

**MINUTES OF THE REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

MARCH 6, 2007

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on March 6, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Buske was also present.

PROCLAMATION: Mayor Campbell proclaimed March 22, 2007, as Iowa State University Museums Day. Accepting the Proclamation were Lynette Pohlman, Director of University Museums, and Mary Ellen and Don Wishart, Co-Chairs of the Christian Petersen Art Museum Grand Opening.

PRESENTATION OF DISTINGUISHED BUDGET AWARD TO FINANCE DEPARTMENT: It was announced by Mayor Campbell that the City had received the Distinguished Budget Presentation Award for the 21st consecutive year from the Government Finance Officers' Association. Accepting the Award were Finance Director Duane Pitcher and Budget Officer Carol Collings.

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

1. Motion approving payment of claims
 2. Motion approving minutes of the regular meeting of February 27, 2007
 3. Motion approving renewal of the following liquor licenses and beer permits:
 - a. Class C Beer - Almost Always Open, 419 Lincoln Way
 - b. Class C Beer & B Wine - Kum & Go #200, 4510 Mortensen Road
 - c. Class C Beer & B Wine - Kum & Go #227, 2108 Isaac Newton Drive
 - d. Class C Liquor - Carlos O'Kelly's Mexican Café, 631 Lincoln Way
 - e. Class C Liquor - Twentieth Century Bowling, 505 South Duff Avenue
 - f. Class C Liquor & Outdoor Service Privilege - Coldwater Golf Links, 615 South 16th St.
 - g. Class E Liquor, B Wine & C Beer - Sam's Club #6568, 305 Airport Road
 4. RESOLUTION NO. 07-100 approving appointment of Amber Corrieri and Aaron Fultz to fill vacancies on the Human Relations Commission
 5. RESOLUTION NO. 07-101 approving appointments to the City's various Boards and Commissions
 6. RESOLUTION NO. 07-102 approving Rental Housing Inspection Fees
 7. RESOLUTION NO. 07-103 approving Change Order for Engineering Services Agreement for Southeast 16th Street Paving and Bridge Replacement Project
 8. RESOLUTION NO. 07-104 approving preliminary plans and specifications for Water Treatment Plant 5-Year Well Rehabilitation Project; setting March 29, 2007, as bid due date and April 10, 2007, as date of public hearing
 9. RESOLUTION NO. 07-105 approving preliminary plans and specifications for Unit No. 8 Cooling Tower Rebuild; setting March 29, 2007, as bid due date and April 10, 2007, as date of public hearing
 10. RESOLUTION NO. 07-111 approving contract and bond for Motor Control Center Upgrade, Project, GT1
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: No one spoke during this time.

HEARING ON ADOPTION OF 2007/08 BUDGET: Mayor Campbell opened the public hearing. The hearing was closed after there was no one wishing to speak.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 07-106 approving the 2007/08 budget.

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

HEARING ON AMENDMENTS TO FISCAL YEAR 2006/07 BUDGET: The public hearing was opened by the Mayor. The Mayor closed the hearing after no one asked to speak.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 07-107 amending the budget for the current fiscal year ending June 30, 2007.

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

PUBLIC ART COMMISSION: Anne Taylor and Naomi Nelson of the Public Art Commission showed pictures of the recommended 2007/08 Art Around the Corner selections, as chosen by the jurors.

Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 07-108 approving the following 2007/08 Art Around the Corner selections:

1. *Big Guy* by Dave Johnson of Ames, Iowa
2. *Decadedecahedron* by Steve Settles of Mitchell, Nebraska
3. *Slightly Off Center* by Robert Lamberson of Dannenberg, Nebraska
4. *Red #6* by Tom Newport of Marion, Iowa
5. *Dialogue of Separation* by Kristin Garnant of Camanche, Iowa
6. *Air Base Guitar* by Jaak Kindberg of Minneapolis, Minnesota

with the alternate selection being *Dragon Fly* by Mary Lamberson of Bannenberg, Nebraska.

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

NEIGHBORHOOD ART PROGRAM: Anne Taylor reminded the Council that the Neighborhood Art Program purpose is to purchase and place sculptures from artists participating in the Art Around the Corner exhibit in Ames neighborhoods. The Neighborhood Sculpture Committee toured interested neighborhoods, and based on certain criteria, three neighborhoods were selected to receive sculptures, as follows:

1. Neighborhood #1 on Pierce Court in North Ames will receive *Remnants of the Dance* by Mary Jane Lamberson. The cost of this sculpture is \$800.
2. Neighborhood #2 at North Dakota and Delaware in West Ames is to receive *Window on a Blue Garden* by Tom Newport. The cost of this sculpture is \$2,350.
3. Neighborhood #3 at Brookridge Avenue and Brookside Park will receive *Bouquet* by Skip Willits. The cost of this sculpture is \$1,350.

Moved by Rice, seconded by Mahayni, to adopt RESOLUTION NO. 07-109 approving the purchase and placement of sculptures, as referenced above.

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

MODIFICATION TO CITY'S REVOLVING LOAN AND COMMUNITY INVESTMENT FUND AGREEMENTS WITH BIOFORCE NANOSCIENCES, INC.: City Manager Steve Schainker explained the request to extend the job creation deadline from February 28, 2007, to December 31, 2007.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 07-110 approving a modification to the City's Revolving Loan and Community Investment Fund Agreements with BioForce Nanosciences, Inc., relative to job creation.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

REQUESTS FROM PEOPLE'S BAR AND GRILL AND MICKEY'S IRISH PUB FOR ST. PATRICK'S DAY EVENT: Jackie McKeighan, Manager of Mickey's Irish Pub, and Bryan Gillam, Manager of People's Bar and Grill, presented the request to close the north end of Welch Avenue on March 17. Mr. Gillam said that they were proposing this event to bring the community into the Campustown area on St. Patrick's Day. He feels that Campustown is an area of Ames that is often overlooked by members of the community. According to Mr. Gillam, there will be live music (the KTop band and Town Crier group) as well as a beer garden. Ms. McKeighan stated that she will have as many members of her staff as necessary providing security for this event.

The Mayor noted that the letter from the organizers stated officers of Iowa State University Department of Public Safety (ISU DPS) would be utilized; however, she had a conversation yesterday with University administration, and they had indicated that they were not involved. Mr. Gillam advised that a staff person named Marsha from Parking Services stated that ISU DPS would allow them to use barricades for this event. He said he did speak with the ISU Chief of Police and was told that they are not allowed to use off-duty officers for anything outside of their jurisdiction. Off-duty Ames Police officers, if available, will be hired for security; otherwise, an outside security source would be used.

Council Member Rice asked Mr. Gillam to describe events that other communities similar to the size of Ames do for St. Patrick's Day. Mr. Gillam explained that other bars owned by the same owners as People's conduct similar outdoor festivities in Des Moines. He advised that, on Welch Avenue, there will be a stage, tents (if needed, due to inclement weather), and a roped-off area for the selling of alcohol. According to Mr. Gillam, there will be a volunteer organization selling and serving the beverages. He explained that the servers would purchase trays of beer or drinks from the bar and then sell the drinks to the patrons. All of their tips are to be considered a donation to the non-profit organization. Ms. McKeighan stated the owners of Mickey's Irish Pub host a similar event annually in Lenexa, Kansas, without problems. According to Mr. Gillam, the non-profit organization has not been determined; however, they have received interest from the Juvenile Diabetes Association and Breast Cancer Awareness group.

Mr. Gillam advised that all businesses to be affected by the street closure were contacted, and no one indicated that they had a problem with the street being closed.

Mr. Gillam and Ms. McKeighan described the measures that will be undertaken to prevent under-age persons from consuming alcohol. Wristbands for those of-age will be used. There will be two security guards at the door checking IDs. Two additional security guards and bar staff will be walking throughout the crowd. Mr. Gillam said that Iowa State students will be on spring break, so many will be out of town.

Mr. Gillam advised that all clean-up following the event will be performed by staff from People's Bar and Grill and Mickey's Irish Pub.

Police Chief Loras Jaeger and Lieutenants Huff and Brinkley were present. Chief Jaeger advised that the Police Department has many concerns over the proposed event. He had talked with Director Stewart from ISU DPS, who said he knew nothing of this event. Some time after his conversation with Director Stewart, Marsha from Parking Systems was contacted. The Chief said that the Police Department does not believe that this event is well-planned. He is personally concerned that this event would occur only one month before VEISHEA.

Lieutenant Huff indicated that the area in question is one that has proved problematic for the Police Department in the past and takes a lot of the Department's resources to respond to the calls for service. There have been 62 disorderly conduct, assault, and disturbing the peace incidents in that general area from October 1, 2006, to March 1, 2007. He advised that a major concern of the Department is that volunteers who do not have training will be selling alcohol to patrons. He said that it is illegal to sell alcohol to intoxicated persons, but the servers would not be trained to recognize those characteristics. Also, it is questionable whether it is legal for the bars to sell alcohol to a non-profit organization that will, in turn, sell the alcohol to the public. Additional staffing from the Police Department has not been planned for the weekend of March 17, and it is uncertain at this time if there will be enough officers available to provide as much security as will be needed.

Mr. Gillam indicated that he was told that, due to scheduling conflicts, a Special Events meeting could not be held prior to this meeting. However, he said that they are more than willing to work with the Chief of Police and other City staff to make this a successful event.

City Attorney Doug Marek said that he is concerned about the method of selling alcohol as described by Mr. Gillam. As described, it would be prohibited by the Iowa Code as it would be bootlegging. Mr. Gillam advised that they could sell tickets to purchase alcohol so that money would actually not be exchanged.

Council Member Doll indicated that he was disappointed at the lack of planning for this event. He stated that Council members had been contacted at least two months in advance of the last similar event, i.e., the All-American Weekend, and the planning had gone on long before that time. He would be surprised if there is any non-profit organization that would be willing to participate in this event by selling alcohol in the manner that was described by Mr. Gillam. Mr. Doll knows that there are other events in the community planned for St. Patrick's Day; those events have been planned for over two months.

Council Member Goodman said that he really wanted to be able to approve this event, but at this point, it is not planned well enough to make it successful. He encouraged the requesting parties to sponsor another similar event, but to begin planning for it months in advance and have everything worked out before it comes before the City Council. Council Member Popken echoed the comments of Mr. Goodman, saying that an event such as the one in question needed more planning.

Moved by Doll, seconded by Mahayni, to deny closure of approximately 115 feet of the north end of Welch Avenue from a point just south of the intersection with Lincoln Way to a point located at the south edge of Mickey's Irish Pub at 109 Welch Avenue from 10 AM on March 17, 2007, to 12:00 AM on March 18, 2007.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Popken. Voting nay: Rice. Motion declared carried.

The Mayor announced that the request for an extension of the area covered by Mickey's Outdoor Service Privilege to include the closed portion of Welch Avenue was, therefore, moot.

STORM DAMAGE UPDATE: Public Works Director John Joiner stated that there were two aspects to this storm: snow/ice control and tree damage. He described the City's policy to deal with damaged trees, which was originally approved in 1988. That policy established seven different Maintenance Districts and listed levels of response based on the damage. After evaluation, it was determined that the recent storms equated to a Level C, which means that at least 25% of residential properties in at least one Maintenance District had tree damage beyond small limbs and twigs. Level C calls for: (1) the City to designate a free drop-off site for all citizens to use, (2) the City to contact the Volunteer Center to coordinate assistance for citizens needing help, and (3) the Public Works Director to declare an emergency and coordinate burning

of materials collected at the City's drop-off site only. City Manager Schainker clarified that damaged street trees or branches in the right-of-way only will be picked up by the City.

Mr. Joiner stated that the owner of the yard waste site was contacted to determine how much it would cost for him to grind the pile into wood chips. It would cost \$325/hour and would take approximately four days to grind the pile; that would equate to over \$10,000, not including hauling. The City has decided to manage the pile by windrowing and a control burn; that will be done by City staff.

Mayor Campbell thanked citizens who not only cleared branches from their own property, but also from the streets and sidewalks.

City Manager Schainker indicated that the existing Damaged Tree Removal Policy was set by the City Council. It may generate negative feedback from citizens, although it is intended to help them by designating a free drop-off site. Mr. Schainker explained that the Policy is based on trusting citizens in that they will not pull limbs from other areas of their yards onto the curb area. It will also require a level of scrutiny on behalf of the City to determine if the branches piled were from the right-of-way area.

Council Member Goodman explained that he is frustrated that there will be inequity: Some people will move branches from their front-, side-, or backyards to the right-of-way area where the City will pick them up and others will pay for removal. He would rather that the City pick up everything. Council Member Doll said that the City has established a policy, and it should be followed. It was pointed out by Council Member Rice that the City is offering a free disposal site for all residents.

Brian Trower, Assistant Electric Services Director, thanked the citizens of Ames for their patience and the Electric Services employees who worked safely and tirelessly to restore power. Mr. Trower stated that 2,038 service calls were received. He gave a chronological history of the actions taken in response to the storms.

Council Member Doll offered constructive criticism about the automated system when outages are reported. One of the things he suggested was for callers to be informed of an approximate time when service might be restored. Mr. Trower advised that they held debriefings after the storms and improvements to the automated system were suggested.

RIVER VALLEY PARK SOFTBALL FENCING PROJECT: Moved by Goodman, seconded by Rice, to accept the report of bids.
Vote on Motion: 6-0. Motion declared carried unanimously.

STORY COUNTY'S REQUEST TO SUPPORT SMART GROWTH IMPLEMENTATION ASSISTANCE APPLICATION PERTAINING TO THE AMES URBAN FRINGE AREA PLAN: Planning and Housing Director Steve Osguthorpe indicated that additional information on this item was received today. He explained that the U. S. Environmental Protection Agency is offering technical assistance to communities wishing to implement smart growth policies, but which may lack the tools or resources necessary to do so. Story County has elected to prepare an application for Smart Growth Implementation Assistance (SGIA) to receive help on developing policies to implement the Ames Urban Fringe Plan. Leanne Harter, Story County Director of Planning, is completing the application. She believes that this assistance would be valuable in providing a non-biased third-party to drive discussion on implementation of the Ames Urban Fringe Plan and would be a policy coordination tool that outlines ways that each community can amend their Codes to be in compliance with the Urban Fringe Plan.

Mr. Osguthorpe reminded the City Council that the Ames Urban Fringe Plan was approved by the Story County Board of Supervisors, Gilbert City Council, and the Ames City Council on July 17, 2006. It establishes common policies for land use within two miles of the Ames city limits.

Director Osguthorpe indicated that through discussions with the County planning staff, the County sees this as a means of facilitating and expediting public input and decision-making processes. It may also provide support for the County staff, who is currently experiencing heavy workloads due to recent staff turnover. If the City Council supports this, should the application be successful, it would be expected that the City and County work together with the consultants to develop the scope of work to be completed and then present that scope to the policy-makers for their approval. Mr. Osguthorpe added that staff from all jurisdictions will need to meet with representatives of the third party; that will take staff time and need to be considered as part of their workload.

Although he likes the concept, Council Member Larson expressed concern over the short review time for this item. The City's obligations are not known at this point. Council Member Rice pointed out that it appears that most of the work for the application has been done by the County. Council Member Popken said he is comfortable supporting the application as it is a good way to work together with the County, and if it is determined that the City could not meet its obligations under the grant, the City could not accept it.

Assistant City Manager Bob Kindred indicated that the other jurisdictions involved in the Ames Urban Fringe Plan have not devoted as much time to the Plan as has Ames. Each has encountered staff turnover, and the outside support may assist in expediting action on the Plan. Mr. Kindred advised that the City of Gilbert will not be meeting before the application is due and will not be providing a letter of support.

Moved by Mahayni, seconded by Rice, approving Story County's request to support its Smart Growth Implementation Assistance application pertaining to the Ames Urban Fringe Area. Vote on Motion: 5-1. Voting aye: Doll, Goodman, Mahayni, Popken, Rice. Voting nay: Larson. Motion declared carried.

AGREEMENT WITH THE IOWA ASSOCIATION OF MUNICIPAL UTILITIES FOR A WIND ENERGY PROJECT: Director of Electric Services Donald Kom explained that the Iowa Association of Municipal Utilities is looking at performing a feasibility study on grid-connected wind power and has asked for a Letter of Intent from those interested. Mr. Kom also stated that Iowa State University officials have asked the City to reserve 2-3 megawatts for its use, and the City would serve as their representative on this project.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 07-112 authorizing Electric Services staff to enter into an agreement with the Iowa Association of Municipal Utilities for a wind energy project. Vote on Motion: 6-0. Motion declared carried unanimously.

ORDINANCE ALLOWING OPERATION OF GOLF CARTS UPON CITY STREETS: Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance allowing on-duty law enforcement, fire department, and emergency medical personnel to operate a golf cart upon a city street. Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE CHANGING THE NAME OF ELWOOD DRIVE TO UNIVERSITY BOULEVARD: Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance changing the name of Elwood Drive to University Boulevard.

David Holm, Executive Director for Iowa Institute for Cooperatives, 2515 Elwood Drive, Ames, advised that his business had been established since 1981 and has many publications and educational materials listing its address. He indicated that he is not necessarily opposed to the proposed change of street name; however, it will be a tremendous hassle for his company. Mr. Holm said that he contacted the Post Office and was told that first-class mail would be forwarded for one year. For six months after that, it would be returned to the sender.

After 18 months, it “goes into a Tupperware container.” He was also informed that third-class mail is not forwarded. Mr. Holm is concerned that they would not receive any third-class mail.

Mr. Holm is requesting that the City have dialogue with his company and the Post Office. He is hopeful that the Post Office would not discard their third-class mail, but allow them to pick it up at the Post Office.

Council Member Goodman said that he would be comfortable waiting to adopt this ordinance until the affected entities have had an opportunity to discuss solutions. City Manager Schainker indicated that the City would set up the requested meeting, which will also include Iowa State University representatives.

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

Mayor Campbell stated that she had been requested by a representative of Iowa State University to suspend the rules and pass this ordinance tonight.

Moved by Mahayni, seconded by Popken, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 4-2. Voting aye: Doll, Goodman, Larson, Mahayni. Voting nay: Rice, Goodman. Motion failed due to the lack of a super majority vote.

ORDINANCE MAKING REVISIONS TO CROSS CONNECTION CONTROL PROGRAM REQUIREMENTS IN CHAPTER 21, PLUMBING: Moved by Mahayni, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3904 making revisions to Cross Connection Control Program requirements in Chapter 21, Plumbing.

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

ORDINANCE ESTABLISHING PARKING REGULATIONS ON COCHRANE PARKWAY: Moved by Mahayni, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3905 establishing parking regulations on Cochrane Parkway.

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

COMMENTS: Moved by Rice, seconded by Doll, to refer to staff, for a report by the City Attorney, the e-mail message from Nathan Saetvelt regarding a shared driveway issue.

Vote on Motion: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Motion declared carried.

Moved by Popken, seconded by Larson, to request City Attorney staff to examine the process for Boards and Commission member appointment in an attempt to arrive at consistency in lengths of terms, reappointment, etc., and bring a proposal back to the City Council; this should also include evaluation of one-year terms.

Vote on Motion: 5-1. Voting aye: Goodman, Larson, Mahayni, Popken, Rice. Voting nay: Doll. Motion declared carried.

Mayor Campbell indicated that the Ames Community School District has agreed to meet with the City Council on April 17.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:12 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor