

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 22, 2010

The regular meeting of the Ames City Council was called to order at 7:00 p.m. on June 22, 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. *Ex officio* Member England was also present. Council Member Mahayni was absent.

**CONSENT AGENDA:** Council Member Davis requested to pull the additional item that pertained to revisions to the Purchase Agreement with Habitat for Humanity for property at 3803 Minnetonka Avenue.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of June 8, 2010
3. Motion approving Report of Contract Change Orders for June 1-15, 2010
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor - Hickory Park, 1404 S. Duff Avenue
  - b. Class C Liquor - Fox I Lounge, 111 South 5<sup>th</sup> Street
5. 2010 Department of Justice Byrne Memorial Grant:
  - a. RESOLUTION NO. 10-307 approving agreement with the Story County Sheriff's Office
  - a. Motion approving submission of Grant application
6. RESOLUTION NO. 10-276 approving expenditure from Contingency Fund for Mayor's visit to Koshu City, Japan
7. RESOLUTION NO. 10-277 approving 2010/11 Pay Plan
8. RESOLUTION NO. 10-278 approving appointments to staggered terms of office beginning July 1, 2010, for Library Board of Trustees
9. RESOLUTION NO. 10-279 approving appointments of Laura Rawlins and Shazia Manus to fill vacancies on Library Board of Trustees
10. RESOLUTION NO. 10-280 approving appointment of Council Member Jeremy Davis to Ames Economic Development Commission Board of Directors
11. RESOLUTION NO. 10-281 approving reappointment of Tammy Horness to Ames Housing Governing Board
12. RESOLUTION NO. 10-282 approving COTA Spring 2010 Mini-Grant Contract with Kids' Co'Motion
13. RESOLUTION NO. 10-283 approving 2010/11 Contract for Human Services with Boys and Girls Club of Story County
14. RESOLUTION NO. 10-284 approving Grant Agreement with Iowa Department of Natural Resources for Installation of Water Quality Practices as part of I-JOBS legislation
15. RESOLUTION NO. 10-285 approving CyRide contract for Dial-A-Ride Services
16. RESOLUTION NO. 10-286 approving preliminary plans and specifications for 2010/11 CDBG Public Facilities Neighborhood Infrastructure Improvements Program; setting the bid due date for July 21, 2010 and July 27, 2010, as date of public hearing
17. RESOLUTION NO. 10-287 approving contract and bond for 2006/07 Pedestrian Walkway Program (South Dakota Avenue)
18. RESOLUTION NO. 10-288 approving Plat of Survey for property located at 1513 and 1515 Florida Avenue

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

**PURCHASE AGREEMENT REVISIONS PERTAINING TO 3803 MINNETONKA:** Housing Coordinator Vanessa Baker-Latimer explained that the proposed sale of the City-owned property at 3803 Minnetonka Avenue was to occur on or before June 30, 2010. During the updating of the abstract prior to transferring the property to Habitat for Humanity of Central Iowa, it was discovered that a second mortgage lien had not been properly cleared and released. Staff is currently working on resolving that issue; however, it will not be completed by June 30. Staff is requesting that Council approve an agreement with Habitat to extend the Purchase Agreement to August 31, 2010.

Ms. Baker-Latimer also asked the City Council to approve an Early Possession Agreement among the City, Habitat, and the home owner to allow that person to occupy the property prior to closing. The new home owner's lease expires on June 30, 2010, and that person would have no place to reside.

Moved by Larson, seconded by Wacha, to adopt RESOLUTION NO. 10-308 approving an amendment to the Purchase Agreement with Habitat for Humanity of Central Iowa to on or before August 31, 2010, and approve an Early Possession Agreement among the City, Habitat, and the home owner to allow the home owner to occupy the property at 3803 Minnetonka Avenue prior to closing.

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

**PUBLIC FORUM:** No one asked to speak during this time.

**REQUEST FOR VACATION OF CITY PROPERTY ON JACKSON DRIVE:** Corey Mellies, Civil Engineer II, gave the background on this issue. The City-owned parcel was created to provide access to a prospective school site; however, the school was never built. The abutting property owners are now requesting to have the property transferred to them.

City Manager Schainker explained the formula historically used for disposal of City-owned property. The value of the property in question, using that formula, is \$9,896.26. He noted that one of the abutting property owners had an appraisal done on the parcel, and the value came in substantially less than the amount calculated by using the City formula.

City Attorney Marek advised that publicly held real property may not be given to a private entity without receiving compensation. There is a public utility easement along one edge of the parcel. Mr. Marek said that in this case, the side yards of the abutting property owners would be expanded. He noted that the Municipal Code states that property owners are required to maintain rights-of-way abutting their property. According to Mr. Marek, it is difficult to determine what value the City would be receiving if the property were merely given to the abutting property owners.

Carol Greiner, 1609 Jackson Drive, Ames, one of the abutting property owners, said that she does not feel that the "small path to nowhere" has value on the open market. She noted that she had hired an independent appraiser, who valued the public right-of-way in question at \$2,308. Ms. Greiner indicated that she would not pay the calculated value determined by the City, but would be willing to pay for half of the property at \$1,154.

Jeff Gilmore, 1605 Jackson Drive, said that he is the other abutting property owner. Mr. Gilmore advised that he has been maintaining the right-of-way for the past 19-1/2 years. This includes mowing, fertilizing, and snow removal for the entire parcel in question. He estimated the cost of his maintenance to over \$13,000. According to Mr. Gilmore, the recent sale of property along East Lincoln Way to the Friedrichs is a similar case, albeit commercial land. The Friedrichs had been maintaining City right-of-way for an extended period of time and the City had agreed to vacate that land and sell it to the Friedrichs for \$10. Because that was commercial land and the parcel in question is residential land, Mr. Gilmore suggested that he be charged one-tenth of what the Friedrichs were charged. If that is not approved, Mr. Gilmore asked that Ms. Greiner be charged the appraised amount of \$2,308 for her half and that he not be charged for his half since he has been the one to maintain the entire parcel for nearly 20 years.

Council Member Orazem said that he personally has a similar situation, and he maintains the City-owned land that abuts his property. Mr. Gilmore asked what would happen if the abutting property owners did not maintain the rights-of-way. He inquired if the grass would just be allowed to grow and the snow remain on the sidewalks. It was pointed out by Council Member Wacha that the Municipal Code requires abutting property owners to maintain those parcels.

Council Member Goodman asked Attorney Marek if there was any way to tie the rights-of-way to future sales. Mr. Marek stated that it would nearly be impossible to do that.

Moved by Wacha, seconded by Larson, to adopt RESOLUTION NO. 10-309 approving the process of vacating the Jackson Drive right-of-way adjacent to 1605 and 1609 Jackson Drive, setting the date of public hearing for July 13, 2010; and adopt RESOLUTION NO. 10-310 approving the sale of the vacated right-of-way to the adjacent property owners in the amount of \$1,154 each for their respective one half, and establish July 13, 2010, as the date of public hearing on the sale of the property.

Council Member Goodman pointed out that the appraisal of property is not an exact science. He said that he could not support the motion due to not knowing the relationship between the home owner and the appraiser and would prefer that the City conduct its own appraisal.

Roll Call Vote: 4-1. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman. Resolutions declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**4<sup>TH</sup> OF JULY FESTIVITIES:** Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-289 approving closure of Clark Avenue between 5<sup>th</sup> Street and 6<sup>th</sup> Street from 6:00 p.m. on Friday, July 2 until the conclusion of the parade on July 4 for the City Council Community Pancake Breakfast.

Jennifer Schill, Event Planner for the Main Street Cultural District (MSCD), reviewed the schedule of events.

Council Member Larson asked if the MSCD had worked with Wheatsfield Grocery on the details of the street closures. Ms. Schill advised that all parties had reached an agreement for this year, and they would see how it goes.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-290 approving closure and suspension of parking for portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 11:00 a.m. to approximately 5:00 p.m. for the parade.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-291 approving closure and suspension of parking enforcement for portions of Main Street and 5<sup>th</sup> Street from 8:00 a.m. to 5:00 p.m. for the parade.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-292 approving closure of Parking Lot MM and the south half of Parking Lot M for parade staging from 8:00 a.m. to 5:00 p.m.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-293 approving closure of Parking Lot Q from 7:00 a.m. to 9:00 p.m. on July 4 for use as volunteer parking.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-294 approving closure of 5<sup>th</sup> Street between Duff Avenue and Carroll Avenue from 7:00 a.m. to 8:00 p.m. for inflatable games, live music, booths, and food vendors.

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

Moved by Davis, seconded by Orazem, to approve a Blanket Temporary Obstruction Permit and a Blanket Vending Permit for MSCD from 8:00 a.m. to 6:00 p.m.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-295 approving waiver of electrical fees for use of outlets in MSCD and at City Hall and waiver of the Vending Permit fee.

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

**FIREWORKS PERMIT:** Moved by Davis, seconded by Orazem, to approve a permit to shoot fireworks from Iowa State University parking lot G7 on July 4, 2010, at approximately 9:30 p.m., pending approval of Iowa State University.

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

**REQUESTS FROM HY-VEE DRUGSTORE PERTAINING TO FUND-RAISER FOR JUVENILE DIABETES RESEARCH FOUNDATION ON JULY 10 FROM 9 AM to 6 PM:**

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-296 closing Depot Parking Lot V east of the entryway drive aisle.

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. 10-297 approving suspension of parking enforcement closing Depot Parking Lot V east of the entryway drive aisle.

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

**NEW CLASS C LIQUOR LICENSE AND OUTDOOR SERVICE:** Moved by Davis, seconded by Orazem, to approve a new Class C Liquor License and Outdoor Service Area for Cyclone Experience Network at Hilton Coliseum, Lincoln Way & University Boulevard.

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

**NEW 5-DAY CLASS C LIQUOR LICENSE:** Moved by Davis, seconded by Orazem, to approve a new 5-Day Class C Liquor License for Gateway Hotel & Conference Center at ISU Alumni Center, 420 Beach Avenue.

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

**ENCROACHMENT PERMIT FOR 217 WELCH AVENUE:** Moved by Goodman, seconded by Wacha, to approve an Encroachment Permit for flag poles and flags at Dogtown University, 217 Welch Avenue.

Ann Taylor, representing Dogtown University, advised that they sell Iowa State merchandise and are requesting to put Iowa State flags on the front of the building located at 217 Welch Avenue.

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

**AMENDMENT TO HUMAN SERVICES CONTRACT:** Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-298 approving An amendment to the Human Services Contract for Child Serve.

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

**BRIT FEST:** Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 10-306 approving closure of East Fifth Street from 6 AM to 10 PM.

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

**SUSTAINABILITY:** City Manager Schainker said that it became apparent to the City Council members that there was no coordinated effort being conducted in the community to focus on carbon emission reductions. Noting that sharing a sustainability expert with Iowa State University (ISU) would save both organizations money, the City Council had directed the Mayor

to approach ISU President Geoffroy with the concept. The cost-sharing idea was well-accepted

by ISU, and details were then worked out.

Mr. Schainker pointed out that the issue of sustainability is a very broad issue. He is recommending that the focus be very limited, and under the proposed agreement, ISU's Director of Sustainability Programs Merry Rankin would lead a task force appointed by the Council to develop a plan to reduce carbon emissions in various sectors in the community by the end of the 2010/11 fiscal year. The Director of Sustainability Programs will report to Mr. Schainker. Clerical support will be provided by the Manager's Office; however, Ms. Rankin will maintain her office at Iowa State University. Monthly progress reports will be submitted by Ms. Rankin to the City Manager.

The cost to the City of Ames would be \$25,000, which is recommended to be financed equally from monies in the available balances of the Water, Sewer, Electric, and Resource Recovery Funds (\$6,250/fund). City Manager Schainker stated that he was treating this arrangement as a purchase of services. He pointed out some of the activities included in the scope of services to be provided. According to City Manager Schainker, the first year should be viewed as an experiment to allow both parties time to determine if there is comfort in extending the arrangement in the future and/or modifying the scope of services.

Mr. Schainker said that many groups within the community are working on sustainability issues. It is possible that they would contact Ms. Rankin personally to attend their meetings, and he is recommending that she decide which meetings are relevant to her providing the scope of services contained within the proposed Contract.

Noting that the Contract specifies that 90 days' notice be given to terminate, Council Member Davis asked what would happen if Ms. Rankin left employment with the University. He wondered if the City would be obligated to continue payment for those 90 days. Mr. Schainker emphasized that the Contract would be with Iowa State University, not with Ms. Rankin. City Attorney Marek noted that it is a contract for services, and ISU would be obligated to provide those services.

Moved by Orazem, seconded by Larson, to adopt RESOLUTION NO. 10-299 approving an Agreement with Iowa State University for purchase of services from the Director of Sustainability Programs in the lump sum total of \$25,000.

Council Member Goodman expressed concerns that the scope of services was too specific. After discussing this concept during budget hearings, he thought that the Sustainability Coordinator would develop a Sustainability Plan. Mr. Schainker said that was too broad of a task to begin. Mr. Goodman said that he had received input from others that the efforts should begin with a Sustainability Plan. Council Member Larson noted that that was not the charge given to the City Manager during the Council's goal-setting session.

Council Member Davis said that he was still somewhat hesitant to approve the Agreement because he did not think the termination clause was clearly stated.

Council Member Goodman would like to first learn about how other cities had developed their sustainability plans. Council Member Wacha noted that he did not think that would be a good

first step because three-fourths of the items that would come back would not be agreed to by all

the Council members.

Roll Call Vote: 3-2. Voting aye: Larson, Orazem, Wacha. Voting nay: Davis, Goodman. Resolution failed.

Moved by Goodman, seconded by Orazem, to reconsider.  
Vote on Motion: 5-0. Motion declared carried unanimously

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-299 approving the Agreement with Iowa State University for the purchase of services from the Director of Sustainability Programs.

Roll Call Vote: 4-1. Voting aye: Goodman, Larson, Orazem, Wacha. Voting nay: Davis. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Discussion of Responsibilities of the Task Force. Council Member Orazem offered his opinion that the focus should not be on measuring carbon emissions. He felt that the City should focus on the conservation of energy in an effort to reduce consumption in a cost-effective manner. The City currently measures that, and the information can be easily understood by the public.

Council Member Goodman wants first to know the deliverables that can be measured and what the Council can rally around.

Council Member Wacha asked Merry Rankin to address some of their concerns. Merry Rankin stated that she had been the Sustainability Coordinator at Iowa State University since January 2009. Prior to that, she worked at the Department of Natural Resources in a variety of different roles.

Ms. Rankin acknowledged that sustainability is a very broad issue. She said that it could be a year's process to merely define "sustainability." Ms. Rankin said that there is a lot involved to creating a sustainability plan. It would be best to narrow the focus at this time on one issue.

Council Member Goodman reiterated that it was difficult for him to determine what should be done first without first looking at a successful Sustainability Plan from another community that has already gone through the process. City Manager Schainker pointed out that an intern had prepared a report on what other communities had done. This report had already been presented to Council, but could be redistributed should it desire.

Council Member Larson said that he agreed with Council Member Orazem that the first task must be measurable. He does, however, want the City to remain true to the goals of the Mayor's Climate Protection Agreement. Council Member Orazem read the goal of that Agreement and pointed out that he did not believe the City can meet those goals by 2012.

Council Member Goodman said that he had envisioned a workshop where all community members could provide feedback.

Mayor Campbell recommended that she, City Manager Schainker, and Ms. Rankin discuss the responsibilities of the Task Force and bring back recommendations to the City Council.

**CONSERVATION SUBDIVISION ORDINANCE:** Municipal Engineer Tracy Warner noted that the City had been working on such an ordinance since the early 2000s. She advised that several strategies had been identified to primarily protect the Ada Hayden Park Watershed. The experts had indicated that the best control would come through imposition of City development standards, i.e., storm water runoff quality controls and sanitary sewer collection and treatment standards.

Ms. Warner advised that, while this Ordinance might later be considered for application throughout the community, the immediate intent is to require compliance only for future residential subdivision development in the Ada Hayden Watershed. Its purpose would be to preserve the existing natural features of the site, preserve the natural drainage features and hydrologic characteristics of the landscape, and reduce the impacts of development on the landscape.

Council Member Orazem asked who would own the natural areas and who would maintain them. City Attorney Marek pointed out that the natural areas would serve a water and soil erosion function, and the maintenance responsibility would be on the owner of the natural area. If they are not adequately maintaining it, the City would step in and charge the property owner for the costs. According to Mr. Marek, conservation subdivisions may be owned by one or a combination of a homeowners' association, a non-profit or for-profit conservation organization that specializes in Iowa native plant management, or another entity as approved by the City Council.

Corey Mellies presented conceptual drawings of sample conservation subdivisions. Two of the versions had been created by the two developers, Hunziker & Associates and Friedrich Real Estate, who own property in the vicinity in question, and the other version was created by the City Engineering Division. Mr. Mellies defined "conservation area." Its purpose is to protect environmentally sensitive areas and/or for providing a means for managing storm water. He said the area may include recreational areas, such as shared-use paths. According to Mr. Mellies, conservation areas may be counted towards meeting the open space requirement in the Ordinance.

Planning and Housing Director Steve Osguthorpe addressed the issue of density. He said that because of the need for open space and conservation areas, a conservation subdivision could require more gross acres to develop than a standard subdivision. It is possible that the more conservation subdivisions are developed, the greater the area that will be needed to accommodate Ames' future population growth target. Mr. Osguthorpe emphasized that the density issue might have to be addressed in the near future.

Ms. Warner advised that the Planning & Zoning Commission, at its meeting of June 16, 2010, voted unanimously to recommend that the City Council adopt the proposed Conservation Subdivision and incorporate the recommendations regarding the 25% minimum open space and 80% minimum lots abutting open space.

Kurt Friedrich, Friedrich Companies, 100 Sixth Street, Ames, said that he agreed with the proposed Ordinance with the caveat that the density issue be considered very soon. He believes that Ames needs to provide a variety of housing types; however, the proposed Ordinance, because of the open space requirement, tends to make the lots smaller. Mr. Friedrich said that they feel the land in question creates a unique situation since it is abutting by farm land, and they envision that that use will continue into perpetuity.

Mr. Friedrich said he believes that it is equally important that there be an orderly and timely installation of public infrastructure. In his opinion, to ensure that this occurs, the area in question should be labeled as a growth priority for the City of Ames; without that, it is a real possibility that the infrastructure would be installed piecemeal.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, acknowledged that Rose Prairie is a very different type of development due to the natural areas that are contained within it. Mr. Winkleblack said that Hunziker's land and Friedrich's land is different because they abut farm ground. He said that it is very difficult to apply a universal code over distinctly different properties. According to Mr. Winkleblack, it is quite possible that staff will find that the principles of this Ordinance may not work when applied. It was also pointed out by Mr. Winkleblack that determining net density is very confusing. He sees density as a bad planning tool. The "lion's share" of development in Ames creates small lots. Mr. Winkleblack offered his general support of the Conservation Subdivision Ordinance.

Council Member Wacha said that he believed a discussion on density needed to occur at this meeting. He does not like the construction of many townhomes next to Ada Hayden just to meet the density requirement. In his opinion, there are times when the Council needs to look at relaxing the density requirement. Director Osguthorpe said that the City is not recommending multi-family units in this location; it is intended to be zoned for low-density development; to allow that type of development would necessitate a zoning change.

City Attorney Marek advised that what's on the Agenda tonight is to consider the proposed subdivision ordinance; the density requirements are incorporated in the LUPP and the Zoning Ordinance. He advised that a decision on density does not need to be made as part of the subdivision ordinance. Council Member Wacha said that he felt density was germane to the discussion of a conservation subdivision ordinance.

Moved by Larson, seconded by Goodman, to support the proposed Ordinance incorporating the 25% minimum open space requirement and the requirement that 80% of lots must abut open space based on staff's findings and recommended conclusions, with the proposal coming back in ordinance form.

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

Moved by Wacha, seconded by Larson, to direct staff to bring back to Council at its earliest opportunity, options and recommendations on relaxing the density requirement for conservation subdivisions.

Council Member Larson stated that, at a bare minimum, he hoped that the Council could revisit the possibility of setting aside a portion of a subdivision for larger lots.

Council Member Goodman said that, in his opinion, this Council has dismantled targeted growth, and density is the last piece that can protect the tax payer since the less dense, the more costs to the tax payer. He said that he cannot support the motion.

Council Member Orazem said the value that will be received from the investment has not been adequately looked at; it is necessary to look at the whole picture. Council Member Goodman disagreed, stating that the lesser the density, the more burden to the tax payer.

Vote on Motion: 4-1. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

The meeting recessed at 9:20 and reconvened at 9:26 p.m.

**SIDEWALK SNOW REMOVAL POLICY:** Public Works Director John Joiner reminded the Council members that staff had surveyed other communities regarding their sidewalk snow removal policies, and the results of that survey were reported to the Council last December. Three of those cities (Ankeny, Lincoln, and Iowa City) indicated that they handle snow and ice removal on sidewalks the same way Ames does, i.e., based on complaints only. After that report, the City Council had directed staff to be proactive on repeat offenders and to propose a geographic area for proactive enforcement. Since that time, staff has been proactive on repeat offenders. In proposing a geographic area, staff looked for a concentrated area that involved the majority of notice types as well as focused on a high pedestrian traffic area. The areas found to best meet those criteria were Ash Avenue from Chamberlain Street to Storm Street; Knapp Avenue from Ash Avenue to South Sheldon Avenue, and Hayward Avenue from Chamberlain Street to Storm Street.

Mr. Joiner further advised that since receiving direction from the Council, City staff now posts notice at the property so that the tenant is clearly notified of a snow removal complaint. An email message is also sent to the rental property owner. In addition, it has been recommended that the rental property owner/apartment managers be emailed when a complaint is received. If this were done, it would eliminate one trip by City staff to the site to verify a violation. It is not known at this time if all rental property owners would support that proposed change.

It was stated by Mr. Joiner that, during the winter of 2009/10, 559 notices were issued to 385 property owners for failure to remove snow and/or ice from sidewalks in a timely manner. Of that total, 191 were residential rental properties, 183 were non-rental residential properties, and 11 were commercial properties. There were 174 repeat notices.

Mr. Joiner advised that the rental property owners had indicated that along several major four-lane streets, there is a point, after an excessive amount of accumulation, when there is no longer sufficient room in the public right-of-way to store snow removed from the sidewalks. They are requesting that the policy be amended to allow the City Council or Public Works Director to delay enforcement for a reasonable period of time if that situation occurs. City Manager Schainker said that staff can support this change; however, if enforcement is temporarily delayed, some citizens might become upset because the sidewalks are not cleared in a timely fashion.

Per Director Joiner, rental property owners also requested that a name or City telephone number to call if there are questions be added to the notice. That information will be added for the Winter of 2010/11. It was additionally stated by rental property owners that 24 hours after the property is posted is particularly difficult to meet if notification is received over a weekend, right before a holiday, or immediately after a large accumulation of snow. They requested that City staff be given the authority to lengthen the time frame for sidewalk snow removal on a case-by-case basis if the property owner can justify the extension. Staff can support this change if, in the opinion of the Public Works Department, individual circumstances warrant it. Mr. Joiner said that requests for additional time are now handled on a case-by-case basis. Council Member Larson suggested that information pertaining to contacting Public Works when extenuating circumstances arise be

included on the notice. Council Member Goodman said that it was not his intent to provide a means for special consideration.

Council Member Davis said that after a major snowfall, he believes that City staff's focus should be on clearing the streets, not looking for sidewalks that aren't shoveled. Council Member Goodman concurred, but emphasized the importance of cleared walkways for pedestrians.

City Manager Schainker noted that the above-named suggestions were offered by a relatively small group of rental property owners. He suggested that the City attempt to gauge support for the changes from a greater portion of the rental property owners before any final modifications are made.

Jim Gunning, 119 Hickory Drive, Ames, said that last winter was the worst one that he can remember since the 1970s. The stepped-up enforcement further compounded difficulties for many residents. He cautioned against targeting primarily a student area. Mr. Gunning showed a location on Lincoln Way that serves as a bike path and a sidewalk, noting the three-foot retaining wall along that area. According to Mr. Gunning, it is extremely difficult to remove snow from such areas. He recommended that the City be flexible when extenuating circumstances are present.

Moved by Goodman, seconded by Orazem, to direct staff to create a system where email is used to notify rental property owners/apartment managers when a complaint is received, continue increased enforcement of repeat offenders, work in a policy for the pilot area as recommended by City staff, the repeat offenders in the pilot area would be checked at the end of major snow operations, and the notices include the phone number for a City contact.

It was noted by City Manager Schainker that notices would not be placed on the door of rental properties if email is used. Notices will be posted on the door for non-rental properties.

Council Member Wacha would like to include on the notice whom to contact in the City if there are extenuating circumstances. Council Member Goodman said that he is uncomfortable supporting that motion unless staff comes forth with that recommendation.

Council Member Larson said that he would prefer that all requests from the rental property owners be incorporated since City staff had indicated that they could support the changes.

Moved by Larson, seconded by Orazem, to include all requests of the rental property owners as long as staff can support them.

Vote on Motion: 4-1. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

**AMES INTERMODAL FACILITY:** Transit Director Sheri Kyras gave the history of this project to date. She said that it was believed by a ten-member review panel that the Neumann Monson firm most closely aligned with the community's desire for the project.

According to Ms. Kyras, the Memorandum of Agreement with the FTA included a project budget with an estimated \$581,252 as the design fee. Since completion of the MOU, ISU's Facilities Planning and Management Department has worked with the Neumann Monson Architects to

agree on the fee of \$967,937 for design services on this project. Ms. Kyras noted that the fee of \$967,937 for the services of Neumann Monson Architects is larger than originally estimated; however, both Iowa State University and Neumann Monson representatives have indicated that the project can be completed as laid out in the Memorandum of Understanding. During that phase, the design team will also pursue methods to reduce construction costs without affecting quality or scope, and the design team is confident that savings will be realized that will offset the higher design expense. Iowa State representatives have also indicated that, given the scope of work required, the proposed fee fits within guidelines used by the University for evaluating design fees.

Funding for the first design contract would be from two federal grants and CyRide's budget as follows:

Federal TIGER Grant	\$530,437
Federal 5309 Transit Grant	350,000
CyRide Budget	87,500

Noting the nearly \$350,000 increase in costs, Council Member Orazem asked if the scope of services had changed. Ms. Kyras said that the first amount included only base service; however, the \$967,937 includes base service plus pre-design alternates. Representing Iowa State University Facilities Management, Cathy Brown said there were amounts included as add-alternates in the original MOU; however, basically amounts were shifted from construction to design costs.

Per Ms. Kyras, according to federal procurement regulations for design services, a satisfactory fee must be reached with the top firm. If the fee cannot be agreed upon, the second firm on the list would be notified to determine if an acceptable fee from their firm could be reached.

Council Member Goodman asked how many of the alternates might not be built. Ms. Kyras advised that it was possible that none of the alternates would be built, but all will be designed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 10-300 approving a contract with Neumann Monson Architects for engineering design work and architectural construction oversight of the Ames Intermodal Facility in the amount of \$967,937.

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

**COUNCIL PRIORITIES FOR PLANNING STAFF WORK PLAN:** Noting the lateness of the hour, Mayor Campbell asked if the Council members preferred to move ahead with this item at this meeting or begin the July 13 meeting early. Council Member Larson expressed concern that there be enough time allotted to this issue. Council Member Goodman advised that he would not be present at the Council's July 13 meeting. It was also noted that Council Member Mahayni would not have returned yet. Council Member Larson indicated that he would be absent on July 27.

Moved by Wacha, seconded by Goodman, to not discuss this item tonight and direct staff to find a date for a special meeting on this topic.

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

**HEARING ON 2008/09 - 2010/11 STORM SEWER OUTLET EROSION CONTROL PROGRAM (COLLEGE CREEK RESTORATION):** Mayor Campbell opened the public hearing. No one asked to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 10-301 approving final plans and specifications and awarding a contract to Sunram Construction, Inc., of Corcoran, Minnesota, in the amount of \$317,596.50.

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

**HEARING ON 2009/10 ASPHALT RESURFACING AND SEAL COAT/REMOVAL/ASPHALT RECONSTRUCTION PROGRAM:** The hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-302 approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$776,397.00.

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

**HEARING ON 2009/10 AND 2010/11 NEIGHBORHOOD CURB REPLACEMENT PROGRAM:** The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-303 approving final plans and specifications and awarding a contract to TK Concrete, Inc., of Pella, Iowa, in the amount of \$105,971.30.

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

**HEARING ON RESOURCE RECOVERY RECYCLABLES BUILDING AND STAGING AREA - PHASE 1 (PARKING LOT):** The hearing was opened by Mayor Campbell. No one asked to speak, and the Mayor closed the public hearing.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-304 approving final plans and specifications and awarding a contract to Absolute Concrete of Slater, Iowa, in the amount of \$60,814.50.

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

**ORDINANCE ALLOWING FOR SMALL WIND ENERGY SYSTEMS:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4040 allowing for small wind energy systems as an accessory use in Planned Regional Commercial (PRC), Highway-Oriented Commercial (HOC), General Industrial (GI), and Planned Industrial (PI) Zoning Districts.

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

**SUPPLEMENT 2010-3 TO MUNICIPAL CODE:** Moved by Goodman, seconded by Davis, to

adopt RESOLUTION NO. 10-305 approving and adopting Supplement 2010-3 to the *Municipal Code*.

City Attorney Marek noted that this item was at the end of the Agenda so that the Supplement could include the recently passed Ordinance allowing small wind energy systems. The *Code* is updated quarterly, and this is the last meeting of the quarter.

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

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Goodman, to refer to staff the letter from Chuck Winkleblack dated June 11, 2010, requesting a LUPP amendment for the property located at 1010 S. Duff Avenue.

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

Moved by Orazem, seconded by Davis, to direct the City Manager to prepare a report to the City Council in response to the letter from the Woodview Drive Neighborhood Association, specifically explaining how this could proceed and if there are grant monies available.

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

Moved by Goodman, seconded by Wacha, to direct staff to include the philosophy behind having a density requirement when the Conservation Subdivision Ordinance comes back to the City Council.

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

Moved by Wacha, seconded by Davis, to direct the City Manager to work with Chuck Winkleblack regarding tax abatement for the property on West Lincoln Way.

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

Moved by Davis, seconded by Goodman, to direct staff to contact Black's Heritage Farm to get more information on its request for a waiver of the design and infrastructure standards for a proposed subdivision on 265<sup>th</sup> Street.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:35 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor