

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 14, 2008

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on October 14, 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.

PROCLAMATION FOR CHARACTER COUNTS! WEEK: Mayor Campbell proclaimed October 19-25, 2008, as CHARACTER COUNTS! Week. Accepting the Proclamation were Jim Hallihan, Mary Jo Mattila, and Chuck Cychosz.

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

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of September 23, 2008, and special meetings of September 16 and October 2, 2008
3. Motion approving certification of civil service applicants
4. Motion setting the following City Council meeting dates:
 - a. January 20, 2009, at 5:15 p.m. for CIP Worksession
 - b. January 30, 2009, at 2:00 p.m. for Budget Overview
 - c. February 2, 4, 5, and 10, 2009, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - d. March 3, 2009, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
5. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Class C Liquor - London Underground, 212 Main Street
 - b. Class C Liquor & Outdoor Service Privilege - The Meeting House, 823 Wheeler Street, Ste. 4
 - c. Class C Beer, B Wine - Aldi, Inc., #48, 1301 Buckeye Avenue
6. RESOLUTION NO. 08-424 approving appointment of Molly Tracy as GSB *ex officio* representative to City Council
7. RESOLUTION NO. 08-425 approving appointment of Jen Sanford to fill vacancy on Student Affairs Commission
8. RESOLUTION NO. 08-426 approving appointment of Voting Delegates for National League of Cities Congress of Cities
9. RESOLUTION NO. 08-427 approving Underage Tobacco Enforcement Agreement between Ames Police Department and Iowa Alcoholic Beverages Division
10. RESOLUTION NO. 08-428 approving Underage Alcohol Enforcement Agreement between Ames Police Department and Youth and Shelter Services
11. RESOLUTION NO. 08-429 approving revision to Purchase Agreement with Habitat for Humanity of Central Iowa for the property at 608 Durrell Circle
12. RESOLUTION NO. 08-430 authorizing matching funds to rehabilitate Airport Runway 13/31
13. RESOLUTION NO. 08-431 approving contract and bond for 2005/06 Shared Use Path System—Grand Avenue (Murray Drive to 20th Street)
14. RESOLUTION NO. 08-432 approving contract for 2008/09 Right-of-Way Tree Trimming Program to LawnPro of Ames, Iowa, in the amount of \$55,000
15. RESOLUTION NO. 08-433 approving contract with Midwest Trenchless Technologies, Inc., of Belle Plaine, Minnesota, for Sanitary Sewer Cleaning in the amount of \$85,000
16. RESOLUTION NO. 08-434 approving contract for purchase of 2008/09 Liquid Sodium Hypochlorite requirements to Hawkins Water Treatment Group of Slater, Iowa, in the amount of \$51,840
17. RESOLUTION NO. 08-435 approving contract to Fairbanks Morse of Kansas City, Kansas, in the amount of \$158,936 for Water Pollution Control Plant Pump Replacement project
18. RESOLUTION NO. 08-436 approving contract to Eriez Manufacturing of Erie, Pennsylvania, in

the amount of \$71,675 for purchase of Electro-Magnetic Drum for Resource Recovery Plant

19. RESOLUTION NO. 08-437 approving Change Orders No. 3, 4, and 5 for Grand Avenue Extension (South 4th Street to Squaw Creek Drive) in an amount not to exceed \$58,898.15
20. RESOLUTION NO. 08-438 approving Minor Final Plat for East Hickory Park Subdivision, 2nd Addition
21. RESOLUTION NO. 08-439 approving Major Final Plat for Estates West Subdivision, 2nd Addition
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Susie Petra, 2011 Duff Avenue, Ames, stated that she had been volunteering at the site of the Ada Hayden Heritage Park artwork, which is being created by artist Patrick Dougherty and a host of Ames volunteers. She has been impressed by the artist's willingness to interact with the public. Ms. Petra encouraged the City Council, the media, and the public to attend the formal dedication of the sculpture of woven saplings on October 16 at 6:00 p.m. at the north end of the Park.

Debbie Lee, 214 South Maple, Ames, gave a brief progress report on the Community Conversations on Diversity. The first group met on October 13. Ms. Lee advised that over 100 residents have committed eight hours to help build a stronger Ames. Thirty residents have devoted additional time to become trained group facilitators. A professional trainer has been brought in to lead the facilitator training. Ms. Lee said that there are still opportunities to participate. At the end, each group will be asked to bring forward key suggestions for actions to help build a stronger, more-welcoming community. The ideas will be brought to an Action Forum to be held on November 19, 2008.

CLASS C BEER PERMIT FOR AJ'S MARKET: Moved by Goodman, seconded by Popken, to approve a Class C Beer Permit for AJ's Market, 129 Welch Avenue, Suite 101.
Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS C BEER PERMIT FOR THAT'S ENTERTAINMENT: Moved by Mahayni, seconded by Popken, to approve a Class C Beer Permit for That's Entertainment, 129 Lincoln Way.
Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS C BEER PERMIT FOR SNAPPYSDELIVERS.COM: Moved by Popken, seconded by Rice, to approve a Class C Beer Permit for SnappysDelivers.com, 200 Stanton Avenue.

Council Member Larson asked about the proposed location, specifically, if parking was being removed to make room for the warehouse portion of this business. He noted that there are a certain number of parking stalls required under agreements between the City and the owners of the high-rise building. Owners Sumit Patel, 200 Stanton Avenue, Ames, and Jason Mangold, 200 Stanton Avenue, Ames, were present. Mr. Patel explained that he and his partner have purchased a former delivery business and lease the same warehouse area that the former business occupied; no parking is being displaced.

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

OUTDOOR SERVICE PRIVILEGE FOR WALLABY'S BAR & GRILLE: Moved by Rice, seconded by Popken, to approve an Outdoor Service Privilege for Wallaby's Bar & Grille, 3720 Lincoln Way, on October 24, 2008, only.
Vote on Motion: 6-0. Motion declared carried unanimously.

CLASS LIQUOR & OUTDOOR SERVICE PRIVILEGE FOR ELEMENT/CHASERS: Moved by Goodman, seconded by Rice, to approve renewal of the Class C Liquor & Outdoor Service Privilege for Element/Chasers.
Vote on Motion: 6-0. Motion declared carried unanimously.

IOWA STATE UNIVERSITY (ISU) HOMECOMING REQUESTS: Kaitlyn Wiener and Abby Mollenhauer, Homecoming Central Committee Co-Chairs, clarified that Lynn Avenue will not be closed as part of the “ExCytement in the Streets” events.

Moved by Popken, seconded by Rice, to approve a Temporary Obstruction Permit for “ExCytement in the Streets” on October 24, 2008.

Council Member Goodman indicated that he would be abstaining from the vote due to a conflict of interest.

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

Moved by Doll, seconded by Popken, to adopt RESOLUTION NO. 08-440 approving closure of portions of Ash Avenue, Gray Avenue, Pearson Avenue, and Sunset Drive between 7:30 p.m.-11:00 p.m.

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

Concerning the request for funds for a pancake feed, Council Member Popken asked if the City had approved funding for this event in the past. Ms. Wiener explained that this is the first year that the Homecoming Central Committee has had a pancake feed. The idea is to keep students on Central Campus. According to Ms. Wiener, it is not known exactly how much the pancake feed will cost because it is based on how many pancakes are served. They are asking for \$1,000 from the City, and Homecoming Central funds will pay the remainder.

Council Member Goodman stated his concerns about the City continuously being asked to help fund similar smaller one-time events. He recalled that, after a referendum was passed that raised the Hotel/Motel Tax by two cents and more of the tax proceeds were allocated to the Ames Convention & Visitors Bureau (ACVB), it was decided that the smaller one-time funding requests would be funneled through the ACVB. Mr. Goodman also noted that the City sponsors its own “Welcome Back Students” events and helps fund VEISHEA events. He suggested that the City limit its funding to VEISHEA, which is a very community-wide event. Council Member Doll recommended that the Co-Chairs pass along to their successors that next year this request should go through the ACVB grant process.

Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 08-441 approving an allocation of \$1,000 for the ISU Homecoming pancake feed on Central Campus on October 24, 2008.

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

MAIN STREET CULTURAL DISTRICT’S REQUEST FOR ADDITIONAL ELECTRICITY FEE WAIVER FOR HOLIDAY LIGHTING: Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-442 approving the request from Main Street Cultural District for waiver of electricity costs for power usage in Tom Evans Plaza for an additional period of time.

Mayor Campbell noted that the City Council, on September 23, 2008, had approved waiving the electricity fees from November 22 through December 31, 2008, for the MSCD's holiday lighting events. It is now being requested that the lights be turned on in Tom Evans Plaza only from November 1.

Council Member Rice asked the Electric Services Director to comment on the total dollar amount for electricity donated for the 11 different MSCD events held last year. Director Donald Kom advised that he was unsure of the total cost; however, for the 2007 holiday lighting event, the City waived fees totaling approximately \$860. An additional 21 days of only lighting Tom Evans Plaza would equate to approximately \$100 - \$150.

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

REPORT ON PRESERVING CARR POOL: Parks and Recreation Director Nancy Carroll advised that the City Council, on September 9, 2008, had requested that staff explore the possibility of, and determine the costs to, preserve Carr Pool for one year until it is known how it will be impacted by the Furman Aquatic Center. It was clarified that no use of the facility would occur. Director Carroll said that adverse weather, i.e., a hard winter and/or wet spring, could delay the opening; however, at this time, the Aquatic Center is anticipated to open on or close to July 1, 2009. She said that staff and the Parks & Recreation Commission had always planned on maintaining Carr Pool until the new facility opened. Ms. Carroll further advised that Carr Pool was winterized this fall and can remain in that state for a year or more with no anticipated facility or cost implications; thus, there would be no additional costs to "mothball" the pool.

Ms. Carroll advised that a formal decision will need to be made on this issue. There are two options:

1. Keep Carr Pool open until the new facility opens (either in early July or a later date, depending on weather conditions) and then close it through the remaining 2009 swim season.
2. Do not reopen Carr Pool for the Summer of 2009. Residents would be encouraged to swim at the Municipal Pool until the Aquatic Center opens.

Ms. Carroll pointed out that it was always staff's intention to close Carr Pool once the Furman Aquatic Center opens. That message was made clear in all the public input sessions held prior to the bond issue passing.

It was also stated by Ms. Carroll that \$35,000 had been budgeted for an assessment of the Gateway Administrative Office Building and the bathhouse at Carr Pool. The assessment will provide an estimate of what is needed and the cost for renovating both buildings, e.g., could numerous interior walls be removed, how much of the underground piping could be removed to allow for transition to a year-round shelter house, public meeting space, etc. The second phase of the study would list options of what the spaces could transition to in the future. According to Director Carroll, there is currently no funding in the budget to demolish the basin and/or the bathhouse at Carr Pool. It was anticipated that any funds to demolish or renovate Carr Pool would be included in the 2009/10 fiscal year's budget.

Director Carroll noted that, at its September 18, 2008, meeting, the Parks and Recreation Commission took no further formal action concerning the future of Carr Pool. Commission Members commented, however, that no action confirmed their original recommendation to the City

Council that, upon opening the new Aquatic Center, Carr Pool should be closed and demolished.

Council Member Larson said that he had heard comments from people who thought that Carr Pool was going to be immediately demolished and were concerned about not having an outdoor pool next summer if the opening of the new Aquatic Center was delayed. Mr. Larson confirmed that it was never the City's intent to demolish Carr Pool this fall. He reaffirmed his belief, however, that the Furman Aquatic Center should be the only pool open next summer.

Erica Fuchs, 4014 Marigold Drive, Ames, said that she was speaking as a member and representative of "Friends of Carr Pool." She said that more than 1,700 Ames residents had signed a petition asking that the Pool be saved. Ms. Fuchs pointed out that the City had received completed surveys from 143 people at the public input meetings concerning the new Furman Aquatic Center, and staff was impressed by that number. According to Ms. Fuchs, in response to the desires of those 143 people, the Ames Parks and Recreation Commission "recommended spending approximately \$11 million of taxpayer money" for the 13th Street Outdoor Aquatic Center, and the City Council supported that recommendation. In Ms. Fuch's opinion, if the wishes of only 143 people led the City government to propose spending \$11 million on the 13th Street pool facility, then it would be very reasonable for the City Council to support the request of over 1,700 people who are asking to save Carr Pool from being demolished. Ms. Fuchs, on behalf of the over 1,700 petitioners, asked the Council to keep Carr Pool open in future summers because it is an important and unique part of Ames' heritage and is a beloved facility where many people want to continue swimming. She asked that, instead of spending money to demolish Carr Pool, the money be used to save it. It is her belief that many people will be attracted to Ames, not only to swim at the Aquatic Center, but also to swim at Carr Pool.

Judith Lemish, 327 South Maple, Ames, advised that Carr Pool has always depended on the residents of Ames. Many individuals, including the Army Corps of Engineers, have volunteered time and money to build and refurbish Carr Pool. Ms. Lemish asked the City Council for the opportunity to continue this community-based commitment and save Carr Pool. In the opinion of Ms. Lemish, there are two main obstacles to saving the Pool:

1. Perception that Carr Pool will compete with the new Furman Aquatic Center, driving people away from the new facility.

Ms. Lemish said that will not happen because Carr Pool attracts a different demographic.

2. Funding.

Ms. Lemish said that there are several main costs associated with operating Carr Pool: labor, maintenance, and insurance. She proposed a public/private partnership to allow the Pool to remain open. In regards to labor and maintenance, community volunteers could help run and maintain the Pool. Ms. Lemish advised that she has talked to many people who are willing to help. Secondly, volunteers should be given the chance to raise money, e.g., donations and grants. Also, the City could reduce costs by reducing the hours of operation. Thirdly, pertaining to insurance, the City could continue to maintain the coverage if it is part of a package that includes all of the recreation facilities. Perhaps, donations or grant proceeds could be used to help pay for the premium.

Ms. Lemish stated that Ames residents have a strong commitment to preserving their history; Bandshell Park is one example and she would like Carr Pool to be another example. She also

believes that saving Carr Pool would be consistent with the City's "Go Green" initiative. The City should not be demolishing something, i.e., Carr Pool, that is perfectly good. Ms. Lemish asked that residents should be given the opportunity to suggest some creative alternatives to saving the Pool.

Jim Dresser, 103 Wren Avenue, Ames, suggested that Carr Pool be enclosed. He said that he had attended two public informational meetings on the Aquatic Center and had been told that improvements were also going to be needed at the Municipal Pool. Mr. Dresser recommended that the School District be asked to share in the costs to remodel and enclose Carr Pool. It is his opinion that even if a bond issue were needed to pay the costs to enclose the Pool, the amount should be less to remodel Carr Pool to make it meet the needs of the City and the School District than to build a new pool. He pointed out that both the City and the School District budget approximately \$50,000 - \$75,000/year for repairs to the Municipal Pool, and that money could be used towards remodeling Carr Pool. Mr. Dresser asked the City to study the solutions carefully to provide an indoor pool; it might not be feasible, but the taxpayers would pay less and be thankful if it could happen.

Ron Gardner, 2223 Prairie View East, Ames, took issue with Page 2 of the staff report stating that no funding had been included in the budget to demolish the basin and/or bathhouse. He said that he was not familiar with the 2008/09 budget, but felt that there should be funds included to operate Carr Pool; otherwise, if it does need to open next spring, there will be no money to do so. Mr. Gardner explained how signatures were acquired on the petition to keep Carr Pool open.

Gina Folsom, 113 South Sycamore, Cambridge, said that she saw no reason for the City to rush to demolish the Pool. She hopes that the City will allow people time to work out a private/public partnership.

Council Member Rice pointed out that the decision to keep Carr Pool open would come at the Council's budget time for FY 2009/10.

Council Member Popken explained that he supported the bond issue for the Furman Aquatic Center because, after talking with residents, he felt that the community could not support two outdoor pools. He recalled that the informational brochure on the proposed Aquatic Center indicated that Carr Pool would be closed if the Aquatic Center were built. Mr. Popken stated that he would, however, consider keeping Carr Pool open if a group came in with a workable solution for a private/public partnership.

Council Member Doll clarified that the bond issue was for \$8 million, not \$11 million, as some of the speakers had alluded to earlier. He noted that \$3 million had been given to the City for the project by donors.

CAMPUSTOWN COURT RENOVATION: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-443 approving preliminary plans and specifications for Campustown Court Renovation, setting November 12, 2008, as bid due date and November 25, 2008, as the date of public hearing.

Council Member Rice explained that the Cyclone Twister (artwork in the sidewalk) is not indicated on the plan. Director Nancy Carroll stated that it will not be touched.

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

INTERSECTION IMPROVEMENTS AT 13TH STREET AND GRAND AVENUE: Municipal

Engineer Tracy Warner gave a brief history behind the City Council's decision to modify the U.S. 69 Intersection Improvement Project for 13th and Grand from full reconstruction to just replacing the traffic signal system. In order to meet the Iowa Department of Transportation (IDOT) clear-zone requirements (safety requirements for roadside obstructions), the new traffic signal pole locations needed to be located a minimum of ten feet behind the curb. As a result, the right-of-way needs for the Project were greatly reduced to require only small sections at the respective corners of the intersection. However, the IDOT would not accept easements for the traffic signals; the property had to actually be acquired.

Ms. Warner further advised that the property owners had already granted the right-of-way necessary for the signal project, however each property owner expressed the strong desire for the City to fully acquire their properties (located on the northwest, northeast, and southwest). Staff promised the property owners that their requests would be presented to the City Council for consideration and is now requesting direction from the City Council regarding the offers from the property owners. Ms. Warner indicated that Public Works staff had discussed this project with the Housing Division to look at the possibility of using the properties to provide affordable housing. The condition of each of the properties will have to be determined. In the interim, the City will continue to move forward with installing the traffic signals. According to Ms. Warner, a large retaining wall will be necessary for the property on the northeast corner prior to installation of the traffic signal.

Discussion of the round-about option ensued. Ms. Warner confirmed that to construct a round-about at 13th and Grand would require the acquisition of all four properties at that intersection. Ms. Warner pointed out that even if the properties were purchased now by the City, it could be ten years or more before any further improvements would be made at the 13th and Grand Intersection. During that time period, standards could change and a round-about or some other design might be recommended.

Council Member Larson expressed concerns over the large retaining wall that will have to be constructed on the northeast property. He asked if the building at that location would have to be torn down if the City approved a widening project at some point in the future. Ms. Warner said that the building, at that time, would be considered legally non-conforming. She indicated that is a concern of the current property owner.

Council Member Mahayni asked if there was any prediction as to when improvements will be mandated for that intersection due to the traffic load. Ms. Warner said that the City will soon be updating the Long-Range Transportation Plan. Projects will be reviewed and prioritized during the review of that Plan. City Manager Schainker advised that the City Council will ultimately make the decision based on the level of service standard that they have approved. Mr. Mahayni pointed out that the City had approved meeting Level of Service Standard C.

City Manager Schainker emphasized that purchasing the three properties at this time does present some risk to the City. By once again assuming the role as the landlord of rental properties, the City would need to commit sufficient funding to make needed repairs and to maintain the properties. He does not want staff to "spend one minute or second" of time analyzing this concept unless the Council is committed to possibly holding the properties for a number of years. Mr. Schainker stated that if the properties in question were to be purchased, a property assessment would need to be made in order to determine the condition of the buildings. Staff would then ascertain any improvements that would be required to the interior and/or exterior of the properties. It was again noted that if the City were to acquire the residential properties, it would help to accomplish an important goal set by the City Council, i.e., affordable housing, until the land was needed for future roadway expansion. By purchasing the properties now, it might also reduce additional cost of property acquisition in the

future. Mr. Schainker advised that the total amount of the assessed values for the three properties: 704/706 - 13th Street, a duplex; 1303 Grand Avenue, a church; and 629/631 - 13th Street, a multi-unit rental, is \$295,800.

Council Member Doll asked if the City could increase its level of service standard if the properties are purchased. Ms. Warner said that even the construction of a turning lane would require more land acquisition than just the three properties being offered for sale. She also noted that a round-about would require more land as well.

Rob White, 1212 Grand Avenue, Ames, pointed out that a year ago in July, the budget was between \$150,000 and \$175,000 to replace the signals. However, what is being proposed with the acquisition of the three properties in question would cause a cost overrun of almost \$300,000. Mr. White believes that the \$300,000 is just a beginning point. He also pointed out that an Ames Tribune article made it sound like the neighborhood's resolve was "softening" since three owners were willing to sell to the City. According to Mr. White, two of the properties are rentals with landlords who do not live in the neighborhood and the other is a church that has been looking to relocate. He emphasized that the resolve of the rest of the neighborhood has not softened on this issue.

Kim Burnett, 703-12th Street, Ames, reminded the City Council that, on July 24, 2007, she presented a petition signed by 1,932 residents requesting: alternating lights with left-turn arrows at the intersection of 13th and Grand, installation of traffic lights at 16th and Grand and synchronization with those at 13th and Grand, and a Duff Avenue train overpass/underpass to help eliminate the amount of traffic or change the traffic pattern on Grand. Nearly 2,000 people who signed the petition believed that the overpass/underpass was an issue that the City really needed to address; that issue is still out there.

Lynn Burnett, 703-12th Street, Ames, is concerned about the message being sent to any potential buyers and the present property owners in the area in question. Over a year ago, the Council voted to upgrade the stop lights at 13th and Grand; however, the lights have not yet been installed, let alone tested, so it is unknown whether they will help alleviate the problems at the 13th and Grand Intersection. If the City purchases the properties, it seems that a conclusion has already been reached that the lights did not help and the City is prepared to move forward with a new project. It is his opinion that not many taxpayers would support that action.

Brian Vandewater, 1212 Grand Avenue, Ames, recalled that the City acquired properties and demolished houses to build a new City Hall; he believed it was in the 1960's. The public became outraged at the "taj mahal" and caused the project to be stopped. The property was later sold to Fareway. This action resulted in a new City Hall not happening for over 30 years. He hoped that the City did not make the same mistake and recommended that the City make sure to have the support of the public before it spends taxpayer money and gets into the rental business. Also, Mr. Vandewater expressed his dismay that no notice was sent to the property owners about this item appearing on the Agenda. Upon being asked by the Mayor, the City Clerk stated that an Agenda and the Council Action Form for this item were sent to Mr. Vandewater on October 10, 2008.

Rich Webb, Executive Director of the Story County Community Housing Corporation, presented an offer of assistance. He advised that Story County Community Housing Corporation has been in place for a couple years and is the result of a merger of the Story County Community Land Trust and Story County Housing, Inc. Mr. Webb requested that, if any action results in the displacement of housing units, the Housing Corporation be allowed to be part of the solution. He explained that the Housing Corporation is a landlord with a small inventory. It also promotes affordable home ownership, which is especially crucial now due to the economy and rate of foreclosures.

Moved by Rice, seconded by Goodman, to direct staff to report back to Council with possible costs, funding, and impacts of acquiring and managing the properties located at 704/706 - 13th Street, 1303 Grand Avenue, and 629/631 - 13th Street in response to those property owners who are willing to sell to the City.

Council Member Mahayni believed that it is necessary for staff to make an analysis concerning acquisition of these properties in order for the City Council to make an informed decision regarding the requests of the property owners to sell their land to the City. Council Member Rice concurred, voicing his concerns that the value of the properties in question will lower due to the placement of the traffic signals, and the owners might not be motivated to maintain them. Council Member Larson expressed support for the motion, but emphasized that it should not send a message to the residents of the area that the City has any intention of rapidly changing its plans for the intersection.

Council Member Popken advised that he will support investigation, but wanted to make it clear that his decision on the 13th and Grand Intersection Improvements made last summer stands and will not be changed in the near future.

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

HEARING ON SOUTH DAYTON AVENUE IMPROVEMENTS PROJECT: Mayor Campbell opened the public hearing. No one asked to speak, and the Mayor closed the hearing.

Council Member Marek stated that the Letter of Credit to secure financing of the contract has not been received from the developer. He recommended that the City Council accept the report of bids and delay award of the contract. Mr. Marek further advised that the Supplemental Agreement with the developer may be approved at this meeting as it does not become effective until the contract is approved.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 08-444 approving a Supplemental Agreement Pertaining to South Gateway Development Subdivision and the South Dayton Avenue Realignment Project.

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 Mahayni, to accept the report of bids and delay award of contract.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON POWER PLANT ROOF REPLACEMENT PROJECT: The public hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 08-445 approving final plans and specifications and awarding a contract to Interstate Roofing & WTP, Inc., of Onalaska, Wisconsin, in the amount of \$90,400.

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

HEARING ON RAW WELL WATER TRANSMISSION PIPELINE PROJECT: The Mayor opened the hearing and closed it since no one came forward to speak.

Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 08-446 approving final plans and specifications and awarding a contract to McAninch of Des Moines, Iowa, for the base

bid only in the amount of \$2,677,200.

Assistant Director Christina Murphy explained the two options for the installation of the 30-inch raw water main on East 6th Street: open trenching or boring. After holding public meetings on the project, no feedback was received from the residents of the area on either of the options. Staff is now planning to move ahead with open trenching.

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

HEARING ON ZONING TEXT AMENDMENT TO MUNICIPAL CODE SECTION 29.201 AND TABLE 29.501(4)3 REGARDING PERMITTED USES IN COMMERCIAL ZONING DISTRICTS: The public hearing was opened by Mayor Campbell. The hearing was closed after no one requested to speak.

Planner Jeff Benson explained that sales and servicing of the smaller, lighter types of motorized bicycles in all places where bicycles are now sold will not change the basic character of the commercial land uses. The sales and servicing of larger and louder motorcycles cannot be as easily accommodated where buildings are located at the right-of-way line or where there are no side and/or rear yards or front-yard parking. It was clarified that motorcycles are listed under the category “Automotive and Marine Craft Trade.” The Ordinance includes servicing of motorcycles as a “Vehicle Repair Facility.” Those uses are permitted only in the larger scale commercial zoning districts (Highway-Oriented Commercial and Planned Regional Commercial). Director Osguthorpe clarified that the sale of bicycles is under the general retail sales category and allowed in all commercial zones, but the sale of motorcycles is only allowed in Highway-Oriented and Planned Regional Commercial.

Discussion ensued about the definition of “motorized bicycles.” Planner Benson said that the most important distinction is between motorized bicycles and motorcycles. Council Member Goodman pointed out that the difference between a motorized bicycle and a scooter is that a motorized bicycle has a 30 mile-per-hour limit; they could look identical.

Council Member Rice questioned the definition, stating that there is no reference to how big the engine may be; he thought that there formerly was reference to ccs. The “cycle” could be the exact same size and model, but have differently sized engines. There are restrictions as to whom may drive them, e.g., 14-year-olds may drive cycles under 50 ccs. He is concerned that more people are owning this type of transportation in attempts to help “green” the environment, but they are looking for cycles that are larger than 50 ccs to be safer in traffic. Council Member Rice wants to see the Ordinance encourage more usage and more sales of the types of vehicles that lead to more efficient travel. He doesn’t want it to be based on speed.

Moved by Rice to refer this item back to staff to address his concerns over the definition. Motion died for lack of a second.

Moved by Larson, seconded by Goodman, to pass on first reading an ordinance adding the sales and servicing of motorized bicycles as permitted uses in all commercial zoning districts.

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

HEARING ON ZONING TEXT AMENDMENT TO MUNICIPAL CODE SECTION 29.807 REGARDING CAR WASHES IN THE CONVENIENCE COMMERCIAL NODE (CVCN)

DISTRICTS: Mayor Campbell opened the public hearing.

Bart Clark, 5743 North Swing, Ames, identified himself as an owner of the potential car wash in Somerset. He requested that the City Council suspend the rules and adopt the Ordinance in question at this meeting. Mr. Clark advised that he had been given an estimate of \$50,000 if it will be necessary to get winter-grade concrete and winterize the construction site. The project is ready to go, and if the ordinance is not adopted at this meeting, the project will be delayed an additional three weeks to a month.

No one else wished to speak, and the hearing was closed.

Moved by Mahayni, seconded by Larson, to pass on first reading an ordinance to allow car washes with up to five wash bays by Special Use Permit in Convenience Commercial Node (CVCN) Districts and to remove the requirement that car washes be “in combination with” convenience stores.

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

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

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

Moved by Mahayni, seconded by Goodman, to pass on second and third readings and adopt ORDINANCE NO. 3969 to allow car washes with up to five wash bays by Special use Permit in Convenience Commercial Node (CVCN) Districts and to remove the requirement that car washes be “in combination with” convenience stores.

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

HEARING ON ZONING TEXT AMENDMENT TO MUNICIPAL CODE TABLE 29.1201(6) PERTAINING TO CALCULATING REQUIRED MINIMUM RESIDENTIAL LAND USE ALLOCATION IN VILLAGE RESIDENTIAL PROJECTS: The public hearing was opened by the Mayor. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Rice, to pass on first reading an ordinance amending Municipal Code Table 29.1201(6) to state that “row houses” in combination with “side-yard houses” will be considered to be one land use type for the purpose of calculating required minimum residential land use allocation in Village Residential projects.

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

HEARING ON AMENDMENTS TO MAJOR SITE DEVELOPMENT PLAN FOR SOMERSET SUBDIVISION: Mayor Campbell opened the hearing.

Moved by Larson, seconded by Goodman, to continue the hearing to October 28, 2008.

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

DOWNTOWN FACADE GRANT PROGRAM: City Planner Jeff Benson advised that the current Program criteria include a set of Design Guidelines that are based on architectural elements appropriate to the commercial style that prevailed in Downtown Ames during the 1930s, 1940s, and 1950s. It was the City Council’s directive that staff provide a proposal for increasing the impact of the Grant Program.

According to Planner Benson, since the Program's inception, the City Council has approved 12 projects. The total financial commitment of the City for all grants awarded totals \$118,100, and \$88,100 remains available for future grants in the current budget year.

Mr. Benson showed before and after photographs of completed grant projects. He noted that the projects with the greatest impact involved removing substantial existing materials and elements that do not comply with the Design Guidelines and replacing them with materials and elements that comply. The projects with the least visual impact involved removing materials and elements that generally comply with the Design Guidelines and replacing them with newer materials and elements that also comply. Planner Benson stated that, overall, the facade improvements made in Downtown Ames have made a tremendous positive impact, and the City's assistance has been an important part of many projects.

Planner Benson advised that, to encourage projects with greater visual impact, staff was proposing the following changes to the existing criteria:

1. Grant money will be provided for replacing existing compliant elements only when the proposed project also includes replacing non-compliant elements with compliant elements.
2. If all non-compliant elements of the entire facade are not to be restored under one grant project, a plan shall be prepared for the entire facade that illustrates how the applicant intends to improve the facade long-term and what the completed project will ultimately look like.
3. The scope of proposed improvements for each grant shall be visually significant in the context of how the whole building is intended to look when all improvements to the facade are complete.
4. Grants for phased projects shall only be awarded for those improvements that are done in the correct sequence of construction.

Discussion ensued on concerns about projects where all tenants are not in agreement and all do not want to participate in the Grant Program. Planner Benson advised that, in those cases, a Plan must be prepared for the entire facade to illustrate what the completed project will ultimately look like. Planning and Housing Director Steve Osguthorpe advised that each project, whether inclusive of the entire building or just a portion thereof, would be considered on its own merits.

Council Member Goodman expressed concerns over how "facade" will be defined. He asked if projects may be phased so that more than one grant could be received. Mr. Benson advised that it is possible for applicants to receive more than one grant.

Council Member Larson asked what makes a project qualify for tax abatement. City Manager Schainker advised that if the applicant meets one element of the criteria, the entire project qualifies for tax abatement.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 08-447 approving the following revisions to the current Program Guidelines to increase impact:

1. Grant money will be provided for replacing existing compliant elements only when the proposed project also includes replacing non-compliant elements with compliant elements.
2. If all non-compliant elements of the entire facade are not to be restored under one grant project, a plan shall be prepared for the entire facade that illustrates how the applicant intends to improve

the facade long-term and what the completed project will ultimately look like.

3. The scope of proposed improvements for each grant shall be visually significant in the context of how the whole building is intended to look when all improvements to the facade are complete.
4. Grants for phased projects shall only be awarded for those improvements that are done in the correct sequence of construction.

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

Moved by Popken, seconded by Rice, to direct staff to work with the Planning & Zoning Commission to develop proposed Zoning Code text amendments to preserve existing compliant elements of buildings in the Downtown Service Center Zoning District.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-448 approving additional design guidelines and approving Option D for the expanded program boundary, except without the areas south of the Union Pacific Railroad until the rezoning of that area is considered. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

The meeting recessed at 9:30 p.m. and reconvened at 9:35 p.m.

DOWNTOWN URBAN REVITALIZATION AREA: Planner Benson advised that the Downtown Urban Revitalization Area was established in conjunction with the Downtown Facade Grant Program on April 24, 2001. The Area boundary is the same as the boundary for the Downtown Facade Grant Program. Staff is recommending that the City Council change the Downtown Urban Revitalization Area and Plan to keep the tax abatement program consistent with the newly revised Design Guidelines and boundaries for the Grant Program.

Moved by Mahayni, seconded by Rice, to direct staff to prepare amendments to the Downtown Urban Revitalization Area Plan.

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

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 08-449 setting November 25, 2008, as the date of public hearing.

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

UPDATE ON DOWNTOWN CATALYST PROJECT: City Manager Schainker reminded the Council that, at the September 9, 2008, City Council meeting, developers Russ McCullough and David Keller presented their proposal to redevelop 328-330 Main Street. At that meeting, the Council directed staff to ascertain the costs of hiring a consultant to estimate the cost of building a parking ramp on Lot X or Lot Y in the Central Business District. Mr. Schainker advised that the City's Traffic Engineer contacted two consulting firms that indicated that they would be interested in providing cost estimates for a parking ramp. The cost of the consulting services appears to range between \$7,000 and \$14,000. Those estimates were not meant to be official proposals or based on a specific scope of service. The City Manager asked for direction from the City Council as to whether staff should move ahead with the process for identifying a preferred consultant to develop the parking ramp estimate. If that is the Council's desire, Mr. Schainker recommended that the commitment of funds to pay the consultant be from the available balance in the Parking Fund.

Mr. Schainker also recalled that the City Council had directed staff to proceed with negotiations on the project as well as explore a better definition of a “destination tenant.” The City Manager reviewed four incentives that were being requested from the developers in order for them to move ahead with their proposed project. It is staff’s opinion that the City Council cannot bind future Councils. Therefore, the City cannot guarantee in a Developer’s Agreement to make a commitment to build a second story onto the CBD parking lot to create 150 additional parking spaces. Facade Grant funds for 328 and 330 Main Street buildings also could not be guaranteed.

It was stated by the City Manager that, given the magnitude of costs associated with construction of a parking lot expansion, the preferred strategy to finance this project might require a bond referendum. Therefore, it cannot be guaranteed in a Developer’s Agreement that funds would be available to accomplish the project.

Regarding the definition of “destination tenants,” the City Manager had suggested that such tenants be a banquet hall, hotel, theater (movie or performing arts), convention center, or museum. However, the developers have emphasized that the definition of a “destination tenant” must include restaurants and bars. Without those, the developers do not believe that some of the other proposed uses would be feasible.

City Manager Schainker said that the developers have stated that they are willing to proceed with their acquisition of the property if the City can guarantee that the current Downtown Facade Grant Program will remain available to this property even if the Program is discontinued or modified for other purposes. They understand that the proposed improvements will have to qualify under the Program, and they are willing to follow the current design standards to qualify for the Downtown Facade Grant Program.

Mr. Schainker reiterated that staff does not believe that it is possible for the Council to grant the tax abatement that would occur some time in the future. In order to accomplish the desires of the developers, a separate urban revitalization plan could be established by this City Council for 328-330 Main Street at the time the Developer’s Agreement is finalized in order to ensure that the tax abatement incentive is available. The developers have indicated that they will hold the property in an “as-is” status until such time as the City is able to provide sufficient parking to the area, or until the developers have determined an alternative use that does not require additional parking and utilizes the facade/abatement programs.

Federal Tax Credits were briefly explained by Russ McCullough.

City Manager Schainker asked if the City Council members were comfortable with “destination tenants” including restaurants and bars. Council Member Doll stated his opinion that the Downtown is successful in recruiting restaurants and bars, and he is not comfortable providing incentives for those types of establishments locating there. Mr. McCullough advised that he always felt that restaurants/bars needed to be included in the Downtown project. He believes that this type of venue will create synergy for the project.

Mr. McCullough indicated that improvements totaling \$1.8 million would be completed for Phase I. Phase II would consist of \$1.2 million worth of additional improvements. He advised that the property in question is valued at approximately \$650,000.

Council Member Goodman pointed out that typical retail does not include people from outside the area. For this project, he believes that it has to be proven that the establishment will draw from outside, not just shift people around.

Council Member Larson believes that a parking ramp is needed for the Downtown. He thinks that the project, as presented by the developers, would qualify for the Facade Grants.

Council Member Mahayni expressed his concerns over the equity issue. He recalled that owners of other restaurants/bars, specifically Olde Main Brewery, have renovated buildings and not asked the City for any funding. He stated that the City Council has to decide if the City is going to subsidize private investments and be willing to take the risks initially.

Council Member Goodman asked for comparative numbers to be provided to the City Council.

Mr. McCullough pointed out that if tenants are found immediately, the shell grant that the developers are requesting could be very small.

City Manager Schainker again asked the Council to make a decision on what constitutes a “destination tenant,” specifically, whether restaurants and bars should be included in the definition.

Council Member Doll said that he was willing to accept restaurant/bars in the definition if the City would be gaining a large, flat space that could accommodate large bands, receptions, etc.

Council Member Popken asked if the proposal in question is the type of catalyst project that the Downtown merchants want to see on Main Street. Tim Coble, owner of Temptations on Main, Ames, stated that the proposal being presented by the McKel Group is the type of project that the Downtown merchants are looking for in a catalyst project. He pointed out that the developers have figured out that the building in question has historical significance and that Federal Tax Credits may be used. Council Member Goodman reminded the Council that in its round-table discussion with Main Street merchants, a hotel was desired.

John Doyle, 1406 Curtiss Avenue, Ames, stated that, if this project is approved and is successful, other projects should be “storming downtown,” to revitalize additional areas. He believes that if this project is approved, the historical significance of the building would be preserved. Meeting space, exhibit halls, and banquet space is in demand. Mr. Doyle believes that this project qualifies as a catalyst project. He pointed out that a hotel might not be such a good idea as it was three years ago because a tremendous number of rooms have been added in Ames since that time.

Moved by Goodman, seconded by Rice, to state that a “destination client” would include restaurants and bars.

Council Member Goodman qualified his motion by stating that he felt that was the most fiscally responsible decision to be made at this time.

Council Member Mahayni stated that he would not support the motion because he believes that is a misnomer; restaurants and bars would not constitute “destination clients.”

Moved by Goodman, seconded by Doll, to call the question.

Council Member Goodman withdrew his request to call the question in favor of more discussion occurring.

City Manager Schainker advised that if the City were to come back with a shell grant option, “destination client” needs to be defined.

Council Member Larson asked Mr. Schainker if the City would be able to calculate the difference between tax abatement and tax-increment financing. Mr. Schainker stated that it doesn't work that way because the developers need a parking ramp. It was clarified that the parking ramp would support the entire Downtown, not be limited to just the proposed project.

Mr. Larson stated that he cannot support the motion because he believes that the City should not finance "shell" space. Council Member Mahayni concurred, again raising the equity issue.

Council Member Popken pointed out that the City is providing financing to the developer under both options, whether it be tax abatement or tax-increment financing.

Vote on Motion: 3-3. Voting aye: Goodman, Popken, Rice. Voting nay: Doll, Larson, Mahayni. Motion failed.

Moved by Rice, seconded by Popken, to approve funds not to exceed \$14,000 (to be allocated from the Parking Fund) to pay for a consultant to estimate the costs of building a parking ramp, as suggested by the developers, on Lot X or Lot Y in the Central Business District lot.

Council Member Goodman suggested that the number of spaces that the Downtown needs first be determined. City Manager Schainker explained that that would require a separate study.

John Doyle advised that a comprehensive parking study for the Downtown is nearly complete. Recommendations will be presented to the City Manager in the near future. Mr. Doyle pointed out that the developers' proposal includes a parking deck that has the possibility for expansion.

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

AMENDMENT TO CONTRACT WITH HEARTLAND SENIOR SERVICES: Moved by Popken, seconded by Goodman, to adopt RESOLUTION NO. 08-450 approving an amendment to the 2008/09 ASSET contract with Heartland Senior Services increasing the contract amount by \$5,000 to assist in financing the Ames-to-Iowa City Demonstration Project, contingent upon funds totaling \$10,714 being received from Story County and the Story County Foundation.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

RIDGEPORT WIND PROJECT: Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 08-451 allocating additional funding in the amount of \$5,538; approving final payment to Iowa Association of Municipal Utilities for Phase I of the Ridgeport Wind Energy Project; and, directing staff to bill Iowa State University for its share of the project, in the approximate amount of \$14,140.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE ALLOWING SIGNS/BANNERS TO BE POSTED ON FENCES OF SOFTBALL/BASEBALL DIAMONDS IN THE GOVERNMENT/AIRPORT (S-GA) DISTRICT:
Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance permitting the posting of signs/banners on fences at baseball and softball diamonds within the Government/Airport (S-GA) District, but only within the season during which games are played on those premises.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REMOVING, FROM TABLE 29.901(3), MINIMUM FLOOR AREA REQUIREMENTS FOR OFFICE USES IN THE GENERAL INDUSTRIAL DISTRICT: Moved

by Goodman, seconded by Mahayni, to pass on second reading an ordinance removing, from Table 29.901(3), the minimum floor area requirements for office uses in the General Industrial District.
Roll Call Vote: 6-0. Motion declared carried unanimously.

COMMENTS: Moved by Doll, seconded by Mahayni, to refer to staff the letters from Brad Larson dated September 9, 2008, and Patrick Stahr and Matthew Thatcher dated October 3, 2008.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Doll, seconded by Popken, to direct staff to place, on the October 28, 2008, Agenda, the issue concerning proposed changes to Chapter 15 of the Municipal Code pertaining to the Library.
Vote on Motion: 6-0. Motion declared carried unanimously.

CLOSED SESSION: Moved by Doll, seconded by Goodman, to hold a closed session as provided by Section 20.17(3), Code of Iowa, to discuss collective bargaining strategy.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Doll, to return to Regular Session.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 11:08 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor