

**MINUTES OF THE MEETING OF THE AMES AREA
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY COMMITTEE
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

SEPTEMBER 22, 2009

Mayor Campbell noted that the Council would be working from an Amended Agenda. The additional item had been added under the Ames Area Metropolitan Planning Organization portion of the meeting; that item pertained to the proposed Intermodal Facility Project.

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE MEETING**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 22nd day of September, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Ann Campbell as Administrator. Voting members present were Campbell, Doll, Goodman, Larson, Mahayni, Popken, and Rice, representing the City of Ames City Council. Mike O'Brien, Boone County Supervisor; Wayne Clinton, Story County Supervisor; and Robert Anders, Ames Transit Agency, were absent.

2009 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENT PERTAINING TO MILLING AND RESURFACING DUFF AVENUE:

Public Works Director John Joiner advised that, earlier this year, through the American Recovery and Reinvestment Act (ARRA), the AAMPO received approximately \$2.1 million to spend on surface transportation projects. At that time, the AAMPO Policy Committee and Ames City Council approved three resurfacing projects: (1) West Lincoln Way, (2) a portion of the Skunk River Trail (13th Street to Carr Pool), and (3) G. W. Carver from Stange Road to Bloomington Road. Bids came in for those three projects under the estimated amounts, which left \$628,857 of ARRA funds available. The remaining funds must be obligated by January 2010, and the AAMPO was asked to approve the Resurfacing of Duff Avenue, 6th to 13th Street, as the project to be completed with that funding. Also, in accordance with ARRA requirements, those projects must be added to the AAMPO Transportation Improvement Program and awarded through the IDOT. Mr. Joiner noted that the Resurfacing of Duff Avenue project is currently listed in the Capital Improvements Plan (CIP) for 2010/11.

Council Member Larson asked why the Duff Avenue project was chosen. Mr. Joiner answered that, in order to use the remaining funding, the project had to have already been planned, but not in the current year, and had to be one that was easy to design.

Mr. Larson further inquired if there was any additional planned improvement to Duff Avenue from the railroad tracks north to 6th Street, particularly around the tracks. Mr. Joiner said that the original Duff Avenue project was programmed from Lincoln Way to 13th Street; the portion from approximately 6th Street to Lincoln Way will be kept in the CIP. Mr. Larson advised that he continues to hear complaints from the public about the street just north of the tracks.

Moved by Doll, seconded by Goodman, to approve an amendment to the FY 2010 Transportation Improvement Program (TIP) pertaining to Milling and Resurfacing Duff Avenue from 6th Street to 13th Street.

Vote on Motion: 7-0. Motion declared carried unanimously.

2009 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENT PERTAINING TO PROPOSED INTERMODAL FACILITY PROJECT:

Transit Director Sheri Kyras indicated that this was actually a "housekeeping" item; the grant application for the Intermodal Facility

Project was submitted on September 10, 2009, and this will get the TIP in line with what had already been submitted. Ms. Kyras noted that the proposed Intermodal Facility is currently listed in the TIP under Year 2012 for \$15 million; it needs to be moved to Year 2010 for the actual price of \$43,666,500.

Moved by Mahayni, seconded by Doll, to approve an amendment to the FY 2010 Transportation Improvement Program (TIP) to move the proposed Intermodal Facility Project into FY 2010 and to increase the funding required for submission to the Iowa Department of Transportation and Federal Transit Administration.

Vote on Motion: 7-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Mahayni, to adjourn the AAMPO at 7:07 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:10 p.m. on September 22, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Keppy was also present.

Mayor Campbell announced that staff had requested to pull Item No. 19, approval of the Plat of Survey for 2329 Timberland Road, from the Consent Agenda for separate discussion.

PROCLAMATION FOR FIRE PREVENTION WEEK: Mayor Campbell proclaimed October 4-10, 2009, as Fire Prevention Week. Accepting the Proclamation were Lieutenant Kevin Peterson, and Fire Fighters Phil Brekke, Nick Lucchesi, and Jess Bappe. Lieutenant Peterson highlighted some of the activities that the Fire Department will sponsor during Fire Prevention Week.

PROCLAMATION FOR 23RD ANNUAL PUBLIC POWER WEEK: October 4 - 10, 2009, was proclaimed as Public Power Week by the Mayor. The Proclamation was received by Electric Services Director Donald Kom; Del Brown, Power Plant Manager; and Phil Schendel, Maintenance Superintendent. Mr. Schendel and Mr. Brown explained the activities that would be held at the Power Plant Open House to be held on October 10, 2009.

CONSENT AGENDA: Council Member Mahayni requested that Item No. 19 pertaining to the Plat of Survey for 2329 Timberland Road be pulled for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of September 8, 2009
3. Motion approving Report of Contract Change Orders for September 1-15, 2009
4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
 - a. Class C Liquor - Whiskey River, 132 Main Street
 - b. Class C Liquor & Outdoor Service - Wallaby's Grille, 3720 W. Lincoln Way
 - c. Class B Beer - Elmquist/Decker's BP, 821 Lincoln Way
 - d. Class C Liquor & Outdoor Service - Brewer's, 2704 Stange Road
 - e. Class B Beer - Ames Happy Joe's, 551 S. Duff Avenue
 - f. Class C Liquor - La Fuente Mexican Restaurant, 217 S. Duff Avenue
 - g. Class C Liquor & Outdoor Service - Hickory's Hall, 300 S. 17th Street
 - h. Class C Beer - KMart #3971, 1405 Buckeye Avenue
 - i. Class C Liquor - Sips/Paddy's Irish Pub, 124 Welch Avenue

- j. Class C Beer - Doc's Stop No. 5, 2720 E. 13th Street
 - k. Class C Beer - That's Entertainment LLC, 129 Lincoln Way
 - l. Class E Liquor - Hy-Vee Food Store #1, 3800 W. Lincoln Way
 - m. Class E Liquor - Hy-Vee Food & Drugstore #2, 640 Lincoln Way
5. Motion setting the following City Council meeting dates:
 - January 19, 2010, at 5:15 p.m. for CIP Worksession
 - January 29, 2010, at 2:00 p.m. for Budget Overview
 - February 2, 3, 4, and 9, 2010, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - March 2, 2010, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
 6. RESOLUTION NO. 09-450 approving and adopting Supplement No. 2009-4 to *Municipal Code*
 7. RESOLUTION NO. 09-451 amending *Municipal Code* Appendix M to set new fees for Police Department
 8. RESOLUTION NO. 09-452 approving amendments to City's Records Retention Schedule
 9. RESOLUTION NO. 09-453 accepting Certified Local Government Grant for Ames Historic Preservation masonry restoration workshop
 10. RESOLUTION NO. 09-454 approving Federal Recreational Trail Grant Application: Skunk River Trail, Lincoln Way to South 16th Street
 11. RESOLUTION NO. 09-455 approving Federal Stimulus Agreement for Duff Avenue HMA Resurfacing with Milling, 6th to 13th Street
 12. RESOLUTION NO. 09-456 awarding contract to McFarland Cascade of Neosho, MO, in accordance with unit prices bid for Wooden Transmission Poles for Electric Services Department
 13. RESOLUTION NO. 09-457 approving increase in purchase order for 161-kV tie line services with BrownWinick
 14. RESOLUTION NO. 09-458 approving contract and bond for George Washington Carver Avenue Improvements
 15. RESOLUTION NO. 09-459 approving contract and bond for Repair of Pedestrian Trail Bridge Over Squaw Creek
 16. RESOLUTION NO. 09-460 approving contract and bond for Power Plant Roof Replacement
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PLAT OF SURVEY FOR 2329 TIMBERLAND ROAD: Planning and Housing Director Steve Osguthorpe reported that this was the first application for a Plat of Survey to be processed by City staff since the adoption of the new ordinance pertaining to Plats of Survey. He reminded the Council members that after they approve the Plat of Survey, it then goes to the County for approval. Mr. Osguthorpe advised that staff noticed after the information was sent to the Council members in their meeting packet that the Plat of Survey did not contain a required signature block for the surveyor. It has now been revised and is ready for approval by the City Council.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 09-461 approving the Plat of Survey for 2329 Timberland Road.

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

PUBLIC FORUM: Jane McGuire, Director of the Main Street Cultural District (MSCD), informed the Mayor and Council that evaluations of the Downtown Summit held in Ames on August 25 and 26, 2009, came back with overwhelmingly high marks on the location, City staff who assisted, and the facilities. Ms. McGuire also advised that architects are in Ames to work with eight Downtown business and property owners on facade and upper-story designs. Those meetings will be held in

City Hall Conference Room 235. The proposed design renderings will be available on Thursday, September 24, 2009, at 1:30 p.m. According to Ms. McGuire, the architectural services are being provided at no cost.

Joe Rippetoe, 419 Pearson Avenue, Ames, spoke about the Wolford Mall project. He recalled that in November 2005, Wolford Development made a contractual agreement with the City, which required by December 2007: (1) the purchase of land on East 13th Street, (2) proof of financing for the project, and (3) proof of retail leases. According to Mr. Rippetoe, those requirements were not met, and the Ames City Council had been asked to rezone the land, but did not do so. Mr. Rippetoe said that 22 months later, the Wolford development has not made any progress. In Mr. Rippetoe's opinion, the Wolford project will not happen because: (1) many people do not want it, (2) it is too big for such a small market, (3) it is too far from where people live or are likely to live, and (4) few retailers have an interest in such a project. Mr. Rippetoe believes that the Wolford project has failed because of its own flaws and excessive cost, and North Grand renovation is not occurring because of the remote chance that the Wolford project will someday take away its stores. He thinks that, in the meantime, many businesses who want to establish in Ames are seeking other locations; in many cases, they are locating on South Duff.

Mr. Rippetoe told the Council members that they should consider the issue of financing for the Wolford project. He said Wolford borrowed millions for the land and millions more for the related infrastructure for a project that was estimated at \$128 million. Mr. Rippetoe stated that the City has a piece of paper dated December 2007 from Regents Bank of Birmingham indicating that it will guarantee financing for the Wolford project. According to Mr. Rippetoe, Regents Bank had been bailed out by \$3 million in federal dollars, and that money has not been repaid at this time. Mr. Rippetoe alleged that American taxpayers had bailed out Mr. Wolford's banker and asked if the Ames taxpayers were going to be expected to bail out Mr. Wolford. He inquired if the Council had looked into Mr. Wolford's financing. Due to the size of the obligation, Mr. Rippetoe believes that it is unlikely that another financial institution would take that on. He cautioned the City Council about considering a bail-out for Wolford Development.

Lastly, Mr. Rippetoe told the City Council that it should think about the transparency of what is being discussed, pointing specifically to the Wolford Development documents no longer being posted on the City's website and the Transportation Impact Study not being posted at all. Mr. Rippetoe alleged that City government has a "blind spot" on just how much the community dislikes the Wolford project. He said that they want the land rezoned as provided in the Agreement.

LIQUOR LICENSES OR GATEWAY HOTEL & CONFERENCE CENTER: Moved by Mahayni, seconded by Doll, to approve a 5-Day Special Class C Liquor License for Gateway Hotel & Conference Center at ISU Alumni Center, 420 Beach Avenue, for September 23 - 27, 2009).

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

Moved by Mahayni, seconded by Rice, to approve a 5-Day Class C Liquor License for Gateway Hotel & Conference Center at ISU Alumni Center, 420 Beach Avenue, for October 6 - 10, 2009).

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

IOWA STATE HOMECOMING REQUESTS FOR OCTOBER 16, 2009: Mitch McDermott, Homecoming Co-Chair; Marybeth Konkowski, Homecoming Co-Chair; and Kurt Beyer, Homecoming Central Committee Advisor, were present. Mr. McDermott highlighted service projects and activities planned to be held during Homecoming Week.

Ms. Konkowski requested that fireworks be allowed to be held at 11:55 p.m. on Central Campus. She said that this event being held at that time had become a tradition, and there had been no reported problems in the past. Ms. Konkowski also requested City funding in the amount of \$1,000 for the pancake feed to be held on Friday evening.

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-462 approving closure of portions of Ash Avenue, Gray Avenue, Lynn Avenue, Pearson Avenue, and Sunset Drive between 7:30 p.m. and 11:00 p.m. on October 16, 2009.

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

Moved by Mahayni, seconded by Doll, to approve a Temporary Obstruction Permit for area inside street closures on October 16, 2009.

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

Moved by Mahayni, seconded by Doll, to approve a Fireworks Permit for a ground-effects fireworks shoot on Central Campus beginning at approximately 11:55 p.m. on October 16, 2009.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 09-464 approving an allocation of \$1,000 for the pancake feed.

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

REVIEW OF NATIONAL REGISTER NOMINATION FOR ROOSEVELT SCHOOL: Ray Anderson, City Planner, advised that the City had received a request from the State Historical Society of Iowa for review and comment on a proposed National Register nomination of Roosevelt School located at 921-9th Street. He stated that Jennifer Price and Leah D. Rogers, consultants with Tallgrass Historians, L.C., had prepared the nomination for the Ames Smart Growth Alliance, which is the applicant for the nomination. Mr. Anderson advised that the Ames Historic Preservation Commission (HPC) had reviewed the nomination and recommended to the State that two of the four significance criteria (#A and #C) have been met. The decision before the Council is whether it believes that the nominated property meets those criteria.

An explanation of the National Register Criteria believed to have been met was given by Planner Anderson; namely: (A) the property is associated with events that have made a significant contribution to the broad patterns of history and © the property embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values; or represents a significant entity whose components lack individual distinction. According to Planner Anderson, only one of the criteria is necessary to be met to make the property eligible. He said that once the Council takes action, the application will be submitted to the State Nominations Review Committee. That Committee then makes a recommendation to the National Park Service, which makes the final determination whether or not to list the property on the National Register. Mr. Anderson advised that the Ames Community School District is the property owner; and, as a public entity, the School District may support or oppose the nomination, but regardless of whether it supports the application or not, the application will move forward.

Gloria Betcher, Chairperson of the Ames Historic Preservation Commission, stated that no one representing the Ames Community School District came to the HPC meeting when this issue was discussed, so the School District's position on the nomination is unknown at this time. Ms. Betcher

said that this application is different from the last application pertaining to Roosevelt School. She further explained that, in the prior application, Roosevelt Neighborhood had requested that the School be declared a local landmark, which falls outside the Commission's purview. However, requests for listing on the National Register may be brought forward by individual citizens, and the only charge that the HPC and the City Council has is to determine whether the property meets the criteria. Ms. Betcher noted that the listing of the property on the National Register does not restrict its owner in any way unless the owner seeks to demolish the building using federal funds. According to Director Osguthorpe, demolition would require the owner to go through a process called a "Section 106 Review."

Francis Todey, member of the Ames Community School Board, was present. He advised that he did not come to the meeting to speak on this item; however, he acknowledged that the School Board does plan to discuss the issue at its next meeting. Mr. Todey noted that the School Board will be meeting prior to the State Nominations Review Committee meeting.

Wesley Shank, 1801 - 20th Street, Unit K-24, Ames, identified himself as an architectural historian and former resident of the Roosevelt Neighborhood. Mr. Shank said he was a consulting member of the subcommittee of Ames Smart Growth that assisted with the nomination application. He believes the property meets the criteria as an historic structure and endorsed the application. Mr. Shank described Roosevelt School as an outstanding example of good architectural design for its period.

Catherine Scott, 1510 Roosevelt, Ames, said she is also a member of Ames Smart Growth Alliance. Ms. Scott said Ames Smart Growth Alliance had done extensive research on the property in question. She believes it fits the Council's priorities, specifically "strengthening neighborhoods," as the School is an important part of the neighborhood. Ms. Scott thinks that the disposition of the property will also affect Downtown. Noting that the City is working on its Historic Preservation Plan, Ms. Scott said that in order to preserve historic buildings, it is important to know which buildings should be included. She also reported that the building fits in with sustainability; it is very solidly built. According to Ms. Scott, there are no downsides to the nomination; perhaps it make the building eligible to receive funding for restoration in the future.

Moved by Mahayni, seconded by Goodman, to find that the nomination of Roosevelt School to the National Register of Historic Places meets National Register Significance Criteria "A" and "C" and recommend National Register eligibility to the State Nominations Review Committee.

Council Member Larson asked if timing was an issue for this nomination application, as he would like to give the owner of the building a chance to discuss the nomination before the City Council acted on it. Mr. Larson feels that the approvals do not seem to be in the correct sequence; it seems odd to him that the City Council would act on a building owned by another public entity.

Ms. Betcher stated that the Council is only being asked to determine whether the building is eligible. She noted that the State Historical Society of Iowa only provides cities 60 days to review the application. Planner Anderson stated that, as a Certified Local Government, the City is required to conduct a review of any nomination in the jurisdiction of its Historic Preservation Commission.

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

AMES HISTORIC PRESERVATION PLAN: Planning and Housing Director Osguthorpe reported that the consultant hired in 2007 by the City to prepare the Ames Comprehensive Historic

Preservation Plan had requested an additional extension of his contract with the City. The current agreement with Will Page, which was previously extended, now requires that the Plan be completed by October 30, 2009. Mr. Osguthorpe advised that the contract requires that any amendments be approved by the City Council; the requested time extension would change the date of completion to December 31, 2009. According to Mr. Osguthorpe, Mr. Page's work is nearly completed except for formatting the language pertaining to the Plan's goals and objectives. Additional time will allow for an adequate review by the Historic Preservation Commission and changes to be made, if necessary. No increase in cost is being requested; only an extension of time for completion of the Plan is being requested.

Moved by Rice, seconded by Popken, to adopt RESOLUTION NO. 09-465 approving an extension of the Contract with Will Page to December 31, 2009, for preparation of the Ames Historic Preservation Plan.

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

Action Steps for Preparation of Ames Historic Preservation Plan. Planner Ray Anderson reported that approval of Action Steps is the next task in the process of developing the City's Comprehensive Historic Preservation Plan. He reminded the Council that it had accepted the Plan's Goals and Objectives in May of 2009. The Steering Committee then developed Action Steps, which are statements that further refine the actions necessary to implement the Goals and Objectives.

Mr. Anderson advised that, in August 2009, the Historic Preservation Commission recommended that the City Council accept the proposed Action Steps and proposed changes to the Objectives, as prepared by the Steering Committee, with one revision. That revision was to add an Action Step to Goal #4, "Objective D," to read as follows: "Identify and designate appropriate public access site or sites for preservation information." Mr. Anderson also reported that, on August 19, 2009, the Planning and Zoning Commission recommended that the City Council accept the Action Steps proposed by the Steering Committee, but asked that a Table of Contents and appendices be included in the Plan. That has been completed, and was included as "Attachment B" in the Council's meeting packet. The draft Plan will be brought before the Council in November 2009. The clarifications to Goals No. 3 and No. 6s made by the Steering Committee were brought to the Council's attention.

Ms. Betcher noted that the City Manager had stated in the Council Action Form that the proposed Action Steps were quite ambitious and could require a substantial commitment on the part of the City in terms of finances and staff time to accomplish. Specifically addressing two of the Action Steps, she clarified that:

1. Goal 1, Objective A, does not require historic street lights unique to national or local districts. The Plan states that design guidelines would be developed for historic street lights in national or historical districts.
2. Goal 2, Objective A, does not require funding one full-time staff position for the Ames Historical Society; it only suggests that a strategy be identified that would allow for funding that position.

Ms. Betcher also advised that the State Historical Society had made some recommendations to the Plan; however, the HPC had not yet reviewed those. She noted that three of the State's recommendations referred to revising Chapter 31 of the *Municipal Code*, but she agreed that further clarifying those issues in the Plan would make it more usable in the future. Also, according to Ms.

Betcher, under Goal 5, the State suggested that the City work to partner with Iowa State University in other areas besides just Campustown.

Moved by Mahayni, seconded by Larson, to approve the proposed Action Steps and changes to the “Objectives” for the Ames Comprehensive Historic Preservation Plan, as recommended by the Steering Committee, the Historical Preservation Commission, and the Planning and Zoning Commission, for inclusion in the final draft of the Ames Comprehensive Historic Preservation Plan.

Council Member Rice noted that the Action Steps did not incorporate any of the recommendations made by the State Historical Society. Mr. Anderson reiterated that the Ames Historic Preservation Commission had not reviewed those yet. Mr. Rice offered that expanding the University’s involvement beyond Campustown made sense to him. Planner Anderson said that staff would report back to the City Council if the HPC wants any of the recommendations included in the Plan.

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

HEARING ON ABANDONMENT OF PUBLIC UTILITY EASEMENTS IN ESTATES OF NATURE’S CROSSING: Mayor Campbell noted that the developer had requested that the hearing again be continued until the next Council meeting.

Moved by Mahayni, seconded by Popken, to continue the hearing until October 13, 2009.

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

HEARING ON 2008-09 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)PROGRAM: The public hearing was opened by Mayor Campbell. No one wished to speak, and the hearing was closed.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-466 approving the CAPER and authorizing its submittal to HUD.

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

HEARING ON SALE OF GENERAL OBLIGATION BONDS, SERIES 2009B: Finance Director Duane Pitcher reminded the Council that bonds are sold to cover budgeted items in the City’s Capital Improvements Plan. He advised that bids were opened for the Series 2009B Bonds today at 11 AM, and the City received favorable results.

The City’s Financial Advisor Tionna Pooler, Public Financial Management, Des Moines, was also present. She advised that five bids were received, and Robert W. Baird, partnering with several banks, was the winning bidder. Ms. Pooler advised that Moody’s had affirmed City’s Aaa rating, which, according to Ms. Pooler, is increasingly rare and valuable to the City. She elaborated that the credit spread in the past 18 months had widened considerably, so the fact that the City had maintained its Aaa rating has saved it a lot of money. According to Ms. Pooler, the actual TIC was 2.6%, and the bonds, for street and other public improvements, will be paid back through 2021. She also advised that the City had planned to receive approximately \$11 million in proceeds. No additional bonds were sold, but the bonds were sold at a premium, so the City actually got approximately \$265,000 more that can be spent on similar types of projects.

Mayor Campbell opened the public hearing. After no one requested to speak, the Mayor closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-467 awarding the sale of \$11,165,000 General Obligation Corporation Purpose Bonds, Series 2009B, to Robert W. Baird & Co., Inc.

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

ORDINANCE AMENDING CITY POLICY TO INCLUDE WATER SERVICE TO RURAL CUSTOMERS: Assistant City Manager Bob Kindred recalled that staff had presented options to the City Council at a previous meeting concerning a “Rural Water” Ordinance, and following Council’s direction, the Ordinance was prepared. Mr. Kindred noted that there was a property owner, John Forth, who had requested to connect to City water seven years ago. Council’s attention was brought to the letter from Mr. Forth, who requested that the Ordinance be adopted at this meeting and that he be allowed to connect at the \$10/lineal foot rate, which was the rate in effect until June 2009.

Council Member Doll inquired if there were other property owners in similar situations. Mr. Kindred advised that there were other property owners who were eligible to connect, but they had not yet expressed an interest in doing so.

Moved by Larson, seconded by Goodman, to pass on first reading an ordinance amending City policy to include water service to rural customers.

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

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

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

Moved by Mahayni, seconded by Popken, to pass on second and third readings and adopt ORDINANCE NO. 4010 amending City policy to include water service to rural customers.

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

Moved by Doll, seconded by Mahayni, to grant a one-time waiver to John Forth, which will allow his property to be connected at the \$10/lineal foot rate.

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

ORDINANCE PERTAINING TO NATURAL GAS FRANCHISE: Moved by Mahayni, seconded by Popken, to pass on third reading and adopt ORDINANCE NO. 4006 granting to Interstate Power and Light Company, its successors and assigns, the right to operate a natural gas distribution system in the City under a non-exclusive franchise.

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

ORDINANCE REGARDING FLOOD PLAIN ZONING REGULATIONS: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4007 making text amendments pertaining to flood plain zoning regulations.

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

ORDINANCE AMENDING SUBDIVISION REGULATIONS PERTAINING TO SOURCE WATER PROTECTION: Moved by Goodman, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 4008 amending subdivision regulations pertaining to source water protection.

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

ORDINANCE AMENDING ZONING REGULATIONS PERTAINING TO SOURCE WATER PROTECTION: Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 4009 amending zoning regulations pertaining to source water protection.

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

PROPOSED CHANGES TO PARKING ENFORCEMENT ORDINANCE: City Attorney Doug Marek told the Council that the *Judicial Branch Omnibus Bill* passed late last spring included several provisions related to fees and processes for court cases going through the District Court. Three of those changes affect the City's local parking enforcement regulations and were explained by Mr. Marek, as follows:

1. The only parking tickets that may now be processed through the Court system are those that are first deemed "contested." It is believed "contested" means that an administrative process where the City would determine if the ticket is being contested must first have occurred before the ticket may be filed with the District Court. Prior to the passage of this *Bill*, the City had the authority to either pursue collection of a ticket as a fine or, if left unpaid, to file it with the District Court. However, the City may now only file the ticket with the District Court if the fine is deemed to be "contested." Mr. Marek said the proposed change to Section 18.7 is to make parking tickets deemed "contested" if they remain unpaid after 30 days. In addition to the ticket, there would be a written Notice of Violation sent to the owner of the vehicle.
2. The amount of time that has to pass before a fine may be increased has changed to 30 days. Currently, City parking fines increase from \$5 to \$10 after ten days. It is being proposed that the City's fine now be set at \$10, but allow \$5 to be waived if the ticket is paid within the first ten-day period. Therefore, the fine would not increase before 30 days. The City's fine is not being increased, as a reduction would be given of \$5 if it is paid within ten days.
3. Currently, parking in a handicapped space is subject to a \$100 fine. The City previously had the option, if the fine was unpaid and there was a pattern of similar conduct by a particular driver, of filing the ticket in District Court, which would make it a criminal offense. The *Bill* now prohibits those cases to proceed through the Court system. If unpaid, the City could send it through a collection agency, but could not request judgment in District Court.

Mr. Marek requested that the City Council refer this issue to staff for drafting an ordinance incorporating the above changes; this would bring the City's parking fines in compliance with state law.

At the request of City Manager Schainker, Mr. Marek clarified that any parking violations, other than handicapped violations, would need to be deemed "contested." This would include violations

for illegal parking, which would be increased to \$15 with the City waiving \$5 if paid within ten days.

Moved by Doll, seconded by Rice, to direct the City Attorney to draft an ordinance revising parking enforcement provisions for parking violations.

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

2010 CITY LEGISLATIVE PRIORITIES: Assistant City Manager Kindred said that the City had, for the last few years, worked with the Iowa League of Cities as well as the Metropolitan Coalition to advance issues that would benefit the City and its citizens. He advised that, in preparation for the Metropolitan Coalition's fall meeting on September 23, 2009, the Managers had developed a list of legislative priorities based on input from Department Heads. According to Mr. Kindred, on September 24, 2009, the Iowa League will present its prioritized list of issues at the Metropolitan Coalition meeting. Mr. Kindred asked the City Council to provide direction to confirm or modify the City's priorities. He noted that the list of issues affecting Iowa's cities evolves continuously over the course of the legislative session; other issues may become apparent by the time the Mayor and City Council meet with the area legislators late this fall.

Council Member Rice asked if the condominium conversion and cooperative housing issues and the subsequent loss of significant property tax dollars had been addressed by the Metropolitan Coalition or the Iowa League of Cities. Mr. Kindred advised that there had not been much activity on the conversion issue in recent years. He noted that larger cities were greatly impacted in the first years after that legislation was passed, but there had been no recent efforts to overturn it. Mayor Campbell said that she would pass on the concern at tomorrow's meeting.

Council Member Goodman asked for clarification regarding what staff had listed under "Fire Safety Issues" and particularly regarding residential fire sprinklers. Mr. Goodman construed it to mean that it was the City's position to take the power to regulate residential sprinkler systems away from cities. Mr. Kindred clarified that it was actually the City's position to preserve that power. He said there appears to be some interest in either prohibiting cities throughout the state of Iowa from requiring residential fire sprinklers or possibly leave that decision to each municipality, and it would be the position of the City of Ames to allow cities to make that choice. Mr. Goodman said he was particularly concerned over the statement, "The best outcome would be for Iowa to adopt the 2009 International Residential Code (IRC) statewide. A lesser compromise would be for the state to allow individual cities to opt in to or out of this provision within the IRC." Council Member Larson advised that he had read that provision the same way as Mr. Goodman had interpreted it. He said that he would not be able to support that until input was received from affected property owners and developers, and he also would want to know the cost of the requirement versus insurance savings for property owners. City Manager Schainker asked if the City Council wanted that priority dropped in its entirety or if it should state that communities should make their own decisions on it. Mr. Kindred clarified that the State Fire Marshal adopts Fire, Plumbing, Residential Codes for the entire state; however, cities have the authority to adopt the same or other Codes. Within the City of Ames, the City Council always has the authority to adopt modifications to the Fire Code.

City Attorney Marek stated that cities would have the option of either requiring the sprinkler provisions or to opt out. He noted that there might be some discussion on prohibiting jurisdictions from imposing the requirement.

Council Member Larson offered his preference for the City to maintain local control.

Moved by Goodman, seconded by Larson, to ask that the Mayor and City staff clarify the City's position of maintaining local control on the fire safety issue pertaining to residential fire sprinklers.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Rice, seconded by Popken, to include a concern about condominium and cooperative housing conversions.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Doll, seconded by Mahayni, to accept the 2010 State Legislative Priorities as above amended.
Vote on Motion: 6-0. Motion declared carried unanimously.

COMMENTS: Moved by Popken, seconded by Goodman, to refer to staff the letter from the Chairperson of the Ames Historic Preservation Commission regarding a National Historic Register designation for the Ames Public Library.
Vote on Motion: 6-0. Motion declared carried unanimously

Moved by Goodman, seconded by Mahayni, to direct staff to prepare a memo outlining the difference between Home Occupations and Special Home Occupations and respond to Betsy Baum.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 8:29 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor