as the skylights and north exterior stairs and planter.

It was explained by Mr. Kindred that the State Historic Preservation Office (SHPO) had, on April 22, 2013, apprised the Trustees about state and federal historic tax credits that may be possible if the Library were listed on the National Register. The City and the Library could enter into a contract with the Friends of the Ames Public Library to apply for those credits, which would qualify for a 25% state rebate on all the costs for restoring the northern-most historic part of the building. Also, a federal rebate could equate to 20%. Representatives of SHPO had also stated that retaining the 60 historic windows (1904, 1907, and 1940's portion) was crucial to the Library's potential of being listed on the National Register; if the windows were removed and replaced, it would jeopardize any future listing. SHPO representatives had advised that the skylight and the “knee-walls” would add incremental value to a Register nomination; however, might not be critical elements.

Council Member Larson expressed frustration that the Library Board of Historic Preservation Commission had not spoken with representatives of SHPO two years ago. He acknowledged that it is time-consuming and detailed, but worth it to receive a 45% rebate.

Assistant City Manager Melissa Mundt advised that the Library's Building Committee had met concerning the Historic Treatment Specialist. It had been suggested that the Specialist be pulled

from the purview of the general contractor (Samuels Group, et al) and be handled separately by the Library Board of Trustees. According to Ms. Mundt, the Library's Construction Advisor Brad Heemstra had advised that notice should be given to the Samuels Group that the window component would be removed from the contract. The window component then could be dealt with separately by the Library Board and Samuels could continue with its time line for the remainder of the project. A variety of Change Orders would need to be generated including for the contract with the Samuels Group, the abatement services contract, and the contracts with the Construction Advisor, architects, and the Historic Treatment Specialist. Ms. Mundt asked the Council to provide direction to the Library Board regarding the importance of the Library being listed on the National Register of Historic Places, the importance of qualifying for the potential tax credits, what to do with the skylight and north stairway entrance, and Historic Treatment Specialist.

Kevin Stowe, President of the Library Board of Trustees, and Trustee Al Campbell were present. Mr. Stowe read a prepared statement from the Library Board. In summary, he advised that the Library project was now at a critical juncture, with contracts in place and construction moving forward, and it cannot withstand delays. Mr. Stowe said that the Board of Trustees had requested the removal of the requirement for a Historic Preservation Specialist for the Library Renovation Project. He emphasized that the library project was never intended to be an historic preservation project, and if it were, discussions needed to be held long ago. There are at least five different contracts that would be impacted if the project were now to be considered as an historic preservation project. To do so now would result in time delays and extra costs. It was reiterated by Mr. Stowe that the Library Board of Trustees did not believe that there is a need for an Historic Treatment Specialist. They also do not support changes to the plans regarding other historic elements, such as the skylight and north exterior stairs and planter. Mr. Stowe noted that the contract for the project already provides language to ensure that the work done on the 1904/1940 portions of the building will be done with appropriate care for the historical elements. He advised that the Building Committee did not see secured value in the possibility of a tax rebate. That Committee will be meeting on May 1, 2013, to consider any additional information that comes to light between now and then concerning the windows, skylight, exterior stairs, and other building items. The Committee will then report to the Board of Trustees at a Special Meeting. Mr. Stowe said that he would be happy to report back to the City Council at its meeting on May 14, 2013, if so desired.

Mr. Stowe asked the Council to remove the requirement for an Historic Treatment Specialist from the contract. He also asked the Council to advise the Board now if it wished the project to be pursued as an historic preservation project. Brad Heemstra, Integrity Construction, Construction Manager for the Library, again indicated that the requirement for an Historic Treatment Specialist was put in the specifications in error by the architect. He advised that he does not have a specific cost breakdown for the portion of the Samuels Group contract that are associated with the 1904/1940 building; that would have to be estimated. Mr. Stowe pointed out that if the windows, skylight, and steps were to be renovated according to historic preservation guidelines, the Library still might not be listed on the Register, which would then nullify any credits. If the State decides the addition does not compliment the original structure, it would not be eligible for listing on the Register.

Council Member Larson expressed his opinion that "the boat has sailed;" there is not time to do what is being contemplated right now. It is not known without doing a lot of investigation what the odds are of getting the approval that will cost-justify; it is too late in the process. Citing his personal experience with another project, Mr. Larson said that the idea that you can't get on the National Register if you replace an old window is incorrect. He also pointed out that an Historic Treatment Specialist would work with SHPO to ensure that any replacement window meets the criteria.

Mr. Stowe pointed out that there is a significant difference between a preservation project and a project that is designed to honor the historic character of the building. The plan of the Library Board was always the latter, and there are a lot of items in the contract documents that would make the renovated building look like it did in 1904, 1907, and 1940 and would honor the historic character.

Bill Malone, speaking on behalf of the Historic Preservation Commission (HPC), advised that the application for the National Registry was actually finished and ready to file; however, the Library Board had asked HPC to stop the procedure because it feared what that would mean for the renovation project. Mr. Stowe explained that, in 2009, the Library Board had been told that the application was being worked on by three ISU students. The Board had many meetings as to the location of a new library, held meetings with the HPC, and had a presentation by SHPO.

Moved by Wacha, seconded by Davis, to bring the topic of Change Order No. 1 off the table (from March 26, 2013).

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

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 13-186 approving Change Order No. 1 with A&P/Samuels Group deleting Subsections 1.3A, 1.4A, 1.4B, 1.4C, 3.5A, 3.5B, 3.6A, and 3.6B of Section 01 3591 pertaining to hiring an Historic Treatment Specialist (Tabled from March 26, 2013).

Council Member Szopinski stated that she would like to make a friendly amendment that the motion include the understanding that the position would be moved to be under the purview of the Board of Trustees. Council Member Wacha said that he would not accept that as a friendly amendment.

Council Member Larson said that he was very sensitive to the timing of the project. Council Member Goodman advised that he was not willing to compromise the success of the project to include historic preservation.

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

Moved by Goodman, seconded by Larson, to direct the Library Board of Trustees to determine the costs and impacts in timing and report to the City Council on May 14, 2013, about the opportunity to meet the additional elevated expectations that could eventually lead to an National Register listing.

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

DROUGHT OPERATIONAL RESPONSE PLAN AND CONCEPTUAL REVISIONS TO WATER RATIONING ORDINANCE:

Water and Pollution Control Director John Dunn advised that in preparation for future drought events, staff was reviewing all aspects of the City's response program in order to be optimally prepared. He noted that the only time rationing had ever been implemented was during the drought of 1976-77.

Lyle Hammes, Water Plant Superintendent, provided an overview of the Drought Management Plan. He explained the four conditions: Awareness, Preparedness, Watch, and Alert that could lead to instituting the Water Rationing Ordinance. Assistant Water and Pollution Control Assistant Director Steve DuVall reviewed the current Water Rationing Ordinance and reasons to review it. The proposed Ordinance and rationing rate structure were detailed. It was noted that if Council direction

was so given, staff would develop the actual ordinance language to be brought back to the Council for approval.

Moved by Goodman, seconded by Wacha, to direct staff to bring back a proposed revised Water Rationing Ordinance to Council on May 14, 2013.

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

HEARING ON 2012/13 CYRIDE ROUTE PAVING IMPROVEMENTS (LINCOLN WAY FROM FRANKLIN AVENUE TO HAYWARD AVENUE): The public hearing was opened by Mayor Campbell. No one asked to speak, and the hearing was closed.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-187 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$649,697.97.

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

HEARING ON 2013/14 RESOURCE RECOVERY PRIMARY SHREDDER REPLACEMENT PROJECT - PHASE II: NO. 1 MILL REPLACEMENT: Mayor Campbell opened the public hearing.

Public Works Director John Joiner advised that one bid was received; however, the bidder did not include a Bid Bond, so the bid was declared unresponsive. There was also one other potential prime contractor at the bid opening who expressed interest; however, they were unable to secure an electrical subcontractor in time to meet the bid due date. A third potential prime contractor at the bid opening was also not to get all the information together in time to submit the bid. If directed by the City Council, staff would have conversation with potential prime contractors with the subcontractors and have plans and specifications back to the Council in May with the goal to coordinate with the planned electric outage in November.

The Mayor closed the hearing after no one else came forward to speak.

Moved by Goodman, seconded by Davis, to accept the report of bids and direct staff to re-bid the project.

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

HEARING ON VACATING UTILITY EASEMENTS FOR 4118 APLIN ROAD: The Mayor opened the hearing. There being no one asking to speak, the hearing was closed.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 188 approving the vacating of utility easements for 4118 Aplin Road.

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

WATER AND SEWER RATE ORDINANCE: Moved by Goodman, seconded by Wacha, to pass on second reading the Water and Sewer Rate Ordinance.

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

ORDINANCE CORRECTING REFERENCE IN *MUNICIPAL CODE* TO REFLECT CORRECT LOCATION OF DEFINITION OF ADULT ENTERTAINMENT BUSINESS: Moved by Goodman, seconded by Szopinski, to pass on second reading an ordinance correcting the reference in the *Municipal Code* to reflect the correct location of the definition of adult entertainment business.

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

COUNCIL COMMENTS: Moved by Orazem, seconded by Larson, to refer to staff for a report on a possible ordinance that would allow the demolition of a garage that is in disrepair and rebuilding of the same garage on undersized lots, which is currently prohibited by a current ordinance.

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

Moved by Davis, seconded by Goodman, to refer to staff for a memo the letter from Matt Randall pertaining to Aspen Ridge

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

Moved by Davis, seconded by Goodman, to refer to staff the request dated April 9, 2013, from Mid-Iowa Community Action to move funding from Family Development into Emergency Food.

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

Moved by Larson, seconded by Wacha, to refer to staff the letter from Mark Gannon pertaining to a Minor Subdivision of his property located at 56722 - 241st Street in Story County.

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

Council Member Davis asked for an update from staff to be e-mailed to the Council regarding the completion of the screening of balconies at 119/127 Stanton.

CLOSED SESSION: Moved by Davis, seconded by Larson, to hold a Closed Session, as provided by Section 21.5(1), *Code of Iowa*, to discuss appointment of the City Attorney.

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

Moved by Larson, seconded by Davis, to direct the Mayor to extend an offer of employment to Judy K. Parks for the position of City Attorney with a starting salary of \$120,000 per year until June 30, 2014, then to be adjusted on July 1st of each fiscal year thereafter based on a performance review by the City Council; the benefits package that she currently receives; with residency required to be within the City of Ames; and if accepted, the start date to be April 24, 2013.

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

ADJOURNMENT: Moved by Davis to adjourn at 9:50 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor