

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

AMES, IOWA

JUNE 8, 2010

**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 8th day of June, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Ann Campbell as Administrator. Voting members present were Campbell, Davis, Goodman, Orazem, and Wacha, representing the City of Ames City Council; Jane Halliburton, Story County Supervisor. Robert Anders, representative of the Ames Transit Agency, was absent.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO FY 2011-2014 TRANSPORTATION IMPROVEMENT PLAN (TIP): Municipal Engineer Tracy Warner stated that the TIP was adopted at the AAMPO hearing on May 25, 2010. She said that staff was contacted on May 12, 2010, by Iowa Department of Transportation staff regarding a planned project to rehabilitate U.S. Highway 30 from Ames west into Boone County. In order to meet federal funding requirements, the project needs to be included in the FY 2010 TIP because it is within Ames' boundary.

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

Moved by Larson, seconded by Goodman, to approve the amendment to the FY 2011-2014 Transportation Improvement Plan to include the rehabilitation of U.S. Highway 30 in accordance with all applicable federal requirements.

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

The AAMPO Policy Committee meeting adjourned at 7:02 p.m.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order at 7:03 p.m. on June 8, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Davis, Goodman, Larson, Orazem, and Wacha. Council Member Mahayni was absent. *Ex officio* Member England was also present.

PROCLAMATION FOR HOMEOWNERSHIP MONTH: Mayor Campbell proclaimed the month of June 2010 as Homeownership Month. Accepting the Proclamation were Housing Coordinator Vanessa Baker-Latimer, Kylee Hoffman, Habitat home buyer, and Dan Cupps of Habitat for Humanity of Central Iowa.

CONSENT AGENDA: Moved by Wacha, seconded by Larson, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of May 25, 2010, and Special Meeting of June 2, 2010
3. Motion approving Report of Contract Change Orders for May 16-31, 2010

4. Motion approving certification of civil service applicants
 5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer & B Wine - Ames Asian Market, 819 Wheeler Street, Suite 5
 - b. Class B Beer - King Buffet of Ames, 1311 Buckeye Avenue, Suite B
 - c. Class A Liquor & Outdoor Service - Green Hills Residents' Association, 2200 Hamilton Drive, Suite 100
 - d. Class E Liquor - MMDG Spirits, 126A Welch Avenue
 6. RESOLUTION NO. 10-244 approving appointment of John Klaus to fill vacancy on Human Relations Commission
 7. RESOLUTION NO. 10-245 approving appointment of Craig Zywicki to fill vacancy on Commission On The Arts
 8. RESOLUTION NO. 10-246 confirming appointment of Jean Kresse, United Way of Story County's representative, to the Project Share Committee
 9. RESOLUTION NO. 10-247 approving 2010/11 Contracts for Human Services with Emergency Residence Project, Richmond Center, and Community & Family Resources
 10. RESOLUTION NO. 10-248 approving preliminary plans and specifications for Vet Med Substation Power Transformers; setting June 30, 2010, as bid due date and July 13, 2010, as date of public hearing
 11. RESOLUTION NO. 10-249 approving preliminary plans and specifications for Vet Med Substation Circuit Breakers; setting June 30, 2010, as bid due date and July 13, 2010, as date of public hearing
 12. RESOLUTION NO. 10-250 awarding contract to Independent Salt Company of Kanopolis, Kansas, in the amount of \$61.97 per ton for Rock Salt 2010/11 Ice Control Program
 13. RESOLUTION NO. 10-251 awarding contract to Electronic Engineering Company of Ames, Iowa, for 2010-2012 800MHz Trunk Radio Equipment, Pagers, and Related Equipment/Services for City departments
 14. RESOLUTION NO. 10-252 awarding contract to Comprehensive Emission Services, Inc., of Waukee, Iowa, in the amount of \$61,632.00 for Emissions Testing for Power Plant
 15. RESOLUTION NO. 10-253 awarding contract for Liquid Sodium Hypochlorite for Water Plant to K.A. Steel Chemicals, Inc., of Lemont, Illinois, in the amount of \$58,500.00
 16. RESOLUTION NO. 10-254 approving renewal of contract with Elster AMCO Water of Ocala, Florida, in the amount of \$120,651.33 for purchase of Water Meters and Related Parts and Services for FY 2010/11
 17. RESOLUTION NO. 10-255 approving contract and bond for Wilder Avenue Extension Project (Sunset Ridge Subdivision)
 18. RESOLUTION NO. 10-256 approving contract and bond for 2008/09 Concrete Pavement Improvements Project
 19. RESOLUTION NO. 10-257 accepting completion of Donald and Ruth Furman Aquatic Center Traffic Signal
 20. RESOLUTION NO. 10-258 accepting completion of Fishing Pier/Overlook at Ada Hayden Heritage Park
 21. RESOLUTION NO. 10-259 accepting completion of public improvements and releasing security for Somerset Subdivision, 22nd Addition
- Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Catherine Scott, 1510 Roosevelt Avenue, Ames, said that she attended a program sponsored by the Story County Planning and Zoning Department, the topic being "local

food as economic development.” The speakers at this program were very knowledgeable in working with this type of initiative. In spring 2008, the Story County Planning and Zoning Department started a local food systems planning initiative. Ms. Scott asked that the City Council keep track of this initiative, support it, and participate in it.

5-DAY SPECIAL LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY: Moved by Davis, seconded by Goodman, to approve a new 5-day Special Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard.
Vote on Motion: 5-0. Motion declared carried unanimously.

5-DAY SPECIAL LIQUOR LICENSE FOR GATEWAY HOTEL & CONFERENCE CENTER: Moved by Davis, seconded by Goodman, to approve a new 5-day Special Class C Liquor License for Gateway Hotel & Conference Center at the Iowa State University Alumni Center, 420 Beach Avenue.
Vote on Motion: 5-0. Motion declared carried unanimously.

5-DAY SPECIAL LIQUOR LICENSE FOR GATEWAY HOTEL & CONFERENCE CENTER: Moved by Davis, seconded by Goodman, to approve a new 5-day Special Class C Liquor License for Gateway Hotel & Conference Center at Howe Hall, Bissell Road.
Vote on Motion: 5-0. Motion declared carried unanimously.

NEW SPECIAL CLASS E LIQUOR, C BEER, & B WINE LICENSE FOR AJ’S LIQUOR: Moved by Davis, seconded by Goodman, to approve a new Class E Liquor, C Beer, and B Wine license for AJ’s Liquor, 4518 Mortensen, Suite 109.
Vote on Motion: 5-0. Motion declared carried unanimously.

NEW CLASS C LIQUOR LICENSE FOR PAPPY’S MEETING HOUSE: Moved by Davis, seconded by Goodman, to approve a new Class C Liquor License for Pappy’s Meeting House, 823 Wheeler Street, Suite 4.
Vote on Motion: 5-0. Motion declared carried unanimously.

ENCROACHMENT PERMIT FOR COMMUNITY AND FAMILY RESOURCES: Moved by Goodman, seconded by Wacha, to approve an Encroachment Permit for placement of a ground sign on City-owned right-of-way at the Community and Family Resources located at 1619 South High Avenue.
Vote on Motion: 5-0. Motion declared carried unanimously.

ENCROACHMENT PERMIT FOR YUMMY’S CUPCAKE EMPORIUM: Moved by Goodman, seconded by Davis, to approve an Encroachment Permit for three awnings at Yummy’s Cupcake Emporium located at 300 Main Street.
Vote on Motion: 5-0. Motion declared carried unanimously.

INSTALLATION OF ELECTRICAL OUTLETS IN BANDSHELL PARK: Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-260 approving the allocation of \$2,300.24 from the Contingency Fund to be used in conjunction with The Ames Foundation grant for installation of electrical outlets in Bandshell Park.

Brian Phillips, City Manager's Office Intern, stated that City staff was successful in its approach to gain assistance from The Ames Foundation for this project. The project would allow for the placement of three outlets on the west side of the park. He reported that the Foundation had approved a \$2,300 grant to help cover the cost of this project.

Assistant City Manager Sheila Lundt stated that the City's Purchasing Division has already solicited proposals to install the outlets. The City will be responsible for \$2,300.24 that will be allocated from the Contingency Fund.

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

REQUESTS FOR MIDNIGHT MADNESS: Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-261 approving the following street and parking lot closures for Midnight Madness from 6:00 p.m. to 11:00 p.m. on July 10, 2010: Fifth Street from Pearle Avenue to Douglas Avenue; Douglas Avenue from Fifth Street to Sixth Street; Sixth Street from Douglas Avenue to Clark Avenue; Clark Avenue from Sixth Street to Main Street; Main Street from Clark Avenue to Northwestern Avenue; Northwestern Avenue from Main Street to Sixth Street; Sixth Street from Northwestern Avenue to University Boulevard; University Boulevard from Sixth Street to Haber Road; and, from 6:00 p.m. on July 10 to 1:00 a.m. on July 11 for post-race activities on Clark Avenue from Fifth Street to Sixth Street and East City Hall Parking Lot N. Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-262 approving suspension of parking regulations and waiver of parking meter fees and enforcement for Fifth Street from Pearle Avenue to Douglas Avenue; Douglas Avenue between Fifth Street and Sixth Street; Clark Avenue from Main Street to Fifth Street; Pearle Avenue from Main Street to Fifth Street; and, Main Street from Clark Avenue to Pearle Avenue from 6:00 p.m. until 11:00 p.m. on July 10, 2010, for Midnight Madness.

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

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-263 approving the waiver of fees for electricity used in City Hall Parking Lot N and the Main Street Cultural District for Midnight Madness activities on July 10-11, 2010.

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

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-264 approving waiver of the fee for a vending license for Midnight Madness activities on Saturday and Sunday, July 10-11, 2010.

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

SHRINE BOWL PARADE: Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-265 approving the temporary closure of Fifth Street, Douglas Avenue, Main Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, and Pearle Avenue from 8:00 a.m. to Noon for

the Shrine Bowl Parade on July 24, 2010.

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

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-266 approving the temporary closure of Parking Lot MM and the south portion of Parking Lot M for parade staging for the Iowa Shrine Bowl Parade on July 24, 2010.

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

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-267 approving the waiver of fees for usage of electricity in Tom Evans Plaza during the Iowa Shrine Bowl Parade on July 24, 2010.

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

HEARING ON 2006/07 PEDESTRIAN WALKWAY PROGRAM: Mayor Campbell opened the hearing. There being no one present wishing to speak, the hearing was closed.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 10-268 approving final plans and specifications and awarding contract to MPS Engineers of West Des Moines, Iowa, in the amount of \$66,236.20.

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

NEW AND REVISED FEES: Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-269 approving annual fees in the *Ames Municipal Code* in Appendices D, E, F, M, Q, R, and U.

In referencing alcoholic beverages, Council Member Larson inquired about the difference in obtaining an annual liquor license versus a five-day license, and the costs associated with each.

City Attorney Doug Marek stated that the costs are set by the state. He said he would provide a memo that explains all of the options. Mr. Larson said it would be helpful to receive that report, because it seems there are numerous requests for five-day liquor licenses received from the same organizations. Mr. Marek explained that those five-day licenses are site-specific, so many times it is the same licensed entity, but it is located at a different location for a certain event.

Council Member Wacha asked about the false alarm fee of \$30, and wondered if it was at the Council's discretion to raise these fees. Mr. Marek indicated that the fees are set to capture actual costs, but those computations are done by the enforcing department. The fees that are set are intended to be a deterrent. Mr. Marek further indicated that all fees are set by resolution, and there is authority within the *Code* that allow fees to be set throughout the year.

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

Moved by Larson, seconded by Davis, to direct the City Attorney to provide the Council with a

memo describing the fee structure for liquor licenses.

Vote on Motion: 5-0. Motion declared carried unanimously.

EXCESS WORKERS' COMPENSATION INSURANCE (tabled from May 25, 2010): Human Resources Director Julie Huisman reported that during the May 25 meeting, questions arose-one being whether it was possible for the City to purchase aggregate-only insurance coverage. Ms. Huisman had received a reply to this question from Holmes Murphy indicating that none of the three insurance carriers that submitted quotes to the City will provide "aggregate-only" coverage. These carriers have not offered this type of coverage to any other public entity in Iowa.

It was also questioned during the May 25 meeting if there were any statistics available from other similarly sized cities that experienced catastrophic claims and had to rely on excess coverage. Ms. Huisman advised that she had contacted other cities in Iowa and Nebraska and had received nine responses. Of those nine cities, seven of them had excess workers' compensation coverage. Of these seven cities, three have a retention amount of \$500,000, one has \$450,000, two have \$400,000, and one city has \$350,000 for all employees, except for police and fire; for these two departments, the retention amount is \$500,000. Ms. Huisman reported that in terms of claims over the last few years, three of the nine cities have had claims that have "pierced" the retention amount. Another city has had six claims in the past 15 years.

Human Resources Director Huisman reported that without aggregate insurance, there would be no "out-of-pocket" maximum. If the City had several catastrophic events, it would pay the retention amount of \$450,000 per event. She further explained that with the aggregate insurance, the City would pay a retention of \$450,000 for each event, until a maximum pay-out of \$1.2 million. At the time the City would pay out that amount, any additional claims would be paid by the insured at 100% until it pays \$1 million. At that point, it would revert back to the \$450,000 per claim.

Ms. Huisman stated that if the City of Ames can not afford to take on a certain liability amount or does not want to assume a risk, the Council should consider purchasing the excess workers' compensation insurance. However, if the Council takes the risk, the City would stay as a fully-insured entity.

The City's recommendation is to award a contract to Safety National with a \$450,000 retention at a cost of \$53,402 per occurrence coverage. And, Safety National would provide intermediate aggregate insurance with a \$1 million retention for an additional annual premium of \$9,000.

Moved by Larson, seconded by Wacha, to adopt RESOLUTION NO. 10-272 approving the contract with Safety National for Excess Workers' Compensation Insurance with a \$450,000 retention amount and an annual premium of \$53,402 per occurrence.

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

PROPERTY AND BOILER/MACHINERY COVERAGES: Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-270 approving a contract with F.M. Global Insurance Company for renewal of property coverage and boiler and machinery coverage for FY 2010/11 in the amount of \$475,975.00.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these minutes.

CASUALTY AND LIABILITY INSURANCE COVERAGES: Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-271 approving a contract with Iowa Communities Assurance Pool (ICAP) for renewal of casualty and liability insurance coverages for FY 2010/11 in the amount of \$436,166.00 with a \$6 million coverage limit.

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

UPDATE ON RETRO-CONVERSION SPRINKLER ORDINANCE: Fire Chief Clint Petersen stated that this Retro-Conversion Sprinkler Ordinance process began in 1999, when the City did an evaluation of the target hazards in the community. Staff started working with stakeholders to find what the community would support in the way of fire prevention activities. The prevention efforts were focused on fire prevention and life safety issues based on what was historically observed, both locally and nationally. Mr. Petersen reported that alternatives were presented to the City Council in 2006, at which time it adopted Division III (Section 8.203) of the *Fire Code*. This addressed the targeted housing that was found in the following residences: existing high-rise buildings, nursing homes, units with 16-plexes that have eight people defined as being mobility impaired, and dormitories (fraternities and sororities). Chief Petersen said that the Ordinance does not affect Iowa State University (ISU), as it is not covered by the City's fire jurisdiction; however, ISU has been a cooperative partner throughout this process.

Chief Petersen updated the Council regarding the implementation time line, and the first date established by Ordinance is approaching in October. This first implementation deadline is for any residences that are not able to meet the goal of having installed retrofit sprinkler systems by October 1, 2011; persons may apply for a two-year extension by October 1, 2010. Notification letters will be sent to the known residences that are not in compliance at this point; this will alert those individuals that the appeal process (for a two-year extension) is available to them.

This year is also the cut-off for the tax abatement for the installation of sprinkler systems. Many residents have taken advantage of this tax abatement.

Mr. Petersen explained that in 2011, those who have not sought an extension or are not in compliance will have to come into compliance by October 1, 2011. Should an extension be sought, those persons will have an October 2014 compliance date, and, once again, should noncompliance still remain for the residence, a second extension can be applied for. These extensions are based on the ability to reach compliance and that persons have made significant movements towards that. These applications for extension are heard before the Building Code Board of Appeals. Finally, after the tenth year, staff is hoping for complete compliance by October 2016.

Chief Petersen reviewed the status of those targeted buildings that have fully installed systems to date, those that have partial/planned systems, and those that have yet to comply. He advised that while ISU's residence halls are not under the City's jurisdiction, the Department of Residence has committed to the installation of sprinkler systems throughout its dormitories on campus.

Chief Petersen stated that the aforementioned notification letters will be sent out on June 15, 2010, to all residences that are known to be covered under this requirement. Council Member

Orazem asked if staff had a sense of whether the 12 remaining dormitories (Greek housing) have any intention of compliance, or after 2016, would these targeted housing units shut down. Mr. Petersen indicated that it was not known at this point, but staff has scheduled a meeting with the Greek Affairs Officer at ISU, and it is planned that staff will do some personal outreach to find out what is planned. One of the measures for granting an extension is the expectation that these structures can reach compliance. Should persons decide that it can not be done, an extension will not be granted, and the building would have to be vacated in 2011.

Council Member Goodman felt that staff should be more aggressive in its notification process other than the letter sent to these institutions. Chief Petersen said that personal conversations will take place with all of them after the notification letter is received and the meeting takes place with the Greek Affairs Officer. Council Member Goodman explained that because the tax abatement is ending soon (which makes it easier to reach the compliance goals), it is much less likely compliance will be reached without that additional incentive. He felt that having verbal contact with all that are yet to comply is important to do very quickly.

Council Member Davis suggested that since many of the fraternities/sororities are closed down through the summer, the letters should be mailed to alternative addresses. Chief Petersen indicated that the chapter presidents are notified along with the board members. He stated that it is the City's desire to assist people in getting these targeted units into compliance.

COMMERCIAL CRITERIA FOR TAX ABATEMENT IN URBAN REVITALIZATION AREAS: Planning and Housing Director Steve Osguthorpe stated the Council has before them a compilation of discussion that took place at its May 11, 2010, meeting. A draft was presented with three broad categories for criteria. Based on that discussion, staff narrowed it down to four criteria that would be required, and only one of these four would be necessary to qualify for tax abatement incentives. Staff also added two additional items under the non-qualifying uses per the Council's direction. It is staff's recommendation to approve the following four criteria.

Properties eligible for tax abatement must be within the Highway-Oriented Commercial Zoning District, and also fit within one or more criteria:

1. Properties from which the principal building has been removed and the property has been vacant for at least seven years.
2. Properties with a principal building that has been determined by the Building Official as meeting the definition of "public nuisance" in the *Ames Municipal Code*, Chapter 5, "Building, Electrical, Mechanical and Plumbing Code." Currently Section 5.401(7).
3. Development or redevelopment of Brown Fields. Brown Fields include abandoned or under-used industrial and commercial facilities or sites available for re-use or redevelopment. Expansion or redevelopment of such a facility or site is complicated by environmental contaminations.
4. Properties with at least 20% of the property area being within 1,000 feet of a City of Ames water well and within the Floodway-Fringe Overlay zoning district. The developer must demonstrate that the proposed project can not be configured in a manner to avoid extra costs associated with building near a well head.

Council Member Goodman commented that the way Item No. 4 is written, he still does not get the sense of any significance. As worded, it doesn't seem to be a fair return to the taxpayer.

Director Osguthorpe advised that this language would require that a developer demonstrate that the site can not be reconfigured in a manner that avoids having to put a storm pond within that 1,000 feet.

Council Member Goodman said that a certain scale of expectation becomes onerous. To him, 7% seems appreciable, and he felt that a percentage made the most sense in terms of figuring out what the project was worth. Mr. Goodman stated that something is needed that is not just arbitrary, and that the word "extra" is not very specific.

Much discussion ensued regarding the form of measurement that could be demonstrated in terms of "extra" costs associated with building near a well head. Mr. Osguthorpe stated that the way the language is worded, it does not give the Council the discretion to determine if the costs are significant enough.

Director Osguthorpe reiterated the alternatives that were discussed, those being: 1) to add the word "significant," which would allow the Council some discretion in determining whether the costs are substantial enough; 2) to determine a percentage of the amount of extra costs that is at least 50% of the tax abatement; and, 3) to require that the entire property has to be within the area.

Moved by Goodman, seconded by Larson, to refer back to staff to determine alternatives for Item No. 4 of the Urban Revitalization Highway-Oriented Commercial Redevelopment Criteria.
Vote on Motion: 5-0. Motion declared carried unanimously.

TIGER II GRANT APPLICATION FOR INTERMODAL FACILITY: Sheri Kyras, Director of Transportation, stated that another grant opportunity has been presented. At the end of April, the federal government gave notice of funding availability for TIGER II grants. With the facility partially funded under TIGER I, it's staff intent to seek additional funding for the Intermodal Facility. She reported that these monies could fund the remaining pieces. This would include the second parking structure, the additional level in the first phase of the parking, and it would bring CyRide into the additional facility.

Director Kyras reviewed the steps that staff needed to prepare in applying for the grant, which is due in August 2010. Staff needs to prepare and document the second phase of the project, providing technical information and economic benefits on its components. She indicated that this information can be completed with the assistance of outside firms, and therefore, if the grant is submitted, the following costs will be incurred in its preparation: 1) land appraisal; 2) consultants' costs; and, 3) economic forecasting. She advised that the estimated cost to apply for the TIGER II grant is \$20,000. The recommendation of the Ames Transit Agency Board of Trustees is that the City and Iowa State University each contribute \$10,000 for the application. ISU has verbally committed to fund its share of this grant application.

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 10-273 approving \$10,000 from the Contingency Fund for the development of a TIGER II federal grant application, contingent upon Iowa State University Administration providing the remaining \$10,000.

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

SETTING DATE OF PUBLIC HEARING FOR LOAN AGREEMENTS TO FUND INTERMODAL FACILITY: Transit Director Sheri Kyras stated that going back to TIGER I, Phase I, of the Intermodal Facility, the project was approved by the Federal Transit Administration (FTA) on May 17. Timing on the federal grant dollars creates a cash flow issue for CyRide, as funds from the grant can't be drawn until it is approved. She explained that during the interim, expenses will be incurred, and the project needs to keep moving forward.

Ms. Kyras said that to resolve the issue of delay in receipt of funding, an Iowa Department of Transportation no-interest, revolving loan that can be used to provide the needed dollars to meet immediate commitments. This funding source requires a local match from the City of \$87,500. She also reported that for cash flow issues where money is needed now to begin the design process prior to grant approval, a second contract with the Iowa Department of Transportation (IDOT) can be entered into in the amount of \$350,000. Ms. Kyras indicated that as soon as the grant is approved, this loan could be repaid immediately.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 10-274 setting the date of public hearing for June 15, 2010, for approval of two loan agreements with the Iowa Department of Transportation to fund the Intermodal Facility Project.

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

ORDINANCE ALLOWING FOR BEER- AND WINE-TASTING EVENTS: Assistant City Manager Sheila Lundt reported that this ordinance is in response to requests from the Main Street Cultural District (MSCD) to make it possible for wine- and beer-tasting events to occur in the community. State law specifically allows for these types of events, however, the *Ames Municipal Code* is more restrictive, and does not. She stated that the *Municipal Code* requires that alcoholic beverages be consumed only in licensed premises, and can not be consumed in any public place that does not have a liquor control license, unless consumption occurs in one of the named City parks.

Ms. Lundt indicated that staff tried to come up with a system that was both workable and consistent across the community. She explained that staff has tried to model an ordinance under the existing state law, which allows for wine- and beer-tasting events. Ms. Lundt reviewed the criteria that would have to be met. The proposed ordinance provides strict controls on these events, and the City Council and the Police Department would have the discretion to either approve or deny permission for each event.

Ms. Lundt pointed out that granting permission to hold a wine-tasting event is not a substitute for having a liquor license. If an organization wants to serve alcohol in any measure, a liquor license or beer permit would be required. She stated that with this ordinance, restrictions are in place to limit drinking, and it would not be a substitute for the requirement of a liquor license.

Council Member Davis asked about liability issues and which entity would be held responsible if some incident/accident were to occur. Ms. Lundt stated that this is an area of concern, and in the course of these events, liability could possibly trail back to the City.

City Attorney Marek reported that the liability issue is tied to the quantity of alcohol, and one-ounce sampling is designed to avoid any possibility of intoxication. He said that if the Council passed this ordinance and the Police Department reviewed and approved an organizer's plan for compliance, the chances of liability with the City would be fairly remote. He added that the sponsoring business's would have some concern.

In response to Council Member Orazem's question, Assistant City Manager Lundt stated that the advantage of applying for a wine-tasting permit versus the five-day permit is that it is a cost savings to the organizers. Every location for an event would be required to obtain a five-day license, meet all the requirements of being able to hold a liquor license, and possess dram shop liability insurance.

Angela Moore, 1019 11th Street, Nevada, spoke on behalf of the Main Street Cultural District (MSCD). She explained that they looked into the licensing and insurance requirements, which appeared to cost approximately \$1,000 per participating business. Ms. Moore further explained that the Art Walk held last weekend was not intended to be a large drinking event, and that the wine-tasting idea was to encourage customers to come into the Downtown businesses. Ms. Moore stated that the MSCD was not originally aware of the public consumption law. Therefore, it relied on the seven establishments that were already licensed to give out the wine and beer samples.

Council Member Wacha stated his concerns regarding the control of these types of events and said that containment is key. He asked Ms. Moore how the MSCD was going to control this and make sure people were not leaving a designated area with alcohol.

Ms. Moore said that specific areas were designated, such as Tom Evans Plaza and other Downtown locations that would be serving samples. Wrist bands would be used in these designated areas, and participants in the wine-tasting would be carded. Furthermore, once an individual was carded, a punch card would be issued. This card would allow for 10 punches only. Ms. Moore stated that they could also place someone at every exit to be certain no one leaves that designated area with alcohol. She noted that there were some people that did leave the licensed areas with their wine sample, however, the organizers addressed it.

Denise Denton, 902 Douglas Avenue, said that she is a prevention specialist with Youth and Shelter Services and a senior lecturer of drug education at Iowa State University. While the Art Walk does not sound like a drunken beer brawl, she encouraged the Council to be thoughtful about the role that the licenses and fees attached to these have in a situation like this. Permits and fees are tools that serve to encourage people to be mindful and responsible about the use of alcohol in this type of event. She feels that a system that promotes thoughtful and responsible use of the permitting process is a system that is working.

Discussion was held regarding the permitting process currently in place and the amount of alcohol distributed at any one location. Council Member Larson stated that he believes this would be a good ordinance to have, because it allows an event to happen with more restrictions than by having it in a licensed bar. Excessive drinking would be more likely to occur at licensed establishments. Mr. Larson indicated that he has seen these wine-tasting events work in another community.

Council Member Wacha stated that this ordinance is an attempt to fix something that isn't broken,

and that procedures are in place that work. He indicated that the Art Walk was successful, and that seven Downtown establishments participated in wine-tasting without the passage of this ordinance. There were some problems during the Art Walk with some people taking alcohol outside the designated areas. Council Member Wacha said that with Ames being a college town, he did not want to set separate standards. If the Council passed this ordinance for Main Street events, it needs to be prepared for applications that come in for Campustown.

Council Member Goodman stated that the goal of this ordinance is to create an incentive to support the Downtown businesses. This is not a specific way to achieve intoxication—up to 10 ounces only can be distributed. He felt that if the City was not able to create these opportunities for legal activities, these opportunities are missed.

Council Member Orazem asked how much additional burden this would place on City staff. Ms. Lundt responded that it would require more “special events” meetings, but it was hard to know. City Manager Schainker explained that staff is not going to be out measuring one-ounce cups, so policing to that level would not happen. Ms. Lundt said that in terms of staff time, it would take more time to process these types of wine-tasting permits than it would to issue a five-day license.

Moved by Larson, seconded by Goodman, to pass on first reading an ordinance allowing for wine- and beer-tasting events in public places.

Roll Call Vote: 3-2. Voting Aye: Goodman, Larson, Orazem. Voting Nay: Davis, Wacha. Motion failed.

ORDINANCE ON ZONING TEXT AMENDMENT ALLOWING SMALL WIND ENERGY SYSTEMS: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance allowing small wind energy systems as an accessory use in the Planned Regional Commercial (PRC), Highway-Oriented Commercial (HOC), General Industrial (GI), and Planned Industrial (PI) Zoning Districts.

Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 530 AND 900 SOUTHEAST 16TH STREET: Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4039 rezoning property at 530 and 900 Southeast 16th Street from Agricultural (A) to Highway-Oriented Commercial (HOC).

Roll Call Vote: 5-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Moved by Orazem, seconded by Davis, to refer to staff the letter from Matthew Randall requesting an LUPP map change for property located at 712 South 16th Street. Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Goodman, to refer to staff the letter from Attorney Frank Feilmeyer requesting waiver of infrastructure requirements of the City’s Subdivision Ordinance for property owned by George and Dorothy Kizer at 910 Adams Street.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Orazem, to refer to staff the letter from Attorney Robert Goodwin regarding a proposed change to the City’s ordinance addressing the towing and

impounding of vehicles.

Vote on Motion: 5-0. Motion declared carried unanimously.

Council members congratulated City staff on the grand opening of the Donald and Ruth Furman Aquatics Center over the Memorial Day Weekend.

Council Member Larson commended the City and ISU for hosting the 5th Annual National Town and Gown Conference held in Ames last week. He gave special thanks to City staff and the mayor and council members who participated.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 9:17 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Jill L. Ripperger, Recording Secretary