

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

AMES, IOWA

APRIL 10, 2007

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on April 10, 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 FOR FAIR HOUSING MONTH: Mayor Campbell proclaimed the month of April, 2007, as Fair Housing Month. The Proclamation was accepted by Vanessa Baker-Latimer, City Housing Coordinator; Bruce Ray, Director of Housing and Urban Development (Des Moines Field Office); Gary Denner, a member of the Ames Rental Property Owners Association; Jennifer Burkamper, President of the Ames Board of Realtors; and Gerri Neeley, Vice-President of the Ames Board of Realtors.

PROCLAMATION FOR NATIONAL VOLUNTEER WEEK: The week of April 15 - 21, 2007, was proclaimed by the Mayor as National Volunteer Week. Accepting the Proclamation was Shellie Orngard, Executive Director of the Volunteer Center of Story County, and Jenna Hart, President of Students-in-Action, a program of the Volunteer Center.

PROCLAMATION FOR ADMINISTRATIVE PROFESSIONALS WEEK: Mayor Campbell proclaimed April 22-28, 2007, as Administrative Professionals Week. Accepting the Proclamation were Allis Peters, Beth McPhail, Sandy Dahlgren, and Joanne VanDyke, representing the Ames Chapter of the International Association of Administrative Professionals.

PRESENTATION OF HUMAN RELATIONS COMMISSION ANNUAL REPORT: Assistant City Manager Sheila Lundt introduced the Commission members present: Mary Jo Mattila and Bronwyn Beatty-Hansen. Ms. Lundt presented the Human Relations Commission Annual Report covering the period January through December 2006.

CONSENT AGENDA: Council Member Larson asked that Item No. 9, adoption of Supplement No. 2007-2 to the Ames Municipal Code, be pulled for further explanation. Council Member Rice requested that Item No. 12 pertaining to the CEBA Grant Agreement for Renewable Energy Group be pulled for separate discussion.

Moved by Mahayni, seconded by Goodman, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of March 27, 2007
3. Motion approving renewal of the following liquor licenses and beer permits:
 - a. Class A Liquor & Outdoor Service Privilege - Elk's Lodge, 522 Douglas Avenue
 - b. Class C Liquor - Dangerous Curves, 111 Fifth Street
 - c. Class C Liquor - Ge'Angelo's, 823 Wheeler Street, Suite 9
 - d. Class C Liquor - Lucullan's, 400 Main Street
 - e. Special Class C Liquor - India Palace, 120 Hayward Avenue
4. Motion approving the following applications for new liquor licenses and beer permits:
 - a. Class B Beer and Outdoor Service Privilege - Ames Slowpitch Softball Association, 1015 E. 13th Street (North River Valley Park)
 - b. Class B Beer and Outdoor Service Privilege - Ames Slowpitch Softball Association, 1200 E. 13th Street (South River Valley Park)
5. Motion accepting final report for Multiple Property Documentation Form for West Ames
6. RESOLUTION NO. 07-155 approving and adopting Supplement No. 2007-2 to the Ames Municipal Code
7. RESOLUTION NO. 07-156 approving Bid Awards and Purchases, \$25,000-\$50,000, for the period March 16-31, 2007
8. RESOLUTION NO. 07-157 approving revisions to ASSET Policies and Procedures

9. RESOLUTION NO. 07-159 approving amended agreement with Story County for jail housing of City arrestees
10. RESOLUTION NO. 07-160 approving contract and bond for State and Mortensen Elevated Water Storage Tank Project
11. RESOLUTION NO. 07-161 approving contract and bond for Dayton Avenue Substation – Grounding & Fencing Improvement Project
12. RESOLUTION NO. 07-162 accepting completion of 2006/07 Resource Recovery System Improvements (Air Classifier and Conveyors Installation Contract, Phase II)
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

SUPPLEMENT NO. 2007-2 TO THE AMES MUNICIPAL CODE: Council Member Larson requested further explanation as to what the Supplement entailed. City Attorney Doug Marek advised that every quarter, the Municipal Code is updated incorporating the Ordinances that have been passed and published during the past three months.

CEBA GRANT AGREEMENT FOR RENEWABLE ENERGY GROUP (REG): Council Member Rice asked for Dan Culhane, Executive Director of the Ames Economic Development Commission (AEDC), to describe the partnership being built with the Renewable Energy Group. Mr. Culhane advised that there are still steps to be taken; however, the leader in bio-diesel industry is working on moving its corporate headquarters to Ames from Ralston, Iowa. REG has applied for financial assistance from the Iowa Department of Economic Development (IDED), and the local match proposed for the project is a \$100,000 low-interest loan to be funded by the City and AEDC. The financial commitment by the City would be in an amount not to exceed \$75,000.

Representing the Renewable Energy Group were Scott Wernimont, Business Development Manager, and Alicia Clancy, Public Relations Director. Mr. Wernimont advised that the project would move 32 jobs to Ames, and REG expects to create 72 additional jobs over the next three years. The company plans to use an existing building. REG will be investing company funds totaling \$1,000,000 for the project.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 07-158 approving the CEBA Grant Agreement for the Renewable Energy Group.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Catherine Scott, 1510 Roosevelt Avenue, Ames, urged the City Council to act on the “Cool Cities” initiative; it had been her understanding that the item would be on a Council Agenda in March. Ms. Scott also referenced an article entitled, *Do Sustainable Cities Have a Future?*, which she had provided. In particular, she pointed out that Seattle Mayor Greg Nickels issued a “Kyoto Challenge” to the nation’s mayors, asking them to pledge that they would meet, in their cities, Kyoto Protocol goals of reducing global warming pollution levels. At last count, 320 mayors, representing 50 million U. S. residents, had signed on. Ms. Scott asked for the Council’s leadership and vision to help reduce carbon emissions in Ames. She also emphatically encouraged the City Council to make energy-efficiency a part of every decision that they make.

Katherine Lundberg, 2519 Chamberlain, #305, Ames, and ChenRu Zheng, 2327 Knapp Street, Ames, were present as advocates for the “Cool Cities” initiative. Ms. Lundberg said she was speaking as a member of ActivUs, a student group that runs IowaPIRG campaigns. She presented a petition containing 282 signatures asking the Mayor to sign onto the U. S. Mayors Climate Protection Agreement that was initiated by Seattle Mayor Greg Nickels in 2005. The Mayors’ Agreement pledges to reduce global warming carbon dioxide pollution in their cities to 7% below 1990 levels by 2012.

VEISHEA 2007: Assistant City Manager Lundt introduced Nathan Katzer, Chair of the VEISHEA Entertainment Committee, who was present to answer questions. Mr. Katzer addressed issues pertaining to the usage of 2.5" shells instead of 3" shells and why the fireworks will be shot off at the Marching Band Practice Field instead of on Central Campus. He also explained that the fireworks will have "more show and less sound." The VEISHEA Entertainment Committee will be publishing the Midnight shooting time through different mediums so as to advise the public well in advance of the event.

Moved by Doll, seconded by Mahayni, to approve fireworks display from the marching band practice field between Howe Hall and the Design Center on the ISU Campus at Midnight on Saturday, April 21, 2006.

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

Regarding the pancake/wing feed, Council Member Goodman said that he was concerned about the City subsidizing late-night food when local businesses sell the same thing. Mr. Katzer said that they did take that in consideration; however the Committee felt that they have a need to provide the nourishment on Central Campus.

Moved by Doll, seconded by Mahayni, to adopt RESOLUTION NO. 07-163 approving an allocation of \$3,000, out of the Contingency Fund, for the pancake/wings feed.

Roll Call Vote: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

REQUEST FOR EXTENSION OF OUTDOOR SERVICE AREA AT ELEMENT/CHASERS, 2401 CHAMBERLAIN STREET: This item was pulled from the Agenda at the request of the applicant.

CHANGE ORDERS FOR UNIT NO. 7 TURBINE GENERATOR OVERHAUL PROJECT:

Electric Services Director Don Kom introduced Dell Brown, Plant Manager. Mr. Brown showed a short video presentation on the equipment being repaired/replaced and detailing the parts and services being purchased by each Change Order. He explained that all of the Change Orders are for time and materials only in not-to-exceed amounts; however, actual invoices and costs will be paid for services and materials actually used and approved.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 07-164 approving Change Orders Nos. 8 through 18 to Cotter Turbine Services, LLC, of Big Lake, Minnesota, for Unit No. 7 Turbine Generator Overhaul in the amount of \$54,260.50, plus applicable sales taxes.

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

CLOSURE OF DUFF AVENUE FOR UNION PACIFIC RAILROAD SURFACE REPAIRS:

Public Works Director John Joiner advised that Union Pacific Railroad (UPRR) representatives have notified the City that repair work needs to be done to the Duff Avenue railroad crossing. The work will take approximately six hours to complete, and the crossing will need to be closed to vehicular traffic. The UPRR identified the week of April 23, 2007, as their scheduled time frame to conduct the repairs; however, the exact time is still uncertain. Mr. Joiner stated that the Railroad will try to give the City 24 hours notice. Because Duff Avenue is classified as a Minor Arterial roadway, the Municipal Code requires City Council approval to close it. Recent experience with similar coordination efforts has resulted in the need for flexibility on the part of staff to be able to administratively change the date of closure, if needed.

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 07-165 delegating staff the ability to administratively approve the closure of Duff Avenue to facilitate UPRR emergency surface repair work.

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

EMERGENCY CONTRACT TO FURNISH DROP-OFF SITE FOR STORM DAMAGE

DEBRIS: Public Works Director Joiner explained that after burning the storm debris at the East 13th Street site was suspended on March 26, 2007, it was determined that a yard waste contractor would take the remaining storm debris, dispose of same, and the East 13th site would be cleaned up. On March 28, 2007, representatives of FEMA, IDOT, and Public Works measured the material at the East 13th site, and using FEMA calculations, it was determined that an estimated quantity of 5,000 cubic yards of debris remain to be collected and 5,200 cubic yards of debris remain at the East 13th Street site.

Mr. Joiner further advised that, in the event of an emergency situation, the City's purchasing policy allows for award of a contract over \$50,000 without prior City Council approval in order to prevent delays that would affect the continuation of services to citizens. Following this policy and FEMA procurement guidelines, written bids were solicited from local yard waste contractors to operate a temporary site for deposit of storm damage and disposal of that debris. Two bids were received, and a contract was awarded to the low bidder, Steenhoek Environmental, on March 30, 2007. Steenhoek Environmental began providing services to the public on April 2, 2007, as called for in the contract. The City will be partially reimbursed for costs; 75% will come from FEMA and 10%, from the state.

Moved by Rice, seconded by Popken, to adopt RESOLUTION NO. 07-166 approving the emergency contract awarded on March 30, 2007, to Steenhoek Environmental, Ames, Iowa, to furnish and maintain a drop-off site for storm damage debris through April 22, 2007, at a cost of \$5.19/cubic yard and to clean up the existing site at East 13th Street and South 16th and Mulberry at a cost of \$39,600, for a total estimated contract amount of \$65,550.

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

HEARING ON WATER AND POLLUTION CONTROL DEPARTMENT CLARIFIER

PAINTING PROJECT: Mayor Campbell opened the public hearing. The hearing was closed after there was no one wishing to speak.

Moved by Mahayni, seconded by Goodman, to reject all bids and direct staff to rebid the Project. Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON WATER TREATMENT PLANT FIVE-YEAR WELL REHABILITATION

PROJECT: The public hearing was opened by the Mayor. The Mayor closed the hearing after no one asked to speak.

Moved by Rice, seconded by Goodman, to adopt RESOLUTION NO. 07-167 approving final plans and specifications and awarding a contract to Northway Well & Pump Company of Marion, Iowa, in the amount of \$51,000.

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

HEARING ON UNIT NO. 8 COOLING TOWER REBUILD PROJECT: The Mayor opened the public hearing and closed same after no one wished to speak.

Moved by Larson, seconded by Rice, to adopt RESOLUTION NO. 07-168 approving final plans and specifications and awarding a contract to EvapTech, Inc., of Lenexa, Kansas, in the amount

of \$154,130, plus applicable sales taxes.

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

HEARING ON VACATING CONSERVATION EASEMENT IN THE ESTATES OF NATURE'S CROSSING: Planner Seana Perkins explained that the existing Conservation Easement would not allow for the construction of a shared-use path. That Easement is being vacated and another Easement is being granted.

Mayor Campbell opened the public hearing. No one asked to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 07-169 approving vacating the existing Conservation Easement.

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

APPROVAL OF MAJOR FINAL PLAT FOR THE ESTATES OF NATURE'S CROSSING: Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 07-170 approving the Major Final Plat for the Estates of Nature's Crossing.

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

HEARING ON NUISANCE ASSESSMENT: A letter from Jerry Vos, owner of 1100 Grand Avenue, was placed around the dais. Mr. Vos requested relief from the assessment due to extenuating circumstances.

Mr. Joiner explained that property owners are given ten daylight hours after the snow has stopped to clear the sidewalks. The City does not seek out violators; however, if a complaint is received, staff checks the property. If the snow has not been cleared, a notice is posted on site, giving the property owner another 24 hours to clear the sidewalks. After that 24 hours has elapsed and the snow remains, City crews clear the sidewalks. The City charges \$.75/linear foot and a \$35 administrative fee if City crews clear the sidewalks. Council Member Larson suggested that the City look into additional charges if it is necessary to certify the assessment to the County Treasurer.

The hearing was opened by the Mayor and closed when there was no one wishing to speak.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 07-171 assessing costs of snow/ice removal and certifying assessment to Story County Treasurer.

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

ORDINANCE CHANGING THE NAME OF ELWOOD DRIVE TO UNIVERSITY BOULEVARD: City Manager Schainker explained that the proposed ordinance had been changed to reflect an effective date of September 17, 2007; therefore, the approval process had to start over.

Moved by Goodman, seconded by Doll, to pass on first reading an ordinance changing the name of Elwood Drive to University Boulevard.

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

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

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

Moved by Mahayni, seconded by Doll, to pass on second and third readings and adopt ORDINANCE NO. 3910 changing the name of Elwood Drive to University Boulevard with an effective date of September 17, 2007.

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

ORDINANCE MAKING A TEXT AMENDMENT TO CHANGE THE DEVELOPMENT STANDARDS FOR THE HEIGHT OF PRINCIPAL BUILDINGS IN THE “S-HM” (HOSPITAL/MEDICAL DESIGN) DISTRICT: Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance making a text amendment to Table 29.1001(3) to change the development standards for the height of principal buildings in the “S-HM” (Hospital/Medical Design) District.

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

ORDINANCE ESTABLISHING THE 207-215 LYNN AVENUE URBAN REVITALIZATION AREA: Moved by Mahayni, seconded by Goodman, to pass on second reading an ordinance establishing the 207-215 Lynn Avenue Urban Revitalization Area.

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

ORDINANCE ALLOWING OPERATION OF GOLF CARTS UPON CITY STREETS: Moved by Larson, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3909 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. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

COMMENTS: Moved by Rice, seconded by Goodman, to refer to staff the request to approve an assignment of the tenant’s interest in the ground lease for the “Visionaire Building,” located at 3100 South Riverside Road.

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

Council Member Goodman requested staff to provide to the City Council what “Cool Cities” would mean to Ames (its definition, and its benefits).

Moved by Popken, seconded by Rice, to direct staff to schedule a Special City Council Meeting to further define and clarify their goals.

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

Moved by Doll, seconded by Mahayni, to direct staff to make changes to sections of the Code pertaining to Temporary Obstructions.

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

Moved by Larson, seconded by Popken, to direct staff to place on the next agenda the request of George Belitsos, Executive Director of Youth and Shelter Services, requesting to postpone payment of the rental fee for 16 parking spaces in Lot P until July 2007.

Vote on Motion: 5-0-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: None. Abstaining: Mahayni. Motion declared carried.

ADJOURNMENT: Moved by Doll, seconded by Goodman to adjourn the meeting at 8:30 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor