

## MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 8, 2013

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Council Members Jeremy Davis, Matthew Goodman, Peter Orazem, and Victoria Szopinski present. Council Member Tom Wacha was brought into the meeting telephonically. Council Member Jami Larson was absent. *Ex officio* Council Member Alexandria Harvey arrived at 7:13 p.m.

**PROCLAMATION FOR NATIONAL TEEN DRIVER SAFETY WEEK:** Mayor Campbell proclaimed October 18 - 26, 2013, as National Teen Driver Safety Week. Accepting the Proclamation were Spence Evans, Principal of Ames High School, and Tri-Presidents of the Student Council Miranda Maher, Sam Roberts, and Carl Meese, AHS students. Mr. Evans explained the events that will be held at Ames High School to promote safe driving. Community participation is encouraged by logging on to CelebrateMyDrive.com. According to Mr. Evans, if Ames High is one of the 90 schools with the most persons logging on to that site, it will receive \$25,000.

**PROCLAMATION FOR CHARACTER COUNTS! WEEK:** October 20 - 26, 2013, was proclaimed as CHARACTER COUNTS! Week by Mayor Campbell. Mary Jo Mattila and Police Chief Chuck Cychosz were present to accept the Proclamation. Ms. Mattila advised that this was the 16<sup>th</sup> year Ames has been proclaiming a CHARACTER COUNTS! Week.

**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 Special Meetings of September 17, 2013, and October 3, 2013, and Regular Meeting of September 24, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for September 16-30, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – Le’s Restaurant, 113 Colorado Avenue
  - b. Class C Beer & B Wine – Aldi, Inc., #48, 1301 Buckeye Avenue
  - c. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
  - d. Class C Liquor - La Fuente Mexican Restaurant, 217 South Duff Avenue
6. 2013 Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG):
  - a. Motion accepting Grant
  - b. RESOLUTION NO. 13-462 approving Agreement
7. RESOLUTION NO. 13-463 approving Funding Agreement with Iowa Department of Transportation for 2013/14 Collector Program - Sheldon Avenue (Lincoln Way - Hyland Avenue)
8. RESOLUTION NO. 13-464 approving Lender Agreement for Financial Participation in connection with Community Development Block Grant Homebuyer Assistance Housing Program with Vision Bank
9. RESOLUTION NO. 13-465 approving preliminary plans and specifications for WPC Blower Replacement Project, setting November 6, 2013, as bid due date and November 12, 2013, as date of public hearing
10. RESOLUTION NO. 13-466 awarding contract for Replacement Superheater Attenuator to Babcock & Wilcox Generation Group of Barberton, Ohio, in the amount of \$163,406.35 (inclusive of Iowa sales tax)
11. RESOLUTION NO. 13-467 waiving purchasing policy requirements and awarding contract to General Electric International, Inc., of Omaha, Nebraska, for technical direction for Unit 8

- Repairs/Re-Wedging Stator in an amount not to exceed \$73,920 (for time and materials)
12. RESOLUTION NO. 13-468 approving contract and bond for 2013/14 Asphalt/Seal Coat Street Rehabilitation and 2013/14 Water System Improvements - Water Main Replacement (Tripp Street, South Franklin Avenue, Village Drive)
  13. RESOLUTION NO. 13-469 approving contract and bond for 2013/14 Water System Improvements - Water Main Replacement (Sheldon Avenue)
  14. RESOLUTION NO. 13-470 approving contract and bond for Sunset Ridge Subdivision, 5<sup>th</sup> Addition - HMA Paving Project
  15. RESOLUTION NO. 13-471 approving contract and bond for Ames Plant Substations Improvements
  16. RESOLUTION NO. 13-479 approving contract and bond for Unit 8 Generator Repairs/Re-Wedging Stator Project
  17. RESOLUTION NO. 13-472 accepting completion of Unit 8 Steam Turbine Parts
  18. RESOLUTION NO. 13-473 releasing security for sidewalk installation from Jordan Motors and accepting cash security for sidewalk installation from Lithia Motors
  19. RESOLUTION NO. 13-474 approving Major Final Plat for Bella Woods Subdivision
- Roll Call Vote: 5-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** No one spoke during this time.

**OWNERSHIP CHANGE FOR DEANO'S:** Moved by Goodman, seconded by Davis, to approve a Corporation Ownership Change for Deano's, 119 Main Street.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**REMOTE PARKING EASEMENT FOR 605/615 EAST LINCOLN WAY:** Planning and Housing Director Kelly Diekmann advised that this is the third request made by the property owner for an extension of time for the construction of a new paved parking lot with 13 spaces at 615 East Lincoln Way. It was initially to be completed by July 1, 2012. Since that time, two extensions of time for the construction of the new paved lot had been granted. The property owner was now requesting a further extension of the deadline to November 15, 2013, due to the weather, challenging issues related to other paving work on the site, and the possibility of adding a warehouse to the site. The required paving was a condition placed on approval of the Remote Parking Agreement.

Council Member Orazem asked what would happen if the Council were to deny the request for another extension. City Attorney Judy Parks advised that the City could file a zoning violation on the property owner. She said it would be in the form of a Municipal Infraction, which is punishable by a fine of \$500 for every day that the violation continues.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-475 approving an additional time extension to November 15, 2013, to complete improvements related to the Remote Parking Easement at 605/615 East Lincoln Way.

Council Member Davis stated that the paving was in progress. He noted that the current extension expired on August 15, 2013; however, staff did not bring it back to the Council until this meeting.

Kurt Friedrich, 100 Sixth Street, Ames, representing the property owner, told the Council that it had been a very difficult year to schedule concrete as there are so many projects occurring. He

pointed out that the City itself has multiple projects going on simultaneously. Mr. Friedrich alleged that they are doing their absolute best to get the project done. The parking lot in front of its main building has been completed at a cost of \$50,000, and they are currently progressing with the remote parking area.

Council Member Orazem advised that he would be rather reluctantly voting to approve this extension; however, he warned that he would not vote to approve any further extensions.

Moved by Orazem, seconded by Davis, to amend the motion to state that there would be no further extensions granted and enforcement would begin on November 16, 2013.

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

Vote on Motion, as Amended: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON URBAN REVITALIZATION PLAN FOR 921-9TH STREET (FORMER ROOSEVELT SCHOOL):** Director Diekmann noted that the City Council had determined that the proposed Urban Revitalization Area (URA) meets the established criteria, and a Major Site Development Plan had been approved by the City Council as an Adaptive Reuse of the former school building.

Mayor Campbell opened the public hearing.

No one wished to speak, and the hearing was closed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-476 approving the Urban Revitalization Plan.

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 pass on first reading an ordinance establishing 921-9th Street as an Urban Revitalization Area.

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

**HEARING ON 2012/13 FLOOD RESPONSE AND MITIGATION PROJECT (NORTHRIDGE PARKWAY SUBDIVISION) AND 2009/10 STORM WATER FACILITY REHABILITATION PROGRAM (MOORE MEMORIAL PARK):** The public hearing was opened by Mayor Campbell. The hearing was closed after no one came forward to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-479 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$606,665.

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

**ENGINEERING SERVICES CONTRACT FOR 2013/14 AND 2015/16 BRIDGE REHABILITATION PROGRAM (6<sup>TH</sup> STREET BRIDGE):** Public Works Director John Joiner advised that the engineering phases of this project would span three years to complete preliminary design, final design, and construction administration and inspection. Two engineering firms had submitted proposals for the work and were evaluated according to certain criteria. Staff had

negotiated a contract with the highest-ranked firm, WHKS; that firm had also submitted the lowest proposed cost. Mr. Joiner stated that staff had recommended that this project also include engineering services for replacement of approximately 400 feet of 6<sup>th</sup> Street between the bridge and the Brookside Park entrance. The Capital Improvements Plan (CIP) that will be presented to the City Council in January 2014 will include the street reconstruction project.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-478 awarding an Engineering Services Contract for 2013/14 and 2015/16 Bridge Rehabilitation Program (6<sup>th</sup> Street Bridge) to WHKS & Company of Ames, Iowa, in an amount not to exceed \$161,800.

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

**MASTER PLAN DETERMINATION FOR PARCEL BETWEEN G. W. CARVER AVENUE AND STANGE ROAD:**

Planning and Housing Director Diekmann reported that Heartland Baptist Church owns a 38-acre parcel bounded by Stange Road, Bloomington Road, and George Washington Carver Avenue. The property was purchased with the intent of developing a new church on a majority of the site. Scenic Development wants to purchase a ten-acre portion of that land from Heartland Baptist Church to develop a continuum of care facility comprised of senior housing, assisted living, and a skilled care unit. They are also seeking a rezoning to FS-RM (Medium-Density Suburban) to allow the development of the senior living and care uses as a Special Use Permit. Heartland Baptist Church wants to retain the Agriculture zoning on the balance of the land. The *Municipal Code* requires that, prior to submitting an application for a Floating Zone Suburban Low-Density or Medium-Density rezoning, the Council will decide whether it wishes to have a Master Plan prepared to accompany the rezoning application.

Mr. Diekmann told the Council that a Master Plan is intended to provide a broad view of the development concept by describing the intended uses, building types, access points, and protected areas. He brought the Council's attention to Section 29.1507.3(b) of the *Municipal Code* by which the City Council may require a Master Plan as part of a rezoning application. In addition to the rezoning, the applicant will also need to go through a Preliminary Plat and Special Use Permit review to develop the intended project. According to Mr. Diekmann, staff believes that the applicant fits the fourth criterion relating to the need for careful consideration of the layout and design as it affects health, safety, and general welfare.

Moved by Davis, seconded by Orazem, to require a Master Plan with the FS-RM rezoning application for the southern portion of the Heartland Baptist Church site.

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

**ORDINANCE TO REVISE SECTION 29.401(5) PERTAINING TO MORE THAN ONE STRUCTURE ON SAME LOT:**

Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4161 revising Section 29.401(5) to eliminate provision [c] pertaining to more than one single-family or two-family structures on same lot (continued from August 27, 2013).

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

**COUNCIL COMMENTS:**

Moved by Orazem, seconded by Davis, to refer to staff the letter from Dan Sears, Operations Manager of New Century FS, requesting a waiver of subdivision requirements for property located on the corner of 250<sup>th</sup> Street and X Avenue in Boone County.

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

Moved by Szopinski, seconded by Goodman, to refer to staff the e-mail from Madeline Becker, to add to the requests that had already been referred to staff, asking that street lights be installed along Mortensen to light the bike path, especially from Dotson Drive to Welch Avenue.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Orazem, to refer to staff the letter from Jim Howe, Howe's Welding, requesting that the City explore the possibility of requirements that would limit the flood impacts on adjacent property owners when redevelopment occurs along South Duff Avenue.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 7:32 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor