

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 9, 2008

The regular meeting of the Ames City Council was called to order by Mayor Pro-Tem Mahayni at 7:00 p.m. on September 9, 2008, 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. Mayor Campbell and *ex officio* Member Beals was absent.

Mayor Pro-Tem Mahayni announced that the City Council would be working off of an Amended Agenda.

ANNEXATION OF PROPERTY LOCATED AT 1820 SOUTH DAYTON AVENUE: Director of the Planning and Housing Department Steve Osguthorpe explained that Iowa Code Section 368.7.b.now requires a consultation with the Board of Supervisors and the Township Trustees of the county and township in which the property to be annexed is located. The purpose of the consultation is to identify any issues that might be involved, and within seven business days following it, modifications to the proposed annexation may be recommended. Within 30 days, the Board of Supervisors may pass a resolution supporting the annexation, recommending denial, or taking no position.

Present from the Story County Board of Supervisors was Wayne Clinton. There were no members of the Grant Township Trustees in attendance.

City Attorney Doug Marek gave a broad overview of the annexation legislation passed in 2005. He advised that there are four types of annexation possible; the one in question is a voluntary annexation.

Planner Jeff Benson reported that this request is for annexation of approximately five acres of ground locally known as 1820 South Dayton Avenue. It is located south of Highway 30 and Interstate 35. The owner desires to bring this land into the City in order to market it in combination with the former truck stop property.

Supervisor Clinton asked if the land would require rezoning if it were annexed. Planner Benson advised that it would be rezoned.

The consultation ended at 5:45 p.m.

PRESENTATION BY McKEL GROUP REGARDING PROPOSED DOWNTOWN CATALYST PROJECT AT 328-330 MAIN STREET: Developers Russ McCullough and David Keller were in attendance to present a concept for redevelopment of property located at 328-330 Main Street that they believe fulfills most of the objectives outlined in 2006 for a downtown catalyst project. Mr. McCullough, 2054 Cessna Street, Ames, advised that they have similarly renovated the Court Center building at Third and Court Avenue in Des Moines and the Iowa House Bed and Breakfast Inn at 405 Hayward in Ames. According to Mr. McCullough, the proposed project will satisfy the need for a central outdoor plaza, provide pedestrian-friendly amenities and parking, and serve as an attraction that brings pedestrian traffic and shoppers. The conceptual design would allow for 5,000 square feet on the first floor and approximately 2,000 square feet on the second floor. It is believed that the occupancy of the building would be approximately 700 persons. A major component of their concept is the construction of a parking ramp that would contain 150 parking stalls.

City Manager Steve Schainker stated that the developers are proposing to renovate the west side (330 Main) first; however, they are committed to renovating the entire building, which includes 328 Main. Mr. McCullough confirmed that commitment.

Council Member Larson asked Mr. McCullough to describe the request for a shell grant and the phases of renovation. Mr. McCullough replied that the developers are asking the City to provide a grant for the shell improvements. Public restrooms would be included in Phase I. According to Mr. McCullough, in order to complete this proposed catalyst project, the developers would incur approximately \$3 million in debt for 25 - 30 years. Therefore, they will have every incentive to find good quality long-term tenants. Their risk also increases by agreeing to limit the tenants to destination location tenants only; the developers agree to only lease to destination location tenants until the grant is completely drawn out, which is anticipated to take approximately two years. Those tenants will be more clearly defined if the project is approved.

Additional concerns were expressed by Council Members Doll and Goodman about the type of tenants being referred to by Mr. McCullough. Mr. Goodman prefers that the uses not be a restaurant or a bar and indicated a preference for a conference center or hotel, which would provide a destination.

City Manager Schainker explained how the Tax-Increment Financing would work. The developers would not be directly benefitted from the TIF; however, it would provide for the financing of a public improvement, e.g., a parking ramp. Mr. Schainker stated that tax abatement would provide more benefit to the developers and to the City, as the City would be able to receive property tax revenue sooner.

Mr. McCullough distributed information on the financial arrangements proposed by the developers. He clarified that the actual initial funding being requested by the developers is \$230,000, which is \$200,000 for a no-interest loan for a maximum of two years (bridge loan) and \$30,000 from a facade grant. Mr. Schainker advised that a \$200,000 shell grant is also being requested. The shell grant would function as a rent subsidy; as new tenants begin to make payments, the draw amount would decrease accordingly.

City Manager Schainker emphasized that the plaza is not in the financing package. The developers are not going to build that, and there are no cost estimates for that portion at this time. It will have to be determined if a plaza is to be included in the plan, and if so, who will pay for it.

Mr. McCullough noted that a letter of support for this catalyst project had been received from the Main Street Cultural District.

Tim Coble, owner of Temptations on Main, 330 Main Street, Ames, and President of the Main Street Cultural District, stated that the proposal does exclude high-end condominiums that were discussed at the Downtown Charrette meetings; however, it includes all other components and more. To address the parking issue, Mr. Coble believes that it would be a good idea to take the parking deck all the way to Kellogg, but the cost would increase exponentially. He pointed out that it would be worth exploring, especially since it is not yet known how much parking will be needed when the Public Library expands.

Paul Griffin, Olde Main Brewery on Main Street, expressed concerns about the proposed concept, as follows:

1. Infrastructure (Parking). It is very difficult to do a project of this magnitude without the parking component being committed. Mr. Griffin believes the parking issue should be addressed first to make sure that the increase in traffic can be accommodated in the downtown.
2. Funding. It is difficult to get buildings placed on the Historic Registry and receive federal and state historic tax credits; there are some gaps in the developers' plan, and those are not guaranteed.
3. Assurance that the project will not harm the existing businesses and uses. He noted that the developers are asking for 16' of Tom Evans Plaza, which is only 70' wide; this would take approximately 20% of that Plaza.

Regarding receiving historic tax credits, Mr. McCullough advised that they have already talked with representatives of the State. The developers are definitely looking for the historic tax credits, the receipt of which is very important to the project.

Scott Griffin, owner of Olde Main Brewery, said that he was part of the Downtown Charrette process. It was his understanding that the catalyst project was to contain: (1) living space, (2) a public venue, and (3) be an incubator business. It is his opinion that the proposed project meets only one of the three criteria. According to Mr. Griffin, if the developers are planning on putting a restaurant and a bar in the building, that type of project already exists in the Downtown. He cited, as examples, the renovations to Aunt Maude's, Lucullan's, the Spice, and his own restaurant. Mr. Griffin said that he, in fact, considers the renovations done to his building that now houses Olde Main Brewery as a Downtown catalyst project. He pointed out that he performed the high-end renovations at his own expense.

City Manager Schainker advised that the City Council members needed to decide if the conceptual project is the type of project that they had envisioned. If so, they should direct him to prepare a Development Agreement and begin negotiating with the developers on this concept.

Mr. Schainker emphasized that there are issues with this proposal that remain, i.e.:

1. The possibility of a parking ramp, which will require the City to hire a consultant to estimate size and cost
2. Whether the plaza should be included or would be expected to be brought in at a later date

Council Member Rice questioned whether the proposed uses were what were envisioned in the Downtown Charrette discussions. He stressed that the main objective of a catalyst project was to provide a Downtown destination.

Council Member Doll offered his opinion that a parking ramp is the most important component of the concept. He would like to have more information on the cost and feasibility of expanding the number of parking stalls by extending it further to the east. Council Member Popken disagreed and said that he would not be as excited about the concept if a parking ramp was the major component. He questioned whether the proposal met the Downtown merchants' expectations. Council Member Larson indicated that he wanted to see both a parking ramp and a project that provides for a destination.

Moved by Larson, seconded by Goodman, to direct staff to ascertain the costs of hiring a consultant to study the public infrastructure portion (to include parking and a plaza).

City Manager Schainker advised that the time it will take to perform those types of studies would slow the project down considerably. The City would need to go out with Requests for Proposals for hiring consultants to perform two different studies.

Council Member Goodman felt that it might be a mistake to go that broad with this project. He suggested that parking be the only component included in the study. After the feasibility of constructing a parking ramp is determined, the plaza component could be added. He also pointed out that the project being proposed is much the same as the Olde Main Brewery project with much less private investment and much more public funding.

Moved by Larson, seconded by Goodman, to amend the motion to include only a parking ramp to be located in current Lot X or Y.

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

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

Council Member Doll indicated that, before he would want the City to move forward with this project, he would want to have a stronger indication of a destination tenant. It is his belief that new and renovated restaurants are already drawing people downtown. He is not wanting people to just be drawn to a restaurant or bar in the Towne Center and then leave the Downtown.

Council Member Rice said that he was excited about the historic nature of this project and that it could provide a venue that would hold 500 to 700 people.

Moved by Goodman, seconded by Popken, to direct the City Manager to proceed with negotiations on the project and explore a better explanation of a destination tenant.

Moved by Goodman to amend the motion to direct that the City not give up any part of Tom Evans Plaza for the project. Motion died for lack of a second.

Mr. Goodman explained that he wanted the public to be able to access all of Tom Evans Plaza without being required to buy something at a restaurant. Mr. McCullough stated that the developers could look at that possibility; it perhaps could be a trade-off for the City to pay for part of the Plaza improvements.

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

Mayor Pro-Tem Mahayni announced that the Proclamations would be read next since those receiving them had been told to be at the meeting at 7:00 p.m.

PROCLAMATION FOR NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH: Mayor Pro-Tem Mahayni proclaimed September 2008 as National Alcohol and Drug Addiction Recovery Month. Accepting the Proclamation were June McDonald and Jennifer Barber, representing Community and Family Resources, and Andrea Dickerson, representing Youth & Shelter Services.

PROCLAMATION FOR 11 DAYS OF GLOBAL UNITY: September 11 - 21, 2008, were proclaimed as the “11 Days of Global Unity,” by Mayor Pro-Tem Mahayni, for the purpose of supporting peace-making activities within communities and celebrating the strengths of diversity. Kevin Arritt, Heather Withers, Cheryl Binzen, Lynne Carey, Brian Eslinger, Amanda Martin, Mary Nakadate, Lauris Olson, Mary Sawyer, Sue Stanton, and Linda Voit accepted the Proclamation.

PRESENTATION OF PEACE POLE: Cheryl Binzen, 707 Burnett, Ames, and the above-named members of the “11 Days of Global Unity” group presented a Peace Pole to the City of Ames.

Moved by Rice, seconded by Popken, to accept the Peace Pole.
Vote on Motion: 6-0. Motion declared carried unanimously.

DISCUSSION OF POSSIBLE CODE REVISIONS PERTAINING TO ABATEMENT OF DANGEROUS BUILDINGS: Assistant City Manager Bob Kindred summarized the direction that had been given by the City Council to staff on August 21, 2007, specifically, to explore the development of a dangerous-building ordinance that would allow the City to proceed with involuntary compliance on a more timely basis. It is staff’s belief that the current ordinance that allows elapsed times between citizen complains and Code compliance ranging from five (5) to 13 years does not provide a reasonable service to the community, is excessively costly, and falls short of the City’s organizational goal to provide exceptional service to Ames citizens.

Mr. Kindred said that staff examined the current Code, a model code developed by the International Municipal Lawyer’s Association (IMLA), and the City of Sioux City’s Dangerous Building Code. From that review, four options were developed for the Council’s consideration.

City Attorney Marek compared the major elements of the four options, specifically, who enforces, what notices are required, options for the City on failure to abate, and how an owner appeals the process. Building Official David Brown offered comments from personal experience gained while working in the City of Sioux City. It is his opinion that the option being proposed by the staff will work well for the City of Ames.

It was noted that the current Code does not allow the City to take abatement action without first completing judicial proceedings. Assistant City Attorney Judy Parks advised that judicial proceedings are usually very lengthy. Mr. Kindred further stated that this is time-consuming for City staff and frustrating to neighboring property owners. Time frames under new procedures cannot be predicted with certainty; however, each of the other options will provide a more timely response to safety and neighborhood concerns.

Council Member Larson recommended that the City Council accept staff’s recommendation, but at a later date, expand it to include other property nuisances. Assistant City Manager Kindred explained that staff is working with a citizen committee on property maintenance issues regarding rental housing, and those recommendations are forthcoming.

Moved by Popken, seconded by Rice, to direct staff to modify Section 5.400 of the Municipal Code pertaining to dangerous buildings to incorporate the nuisance abatement provisions reflected in the IMLA model nuisance abatement ordinance.

City Manager Schainker emphasized that this new procedure would provide for an expedited process, but would require the City to up-front the costs of abatement.

Council Member Goodman stated that he liked the idea of a property owner providing a cash bond as earnest money of their willingness to perform the required maintenance; however, that did not make it into the draft version being recommended.

Moved by Goodman, seconded by Doll, to amend the motion to add the requirement for a property owner to provide the City with a cash bond, Certified Check, or Letter of Credit to guarantee abatement in exchange for an extension of time.

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

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

The meeting recessed at 8:00 p.m. and reconvened at 8:06 p.m.

REVISIONS TO DOWNTOWN FACADE GRANT PROGRAM: Planning and Housing Director Steve Osguthorpe said that, in response to City Council direction, staff met with representatives of Wheatfield's Grocery about a possible facade grant for its new building at 413 Northwestern. Staff had also received an inquiry about a possible facade grant for the building at 101 Main Street. Both of these buildings, however, have never had basic design elements that the grant program seeks to preserve.

Mr. Osguthorpe advised that staff is proposing to expand the Downtown Facade Grant Program to include buildings on select sites around the periphery of the downtown and on sites within the downtown that are significant in terms of their locations or uses. If approved, the changes would promote improvements to buildings that are prominent because of location. The program expansion would require a different set of guidelines intended to draw in design elements that typify the downtown, but also be applicable to prominent sites that do not have the alignment of buildings that is typical along Main Street.

Mr. Osguthorpe explained that, if the City Council desires to expand the Downtown Facade Grant Program in the manner that staff is recommending, standards would be drafted and staff would then provide the public and stakeholders an opportunity to comment. It is believed that this could be accomplished by October when the City Council could take action on the two pending grant applications, which pertain to 413 Northwestern and 101 Main Street.

Planner Jeff Benson presented the first draft of proposed design standards for an expanded Program, which included quality materials, facade modulation, fenestration, roof, building massing for new buildings, awnings, and building entrances. The minimum qualifications for a facade grant were also reviewed by Planner Benson.

Council Member Goodman said that he would like to see the program expand to other areas of the City, specifically, the streets off of Lincoln Way.

Moved by Rice, seconded by Popken, to direct staff to pursue expansion of the Facade Program in the Downtown area.

Council Member Goodman recalled that the City Council had indicated that it did not feel that the City was seeing enough of an impact from the funding it was providing. Planner Benson stated that staff members will address that when they bring the expanded program back for approval.

Lauris Olson, *Ames 365*, 109 Kellogg, Ames, said that she was very encouraged that the program might be considered for properties south of the railroad tracks.

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

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of August 26, 2008
3. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Class C Liquor - The Mandarin, 415 Lincoln Way
 - b. Class C Liquor - Corner Pocket/The Zone, 125 Main Street
4. RESOLUTION NO. 08-385 approving 2008 Annual Street Finance Report
5. RESOLUTION NO. 08-386 approving preliminary plans and specifications for South Dayton Avenue Realignment; setting October 8, 2008, as bid due date and October 14, 2008, as date of public hearing
6. RESOLUTION NO. 08-387 approving preliminary plans and specifications for Power Plant Roof Replacement Project; setting October 1, 2008, as bid due date and October 14, 2008, as date of public hearing
7. RESOLUTION NO. 08-388 approving contract and bond for Ames Public Library Video Security Equipment Project
8. RESOLUTION NO. 08-389 approving contract and bond for Brookside Park Pedestrian Bridge Project

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

PUBLIC FORUM: Roy Cakerice, 2911 Duff Avenue, Ames, said that he hoped the Council members had read the information that he had provided to them regarding keeping Carr Pool open. Mr. Cakerice stressed the need to have dialog on that issue. He asked what he had to do to get the City Council to fully consider keeping Carr Pool open at least part-time. Mr. Cakerice said that he would like to get professionals to show him the basin of the Pool in order to determine exactly if any improvements are needed. According to Mr. Cakerice, there are some people who prefer to swim in a smaller pool; there is a need for Carr Pool.

Dan Brown, 1305 Crescent Street, Ames, representing "Endeavor Peace," presented a petition signed by 320 supporters that made the following requests of the City: (1) that an institution such as the Red Cross be given a grant of \$3,000, and (2) that a partnership relationship with one of the cities in Darfur be promulgated as soon as possible. He indicated that the petition that had been signed by a wide array of Ames citizens, including business owners, professors, construction workers, doctors, public officials, and students. He summarized the genocide in Darfur and explained how those two requests, if fulfilled, would help the victims there as well as promote future aid.

FIREWORKS DISPLAY ON ISU'S CENTRAL CAMPUS FOR ENGINEER'S WEEK ON SEPTEMBER 27, 2008: Jason Haase and Allison Bryant, who were assisting with planning activities for ISU Engineer's Week, were present to answer questions.

Council Member Doll acknowledged that staff had made the organizers of this event aware that the City Council does not routinely approve fireworks displays to occur after 10:00 p.m. He noted that the organizers had worked with the pyrotechnician to specifically script the display to include things

that have very minimal or even no noise effects. He also made reference to a letter that had been provided from J & M Displays explaining what the show would include.

Moved by Doll, seconded by Larson, to approve a fireworks permit for display with limited noise effects on ISU's central campus at 11:59 p.m. on September 27, 2008 for the Engineer's Week Charity Ball.

Council Member Rice indicated that he would like to see ramifications included in the motion if the display is found to be disturbing to area residents. Council Member Doll stated that the consequence would be that no further displays would be approved to occur after 10:00 p.m.

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

NEW CLASS A LIQUOR LICENSE/OUTDOOR SERVICE PRIVILEGE FOR GREEN HILLS RESIDENTS' ASSOCIATION: Moved by Popken, seconded by Goodman, to approve a new Class A Liquor License & Outdoor Service Privilege for Green Hills Residents' Association, 2200 Hamilton Drive, Ste. 100.

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

2007/08 PUBLIC ART COMMISSION FUNDS: Samuel Stagg, Chairman of the Ames Public Art Commission, presented the Commission's request to carry over unspent 2007/08 funding in the amount of \$18,020.29 to be used for initiatives that will be completed in FY 2008/09. He said it was originally anticipated that \$2,500 would be used for preservation of the City Hall archive of public artworks; however, that has taken a bit longer than anticipated. The Commission is asking that those funds be carried over to the FY 2008/09 budget as the work will be contracted in the coming weeks. He further explained that the majority of the requested carry-over funds (\$15,520.29) is related to the Ada Hayden Park/Patrick Dougherty project. Mr. Stagg also advised that \$13,000 in approved Ada Hayden Art funding had now been committed to the Patrick Dougherty project and will need to be carried forward into FY 2008/09.

Moved by Doll, seconded by Goodman, to adopt RESOLUTION NO. 08-390 reallocating unspent 2007/08 Public Art Commission funds in the amount of \$18,020.29 to FY 2008/09.

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

MUSIC WALK ON SEPTEMBER 18, 2008: Jennifer Schill, Interim Director of the Main Street Cultural District (MSCD), presented the requests necessary to facilitate the Music Walk event scheduled for September 18, 2008. She said that, in addition to the routine annual requests for this event, the MSCD is requesting for the closure of the 100 Block of Main Street, after the entrance to the south parking lot to Douglas. Ms. Schill advised that she had surveyed the business owners in that block, and all but one had indicated that they had no problem with the street being closed from 3:00 p.m. to 10:00 p.m. According to Ms. Schill, several of the owners felt that the event would generate more business for them.

Moved by Goodman, seconded by Popken, to approve a Blanket Temporary Obstruction Permit for the Central Business District sidewalks from 8:00 a.m. to 8:00 p.m.

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

Moved by Goodman, seconded by Popken, to approve a Blanket Vending License for the Central Business District from 4:00 p.m. to 8:00 p.m.

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

Moved by Doll, seconded by Larson, to adopt RESOLUTION NO. 08-391 approving closure of a portion of the 100 Block of Main Street west of the entrance to the parking lot and ending at the corner of Douglas from 3:00 p.m. to 10:00 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 Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-392 approving waiver of the fee for a Blanket Vending License.

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

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 08-393 approving waiver of the parking meter fees and enforcement in the MSCD from 3:00 p.m. to 6:00 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 Popken, seconded by Goodman, to adopt RESOLUTION NO. 08-394 approving closure of three parking spaces on the east side of Kellogg Avenue, from Main Street to the alley, from Noon to 8:00 p.m. for a food vendor.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-395 approving waiver of the fee for electricity usage in the downtown area.

Lauris Olson, 109 Kellogg, Ames, indicated that the electricity will be needed in the 100 Block of Main Street, not Tom Evans Plaza.

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

ARTS FESTIVAL ON SEPTEMBER 28, 2008: Moved by Rice, seconded by Goodman, to approve a Blanket Temporary Obstruction Permit for sidewalks adjacent to closed streets.

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

Moved by Rice, seconded by Goodman, to approve a Blanket Vending License.

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

Moved by Doll, seconded by Goodman, to adopt RESOLUTION 08-396 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6:00 a.m. to 6:00 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 Doll, seconded by Popken, to adopt RESOLUTION NO. 08-397 approving waiver of the fee for electricity usage.

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

DOG PARK: Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 08-398 authorizing expenditure of \$149,185 from the Park Land Acquisition and Development Fund.

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

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 08-399 awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$175,785.

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

PRELIMINARY PLAT FOR WALNUT RIDGE SUBDIVISION: Director Osguthorpe said that this proposed subdivision is at the site of a former mobile home park at 3503 Lincoln Way.

Moved by Rice, seconded by Popken, to adopt RESOLUTION NO. 08-400 approving the Preliminary Plat for Walnut Ridge Subdivision, subject to the following stipulations:

1. The developer will construct and dedicate all public improvements within the development to the City of Ames Urban Standards, as required, including dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Ames Municipal Code.
2. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to Final Plat approval.
3. All public improvements shall be installed prior to Final Plat approval unless deferment of installation is approved by the City Council, in which case the Council shall require the applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Ames Municipal Code.

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

EXEMPTING HUNZIKER YOUTH SPORTS COMPLEX FROM PARKING LOT PAVING REQUIREMENT: City Attorney Marek gave the history behind this issue. The Zoning Board of

Adjustment had granted a Variance to the Complex to allow seal-coat surfacing in lieu of five-inch asphalt hard-surfacing; that Variance will expire in October 2008. When the issue was brought to the attention of the City Council, it directed the City Attorney to draft an ordinance that would provide an exemption from the Zoning Code standards for parking lot surface material. Mr. Marek advised that it is his opinion that an ordinance is not necessary because hard-surfacing for parking lots is not required in the S-GA Zone. He pointed out that the City has always held its own property to the same standards as privately owned property, and for that reason, staff required the Complex, which leases the site from the City, to install hard-surfacing in its parking lots. It was also stated by Mr. Marek that Variances are not required for property in the S-GA Zone. He recommended that the City Council pass a resolution stating that seal-coating, instead of paving, is acceptable in off-street parking lots in the S-GA Zone.

Moved by Popken, seconded by Mahayni, to adopt RESOLUTION NO. 08-401 formally exempting the Youth Sports Complex from parking lot paving requirements by accepting seal-coating for the off-street parking lots on the property located in the S-GA Zone.

Mr. Marek indicated that the passage of a Resolution will serve as an acknowledgment to the Sports Complex that it was exempted from the parking lot paving requirement.

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

DOWNTOWN FACADE GRANT FOR LUCULLAN'S RESTAURANT: Planner Benson presented the request for a Downtown Facade Grant for Lucullan's Restaurant at 400 Main Street. The project will cost approximately \$20,000, and the business owners are requesting \$10,000 in grant funding. Mr. Benson further advised that the owners of Lucullan's Restaurant are not the owners of the building, but because they believe in the value of the facade renovations, they are willing to pay for the renovations.

It was noted that the windows for the Spice restaurant, which occupies part of the building at 400 Main Street, will not be consistent with those at Lucullan's if this project moves forward.

Moved by Rice, seconded by Popken, to adopt RESOLUTION NO. 08-402 approving a Downtown Facade Grant in the amount of \$10,000 for facade improvements at 400 Main Street and reimbursement of design fees up to a maximum of \$1,000.

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

CODE CHANGES PERTAINING TO PARKING IN FRONT YARDS: City Attorney Marek advised that two separate City ordinances prohibit parking in the front yards of residential structures; one is located in Section 18 and the other in Section 29. Until 2000, the Code included a definition of "front yard" that was used to determine where parking was prohibited; however, when the Zoning Ordinance was revised, that definition was deleted. As a consequence, enforcement of the parking prohibitions has become more difficult, particularly for residential structures located on irregularly shaped lots and corner lots.

Moved by Popken, seconded by Goodman, to refer to the Planning and Zoning Commission an amendment to Section 29.406 pertaining to parking in front yards.

It was noted that at the time the above-referenced amendment is heard by the Council, an ordinance amending Section 18.15 will also be considered.

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

161 k-V TRANSMISSION LINE EASEMENT OPTION: Electric Services Director Donald Kom reminded the Council that the City had obtained options to acquire easements for the location of a transmission line along the original proposed route. One of the options will expire on September 11, 2008. The easement needed is to property in Polk County on the east side of Interstate 35 and south of the portion of the original route that paralleled the existing CIPCO transmission line; its cost is \$6,000. While it is not possible to conclude a new proposed route at this time, it is likely that the portion of the original route, which includes this parcel, will become part of any newly proposed route given the extensive amount of research done to date on alternatives. This easement

will likely be needed in order to finally complete a transmission line from the Ames Plant south to the substation near Ankeny. It is possible that that this easement will not be needed if the original route is redesigned; however, staff feels that the risk of purchasing an unusable easement outweighs the possible cost for having to renegotiate this easement at a later date.

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 08-403 authorizing staff to exercise the Option to acquire an easement due to expire on September 11, 2008, pertaining to the 161-kV Line in the amount of \$6,000.

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

CONTRACT FOR PROFESSIONAL SERVICES TO CONDUCT TRANSMISSION LINE ROUTING SELECTION STUDY:

Director Kom recalled that on July 2, 2008, the Iowa Utilities Board (IUB) issued its final Ruling effectively denying the City's petition for a franchise to construct its 161 k-V transmission line outside the City limits to Northeast Ankeny. In its Final Decision, the IUB acknowledged the need for the line and did not contest the route specifically, but rather took issue with the evidence of compliance with Code requirements as the basis for the initial route planning. Mr. Kom advised that, on August 7, 2008, proposals were solicited for professional services to conduct a routing selection study conforming to Iowa Code and franchising requirements. Three proposals were received. Considering proposal responsiveness, cost, proposed schedule, successful routing experience specific to Iowa transmission line franchising, in-house staffing resources to address related environmental or right-of-way issues, references, expert testimony, and the need for an independent routing study, staff determined that the Burns & McDonnell proposal was in the best overall interest of the Electric Utility. According to Mr. Kom, the Study will be completed by January 2009 if approved at this meeting.. Attorney Marek indicated that the Study is comprised of three components; however, if the City did not desire all of the options, it may opt out of components.

Director Kom noted that the proposal from the apparent low bidder did not include the public presentation support.

Moved by Larson, seconded by Rice, to adopt RESOLUTION NO. 08-404 approving a Contract for Professional Services with Burns & McDonnell to conduct a Transmission Line Routing Selection Study for 161-kV Interconnection Project in the amount of \$117,250.

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

PROFESSIONAL LEGAL SERVICES CONTRACT FOR OBTAINING TRANSMISSION LINE FRANCHISE:

Director Kom explained that customer reliability is in danger of being compromised by the limitations being placed on the current 69 k-V southbound interconnection. It is important to have legal assistance as the routing study is undertaken and in preparing for the public notification and hearing process that will follow.

City Attorney Marek advised that members of the City staff have interviewed representatives from two law firms that specialize in franchise representation. After careful consideration and discussions of availability, experience, and cost, the staff is recommending that the City Council approve an agreement for legal counsel with the BrownWinick Law Firm of Des Moines, Iowa. The billing for services will be on an hourly rate based on the principals and associates involved in the work.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-405 approving engagement of BrownWinick Law Firm for legal services pertaining to the Iowa Utilities Board. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

RAW WELL WATER TRANSMISSION PIPELINE: Water and Pollution Control Assistant Director Christina Murphy reported that the 2007-2012 Capital Improvements Plan (CIP) contains a Raw Well Water Transmission Pipeline scheduled to be started in FY 2007/08. Currently, a single 24-inch water line delivers water from ten wells in the Southeast Well Field and the Hunziker Youth Sports Complex Well Field. With the expansion of wells in those areas over the last two decades, that line is no longer able to adequately carry the full capacity of these wells. This is particularly important during summer months when a large supply of water is needed. The City's water supply is also vulnerable to disruption with one line to the Water Treatment Plant from those wells. Developing redundancy in delivering water to the Plant is very important since those ten wells represent 65% of the City's current water supply capacity.

Council Member Doll left the meeting.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 08-406 adopting RESOLUTION NO. 08-406 approving payment to property owners for temporary and permanent easements.

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

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 08-407 approving preliminary plans and specifications; setting October 9, 2008, as bid due date and October 14, 2008, as the date of public hearing.

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

HEARING ON 2005/06 SHARED USE PATH SYSTEM (GRAND AVENUE - MURRAY DRIVE TO 20TH STREET): The hearing was opened by Mayor Pro-Tem Mahayni. No one wished to speak, and the hearing was closed.

Moved by Larson, seconded by Rice, to adopt RESOLUTION NO. 08-408 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$132,921.09.

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

Council Member Doll returned to the meeting.

HEARING ON AQUATIC CENTER TRAFFIC SIGNAL: Mayor Pro-Tem Mahayni declared the hearing open. He closed the hearing after no one came forward to speak.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 08-409 approving final plans and specifications and awarding contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$159,830.65.

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

ORDINANCE AMENDING CHAPTER 22 AND APPENDIX D PERTAINING TO SIDEWALK

CAFES: City Attorney Marek gave the background behind the requested revisions to the Sidewalk Café Ordinance. Amanda Laird, Special Assistant to the City Attorney, who redrafted the Ordinance, was also present.

It was noted that sidewalk cafes are valid annually from April 1 through October 31, and the Ordinance would need to be adopted at this meeting for the proprietors to operate under its new provisions this year.

Moved by Popken, seconded by Rice, to pass on first reading an ordinance amending Chapter 22 to allow food orders to be placed and paid for at sidewalk cafes.

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

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

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

Moved by Popken, seconded by Rice, to pass on second and third readings and adopt ORDINANCE NO. 3968 amending Chapter 22 to allow food orders to be placed and paid for at sidewalk cafes.

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

Mr. Marek added that, in conjunction with the changes to Chapter 22, Appendix D needs to be revised. Changes to that fee schedule will clarify the process, but will not change the fee.

Moved by Doll, seconded by Larson, to adopt RESOLUTION NO. 08-410 revising Appendix D to clarify the sidewalk café process.

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

ZONING TEXT AMENDMENT REGARDING PARKING AND LANDSCAPING IN CONVENIENCE COMMERCIAL NODES (CVCNs): Moved by Larson, seconded by Goodman,

to pass on third reading and adopt ORDINANCE NO. 3967 making zoning text amendments regarding parking and landscaping in Convenience Commercial Nodes (CVCNs).

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

COMMENTS: Moved by Larson, seconded by Popken, to direct staff to explore the possibility of and determine what the cost would be to preserve (with no usage, but not demolish) Carr Pool for one year until it is known how it will be impacted by the Furman Aquatic Center.

Council Member Mahayni pointed out that this could set a dangerous precedent. He noted that the brochure explaining the project and the related bond issue had stated that Carr Pool would be closed if the Aquatic Center came to fruition.

Council Member Larson said that it might not even be feasible to preserve the Pool; however, he is only asking staff to determine the costs and ramifications of putting the Pool “in storage.”

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

Council Member Rice asked for clarification as to whether Ames Partner Cities had referred Mr. Brown to the City Council to present his requests. Assistant City Manager Kindred indicated that the Partner Cities requires a two-way relationship, and Darfur had not requested to be in that type of arrangement with the City of Ames.

Council Member Goodman suggested that a possibility for solving the issue formerly raised about the storage of recreation vehicles in the city limits would be to prohibit the connection to services, i.e., electricity and water.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:47 p.m.

Diane R. Voss, City Clerk

Riad Mahayni, Mayor Pro-Tem