

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 14, 2012

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on August 14, 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, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Sawyer Baker was also present.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of July 24, 2012, and Special Meetings of July 30, 2012, and August 7, 2012
3. Motion approving Report of Change Orders for July 16-31, 2012
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – Es Tas Stanton, 216 Stanton Avenue
 - b. Class C Liquor – El Azteca, 1520 S. Dayton Avenue
 - c. Class C Liquor – Okoboji Grill, 118 S. Duff Avenue
 - d. Class C Liquor – Chicha Shack, 2418 Lincoln Way
 - e. Class B Beer – Little Taipei, 2514 Chamberlain
 - f. Class C Liquor – Deano's, 119 Main Street
 - g. Class B Beer – Flame-N-Skewer, 2801 Grand Avenue
 - h. Class C Beer & B Wine – Hy-Vee Gas #5013, 4018 Lincoln Way
 - i. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, CY Stephens Auditorium
 - j. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, Scheman Building
 - k. Special Class C Liquor – SMG Food & Beverage, Fisher Theater
 - l. Class C Beer & B Native Wine – Char's, 3100 South Duff Avenue
5. RESOLUTION NO. 12-413 approving acceptance of 2012 Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program
6. RESOLUTION NO. 12-414 approving revisions to Records Retention Schedule
7. RESOLUTION NO. 12-415 approving Neighborhood Improvement Project grant for Moore Park
8. RESOLUTION NO. 12-416 approving GIS software Enterprise License Agreement
9. RESOLUTION NO. 12-417 approving preliminary plans and specifications for Power Plant Unit No. 8 Steam Turbine Parts; setting September 26, 2012, as bid due date and October 9, 2012, as date of public hearing
10. RESOLUTION NO. 12-418 approving preliminary plans and specifications for Maintenance Facility Energy Efficiency Projects; setting September 12, 2012, as bid due date and September 25, 2012, as date of public hearing
11. RESOLUTION NO. 12-419 awarding contract for Protective Relay and Arc Flash Study for Power Plant to Utilities Plus Energy Services, Inc., of Eveleth, Minnesota, in an amount not to exceed \$48,440.00
12. RESOLUTION NO. 12-420 awarding contract for Emissions Testing for Steam Electric Plant and Combustion Turbine Peaker to Air Hygiene, Inc., of Broken Arrow, Oklahoma, in an amount not to exceed \$45,000.00
13. RESOLUTION NO. 12-421 awarding contract for Aluminum Cable for Electric Distribution to Wesco Distribution of Des Moines, Iowa, in the approximate amount of \$60,200 plus applicable sales taxes
14. RESOLUTION NO. 12-422 approving renewal of contract for Distribution Class Wood Utility Poles to Baldwin Pole of Bay Minette, Alabama, in accordance with a 3% increase
15. RESOLUTION NO. 12-423 approving contract and bond for 2011/12 Collector Street Paving Improvements Project (Ridgewood Avenue)

16. RESOLUTION NO. 12-424 approving contract and bond for 2012/13 Collector Street Paving Improvements Project (Meadowlane Avenue)
 17. RESOLUTION NO. 12-425 approving contract and bond for the Water Treatment Plant Five-Year Well Rehabilitation Project (Year 1)
 18. RESOLUTION NO. 12-426 approving contract and bond for 2011/12 Storm Sewer System Improvements (Country Club Boulevard)
 19. 2010/11 Downtown Street Pavement Improvements (Kellogg & Main):
 - a. RESOLUTION NO. 12-427 approving Change Order
 - b. RESOLUTION NO. 12-428 accepting completion
 20. RESOLUTION NO. 12-429 accepting completion of 2011/12 Power Plant Breaker and Relay Maintenance Project
 21. RESOLUTION NO. 21-430 accepting completion of Unit No. 8 Air Heater Baskets
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: No one spoke during this time.

RENEWAL OF CLASS C LIQUOR & OUTDOOR SERVICE FOR CY'S ROOST: Pertaining to the violations that had occurred at Cy's Roost over the past year, Police Commander Geoff Huff explained that the Police Department is mainly concerned about the over-occupancy and employees being involved in a fight on the premises. Commander Huff had been told that the owner of the premises, Andrew White, had immediately dismissed the two employees who had been involved in that fight. Because the case is pending, no further details could be explained to the City Council. Commander Huff also told the Council that being cited for over-occupancy four times in one year was a major concern to the Police Department. Due to the number and severity of the violations, the Police Department recommended that a Class C Liquor License & Outdoor Service be issued for six months for Cy's Roost. During that time, the Police Department will very carefully monitor the premises and work with the owner to prevent violations.

It was noted that no one was present representing Cy's Roost. Commander Huff told the Council that he had spoken with Andrew White and told him that it was important for him to be present at this meeting. He had also sent Mr. White the same information as had been provided to the City Council.

Council Member Davis noted that a similar situation with a large number of violations had happened with Cy's Roost a few years ago. Because of that, and given the fact that there was no one present at the meeting to represent Cy's Roost, Mr. Davis indicated his unwillingness to grant the establishment a license, even for six months.

Moved by Davis, seconded by Larson, to deny the 12-month Class C Liquor & Outdoor Service for Cy's Roost, 121 Welch Avenue.

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

REQUESTS OF MAIN STREET CULTURAL DISTRICT FOR MUSIC WALK ON SEPTEMBER 13, 2012: Moved by Davis, seconded by Szopinski, to approve the following requests from Main Street Cultural District:

- a. RESOLUTION NO. 12-431 approving waiver of fees for electricity usage in Tom Evans Plaza from 3:00 to 8:00 p.m., waiver of parking meter fees in the MSCD from 3:00 to 6:00

p.m., use of six parking spaces along Main Street for food vendors, and waiver of fee for Blanket Vending License

- b. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License for MSCD from 3:00 p.m. to 8:00 p.m.

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

REQUEST OF MAIN STREET CULTURAL DISTRICT FOR HOMECOMING BREAKFAST ON MAIN ON OCTOBER 28: Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-432 approving closure of eight parking spaces from 6:00 a.m. to 12:00 p.m.

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

REQUESTS OF MAIN STREET CULTURAL DISTRICT FOR HOLIDAY ACTIVITIES:

Moved by Davis, seconded by Szopinski, to adopt/approve the following:

- a. RESOLUTION NO. 12-433 approving waiver of fees for electricity for holiday activities from November 16 through December 31
- b. RESOLUTION NO. 12-434 approving closure of four parking spaces on the south side of Main Street and one parking space on the west side of Douglas Avenue on Friday, November 16 from 4:00 to 7:00 p.m. and Sunday, November 18 from 1:00 to 4:00 p.m.
- c. RESOLUTION NO. 12-435 approving closure of Burnett Avenue, from Main Street to Fifth Street, from 2:00 to 8:00 p.m. on November 16 for planned activities
- d. RESOLUTION NO. 12-436 approving suspension of parking enforcement for Central Business District on Saturdays beginning November 17 through December 29
- e. Motion approving blanket Temporary Obstruction Permit on November 16 and Blanket Vending License for November 16-18
- f. RESOLUTION NO. 12-437 approving waiver of fee for Vending License

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

REQUESTS FROM THE AMES CONVENTION AND VISITORS BUREAU FOR ALL-AMERICAN WEEKEND ON SEPTEMBER 1, 2012: Moved by Davis, seconded by Wacha, to adopt/approve the following:

- a. RESOLUTION NO. 12-438 approving closure of portions of Main Street and Kellogg Avenue from 7:00 a.m. to 4:00 p.m., waiver of fee for electricity costs, waiver of parking meter fees in the MSCD, and waiver of fee for Blanket Vending License
- b. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License

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

“WELCOME TO AMES” EVENT ON AUGUST 24, 2012: Moved by Davis, seconded by Szopinski, to adopt the following:

- a. RESOLUTION NO. 12-439 approving closure of street and metered parking spaces on Chamberlain Street between Welch and Stanton Avenues from Noon to 8:00 p.m.
- b. RESOLUTION NO. 12-440 approving closure of lot and parking spaces in Chamberlain Lot Y
- c. RESOLUTION NO. 12-441 approving waiver of fees for electricity usage

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

UNIT NO. 7 ROTARY AIR PREHEATER PARTIAL BASKET REPLACEMENT: Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-442 waiving bidding requirements and awarding a contract to Alstom Power Inc., of Wellsville, NY, for the purchase of material for Unit No. 7 Rotary Air Preheater Partial Basket Replacement for Electric Services in the amount of \$75,067.

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

GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2012: Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-443 approving the Official Statement for General Obligation Corporate Purpose Bonds, Series 2012, in a principal amount not to exceed \$13,215,000, and setting the date of sale for August 28, 2012.

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

HOSPITAL REVENUE BONDS: Mike Tretina, Mary Greeley Medical Center Chief Financial Officer, introduced John Henningsgard from Piper Jaffray. Mr. Henningsgard presented an overview of the reasons for the decision to refinance the Series 2003 Bonds. This will result in significant debt service savings as well as fund a small additional portion of the tower construction project (\$10 million) at a very low cost and preserve cash. There will be no negative impact on its "A2" debt rating from this financing. Upcoming key dates associated with the refinancing/financing were given by Mr. Henningsgard.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-444 setting the date of public hearing for September 11, 2012, on the proposal to issue Hospital Revenue Bonds in a principal amount not to exceed \$26,000,000 for the purpose of financing and refinancing improvement projects for Mary Greeley Medical Center.

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

EXTERIOR PARKING LOT LIGHTING REQUIREMENTS FOR AUTO AND MARINE USES:

Planning and Housing Director Steve Osguthorpe reminded the Council that it had directed staff to provide a brief report on the lighting issue after receiving a request from Dan Levi of Levi Architecture. Mr. Levi, representing the Deery Brothers, had requested in an email that the City reevaluate its lighting provisions in the recently adopted alternative landscape standards for auto dealers. Mr. Osguthorpe reviewed the three alternative standards contained in the recently adopted ordinance (that pertained to alternative landscaping standards) for auto and marine craft trade uses. He noted that the previous standards still apply; alternative standards had been adopted in addition to the standards already in existence.

According to Director Osguthorpe, the Deerys wish to use Alternative 3, but are concerned that the mitigating lighting standard of that alternative do not reasonably provide the lighting levels that auto dealers depend on for marketing purposes. Alternative 3 calls for the same lighting standards as are required in the Northeast Gateway Overlay District, except that they do not require the lights be dimmed after hours to security level lighting. Mr. Osguthorpe noted that the City Hall parking lot is similar to what would be allowed under Alternative 3. Typical lighting plans for auto dealers, as provided by the Deery Brothers' lighting consultant, would be: for the sales display area of their lots

- 15-foot candles; the “highlight” display area (borders along the street) - 150-foot candles at a point; and the “dazzle” display area - 300-foot candles at a point.

According to Mr. Osguthorpe, the only requirement under the alternative standards that the Deerys can comply with without affecting light levels is the requirement to shield the view of fixture lenses from public rights-of-way. Glare shields would have to be attached on the bottom side of the fixtures. Mr. Osguthorpe reported that the view angles shown on cross sections submitted by the lighting consultant provided compelling evidence that that requirement could be met. Staff believes that compliance with that standard will significantly mitigate one of the greater glare factors of outdoor lighting by shielding the visual “hot spots” of light around fixture lenses.

Director Osguthorpe presented four options for the Council’s consideration. He emphasized that the Council should consider the impacts that high intensity lighting associated with auto dealer parking lots might have on the visual effectiveness of the light columns planned for installation along Highway 30 just east of the proposed Deery Brothers site. Without some softening of the light, the visual effectiveness of the light columns might be significantly diminished. Staff recommended that the Council consider Option 2, which would not allow for the most intense light, but it would allow light commensurate with what auto dealers typically provide in their display sale areas while providing reasonable mitigation of lighting impacts on the community.

Fred Rose, representing Deery Brothers, explained that they were building a Deery Brothers dealership in Iowa City and went through the process to determine lighting levels there. He gave a summary of the research that had been done to determine the level of lighting in other commercial parking lots in Ames. Bob Brown, Senior Lighting Design Engineer with KJWW Engineering Consultants, provided information on what a typical commercial lighting plan might entail. Referencing the Illuminating Engineering Society (IES) Handbook, Mr. Brown advised that the Deery Brothers were asking for a “traceable exception path” and/or that the Model Lighting Ordinance be used. He noted that the Handbook incorporates the “Dark Sky” standards. According to Mr. Brown, the Deerys’ dealership lot would have less bright lighting than what currently exists in the George White dealership near Highway 30.

Assistant City Manager Bob Kindred explained that through this process, staff had learned that the low-level lighting that would be required of new auto dealerships was probably inadequate and that glare shields would have a positive effect on the Ames community. Council Member Szopinski noted that the City’s standards are over ten years old and probably outdated since new technology has developed, especially related to energy efficiency. Mr. Osguthorpe stated that if the Council were to adopt an option that required glare shields for all lights, it would have more of a positive impact at the pedestrian level than the City’s current ordinance.

Mr. Kindred said that if the Council directed staff to move forward in any way, staff would approach the Ames Area Amateur Astronomers immediately to let them know about this discussion and offer them an opportunity to be involved.

At the inquiry of Council Member Szopinski as to the impact that the auto dealership lighting would have on the Highway 30 Entryway features, Director Osguthorpe said he had been told by the lighting consultant Bob Brown that it would be possible to scientifically model that impact. Mr. Osguthorpe reiterated his strong opinion that the glare shields would make a significant difference in that visual impact.

Fred Bradner, 1111 Stafford Avenue, Ames, asked if the George White Chevrolet lot was in compliance with the City’s current lighting ordinance. He asked if the level of lighting had ever been an issue for the present car dealerships. Director Osguthorpe replied that it is unknown if George

White Chevrolet is in compliance with the current Ordinance, but it was in compliance with the Code when it was built.

Council Member Wacha explained that the Deerys did not initially request any changes in the Lighting Ordinance. Their initial request pertained to having an alternative to the landscaping requirements; however, the City Council added an additional requirement with that ordinance change that the lighting comply with the same levels as established for the Northeast Gateway Overlay District. He pointed out that if glare shields were required to be installed, it would result in less of a glare effect than what exists currently. Director Osguthorpe concurred that whatever would be done tonight would be an improvement over the City's current ordinance because glare shields would be required for all the lights.

Moved by Wacha, seconded by Orazem, to approve Option 2: to amend the standards to: allow typical sales display light levels (15-foot candles average) in all auto display areas (no dazzle or highlight levels); retain lower lighting levels of Code in all non-display parking areas; retain glare shield requirements for all lights; and require security lighting levels in all areas after 10:00 p.m. (2-foot candles average).

Council Member Goodman said that he had recently traveled through Minnesota and Colorado where a real passion for the aesthetics of community was apparent, e.g., landscaping requirements, lighting not nearly as offensive as "Ankeny lighting." Those communities write Code to create that impact. In Mr. Goodman's opinion, new Code has been written in Ames, not because the community is passionate about impact, but because "someone wants to build in the flood plain, wants fewer trees to sell more cars, and wants different lighting because they might not sell as many cars." He sees that as having a different philosophy than those communities who are passionate about aesthetics. Mr. Goodman believes that those persons would have a different perspective, could offer input to this discussion, could bring different expertise than someone who works in the commercial lighting industry and is hired by the developer, and should be part of this process. Council Member Wacha pointed out that the developer was not asking for fewer trees, just that they be distributed differently.

Vote on Motion: 5-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: Goodman. Motion declared carried.

Moved by Larson, seconded by Orazem, to direct staff to investigate the process for seeking public input pertaining to a new lighting ordinance and/or referencing a standard in the ordinance that could be applied to illumination design throughout the City.

Council Member Wacha asked if this would include LED signs. Mr. Osguthorpe replied that those would be covered as a separate topic because they have different technology.

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

MAJOR FINAL PLAT FOR RINGGENBERG PARK SUBDIVISION, 3RD ADDITION: According to Director Osguthorpe, the developer filed a request for final plat approval. At the time of that filing, the developer also submitted a request for a waiver of the subdivision standard that requires that applications for final plats be submitted at least 15 days prior to the next Council meeting. The Preliminary Plat had been reviewed. The public improvements pertaining to utilities for the 3rd and final addition have been completed; however, the grading and paving of Cedar Lane, surface paving of Coyote Drive and Red Fox Road, and pedestrian ramp facilities have not been completed. A Letter of Credit has been submitted in the amount of \$250,000 to secure completion of those improvements. In addition, there are some public improvements outside of the 3rd Addition that had been required by the Development Agreement for Ringgenberg Park that have not been completed.

Director Osguthorpe told the Council members that the first item to be addressed by them would be to decide on whether or not to approve the request for a waiver of the 15-day submittal deadline for the Final Plat. If the waiver is denied, the item will not move forward tonight. It was noted by Council Member Wacha that because the developer set a closing date without submitting the request for approval of the Final Plat should not be a reason to waive the submittal deadline requirement.

According to Mr. Osguthorpe, the Subdivision Code states that a waiver may be granted if there is extraordinary hardship on the applicant. A letter from the applicant had been received stating what they believed was an extraordinary hardship, and the Council needed to decide if it met the criteria for a waiver. If the waiver was denied, no further action would be taken on this item at this meeting. Assistant City Manager Kindred reported that staff was not able to complete the final report until 6:00 p.m. this evening. He noted that staff had basically taken the entire week to review and follow-up on questions about this item in an attempt to meet the customer's request for hearing it on this Agenda. Mr. Kindred further explained that the application for approval of the Final Plat for Ringgenberg Park Subdivision, 3rd Addition, was submitted to the Planning and Housing Department on August 7, 2012. The *Municipal Code* states that applications for Final Plat approval of a Major Subdivision must be submitted to the City at least 15 days prior to the Regular City Council meeting at which approval is sought. Staff subsequently received a letter from Brian Torresi, attorney representing the developer Kurt Friedrich, requesting that the time requirement be waived.

Mr. Osguthorpe reported that staff is required to send notice to internal departments and external parties (County Auditor and all utility providers). They are typically given seven days to respond to a Final Plat; however, in this case, they were given one day to respond. At the time of this meeting, staff had heard from the County Auditor, but had not received any comments back from any of the utility providers.

Mayor Campbell said that the 15-day deadline is well-known by the developer. She felt that Mr. Friedrich was asking very extraordinary things of City staff by requesting the waiver.

Council Member Wacha said his understanding of the letter requesting the waiver was that the extraordinary hardship in this case was because the closing date for the sale of the lots had been set for a date that was earlier than the date Council would meet to approve the Final Plat; thus, the 15-day requirement could not be met. He would like to know how those closing dates got set and by whom.

Developer Kurt Friedrich, 100 Sixth Street, Ames, told the Council that they were on a very aggressive schedule to bring 31 new residential lots to the market. There has been a lot of interest in the Subdivision, and over one-third of those lots have been pre-sold; the builders want to get started. A closing date must be included in an offer to purchase. When they were writing up the offers, they thought that August 20, 2012, would be a do-able and appropriate closing date. Mr. Friedrich added that this is definitely not their habit or future expectation to request a waiver of the 15-day review requirement. He noted that they had been developing in Ames for over 80 years, and this is not commonplace for them; they are trying to accommodate their builders and clients. Mr. Friedrich expressed his gratitude to City staff for making this a priority over the past week.

Council Member Goodman also asked what constituted the extraordinary hardship. He thought it was basically that they would have to reset the closing dates for the lots. Mr. Friedrich replied that the dates would have to be reset, and the builders and clients would have to adjust their dates accordingly.

Council Member Larson said that it was not his desire to reward Friedrich Realty for not meeting the submittal deadline, but wanted to support staff, who had worked long and hard to get the submittal reviewed and make a recommendation by this meeting. He believed that staff had basically “knocked themselves out over this, and they did that because of the Council’s previous direction to have a “can-do” attitude.

Moved by Larson, seconded by Davis, to grant the waiver of the submittal deadline requirement.

Council Member Wacha noted that he was very excited about this project and to see residential development in this part of Ames. He pointed out, however, that Mr. Friedrich has been in the real estate business for a long time and is quite aware of the 15-day submittal requirement. That requirement exists due to staff’s competing priorities. If the waiver is granted, the Council would be circumventing its own rule because a developer didn’t plan well. He said that he did not want to set a precedent by waiving the requirement.

Mayor Campbell noted that the City Council was extremely disappointed that the developer had put City staff in the predicament of having to put its other workload on hold to process this request when it was not submitted as required by the *Municipal Code*.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: Wacha. Motion declared carried.

Mr. Osguthorpe noted that there are public improvements that are outside of this Addition that were approved for the 1st Addition. Planner Jeff Benson advised that, when the Subdivision was first platted, there was a Developer’s Agreement that specified improvements that were the responsibility of the developer. Some have been completed, but a portion of the bicycle path has not. According to Mr. Benson, the bike path will be completed within the next year. Also, several sidewalks in front of lots have not been completed. The Developer’s Agreement stated that all sidewalks would be completed within two years, which had not occurred.

According to Planner Benson, this is the last section of lots to be platted, which gives the Council the opportunity to require financial security for all past public improvements that have not yet been constructed. This is the last chance that staff would have to do so. Staff had recommended that an Improvement Guarantee be secured in the amount of \$150,000 to cover the cost of completion of sidewalks and bike paths, which were required by the Development Agreement for Ringgenberg Park Subdivision approved on December 20, 2005.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-445 approving the Major Final Plat for Ringgenberg Park Subdivision, 3rd Addition, conditional upon receipt of an Improvement Guarantee in the amount of \$150,000 to cover the cost for completion of sidewalks and bike paths within the next two years.

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

REPORT ON YARD WASTE SERVICE: Gary Freel, Resource Recovery Plant Superintendent, introduced Bill Schmitt, the newly hired Resource Recovery Assistant Superintendent.

Mr. Freel gave the background of yard waste disposal in the City of Ames since 1991. He noted that under the City’s Solid Waste Permit, it is required to have a yard waste management plan. The City has contracted with a private business to handle the yard waste generated in its service area. Superintendent Freel gave highlights of the current contract. The current contract is due to expire on December 15, 2012, and has an annual cost of \$21,010. Mr. Freel noted that the staff would like to

complete the next solicitation process by October 2012 so that whoever is awarded the contract has adequate time to prepare for the next season, which begins on April 1, 2013.

Mr. Freel presented policy issues for City Council discussion: (1) who should operate the yard waste drop-off facility; (2) what is the appropriate length of the agreement, (3) what should be the minimum site hours; (4) how many free days should be sponsored; (5) who should be responsible for advertising the free days; (6) what site should be designated for storm-damaged tree debris; and (7) how should the City pay for free days. Staff's recommendation on each issue was relayed to the Council by Mr. Freel. He explained staff's preferred course of action, which was the first option listed in the Council Action Form under each of the policy issues. In summary, staff recommended:

1. Continue to contract with a private business to receive and handle yard waste for Story County residents
2. Change to a three-year contract with the option for two individual renewable years and a non-appropriation clause
3. Have the site be in operation from April 1 through December 15 each year; maintain a minimum of 19 hours/week of the site being open over a four-day period each week during the spring and summer and 23 hours/week during the fall
4. Continue with the same number of free days with one Saturday in April and the first Saturday in November for brush, grass, and leaves and the last three Saturdays in November for grass, leaves, and garden waste.
5. The City do all the advertising needed to inform the citizens of the free days rather than the contractor providing the advertising.
6. Regarding storm damage tree clean-up: have the contractor be the designated site to handle tree debris from Intermediate City Response (25% damage in at least one district) providing an area for free citizen drop-off. The City would maintain responsibility for Full Collection City-Wide (50% damage in four of the seven districts) and Full Collection Limited Area (50% damage in a limited area).
7. Continue to fund the activity through the Resource Recovery Fund.

Council Member Davis suggested that the free days need to be evaluated. Mr. Freel commented that in conversations with the current contractor, possibly moving the brush day event to the third weekend might relieve some of the congestion traditionally seen by having brush, grass, and leaves on the first weekend. Council Member Goodman asked staff if the days could be switched in the fall, so that only leaves and grass would be accepted for the first two Saturdays and last Saturday in November and brush, grass, and leaves would be accepted on the third Saturday in November. Mr. Freel said staff was agreeable to making that switch.

Council Member Goodman recommended that feedback on these discussion items be received from citizens. It was suggested that the Residential Satisfaction Survey be used as the tool to get that feedback.

The meeting recessed at 9:22 p.m. and reconvened at 9:28 p.m.

FUNDING SOURCES FOR AMES AIRPORT TERMINAL BUILDING: Traffic Engineer Damion Pregitzer explained that the Municipal Airport operates according to the Airport Master Plan. The Airport Terminal Project was included in the Airport's Master Plan as a \$1,045,000 project with \$993,000 identified from the FAA and \$52,580 from local funds. Mr. Pregitzer noted that, when preparing the Capital Improvements Plan (CIP) for 2012/13, the City Council decided to increase the overall investment in the project to \$2,000,000 with the same funding split being maintained (\$1,800,000 FAA Grant and \$200,000 Local Option Sales Tax Fund). The City has since learned that the funds anticipated from the FAA were from an earmark; unfortunately, earmarked funds are no longer available. Mr. Pregitzer explained that the Airport Master Plan and the City's CIP now includes a project that does not have funding sources.

According to Mr. Pregitzer, the Terminal Building was shown annually in the Airport Improvement Program (AIP) sheets with 95% funding from the FAA. Those sheets were approved by the Regional FAA staff in Kansas City. Even though the AIP sheets were approved annually, the FAA Planner in Kansas City who reviewed them told City staff that he did not pay any attention to how the project was programmed because it wasn't a "first year" project. The FAA never flagged the fact that the proposed funding was not feasible. The AIP sheets were also approved by the Iowa Department of Transportation (DOT) Office of Aviation without any issues being raised. The Terminal Building was also scored by the FAA for funding in the National Plan of Integrated Airport Systems that determines which projects compete for funding. The project was scored and ranked by the FAA for discretionary funding, even though staff has now found it is not eligible for that type of funding.

Mr. Pregitzer described possible funding sources: [1] Federal Non-Primary Entitlement Funds, [2] Federal Discretionary Funds (Ames Airport Terminal is not eligible), [3] State Funding Programs, [4] Local Funding from revenues generated from aviation-related services at the Airport, and [5] Non-Aeronautical Development. Municipal Engineer Tracy Warner told the Council that an RFP to conduct a Transportation Funding Study was issued; the Airport Terminal Building was included in the list of projects in that Study. That Study is designed to tell the City what external sources (grants) might be possible to tap into for funding.

The Council was told the difference between General Aviation and Reliever airport designations. The Ames Municipal Airport's main classification is General Aviation; however, it also has a role classification in the FAA NPIAS system as an "Enhanced Airport." To be eligible for the "Reliever" designation, the airport must be open to the public, have 100 or more based aircraft, or have 25,000 annual itinerant operations. Being designated as a Reliever would not provide a General Aviation Airport any more or different funding opportunities. It is important for the Ames Airport to continue its designation as an Enhanced Airport and to continue to offer the variety of services; it helps Ames score higher on FAA grant applications. In addition, Ames is the only self-supporting General Aviation airport in the state, which is looked on favorably by the FAA.

Mr. Pregitzer recommended that, before developing a funding strategy, City staff meet with the Airport users to identify space needs. From those discussions, a concept plan could be developed along with the estimated cost of the proposed facility. Currently, it is unknown if the amount included in the CIP is adequate to meet the needs of the community. Once the conceptual layout is determined, the anticipated costs for the facility could be calculated and

a funding strategy identified. Staff recommended holding several meetings with current and potential Airport users to gather information about their visions for an airport terminal building. The general users of the Airport currently include Iowa State University, private hangar owners, corporate jets, business charters, recreational, glider club members, frequent itinerant/visitor flights, and Ames Chamber and Ames Convention & Visitors Bureau. Mr. Pregitzer asked the Council members to inform the City Manager if they had any other individuals or groups that they wished to include to be notified of meetings to gather input.

STORM WATER FEE STRUCTURE: Corey Mellies, Civil Engineer II, recalled that, In 2009, the City Council had directed the Public Works Department to develop a more fair and equitable system for charging property owners for the City's management of storm water originating on their properties. In 2011, Council directed that staff explore an Estimated Residential Unit (ERU) approach in place of the current flat monthly fee. The ERU is based on the amount of hard surface or impervious area on the average residential lot. If implemented in January 2013, the new fee structure would be reflected in February bills. Assistant City Manager Kindred explained that the ERU approach was ultimately be revenue-neutral over the first five years; however, as the Comprehensive Flood Study results are known (by the end of 2012), storm water improvements might need to be made that should be funded from this source.

Council Member Orazem noted that the reason why establishments with large parking lots would see significant increases is because the road system was not incorporated into the baseline. He was of the opinion that everyone should have been responsible for impervious surfaces owned by the City; that exacerbates the burden. Mr. Mellies said that the percentages included everything inside parcels.

Mr. Mellies made the Council aware that there will be some City properties that will also be subjected to the proposed new ERU structure.

The public outreach plan undertaken by the Public Works Department and Public Relations Officer was described by Public Relations Officer Susan Gwiasda and Mr. Mellies. The feedback received pertaining to the proposed ordinance change was summarized. According to Mr. Mellies, feedback received so far had shown that the proposed change was causing confusion for customers as it relates to the new billing.

Assistant City Manager Kindred told the Council that if the new ordinance is to be effective in January 2013, it is important that the ordinance get drafted, community input be gathered, and the three readings on the ordinance be held. This process would need to start by September or early October.

Noting that staff had referenced a three- or four-tier system based on impervious surfaces, Council Member Larson said he would be interested in knowing what those tiers might consist of.

Moved by Larson, seconded by Davis, to direct staff to bring back to the City Council for its review a simplified tiered billing system for storm water fees.

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

WATER POLLUTION CONTROL FACILITY DISINFECTION PROJECT: Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-446 setting August 28, 2012, as the date

of public hearing on a proposal to enter into State Revolving Fund Sewer Revenue Loan and Disbursement Agreement in a principal amount not to exceed \$3,121,000.

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

HEARING ON WATER POLLUTION CONTROL FACILITY ULTRAVIOLET WASTEWATER DISINFECTION PROJECT: Mayor Campbell opened the public hearing.

No one came forward to speak, and the hearing was closed.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-447 approving final plans and specifications and awarding a contract to Garney Companies, Inc., of Kansas City, Missouri, in the amount of \$1,984,600.

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

HEARING ON WATER POLLUTION CONTROL FACILITY DIESEL TANK REPLACEMENT PROJECT: The public hearing was opened by the Mayor. She closed same after no one wished to speak.

Moved by Davis, seconded by Goodman, to receipt the report of bids, but take no action to award a contract at this time.

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

ORDINANCE PERTAINING TO REQUIREMENTS FOR MASTER PLANS: Moved by Goodman, seconded by Davis, to pass on second reading a Zoning Ordinance text amendment pertaining to requirements for Master Plans.

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

ADJOURNMENT: Moved by Davis, to adjourn the meeting at 10:20 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor