

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

AMES, IOWA

APRIL 24, 2007

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on April 24, 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 ARBOR DAY: Mayor Campbell proclaimed April 27, 2007, as Arbor Day. Accepting the Proclamation were Bill LaGrange, Dave Brotherson, Bob Schumer, and Ray Bratsch-Prince.

PROCLAMATION FOR NATIONAL PRESERVATION MONTH: May 2007 was proclaimed by the Mayor as National Preservation Month. Accepting the Proclamation was Gloria Betcher, Chairperson of the Ames Historic Preservation Commission.

CONSENT AGENDA: Mayor Campbell announced that Item No. 8 on the Consent Agenda: a Class C Liquor License for The Library, 216 Stanton, had been pulled by the applicants. Council Members Mahayni, Popken, Larson, and Goodman asked that Items numbered 6, 12, 15, and 16 be pulled from the Consent Agenda for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of April 10, 2007, and special meeting of April 17, 2007
3. Motion authorizing Mayor to sign Historic Resources Development Program Grant application to fund preparation of a Preservation Plan
4. Motion authorizing Mayor to sign Certificate of Consistency with the City's 2004/09 CDBG Consolidated Plan on behalf of Youth & Shelter Services
5. Motion directing City Attorney to prepare ordinance revising parking regulations for metered stalls in Downtown Business District
6. RESOLUTION NO. 07-173 confirming appointments of Government of the Student Body representatives to the Ames Transit Agency Board of Trustees
7. RESOLUTION NO. 07-174 approving Bid Awards and Purchases, \$25,000-\$50,000, for the period April 1-15, 2007
8. RESOLUTION NO. 07-176 approving IDOT Funding Agreement for 2006/07 Traffic Signal Improvement Program (Lincoln Way/Welch Avenue)
9. RESOLUTION NO. 07-177 approving IDOT Funding Agreement for 2007/08 Traffic Signal Improvement Program (Lincoln Way/Lynn Avenue)
10. RESOLUTION NO. 07-180 approving route for the Iowa Lincoln Highway Heritage Byway
11. RESOLUTION NO. 07-181 approving preliminary plans and specifications for 2007/08 Slurry Seal Program; setting May 16, 2007, as bid due date and May 22, 2007, as date of public hearing
12. RESOLUTION NO. 07-182 approving preliminary plans and specifications for 2007/08 Water Systems Improvement Program (Water Service Transfer); setting May 16, 2007, as bid due date and May 22, 2007, as date of public hearing
13. RESOLUTION NO. 07-183 approving preliminary plans and specifications for Power Plant Coal Handling Fire Protection System; setting May 30, 2007, as bid due date and June 12, 2007, as date of public hearing
14. RESOLUTION NO. 07-184 awarding contract for emergency removal of storm damage debris to Lawn Pro of Ames, Iowa, in the amount of \$65,000
15. RESOLUTION NO. 07-185 awarding contract extension to Waste Management of Ames for Hauling and Related Services from Resource Recovery Plant to Boone County Landfill
16. RESOLUTION NO. 07-186 awarding contract extension to AMG Resource Corporation for Hauling of Ferrous Metals from Resource Recovery Plant to Waste Management of Ames

17. RESOLUTION NO. 07-187 approving renewal of contract for Annual Line Clearance Program with Asplundh Tree Expert Company of Fairfax, Iowa
18. RESOLUTION NO. 07-188 awarding contract to HydroAire Services, Inc., of Chicago, Illinois, in the amount of \$45,696, plus applicable sales taxes, for Repair of Boiler Feedwater Pump for Power Plant and an amount not to exceed \$1,500 for engineering services, as needed
19. RESOLUTION NO. 07-189 awarding contract to Des Moines Steel Fence Company for fence replacement at the softball fields at North River Valley Park in the amount of \$92,000
20. RESOLUTION NO. 07-190 awarding contract to Scott-Van Keppel, LLC, of Cedar Rapids, Iowa, in the amount of \$167,698.90 for Wheel Loader
21. RESOLUTION NO. 07-191 approving contract and bond for Unit No. 8 Cooling Tower Rebuild Project
22. RESOLUTION NO. 07-192 approving contract and bond for Water Treatment Plant Five-Year Well Rehabilitation Project
23. RESOLUTION NO. 07-193 accepting completion of contract with RESCO to furnish 161-kV Transmission Line Conductor, Bid No. 2 - Optical Ground Wire
24. RESOLUTION NO. 07-194 accepting completion of public improvements and releasing security for Bloomington Heights Subdivision, Plat 11
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

CERTIFICATE OF CONSISTENCY WITH THE CITY'S 2004/09 CDBG CONSOLIDATED PLAN ON BEHALF OF YOUTH & SHELTER SERVICES: Council Member Mahayni said he had asked to pull this item from the Consent Agenda because he serves on the YSS Board and needs to abstain from voting.

Moved by Popken, seconded by Doll, to authorize the Mayor to sign the Certificate of Consistency with the City's 2004/09 CDBG Consolidated Plan on behalf of Youth & Shelter Services.

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

CITY'S INVESTMENT REPORT FOR QUARTER ENDING MARCH 31, 2007: Council Member Popken requested that definitions be given for some of the funds in which the City invests. Roger Wisecup, City Treasurer, advised that:

1. Certificates of Deposit are purchased through banks.
2. Iowa Public Agency Investment Trust (IPAIT) is a 28E agreement throughout the state. A name change to West Bank Securities has recently occurred.
3. Commercial Paper is issued by large companies, e.g., G.E., Toyota. These are short-term securities (mature within 270 days).
4. Federal Agency Coupon Securities and Discounts are issued by governmental agencies, e.g., Fannie Mae. These can be short-term or long-term.
5. Pass-Through Securities entail such things as when the Federal Home Loan Bank buys mortgages and offers them on the open market. They are guaranteed just like Fannie Mae, but mature in various degrees depending on how fast the mortgage is paid-off.

The investing of funds is mandated by the City's Investment Policy; it is based on safety, liquidity, and yield. Stocks and/or futures are not allowed.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 07-175 approving the City's Investment Report for quarter ending March 31, 2007.

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

CHANGE ORDERS FOR RIGHT-OF-WAY PROCUREMENT SERVICES CONTRACT

FOR 161-KV INTERCONNECTION PROJECT: Council Member Larson asked staff to comment on the difficulties that the City is having obtaining easements. Electric Services Director Donald Kom advised that the City has agreements for 85% of the easements needed for the line from Ames to Ankeny. Of the six landowners, two are in Polk County and four are in Story County. What makes this somewhat unique is that one of the landowners is the City of Huxley. Ames City officials continue to meet with officials from the City of Huxley to ascertain what it is that they are wanting from the City of Ames before granting the easement. This is not something that the City has experienced before and is presenting a unique challenge.

Mr. Kom explained the process where the City of Ames will present its line design, path, and route to the Iowa Utilities Board (IUB) on June 7. Hopefully, the IUB will see the justification for the line and then look at the route. The City is attempting to utilize a route that impacts as few people as possible. The majority of the route that is in question parallels Interstate 35 on the east side past Huxley. If and when the IUB grants approval, the City will again attempt to obtain easements from the remaining landowners.

City Manager Steve Schainker publicly thanked the City of Nevada, which worked with the City on the route through that location. The line is 22 miles long, and the majority of the property owners have been cooperative.

Mr. Schainker advised that the tie line is absolutely necessary for the future of the City of Ames; that is why the City has invested in materials and made improvements prior to all details being in place. The route for the line may change, however. He pointed out that the Ames Electric Utility services not only its residential, commercial, and industrial customers, but also the National Animal Disease Lab, Iowa State University, and the Department of Transportation.

Director Kom told the Council that staff has met with the landowners individually and as a group. Studies have been done on the concept of jointly building the new line with the existing line. By doing so, less right-of-way is needed, but it creates a weaker transmission system. A weaker transmission system will not just impact Ames and its customers, but it will make a weaker transmission system for the substation that serves Huxley.

Moved by Larson, seconded by Popken, to adopt RESOLUTION NO. 07-178 approving Change Orders for Right-of-Way Procurement Services Contract for the 161-kV Interconnection Project. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a part of these minutes.

CHANGE ORDER FOR WATER PLANT LIME SLUDGE DISPOSAL: Council Member Goodman said that it was his understanding that capital funds are being used to defray operating costs for this project, and he asked to know the long-term solution.

Water and Pollution Control Director John Dunn said that when this contract comes up for renewal in about 18 months, the City hopes to incorporate subdividing the existing lagoon as a part of cleaning out that lagoon. It would be excavated through the middle and berms would be built behind it. The purpose of this project is to expand the working capacity of the three small and one large existing lagoons. The initial plan was to build new de-watering lagoons immediately adjacent to the existing lagoons (to the north). This would have removed water from the material and reduced hauling costs. However, the interpretation by the Iowa Department of Natural Resources was that if new lagoons were being built, the old lagoons would not be cleaned out. That would have turned them into landfills and the lagoons would not have met landfill standards. The rules did not allow for that, and the IDNR would not grant a variance. The City's option now, for the short term, is to increase the amount of material that is being hauled out. In the longer term, the City plans to incorporate subdividing the five-acre lagoon and make the modifications to it that had been planned for a new lagoon.

City Manager Schainker advised that, normally, savings from capital improvements are applied

to other capital improvements; however, in this case, the projects are related. The funds are from the same utility and for the purpose of handling lime sludge. It would have been preferable to have it de-watered, but the alternative is to move it out. Dividing the large lagoon will ultimately be more cost-effective for the City.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 07-179 approving Change Order for Water Plant Lime Sludge Disposal.

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

PUBLIC FORUM: Attorney Pat Burke of the Bradshaw Law Firm, 801 Grand Avenue, Suite 3700, Des Moines, spoke, stating that he was representing GK Development, the owners of North Grand Mall. He asked for reconsideration of the conditions placed on the approved Preliminary Plat for the Streets of North Grand, specifically, those related to the reconfiguration of the parking on proposed Lot 2. Mr. Burke said that it is unclear whether there was an understanding on the part of the City Council what was meant by "reconfiguration." They are 80 parking spaces short of strictly meeting the parking requirement. The owners are having difficulty finding people to take out the medians so that the parking can be reconfigured. It was unclear to the owners if the City Council understood, by making that condition, that the reconfiguration would need to be physically made before the Final Plat would be approved. Mr. Burke asked for interpretation by the City Council tonight of that particular condition (Item 1C of the staff recommendation on the Council Action Form dated March 27, 2007). The owners would like to move forward with the development. Mayor Campbell explained that due to the Open Meetings Law, the City Council may not take action on this request tonight, other than to refer it to staff for placement on a future agenda.

REQUEST OF YOUTH & SHELTER SERVICES (YSS) TO POSTPONE PAYMENT FOR LEASING PARKING SPACES IN LOT P: George Belitsos, Executor Director of Youth and Shelter Services, 5508 West Lincoln Way, Ames, explained that YSS was not prepared, for the last five years of the Development Agreement, to pay the full rate of \$35/space for the 16 spaces that they use in City Lot P. The YSS Board is asking that payment for the 16 parking spaces in Lot P be deferred until after July 1, 2007, as they do not have the money in this fiscal year's budget. The Board is also proposing that a rate of \$15/parking space (instead of \$35/parking space) be established during the remaining five years of the Development Agreement with the City. Mr. Belitsos said that, in the future, he would like the City Council to set a lower rate for all non-profits renting parking spaces in the Downtown area.

Mr. Belitsos advised that they raised \$2 million to remodel the old City Hall, which is now their headquarters. Their building serves as a meeting place for many other non-profit groups. The parking is very important to the function of the building. He gave details of the 15-year Development Agreement as it pertained to the parking arrangement. The spaces were to be used free-of-charge by YSS for the first ten years and then at a rate determined by the City for the last five years. The YSS Board is asking the City Council to reconsider the \$35/parking space fee for two reasons:

1. When the Development Agreement was entered into, the final five years' usage of the parking lot was to allow for a transition period to paying the full price (from free to the full price). After 15 years, YSS does expect to pay the full rate of \$35/space. He does not see this as setting a double-standard, as other non-profit organizations that might be renting space from the City do not have a Development Agreement. Mr. Belitsos felt that it was the intent of the City Council at that time to "give YSS a break" from the parking rate for 15 years.
2. For the 15 years of the Development Agreement, YSS is responsible for maintenance of Lot P. So, they would be paying \$35/space, plus doing the snow removal, painting the lines, cleaning it, removing graffiti, etc. This year, snow removal was a large expense for YSS.

Moved by Goodman, seconded by Larson, to postpone the parking space rental fee (in Lot P) for YSS until July 1, 2007.

Roll Call Vote: 5-0-1. Voting aye: Doll, Goodman, Larson, Popken, Rice. Voting nay: None. Abstaining: Mahayni. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

REQUESTS FROM AMES JAYCEES FOR “AMES ON THE HALF SHELF” EVENTS IN BANDSHELL PARK: Jan Beran, 304 - 24th Street, Ames, advised that she is a member of the YSS

Board of Directors and of the Prevention Policy Board of Story County, which is a coalition of agencies that attempts to reduce under-age drinking and other drug usage. Personally, Ms. Beran and her husband have been licensed foster parents since 1980, and almost all of the teenage foster children they have had in their home were in foster care because of their own personal alcohol/drug use or that of their parents and/or guardians. She has seen the impact of adult behavior upon formative youth; impressionable young adults are influenced by patterns of drinking that they have seen as children. Ms. Beran has serious concerns about nine weeks of music being associated with drinking in Bandshell Park, which is in a residential area, and located next to a playground. It is also a concern that there would be “leakage” (passing of alcohol from of-age persons to under-age persons). According to Ms. Beran, there are those on the YSS Board who wonder if this event would project an image of Ames as a “drinking community.” Ms. Beran encouraged the Council to deny this request.

Lisa Ladd, 612 Carroll Avenue, Ames, urged the City Council not to approve the Liquor License being requested by the Jaycees or keg beer for Bandshell Park. She thinks this would prevent many people from enjoying the Park on nearly every Friday evening throughout the summer months. Ms. Ladd believes that alcohol is not appropriate for a community park; it sends the wrong message. It was pointed out that right outside the proposed beer garden fence is a playground. As a human service professional, she does not feel that a beer garden sends the right message to minors. She asked to know why, if the City Code prohibits keg beer, the Parks & Recreation Commission is able to override that law. Ms. Ladd gave some details of the advertising on the Jaycees website where they are promoting “more family activities.” It also states that minors may come with their parent(s). She finds it ironic that Anheuser Busch is a sponsor of the National Jaycees website. Ms. Ladd pointed out that there is a high rate of alcohol abuse by young people in the Ames community, and these types of events contribute to that cycle. Ms. Ladd also wanted it noted that the survey conducted in her neighborhood only referenced musical events, not alcohol. According to the Minutes of the Parks & Recreation meeting, 24 households were contacted and 22 supported holding summer music events at Bandshell Park. She explained that there are 192 residential units in the Bandshell Neighborhood Association boundaries. Assuming there are two adults in each household, it would equate to 384 citizens, and the survey certainly does not show that most residents support musical events or a beer garden. No residents of the 600 Block of Carroll Avenue signed the survey. Ms. Ladd also pointed out that of the 22 purported resident signatures, two are not homeowners according to the City Assessor’s records. It was stated by Ms. Ladd that in the past, there had been four hours of music/night for six nights, which totaled 24 hours of music. However, this request would equate to 27 hours of music (3 hours/night x 9 nights). Because the music is so loud, people are not able to socialize and converse. Regarding security, Ms. Ladd has seen the “security” personnel drinking alcohol during the events. If the City Council approves this request, Ms. Ladd believes that it will encourage other groups to apply for similar events.

George Belitsos said that YSS is very concerned about the public health crisis with the over-consumption of alcohol, especially by under-age persons. He spoke of social norms and the need for them to change. One of those is that people need alcohol to enjoy a social function or to have a good time. On behalf of YSS, Mr. Belitsos expressed objection to using a City park, in particular, the Bandshell Park, which is surrounded by families on all four sides, for nine consecutive weeks for a beer garden with keg beer. He said that it is of utmost concern that keg beer will be allowed as it has been verified that people drink in excess when keg beer is served. People driving after drinking alcohol is also a concern. Allowing this event for nine consecutive

weeks in a neighborhood park builds a social norm and an image of this community that is negative. Mr. Belitsos is concerned about children living in the Bandshell area. Since there is a playground there, children are going to be watching adults consuming alcohol.

Andy Sturtz, Ames on the Half Shelf 2007 Chairperson, advised that this would be the fifth year for this event. For two years, this event was held in the Bandshell, and for two years, the event was held east of City Hall. He addressed the no-alcohol policy for all committee members working the event. Under-age persons who are attending the event with their families will be admitted.

According to Mr. Sturtz, the focus will be on consumption in moderation. Ames Police officers will be present and identifying individuals who are abusing alcohol. Last year, the average of-age person attending consumed 2.7 drinks during four hours. The only keg beer offered will be a custom crafted brew developed by Olde Main Brewery specifically for this event. The remainder of the beer to be sold will be 16-ounce plastic bottles. Keg beer and bottled beer will cost \$3 each.

Mr. Sturtz stated that the Jaycees have attempted to address all concerns. They have purchased a digital sound meter to evaluate the noise during the event.

Council Member Mahayni asked Mr. Sturtz to explain the purpose of these events. Mr. Sturtz advised that these serve as a professional development project; it teaches the members project management and customer service skills. Secondly, these events serve as a revenue source for the Jaycees community development and community service projects. Mr. Sturtz does not believe that their marketing is targeted toward under-age persons. Mr. Mahayni believes that these events encourage a social norm to young people that alcohol is necessary for socialization. Mr. Sturtz disagreed that a negative image would be sent to young people. He thinks that social events should be allowed in community parks; the Jaycees are sponsoring concerts where alcohol will be sold.

Parks & Recreation Director Nancy Carroll stated that beer and wine are allowed in the five community parks. Beer and wine are not allowed in neighborhood parks, which Bandshell is formally considered.

Hiwot Abebe, 5217 Clemens Boulevard, Ames, advised that she was a senior at Ames High School. She compared this event to Ames High Homecoming events, which are sometimes held in Bandshell Park. Ms. Abebe believes that this event sends the message that alcohol is necessary to be entertained; that is the message that she received at this meeting. Also, she does not think that a message should be sent that it is alright to drink in public.

Jamie Courtney, Manager of Olde Main Brewery, advised that the kegs are simply a fundraiser for a local event. Olde Main is not, at this time, able to bottle their product; that is why kegs will be used. He pointed out that food and non-alcoholic beverages will be available. Mr. Courtney believes that the events center around the bands, not the alcohol.

Ex officio Member Buske feels that drinking does not necessarily mean drinking irresponsibly. The history of this type of events will show that the majority of adults consume alcohol in moderation. Mr. Buske believes that drinking responsibly can help change the social norm that drinking to excess is necessary for people to be entertained. He thinks that perhaps a “prohibitionist attitude” towards alcohol is responsible for the binge drinking culture that dominates university living as well as high school experiences. Mr. Buske said that there are enough measures in place to make this event safe as well as fun.

Council Member Goodman believes that great communities are achieved by freedom and opportunities and by modeling great behaviors. According to Mr. Goodman, there are two philosophies that have been at odds in this country for 50+ years. One is a “denial and hide”

philosophy, where things that could be dangerous are sequestered away and people are protected from the knowledge that they exist. The other philosophy is “expose and educate,” where things are brought out to the forefront, discussed, and people are taught how to act. Mr. Goodman views these events as opportunities for people to drink responsibly. He has personally attended these events with his daughter, who has played on the adjacent playground, and he thinks that it has had a positive effect on her to see her father making good decisions and acting responsibly. People should be allowed freedoms, but with high expectations; it should not be “deny-and-hide.” Having high expectations is the key to the success of the process. He encouraged the Jaycees to take appropriate measures to ensure that these events are very successful.

Council Member Larson said he preferred that the Council not commit to allowing keg beer at every event or at least limit the number of kegs to be tapped until it is proven to be successful. Mr. Sturtz said that they pay for only the kegs that they tap, so it is in the Jaycees’ best interest to tap as few as possible.

Council Member Mahayni expressed his dismay in the comments made tonight in light of the many problems that Ames has faced with alcohol consumption. The issue is not one of “deny and hide;” research shows that more exposure to these types of events is conducive to more drinking. Mr. Mahayni said he is not asking for prohibition; alcohol is prohibited in neighborhood parks. He contended that sustainable communities are healthy communities, yet alcohol may be allowed to be sold in neighborhood parks. Mr. Mahayni thinks that sends a double message. The issue is about image. Council Member Mahayni referenced the number of under-age citations issued in the City during the past weekend. He urged that the Council think of the long-range implications that will go beyond this summer.

Council Member Popken said that he does not believe that alcohol consumption in moderation by adults is unhealthy.

Council Member Goodman said that he has attended these events and he sees zero chances of “leakage” of alcohol to under-age persons.

Council Member Doll stated that he had attended a number of successful fund-raising events where alcohol had been served and families had been present. He does not like the implication by some people that this event is going to be a “kegger” or a beer garden; these are outdoor concerts during which food, soda, and alcohol will be available. Mr. Doll objected that two signatures on the petition could not be considered valid because they are not homeowners.

Moved by Goodman, seconded by Rice, to approve the Seasonal Class B Beer and Outdoor Service Privilege.

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

Moved by Goodman, seconded by Rice, to authorize the tapping of beer kegs in Bandshell Park on June 1, 8, 15, 22, and 29, and July 6, 13, 20, and 27, 2007.

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

REQUESTS FROM OLDE MAIN BREWING COMPANY FOR SUMMER CONCERT SERIES: Placed around the dais was an e-mail message from Jim Gregory, 129 Washington Avenue, Ames, who asked that these requests be denied due to high amplification of the music.

Jamie Courtney, Manager of Olde Main, explained that these events will be “policed” similarly to the Ames on the Half Shell events. In addition to alcohol, food and non-alcoholic drinks will be available. They did not exceed the Noise Ordinance for similar activities last year. They will

take noise level measurements, and adjustments will be made at each event to make sure that they

are not exceeding the Noise Ordinance.

Council Member Popken asked that the stage be positioned more to the west, rather than the south, so as not to be as disturbing to the residents of the area. Mr. Courtney said that they will do so as much as they can, but must take into consideration the fire lane, which needs to be left open.

Council Member Goodman thinks that the residents of this area should be able to have their windows open in the summer. In light of these events not concluding until Midnight, he would like some discussion to occur between Mr. Gregory and the event organizers in an attempt to arrive at a compromise.

Moved by Goodman, seconded by Larson, to postpone this item until the next agenda to allow the organizers of this event time to discuss amicable solutions with Jim Gregory, with this discussion being facilitated by City staff.

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

VISIONAIRE GROUND LEASE: Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 07-196 approving Assignment of the Visionaire Ground Lease from Dayton Park, L.L.C., to Mulmac, L.L.C., for property located at 3100 South Riverside Road.

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

PERSONAL AMPLIFICATION DEVICES FOR HEARING IMPAIRED IN COUNCIL CHAMBERS: Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 07-197 approving the purchase of personal amplification devices for the hearing impaired for use in the Council Chambers from Triad AV of Des Moines, Iowa, at a total cost not to exceed \$1,500.

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

MEDIAN TREE PLANTINGS ON MORTENSEN PARKWAY: John Joiner, Director of Public Works, recalled that, on December 12, 2006, City Council directed staff to explore if safe locations existed to add trees in the median on Mortensen Parkway from Elwood Drive to Ash Avenue. He said that staff established two main criteria by which to determine appropriate locations where additional median trees could be planted, and a map depicting those locations was presented. The map had an overlay showing the areas that would be required for sight distance. Accident locations along this median were also shown. Staff is recommending that the median be maintained in its current condition (without street trees).

Moved by Goodman, seconded by Doll, to direct staff to maintain the existing status of vegetation within the median on Mortensen Parkway (Elwood Drive to Ash Avenue).

Council Member Rice said he does not believe a clump of trees would cause any problems in this area.

Vote on Motion: 4-2. Voting aye: Doll, Goodman, Larson, Mahayni. Voting nay: Popken, Rice. Motion declared carried.

REVIEW OF PLANNING & HOUSING DEPARTMENT'S WORK PRIORITIES: City Manager Schainker explained that the purpose of this discussion was to prioritize planning-related items referred to the staff by the City Council and to consider the six priorities forwarded to the Council by the Planning and Zoning Commission. It was noted that some of the Planning & Zoning Commission's priorities are closely related to referrals already made by the City Council. The Commission's priorities that are not related to Council referrals include:

(1) efficient use of land and density requirements, (2) Village Residential development, and (3) affordable housing.

Steve Osguthorpe, Director of Planning & Housing, reviewed the Planning-related projects and suggested priorities. He noted one correction, i.e., College Heights historic survey will not be completed until July 2009.

Council Member Larson noted that the North Ames Study was listed as being superseded by the Ames Urban Fringe Plan. He asked if there had been resolution to the one-mile buffer between Ames and Gilbert. Mr. Larson believed that the City Council had directed that this Study be performed in conjunction with the Urban Fringe Plan, but it had not yet been completed. Mr. Schainker stated that the City Council did support a grant that was to help pay for technological support for this Study, and Story County was to take the lead in that Study. According to Mr. Larson, depending on what is decided, it could have implications on the efficient use of land and density requirements. He noted that there are priority areas, i.e., the Northwest and the Southwest; however, the fact is that there continues to be interest in growing to the north; that is where the developers prefer to develop. Council Member Popken indicated that he was not supportive of changing the Land Use Policy Plan (LUPP) to allow further growth to the north.

Mayor Campbell pointed out that the floor-area-ratio issues in industrial lands are not slated to be completed until December 2007. She asked the Council if they wanted to move that up as they had already had to deal with similar issues on two occasions in the recent past.

Moved by Goodman, seconded by Popken, to direct staff to complete the FAR in Industrial Lands and FAR General Requirements sooner than December 2007.

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

Council Member Goodman asked staff to provide the previous listing of Planning priorities to the City Council for comparison.

Discussion ensued on making Village Residential Development a priority. Council Member Goodman thinks that things could be done to make Village Development much more effective. Mr. Schainker explained that it would be very time-consuming for staff as much work remains to be completed and reprioritizing of the workload would be necessary.

Moved by Larson, seconded by Rice, to move Village Residential Development to Medium Priority and direct staff to assign a timeframe.

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

Moved by Larson, seconded by Rice, to move Efficient Use of Land and Density Requirements to Medium Priority and direct staff to assign a timeframe.

Vote on Motion: 2-4. Voting aye: Larson, Rice. Voting nay: Doll, Goodman, Mahayni, Popken. Motion failed.

The meeting recessed at 9:20 p.m. and reconvened at 9:25 p.m.

PRESENTATION ON PROPOSED REVISIONS TO THE HIGH-STRENGTH SURCHARGE PROGRAM: John Dunn, Director of Water and Pollution Control, and Environmental Engineers Winnie Gleason and Karla Tebben were present. Ms. Gleason advised that wastewaters that are higher in strength than normal domestic sewage are assessed a surcharge; having a High-Strength Surcharge Program is a requirement of the Federal Clean Water Act. There are three primary components evaluated for surcharge; namely, solids, oxygen demand, and nitrogen. Staff is proposing a change to the surcharge calculation procedures for the oxygen demand and nitrogen components.

Ms. Gleason explained how oxygen demand is currently measured. She advised that staff is

proposing to change from using CBOD₅ as the primary test method to using COD. With that change, staff is also proposing to change the definition of “typical domestic” strength from 250 mg/L as CBOD₅ to 550 mg/L as COD. Because COD values are higher than corresponding CBOD₅ values, staff also recommends that the surcharge rate for COD be reduced from \$0.20/pound to \$0.10 per pound.

According to Ms. Gleason, the nitrogen composition of a waste can be measured in different ways. The method currently used in the Ames Surcharge Program is to examine the concentration of nitrogen present in the form of ammonia; however, that test is not able to pick up complex proteins, such as what is present in blood or animal products. An alternate method for evaluating the nitrogen content is the Total Kjeldahl Nitrogen (TKN) test. Staff is proposing to use the TKN test, which uses a chemical process to break down the complex proteins and allow them to be measured. With that change, staff proposes that the definition of “typical domestic” strength be changed from 40 to 45 milligrams per liter and the surcharge rate for nitrogen be adjusted to account for the change in test methods.

Surcharge rates were last adjusted in 1999. It is now being recommended that the surcharge rates be adjusted to account for increases in the annual operating expenses of the Treatment Plant and to include adjustments for the rates annually at the same time that other City fees are adjusted. The rates should also be relocated in the Municipal Code from Chapter 28 (Utilities) to Appendix Q. Staff has notified all industries that are impacted by the Program of the proposed changes.

Moved by Mahayni, seconded by Goodman, to approve the proposed changes to the High-Strength Surcharge Program and direct the City Attorney to prepare an ordinance making the appropriate Code revisions.

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

HEARING ON CYRIDE BUILDING EXPANSION PROJECT: Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed. Transit Director Sheri Kyras was present. She advised that the Transit Board added Alternate #4 - Rainwater Tank/Irrigation to the contract, which adds \$36,000 to the total cost.

Moved by Larson, seconded by Doll, to adopt RESOLUTION NO. 07-198 approving final plans and specifications and awarding a contract to HPC, L.L.C., of Ames, Iowa, in the amount of \$2,430,000 plus \$112,000 for repairs to the existing structure and \$36,000 for Alternate #4 – Rainwater Tank/Irrigation.

Roll Call Vote: 5-0-1. 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.

HEARING ON REZONING PROPERTY AT 799 SOUTH BELL AVENUE: Planner Seanna Perkins explained the request to rezone the area from Residential Low Density Park to General Industrial. The owner, Dayton Park, L.L.C., has no plans to sell or develop the property in question at this time. The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance rezoning property at 799 South Bell Avenue from Residential Low-Density Park (RLP) to General Industrial (GI).

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

ORDINANCE AMENDING INSURANCE REQUIREMENTS AND CITY MANAGER’S DISCRETIONARY POWERS WITH RESPECT TO TEMPORARY OBSTRUCTION PERMITS: Moved by Goodman, seconded by Popken, to pass on first reading an ordinance amending the insurance requirements and the City Manager’s discretionary powers with respect to Temporary Obstruction Permits.

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

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 Doll, to pass on third reading and adopt ORDINANCE NO. 3911 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. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes..

ORDINANCE ESTABLISHING THE 207-215 LYNN AVENUE URBAN REVITALIZATION AREA: Moved by Mahayni, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3912 establishing the 207-215 Lynn Avenue Urban Revitalization Area.

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 letter from GK Development for placement on the Council’s May 8, 2007, Agenda.

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

Moved by Rice, seconded by Goodman, to refer to the Historic Preservation Commission the letter from George Belitsos relating to new materials (to include fences, windows, etc.) to be allowed in the Historic Preservation Area.

Director Osguthorpe updated the Council on discussions occurring at the Historic Preservation Commission. The Code allows the Commission the opportunity to review alternate materials on a case-by-case basis. The question arose as to whether certain alternate materials should be automatically allowed.

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

Moved by Goodman, seconded by Popken, to direct staff, pertaining to leasing parking spaces to YSS in Lot P, to come up with a solution to account for the lot maintenance costs to keep the costs equitable to what other agencies pay.

Vote on Motion: 4-1-1. Voting aye: Goodman, Larson, Popken, Rice. Voting nay: Doll. Abstaining: Mahayni. Motion declared carried.

ADJOURNMENT: Moved by Doll, seconded by Popken, to adjourn the meeting at 9:54 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor