

**MINUTES OF JOINT MEETING OF THE AMES CITY COUNCIL AND  
HUMAN RELATIONS COMMISSION AND REGULAR MEETING  
OF THE AMES CITY COUNCIL**

AMES, IOWA

MAY 8, 2012

**JOINT MEETING OF THE AMES CITY COUNCIL AND  
HUMAN RELATIONS COMMISSION**

The Joint Meeting of the Ames City Council and Human Relations Commission (HRC) was called to order by Mayor Ann Campbell at 6:30 p.m. on May 8, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Victoria Szopinski, and Tom Wacha. Council Member Peter Orazem was absent. *Ex officio* Member Sawyer Baker was also present. City Project Manager Brian Phillips introduced Aaron Fultz, Chairperson of the Ames Human Relations Commission. Mr. Fultz then introduced other members of the Commission who were present: John Klaus, Lea Vogl, and Barbara Woods. Members of the Commission who were unable to attend were Amy Juhnke, Amy Longenecker, and Amit Shah.

Mr. Fultz summarized the Commission's activities from January through December 2011. Commission Member Klaus acknowledged the support of other volunteers who serve as investigators of complaints and attorneys who review the legal aspects of the cases. Commission Member Woods noted that the Commission had brought in others with a variety of expertise to help the Commission better understand some of the things that seem to be happening in the community.

At the inquiry of Council Member Larson as to the status of United Ames, Commission Member Klaus explained that many of the AmeriCorps volunteers who had energized the United Ames group had moved on. He said that it appears that the United Ames group is no longer very active in the community. It was pointed out by Mr. Klaus that the FACES celebration will be a challenge for the Human Relations Commission without the help of United Ames. Mr. Klaus welcomed assistance from other groups in the community.

Commission Member Klaus noted that there is a "Public Forum" section on the monthly Human Relations Commission agenda, and the Commission would like to hear from groups who would like to work with or have dialogue with the HRC. Council Member Larson spoke of the *Breaking Down the Barriers* group that formerly had met and assisted with the FACES celebration. He noted that, in the past, the City had helped fund a position for facilitating United Ames, and Assistant City Manager Sheila Lundt had played a big role in coordinating those meetings; however, no funding had been requested this year and Assistant City Manager Lundt had retired.

*Ex officio* Council Member Baker informed the group that the issue of racial stereotyping had been a topic of discussion at Iowa State University.

The Joint Meeting of the Ames City Council and Human Relations Commission adjourned at 6:50 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 6:53 p.m. with Council Members Davis, Goodman, Larson, Szopinski, and Wacha present. Council Member Orazem was absent. *Ex officio* Member Baker was also present.

Mayor Campbell announced that the City Council would be working from an Amended Agenda. An additional item had been listed on the Consent Agenda to approve preliminary plans and specifications for the Southeast Entryway and set the bid due date and date of public hearing.

**PROCLAMATION FOR HISTORIC PRESERVATION MONTH:** Mayor Campbell proclaimed May 2012 as Historic Preservation Month. Sharon Wirth, representing the Ames Historic Preservation Commission, accepted the Proclamation.

Ms. Wirth advised that she had recently attended a statewide historic preservation conference. She talked about the economic impacts that historic preservation has on communities (tax credits, saving landfill space, reducing the carbon footprint, providing affordable housing, etc.). Ms. Wirth invited all Ames residents to join in observing Historic Preservation Month by taking a self-guided tour of the Ames Historic District. She also advised that the Historic Old Town Neighborhood Association will be hosting a home and garden tour in July.

**HISTORIC PRESERVATION AWARDS:** Mayor Campbell presented the following Awards. Sharon Wirth gave a description of the improvements to each property that had earned the award.

1. **Historic Rehabilitation:** Delta Upsilon Fraternity and 117 Ash, LLC, 117 Ash Avenue. Jami Larson accepted the Award.
2. **Historic Rehabilitation:** Whiskey River, 132-134 Main Street. David Keller accepted the Award.
3. **Historic Restoration:** 917 Kellogg Avenue. Daniel and Statia Thomas accepted the Award.
4. **Significant Achievement in Historic Preservation:** Historic Old Town Neighborhood Association for Walking Tour Brochure. Roger Volker, Peter Hallock and Kathy Coronas accepted the Award.

**CONSENT AGENDA:** Moved by Davis, seconded by Szopinski, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of April 24, 2012
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for April 16-30, 2012
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – Great Plains Sauce & Dough, 129 Main Street
  - b. Special Class C Liquor – Mongolian Buffet, 1620 S. Kellogg Avenue, #103
  - c. Class C Beer and B Wine – Walgreen’s #12108, 2719 Grand Avenue
  - d. Class B Beer – Jeff’s Pizza Shop, 2402 Lincoln Way
  - e. Class C Liquor – Mother’s Pub, 2900 West Street
  - f. Class C Liquor – Red Lobster #747, 1100 Buckeye Avenue
  - g. Class C Beer – Tobacco Outlet Plus #530, 204 South Duff Avenue
  - h. Class B Beer – Pizza Hut #4303, 436 South Duff Avenue
  - i. Special Class C Liquor – Octagon Center for the Arts, 427 Douglas Avenue
6. RESOLUTION NO. 12-224 approving reappointment of Council Member Tom Wacha to Ames Transit Agency Board of Trustees
7. RESOLUTION NO. 12-225 approving appointment of Heather Johnson to Public Art Commission
8. RESOLUTION NO. 12-226 approving appointment of Nathan Werstein to Building Board of Appeals
9. RESOLUTION NO. 12-227 adopting tax compliance procedures relating to tax-exempt bonds
10. RESOLUTION NO. 12-228 approving 2012/13 Commission On The Arts (COTA) Annual Grants

11. RESOLUTION NO. 12-229 approving 2012/13 Human Services Annual Contracts
  12. 2012 Department Bureau Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
    - a. Motion approving submission of Grant application
    - b. RESOLUTION NO. 12-230 approving Memorandum of Understanding with Story County for disbursement of funds
  13. RESOLUTION NO. 12-231 approving closure of 13<sup>th</sup> Street for sanitary sewer repairs at intersection of 13<sup>th</sup> Street and Ridgewood Avenue
  14. RESOLUTION NO. 12-232 approving preliminary plans and specifications for Southeast Entryway; setting May 15, 2012, as bid due date and May 22, 2012, as date of public hearing
  15. RESOLUTION NO. 12-233 approving revised dates of June 13, 2012, (bid due date) and June 26, 2012 (date of public hearing) for MEC Interconnection 161-kV Transmission Line Construction Project
  16. RESOLUTION NO. 12-234 awarding a contract for the purchase of Pebble Lime for FY 2012/13 to Western Lime Corporation of West Bend, Wisconsin, in the amount of \$138/ton
  17. RESOLUTION NO. 12-235 approving Change Order for professional services for flood damage repairs- bank erosion repairs (near 326 North Riverside and Stuart Smith Park)
  18. RESOLUTION NO. 12-236 approving contract and bond for 2010/11 Concrete Pavement Improvements (Lincoln Swing and Oakland Street)
  19. RESOLUTION NO. 12-237 approving contract and bond for Underground for Electric Services (Back-Up Contract)
  20. RESOLUTION NO. 12-238 approving contract and bond for 2011/12 Asphalt Pavement Improvements (Barr Drive and Indian Grass Court)
  21. RESOLUTION NO. 12-239 approving contract and bond for South 4<sup>th</sup> Street Water Main Repair
  22. RESOLUTION NO. 12-240 accepting completion of Power Plant Unit No. 7 Circulating Water Pipe Rehabilitation Project
  23. RESOLUTION NO. 12-241 accepting completion of 2008/09 Water Systems Improvements (Kellogg Avenue Water Main Replacement)
  24. RESOLUTION NO. 12-242 approving Plat of Survey for 2422 Knapp Street and 410, 412, 420, 426, and 432 Welch Avenue
- Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Richard Deyo, 505 Eighth Street, #2, Ames, read some numbers symbolic of a certified mail receipt returned to him from the Post Office, which indicated that he “had sent letters to Obama, Grassley, Harkin, and Latham.” Mr. Deyo reported that he “had received a thank you only from Grassley.”

Ann Kinzel, 720 Duff, Ames, thanked Council Member Wacha for his remarks in today’s *Tribune* about property taxes and their implications on Ames. She felt that his remarks were “right on.”

Linda Feldman, 1111 Stafford, Ames, thanked the City Council for the Neighborhood Improvement Program grant funding received by the Historic Old Town Neighborhood Association/Sunrise Neighborhood Association for its tree planting project. She reported that all 50 trees were planted last weekend despite the rain.

No one else came forward to speak, and the Mayor closed Public Forum.

**“TOPOGRAPHICAL ILLUSION II” SCULPTURE:** Chad West, Public Art Commission (PAC) Co-Chair, referenced an agreement that had been made with artist Priscilla Sage on September 26, 2009, for the artwork pieces entitled *Topographical Illusion I* and *Topographical Illusion II*. Mr. West

advised that the first piece of art was purchased in 2009, and in accordance with the agreement, the second piece was to be “on loan” with the understanding that payment would be made to Ms. Sage by January 2012. It was reported by Mr. West that, since September 2009, the PAC had been able to fund-raise only \$1,500 of the needed \$8,000 to pay for the second piece of artwork. Since the payment to Ms. Sage has not been made for the second piece of artwork, Ms. Sage had asked that the second piece be returned by her by May 15, 2012. According to Mr. West, the PAC feels removal of the artwork from the City Auditorium would be aesthetically undesirable, and the Commission is requesting the use of unspent funds in the amount of \$6,500 from the 2009/10 and 2010/11 PAC budgets in order to purchase *Topographical Illusion II*. City Manager Schainker clarified that those two years’ allocations were not spent in their entirety.

Moved by Goodman, seconded by Szopinski, to adopt a resolution allocating \$6,500 from the 2009/10 and 2010/11 PAC budgets to purchase *Topographical Illusion II*, with the funds coming from the available balance in the Local Option Sales Tax Fund.

Council Member Larson asked to know the details of the contract, specifically, if it obligated the City to purchase both pieces of artwork. City Attorney Doug Marek advised that Paragraph 9 of the Agreement clearly stated that the sale was contingent upon the PAC raising the \$8,000; therefore, if that did not occur, the City was not obligated to purchase the artwork.

Council Member Goodman noted that the PAC had oftentimes underspent its allocated funding. Council Member Larson advised that he would be more comfortable with the City providing funding if there had been an allocated amount in a certain fund for that purpose. City Manager Schainker clarified that the previously allocated, but unspent, funds go into the General Fund. Council Member Larson said that he did not want to set a precedent by picking up the balance after an agreement had been reached. He would prefer that the PAC attempt to purchase the second piece of artwork at a lower price and/or perhaps have the City provide half of the \$6,500 contingent upon the PAC raising the remainder.

Assistant City Manager Bob Kindred noted that entering into the Agreement was the decision of a previous Commission, who had agreed to aggressively fund-raise. Since then, there had been a large turnover of membership. Mr. Kindred agreed with Mr. West that the second piece of artwork was very complimentary to the first piece of artwork already purchased. He said that Ms. Sage might be willing to negotiate the time frame; however, he did not believe the price was negotiable.

Council Member Wacha asked about the possibility of using part or all of this fiscal year’s and/or next year’s allocation to pay for the second piece of artwork. Mr. West indicated that the Commission was hoping to use some of its current year’s allocation for artwork to be placed at the Intermodal Facility. Although not entirely certain, he felt that perhaps there would be monies remaining in this fiscal year’s allocation.

Council Member Goodman said that he did not want to “punish” the PAC for attempting to fund-raise.

Roll Call Vote: 3-2. Resolution failed.

Moved by Davis, seconded by Larson, to direct that the PAC redirect its left-over funding from the 2011/12 Budget and a portion of its allocation from the 2012/13 Budget to pay the \$6,500 for *Topographical Illusion II*.

Mr. Davis noted that this would entail requesting the artist to wait for two installments. He suggested that staff discuss that arrangement with the artist.

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

**REQUESTS FROM AMES PATRIOTIC COUNCIL FOR MEMORIAL DAY PARADE ON MAY 28, 2012:** Moved by Wacha, seconded by Goodman, to adopt the following:

- a. RESOLUTION NO. 12-243 closing the south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for parade staging
- a. RESOLUTION NO. 12-244 approving closure of 5<sup>th</sup> Street from Grand Avenue to Clark Avenue from 9:00 a.m. until 11:00 a.m. for line-up and start of parade
- b. RESOLUTION NO. 12-245 approving temporary closure of Clark Avenue (from 5<sup>th</sup> Street to 9<sup>th</sup> Street), 9<sup>th</sup> Street (from Clark to Maxwell), 6<sup>th</sup> Street (at Clark) and Duff Avenue (at 9<sup>th</sup> Street), as parade moves through intersections

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

**STATE ENERGY PROGRAM GRANT:** Project Manager Brian Phillips explained that staff had recently learned that the Iowa Economic Development Authority (IEDA) Energy Division had potential grant funding remaining in the State Energy Program (SEP). That Program is designed to fund projects that improve energy efficiency, reduce energy costs, and promote economic growth. The funding must be used by August 31, 2012.

According to Mr. Phillips, the requirements of the SEP are similar to the requirements for the Energy Efficiency and Conservation Block Grant Program, from which the City previously received funding and used to successfully complete traffic signal, parking lot, street, and building lighting retrofits. After soliciting proposals from City departments, staff proposed to apply for SEP funds for three projects: (1) Resource Recovery Plant: to convert 223 fluorescent/metal halide lights to LED, (2) Water Wells: to downsize pumps/install variable frequency drives on up to 22 well pumps, and (3) Electric Distribution Warehouse: to replace two heat pumps. Mr. Phillips advised that, because of the short time frame in which the projects must be applied for, approved, and completed, staff was asking for Council approval before the project information is known in greater detail. Meetings with designers of the projects are scheduled to take place in mid-May. According to Mr. Phillips, the three projects would all likely be pursued in the future, either as cost-saving measures or as necessary replacements for failing equipment.

Moved by Davis, seconded by Szopinski, to direct staff to submit the three projects: (1) Resource Recovery Plant: to convert 223 fluorescent/metal halide lights to LED, (2) Water Wells: to downsize pumps/install variable frequency drives on up to 22 well pumps, and (3) Electric Distribution Warehouse: to replace two heat pumps for the State Energy Program and authorize the use of funds from the Resource Recovery budget, Water CIP, and Electric Distribution budget as matching funds for each project.

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

**UNIT NO. 8 FEEDWATER HEATER REPLACEMENT:** Electric Services Director Donald Kom advised that this project was for a contractor to supply and replace feedwater heaters on Power Plant Unit No. 8. Bid documents were issued to 23 potential bidders. The City received two bids; however, one bid was found to be non-responsive because bid security was not submitted with it. As a result, the only bid remaining for consideration was from SPX Heat Transfer (SPX) from Bethlehem, Pennsylvania. Since SPX is not licensed to collect sales taxes for the State of Iowa, the

City would have to pay applicable Iowa sales taxes in the amount of \$44,654.89.

According to Director Kom, SPX took numerous exceptions to the City's Standard Terms & Conditions on its bid submittal. The City Attorney had identified two exceptions that would pose the greatest risk for the City. Mr. Marek explained those exceptions, which shifted some risk from the contractor to the City.

Noting that one of the two bids received was found to be non-responsive because bid security was not submitted, Council Member Larson asked if that bidder had been contacted to determine why it had not submitted bid security, since it clearly stated in the bid documents that it was required. He also asked if the amount of that bid was known. Director Kom advised that the City's Purchasing Policies follow state law, which dictates that the bid be returned as non-responsive; it is not opened. Mr. Larson pointed out that it is unknown whether that bid might have come in lower. Mr. Kom also informed the Council that when a bid is found non-responsive, oftentimes staff from the Purchasing Division contacts the bidder to ascertain why a certain requirement had not been followed; however, he was unsure if that had occurred in this instance.

Director Kom pointed out that City staff was recommending entering into a contract with SPX Heat Transfer for two reasons: (1) The amount of the bid was below the Engineer's Estimate of \$875,000. (2) SPX Heat Transfer is a very reputable company and the parent company behind the brand of YUBA Feedwater Heaters, which is a recognized top tier supplier of equipment in the power industry.

Council Member Goodman asked how urgent the project was to the operation of Unit No. 8. Director Kom reported that Unit No. 8 could run without it; however, the replacement of the Feedwater Heaters would make the Unit operate more efficiently. He noted that there is an 18-month window of time after receiving a construction permit from the Department of Natural Resources to initiate the project; this is the fourth and final improvement under that permit. He noted, however, that the City does have some time before the expiration of permit.

Moved by Davis, seconded by Goodman, to reject all bids and delay replacement of the Unit No. 8 Feedwater Heaters.

Discussion ensued about the possibility of accepting the report of bids at this meeting and delaying award of the contract. By doing so, it would allow City staff time to negotiate with SPX Heat Transfer in an attempt to get it to remove the exceptions. Council Member Larson felt that it would also be good to know why the other bidder did not submit bid security with its bid if that was not known by City staff already.

Council Member Davis withdrew his motion.

Moved by Davis, seconded by Wacha, to accept the report the bids and delay award of contract until the May 22 Council meeting.

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

**AGREEMENT FOR HEALTH BENEFITS AND DENTAL PLAN ADMINISTRATION:** Julie Huisman, Human Resources Director, explained the three objectives under the City's self-insured health plan. She advised that the City's service objectives are to keep the average health care cost increases below national and regional averages, keep yearly rate increases below 10%, and to

educate and empower the City's workforce to effectively manage and utilize the healthcare system. Ms. Huisman explained the Plan design changes.

Pertaining to the dental insurance portion, Ms. Huisman reported that there was an increase for 2012/13 of approximately 3% over Delta's 2011/12 rates.

Ms. Huisman advised that the City has a very healthy fund balance in its Dental and Health Administrative Services fund.

City Manager Schainker pointed out that the City is self-insured; however is protected for excess claims.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-247 approving renewal of Agreement with Wellmark BCBS of Iowa for administrative services, specific and aggregate excess coverage, and network access for health benefits.

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 Szopinski, to adopt RESOLUTION NO. 12-248 approving renewal of Administrative Services Agreement with Delta Dental of Iowa for dental benefits.

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

**HEARING ON 2012/13 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:**

Housing Coordinator Vanessa Baker-Latimer explained that in order to receive federal CDBG funds, the City must submit a Consolidated Plan to the Department of Housing and Urban Development (HUD). The Consolidated Plan also requires that the City develop an Annual Action Plan that outlines the program activities that will be undertaken to address or meet those goals and priorities. Federal regulations require that the Annual Action Plan be submitted to HUD for approval 45 days before the beginning of the program fiscal year; that date is May 17, 2012. Prior to that date, the Plan was made available for a 15-day comment period (from April 22 to May 6) to allow for citizen input on the proposed projects.

Ms. Baker-Latimer brought the Council's attention to a table showing the 2012/13 Annual Action Plan Program activities and the budget for each. The programs being recommended for next year are Home Improvement Rehabilitation, Homebuyer Assistance, Dangerous Buildings, Single-Family Conversion, and Neighborhood Infrastructure Improvements. It was noted by Ms. Baker-Latimer that the programs are the same as 2011/12 and continue to focus on the Council's goal of strengthening neighborhoods. The rationale for recommending the continuation of the programs was provided by Ms. Baker-Latimer. She stated that all of the proposed programs would be of 100% benefit to low- and moderate-income persons and/or neighborhoods.

Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Wacha, seconded by Szopinski, to adopt RESOLUTION NO. 12-249 approving submittal of the City's 2012/13 CDBG Annual Action Plan Program projects, as above-listed, to HUD in connection with the City's Community Development Block Grant Program.

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

**HEARING ON AMENDMENT TO PLANNED RESIDENCE DISTRICT DEVELOPMENT PLAN (MAJOR SITE DEVELOPMENT PLAN) FOR RINGGENBERG PARK:** City Planner Jeff

Benson gave the history of the land in question dating back to 2003 when the 135 acres located on the south side of Oakwood Road was annexed into the City. Mr. Benson advised that Ringgenberg Estates, LLC, is requesting approval of a revised Preliminary Plat/Major Site Development Plan to exclude Outlot E by changing the overall boundary of the area that the Zoning Map designates as Planned Residence District (F-PRD). Thus, a new zoning district must be designated for Outlot E. Outlot E was sold to Iowa State University. According to Mr. Benson, most of the other property in the City that is owned by Iowa State University is designated as Government/Airport (S-GA), which is what is being proposed for Outlot E.

Planner Benson further stated that the proposed rezoning of Outlot E reduces the total F-PRD property from 96.22 acres to 55.30 acres and reduces the total number of lots for single-family detached residences from 199 to 109. The revised Preliminary Plat/Major Site Development Plan modifies the design of streets, utilities, and the storm water management system. It allows the development of 31 lots for single-family detached residences, completing the project.

At the inquiry of Council Member Goodman, Mr. Benson advised that if the University were to later sell Outlot E, the Land Use Policy Plan shows the land as being Residential.

The public hearing was opened by Mayor Campbell. No one came forward to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-250 to approve the amendment to the Planned Residence District Development Plan (Major Site Development Plan) for Ringgenberg Park Subdivision that allow changes to the Preliminary Plat and Major Site Development Plan that illustrate layout and design features.

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

**HEARING ON REZONING PROPERTY LOCATED AT 3799 CEDAR LANE FROM PLANNED RESIDENCE DISTRICT TO GOVERNMENT/AIRPORT (S-GA):** Mayor Campbell opened the hearing and closed same after no one came forward to speak.

Moved by Davis, seconded by Larson, to pass on first reading an ordinance rezoning property located at 3799 Cedar Lane from Planned Residence District (F-PRD) to Government/Airport (S-GA).

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

**HEARING ON UNIT NO. 8 SUPERHEATER AND BOILER TUBE REPLACEMENT:** The public hearing was opened by the Mayor and closed after no one requested to speak.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-251 approving final plans and specifications and awarding a contract to AZCO, Inc., of Menasha, Wisconsin, in the amount of \$1,804,300.

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



**HEARING ON VET MED SUBSTATION CAPACITOR BANK FOUNDATION INSTALLATION:** The Mayor opened the hearing. There being no one wishing to speak, the hearing was closed.

Moved by Davis, seconded by Larson, to accept the report of no bids.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Davis, seconded by Larson, to direct staff to rebid the project.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 12-252 approving preliminary plans and specifications; setting May 23, 2012, as bid due date and June 12, 2012, as the date of public hearing.

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

**HEARING ON 2010/11 and 2011/12 ASPHALT RESURFACING AND SEAL COAT REMOVAL/ASPHALT RECONSTRUCTION PROGRAM:** The hearing was opened. Mayor Campbell closed same after no one came forward to speak.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 12-253 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$795,711.65.

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO ADD AN EXCEPTION FOR STRIPING PARKING SPACES DESIGNATED FOR OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE:** Council Member Osguthorpe stated that Items No. 38, 39, and 40 pertained to an earlier action of the City Council to refer to staff the request of the owners of Wilson Toyota Scion (Wilson's) to adopt text amendments that would help to facilitate expansion of the auto dealership. It had been alleged that specific zoning code requirements were problematic for the display of vehicles for sale or lease. Mr. Osguthorpe noted that he had met with representatives of Wilson's and prospective owners of a new automobile dealership in Ames concerning the proposed text amendments.

Director Osguthorpe explained that one of the *Code* requirements for which a change had been requested was the requirement that parking spaces for vehicles on outdoor display for sale or lease must be striped in the same manner as parking spaces that are used by customers. Existing *Code* sections pertaining to this issue were summarized by Mr. Osguthorpe.

Mr. Osguthorpe said that, based on the desires of the owners and representatives of the proposed and existing automobile dealerships, staff had prepared an ordinance change that would grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease. Specifically, Section 29.406(11)(b) would be amended to state that "All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9) to clearly delineate parking spaces and drive aisles for use by customer, employee, business, and other vehicles, except parking areas designated for outdoor display of vehicles for sale or lease." According to Mr. Osguthorpe, at its meeting of April 18, 2012, the Planning and Zoning

Commission unanimously recommended that the City Council approve that proposed text amendment.

Mayor Campbell opened the public hearing. There being no one else wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Wacha, to pass on first reading an ordinance to add an exception for striping of parking spaces designated for outdoor display of vehicles for sale or lease.

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO ADOPT ALTERNATIVE LANDSCAPING STANDARDS FOR AUTO AND MARINE CRAFT TRADE USES:**

Director Osguthorpe told the Council that staff had received an application from Wilson Toyota Scion to amend its site plan by incorporating the property directly south of the main dealership. When staff was reviewing the required landscaping for the expanded site, it became evident that some of the current landscaping requirements were at odds with some of the ways auto dealers market their products. According to Mr. Osguthorpe, that was significant because the product line of auto dealers is largely placed outdoors on surface parking lots, and in that sense, the parking lot becomes the dealer's product "showroom." Staff believes that landscaping has a major impact on the way a dealership can arrange and display its product. In addition, landscaping can obscure the visibility of the product to potential customers. It had been alleged that auto dealers use street visibility to gain a market advantage over other dealers.

Mr. Osguthorpe told the Council that it is at the center of the site where landscaping arguably disadvantages auto dealers over retailers that otherwise display products indoors. When the product "showroom" is an outdoor space, the permanently located landscape islands can impede display flexibility. Staff feels that that provides good rationale for allowing auto dealers some flexibility in their landscape design that might not be appropriate for other types of uses. Mr. Osguthorpe noted that the challenge for staff was to provide that flexibility in such a way that does not undermine landscaping requirements for other types of uses. He said that it was important that any alternative landscaping standards for auto dealers not be construed simply as an exemption for which no other use would qualify as that could become a fairness issue. It could also undermine the purpose statements of the current landscaping standards and perhaps negate the City's ability to justify current standards as they apply to other types of uses.

Options for proposed standards and descriptions of the benefits and impacts for each were described by Director Osguthorpe. He advised that the Planning & Zoning Commission, at its meeting of April 18, 2012, had identified changes that would provide clarification. Staff had agreed with the suggested changes and incorporated same into the proposed ordinance, which had been unanimously approved by the Planning and Zoning Commission.

The public hearing was opened by the Mayor. No one came forward to speak on this issue.

Council Member Szopinski reported that she respects the need for flexibility; however, at the same time, does not want the perception that the City is diminishing its expectations for landscaping. She noted that many of the commercial properties are currently not living up to their agreed-to landscaping requirements. Director Osguthorpe reported that the City would not be diminishing its expectations; in fact, staff believes that, if the proposed ordinance is adopted, the quality and locations of landscaping actually would be a positive for the City.

Council Member Goodman said that he had a difficult time visualizing the proposed changes. Mr. Osguthorpe volunteered to provide a hypothetical site plan to show what parking lots would look like under the current requirements and under the proposed requirements.

Also, Council Member Goodman said that he had concerns about passing the text amendment without receiving feedback from the industry, in general. He would like to know if the proposed ordinance would be workable for all the auto dealerships in Ames. Director Osguthorpe reported that he had only met with Wilson's and Deery Brothers.

Moved by Wacha, seconded by Goodman, to continue the hearing until May 22, 2012, and refer this issue back to staff with directives to staff as follows: (1) to contact the remaining auto dealerships in Ames to receive feedback on the proposed ordinance, and (2) to prepare a hypothetical site plan for the Council showing the current requirements and the proposed requirements.

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

#### **ORDINANCE TO ADOPT PROVISIONS FOR INTEGRATED SITE PLAN SUBDIVISIONS:**

Mr. Osguthorpe explained that, on January 24, 2012, the Council had referred to staff a request to put in place a binding Site Plan process that would allow division of a site for ownership purposes, but would ensure that the divided lots would function as a single site for purposes of compliance with development standards that would otherwise be applicable to individual lots. Under the current standards, individual lots are subject to all development standards (setbacks, on-site parking, on-site landscaping) even if the lots are commonly owned and collectively part of a larger site plan or project. The proposed amendment would provide a mechanism to bind together individual lots under a common site plan so that it functions as a single site. According to Mr. Osguthorpe, this would be particularly applicable to retail malls, strip malls, or multi-family projects, where the site is designed for common circulation, parking, design, and/or maintenance, but where individual buildings or stores are under separate ownership.

Council Member Larson asked if the City's *Code* addresses condominium offices. Director Osguthorpe said that the City's regulations do not specifically address condominiums. City Attorney Marek advised that all would be subject to Horizontal Property Regime filing; however, the use has to conform to the underlying zoning.

According to Mr. Osguthorpe, originally, the ordinance was written to be applicable to properties zoned as commercial, industrial, medium-density residential, or high-density residential. After receiving input from members of the community, Mr. Osguthorpe recommended that medium-density residential not be included. He also suggested that high-density residential be stricken.

Mr. Osguthorpe reported that, under the proposed concept, compliance with development standards would be determined over the collective site. He gave the following example: setbacks are required only along the outer perimeter of the integrated site plan subdivision, rather than along property lines internal to the subdivision. On-site parking would be determined over the entire site rather than on individual lots. The landscaping can be located anywhere along the perimeter of the total site so long as the amount of landscaping otherwise required for individual site development is not diminished.

David Carter, 709 Douglas, Ames, said that his concerns mainly dealt with residential being included; however, he heard now at this meeting that residential might be removed. Mr. Carter cited his years of experience with development in Ames and noted that the current requirements have seemed to work well for residential development, and he would be hesitant to change them.

Moved by Goodman, seconded by Wacha, to amend the proposed ordinance by striking medium-density and high-density residential.

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

Moved by Goodman, seconded by Davis, to pass on first reading the revised ordinance pertaining to provisions for integrated site plan subdivisions.

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

**ORDINANCE ESTABLISHING PARKING REGULATIONS FOR TIMBER RIDGE DRIVE:**

Moved by Goodman, seconded by Szopinski, to pass on first reading an ordinance establishing parking regulations for Timber Ridge Drive.

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

**ORDINANCE ADOPTING WATER AND SEWER RATES:** Moved by Davis, seconded by Goodman, to pass on second reading an ordinance adopting new water and sewer rates.

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

**ORDINANCE INCREASING ILLEGAL PARKING FINES AND REMOVING REFERENCES TO COINS AS FORM OF PAYMENT FOR PARKING METERS:**

Moved by Goodman, seconded by Davis, to pass on second reading an ordinance increasing illegal parking fines and removing all references to coins in the form of payment for parking meters.

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

**ORDINANCE ADOPTING 2011 NATIONAL ELECTRIC CODE:** Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4110 adopting the *2011 National Electric Code* with State and City of Ames amendments.

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

**ORDINANCE TO CREATE SEPARATE LAND USE FOR DELAYED DEPOSIT SERVICE PROVIDERS AND ENACTING PROHIBITIONS:**

Moved by Goodman, seconded by Larson, to pass on third reading and adopt ORDINANCE NO. 4111 to create a separate land use for delayed deposit service providers and enacting prohibitions against their locating in Highway-Oriented Commercial or Gateway Overlay Zones or within 1,000 feet of certain specified facilities.

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 Wacha, seconded by Goodman, to refer to staff the email of John Lamont regarding banning gun sales as home occupations.

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

Council Member Goodman explained that he had received a request from a person recommending that, when the City accepts trees and debris that have resulted from storms, it also accept lawn furniture and other items that had been damaged. Mr. Goodman said he was passing the request along to the rest of the Council members in case they were interested in referring it to staff.

Council Member Larson advised that he had been contacted by a rental property owner who was very concerned about the increased fees. He had contacted City Manager Schainker, who recalled that the Council had been sent a report on rental inspection cycles and fees on December 9, 2011.

Moved by Larson, seconded by Davis, to request that the City Manager present the information on rental inspection cycles and fees during a Regular City Council meeting within the next six weeks.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 9:11 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor