

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

AMES, IOWA

JULY 22, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on July 22, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. Council Member Gloria Betcher was brought in telephonically. *Ex officio* Member Lissandra Villa was also present.

Mayor Campbell announced that Item No. 2, Presentation of Special Achievement in GIS Award to the Public Works Department had been pulled by staff. It has been rescheduled for August 12.

**PRESENTATION OF POLICE AWARDS:** Police Chief Chuck Cychosz stated that he would be presenting awards for meritorious actions on the part of first responders and citizens, as identified by the Police Department's Awards Committee. Chief Cychosz read a brief narrative of the incident that had occurred on April 22, 2014, involving an unresponsive victim at a business on South Duff (Wilson Toyota). Many people were involved; however, the actions of a Public Safety Dispatcher, two private citizens, and two Police Officers directly led to a life being saved. The following awards were presented by Chief Cychosz:

Letter of Commendation to Public Safety Dispatcher Maggie Moody, who took the emergency call. Barb Randolph, Lead Dispatcher, who was also in the Dispatch Center at the time, accepted the recognition on behalf of Ms. Moody, who was unable to be present.

Outstanding Citizen Award to Irmi Miller, private citizen who was at Wilson Toyota at the time of the incident, and noticed that the victim was having difficulty and began assisting in CPR.

Outstanding Citizen Award to Jos Gian Chohan, an employee of Wilson Toyota, who also noticed the problem and assisted in providing CPR.

Life-Saving Awards to Police Department Officers Bud Samms and Jamie Miller, who recognized the nature of the emergency, applied an Automated External Defibrillator (AED) to the victim, determined that a defibrillating shock was necessary. Officers Samms and Miller continued to provide care to the victim until emergency crews arrived to transport the victim to Mary Greeley Medical Center (MGMC).

According to Chief Cychosz, doctors at MGMC had noted that the immediate care, including CPR and the application of the AED, had a direct influence on the patient's survival. The patient was later identified as Mayor Ann Campbell. Chief Cychosz emphasized the value of AEDs in public places, CPR training, rapid transport, and quality care in the Emergency Room.

Mayor Campbell thanked those being honored for their excellent care as well as the emotional support showed to her and her family during her recovery. The Mayor's daughter Alison Campbell and granddaughter Emma were in attendance. Ms. Campbell thanked those directly involved and all those in the community who had assisted in saving her mother's life.

**PRESENTATION OF SPECIAL ACHIEVEMENT IN GIS AWARD TO PUBLIC WORKS:** This had been pulled from this Agenda by staff.

**CONSENT AGENDA:** Consent Items No. 10, 12, and 18, were asked to be pulled for separate discussion by Council Members Gartin, Betcher, and Goodman, respectively.

Moved by Corrieri, seconded by Nelson, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of July 8, 2014, and Special Meeting of July 14, 2014
3. Motion approving Report of Contract Change Orders for July 1-15, 2014
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor - Sportsman's Lounge, 123 Main Street
  - b. Class E Liquor, C Beer, & B Wine - AJ's Liquor II, 2515 Chamberlain Street
  - c. Class B Beer - Pizza Ranch of Ames, 1404 Boston Avenue
5. Motion approving new 12-month Class C Liquor License & Outdoor Service for Charlie Yoke's, 2518 Lincoln Way
6. Motion approving new Class C Liquor License for Red Lobster, 1100 Buckeye Avenue
7. Motion approving 5-Day Special Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard
8. RESOLUTION NO. 14-395 supporting Ladders of Opportunity Grant Application for new articulated buses for CyRide
9. RESOLUTION NO. 14-397 approving Human Relations Commission Contract with Iowa Civil Rights Commission
10. RESOLUTION NO. 14-398 approving renewal of contract with EMC Risk Services, LLC, of Des Moines, Iowa, for third-party administration of workers compensation and municipal fire and police "411 System" in an amount not to exceed \$55,000
11. RESOLUTION NO. 14-399 setting August 12, 2014, as date of public hearing for vacating public utility easement at 4540 Mortensen Road
12. Requests from Main Street Cultural District (MSCD) for MusicWalk on Thursday, September 11, 2014 (Rain date from June 19):
  - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License from 3:00 p.m. to 10:00 p.m.
  - b. RESOLUTION NO. 14-400 approving waiver of fee for blanket Vending License
  - c. RESOLUTION NO. 14-401 approving usage of electricity and waiver of costs
  - d. RESOLUTION NO. 14-402 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.
  - e. RESOLUTION NO. 14-403 approving closure of up to 30 parking spaces along Main Street for outdoor seating areas
13. Requests from Main Street Cultural District for Foodies & Brew on August 15, 2014:
  - a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
  - b. Motion approving Class B Beer Permit & Outdoor Service
  - c. RESOLUTION NO. 14-404 approving closure of Douglas Avenue, from Main Street to 6<sup>th</sup> Street, from 3:00 p.m. to 11:00 p.m.
14. RESOLUTION NO. 14-406 approving preliminary plans and specifications for WPC Digester Improvements Project; setting August 26, 2014, as bid due date and September 9, 2014, as date of public hearing
15. RESOLUTION NO. 14-407 approving preliminary plans and specifications for City Hall Renovation Project - Phase 2; setting August 27, 2014, as bid due date and September 9, 2014, as date of public hearing
16. RESOLUTION NO. 14-408 approving preliminary plans and specifications for GT2 Control Room and Shop Preaction Sprinkler System and Fire Alarm Upgrade; setting August 27, 2014, as bid due

date and September 9, 2014, as date of public hearing

17. RESOLUTION NO. 14-409 approving Change Order No. 16 with A&P/Samuels Group for Ames Library Renovation and Expansion Project
18. RESOLUTION NO. 14-410 approving contract and bond for Water Pollution Control Facility Switchgear Control Rehabilitation Project
19. 2013/14 CDBG Public Facilities Neighborhood Infrastructure Improvements (South Maple Avenue)
  - a. RESOLUTION NO. 14-411 approving Change Order No. 2 in the amount of \$33,487.96
  - b. RESOLUTION NO. 14-412 accepting completion of project
20. RESOLUTION NO. 14-413 approving deferral of installation of a portion of sidewalk along frontage for Copper Beech Complex at 712 South 16<sup>th</sup> Street
21. RESOLUTION NO. 14-414 approving Final Plat for South Fork Subdivision, 7<sup>th</sup> Addition  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**INVESTMENT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014:** Council Member Gartin asked that the City Treasurer provide an explanation of how the public funds are invested in accordance with the City's Investment Policy. Roger Wisecup, City Treasurer, explained that he manages the City's investment portfolio. Mr. Wisecup advised that the City's Investment Policy was approved and certified in 2007. The Policy is in place to guide the City in minimizing risk to public funds. He gave a brief overview of the Policy.

Moved by Gartin, seconded by Goodman, to adopt RESOLUTION NO. 14-394 approving the Investment Report for Fiscal Year ending June 30, 2014.

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

**CONTRACT WITH AMES HISTORICAL SOCIETY FOR FY 2013/14 SESQUICENTENNIAL PROJECTS:** Council Member Betcher stated that she had asked this item to be pulled from the Consent Agenda for separate discussion so that she could abstain from voting due to a conflict of interest.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-396 approving a contract with Ames Historical Society for FY 2013/14 Sesquicentennial projects.

Roll Call Vote: 5-0-1. Voting aye: Corrieri, Gartin, Goodman, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**REQUESTS FROM CAMPUSTOWN ACTION ASSOCIATION FOR FRIDAY AFTERNOON CELEBRATION ON AUGUST 29, 2014:** It was stated by Council Member Goodman that he had requested to pull this item from the Consent Agenda in order for him to abstain from the vote due to a conflict of interest.

Moved by Nelson, seconded by Corrieri, to approve the following requests from Campustown Action Association for Friday Afternoon Celebration on August 29, 2014:

- a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
- b. Motion approving 5-day Class B Beer Permit with Outdoor Service
- c. RESOLUTION NO. 14-405 approving closure of Welch Lot T from 12:00 p.m. to 11:00 p.m., waiver of parking meter fees, and waiver of fee for Blanket Vending License

Roll Call Vote: 5-0-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motions/Resolution declared approved/adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Bill Malone, 229 Main, Ames, on behalf of the MSCD, thanked the City for supporting entertainment events in the Downtown.

Jessica Reynolds, an Assistant Story County Attorney, brought to the City Council's attention that there is a revised 28E Agreement regarding the Emergency Management Commission. Ms. Reynolds explained that the City of Ames is a party to that Agreement and is the last signator needed. According to Ms. Reynolds, the Agreement is in the hands of City Attorney Judy Parks.

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

**BRECKENRIDGE DEVELOPMENT (Tabled from June 24, 2014, Meeting):** Moved by Goodman, seconded by Orazem, to approve the request of Breckenridge Development to remove from the table the rezoning for 205 South Wilmoth Avenue from Special Government/Airport (S-GA) to Residential Low Density (RL), and setting August 12, 2014, as the date of public hearing. Vote on Motion: 6-0. Motion declared carried.

Moved by Goodman, seconded by Orazem, to approve the request of Breckenridge Development to remove from the table the rezoning for 601 State Avenue from Special Government/Airport (S-GA) to Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL) and setting August 12, 2014, as the date of public hearing.

Vote on Motion: 6-0. Motion declared carried

**REVISED DEVELOPER'S AGREEMENT FOR SOUTH BELL AVENUE TIF (Tabled from April 22, 2014, Meeting):** Director of Planning and Housing Kelly Diekmann provided a summary of the actions taken by the City Council with its most-current action being to direct staff to work with the representative of Dayton LLC on how future buildings would conform to the design requirements of the Development Agreement for the Ames Community Development Park, 4<sup>th</sup> Addition.

According to Director Diekmann, in order to resolve both the issue of timing of construction of the speculative buildings and the interpretation of design requirements, the following terms were offered by the applicant as an amendment to the Development Agreement:

1. Provide a \$350,000 Letter of Credit to secure construction of the next speculative building
2. Complete the third speculative building by December 31, 2014
3. The second speculative building at 2812 Hyatt will remain as is, with no changes required to the exterior finishes.
4. The common understanding that references to "corrugated steel" for the front facade shall mean metal with raised ridges, curved or straight. Corrugated does not mean only unfinished or galvanized steel panels.
5. The third speculative building and all subsequent development in the 4<sup>th</sup> Addition will be constructed consistent with the above understanding.
6. No changes to covenants of the Subdivision current language applies to all projects and Dayton LLC will be bound by the understanding of the design terms described in No. 4.

Council Member Gartin asked City Attorney Judy Parks to explain the difference between a Letter

of Credit and a mortgage in regards to the City's position. Ms. Parks advised that both are forms of security used to back-up the developer's promises to perform certain things; however, the Letter of Credit offers the benefit of liquidity should the developer default on its obligations.

Moved by Nelson, seconded by Goodman, to adopt RESOLUTION NO. 14-415 approving an Amended Developer's Agreement for the Ames Community Development Park, 4<sup>th</sup> Addition, that requires the developer to complete the third speculative building by December 31, 2014, and to provide a Letter of Credit to the City in the amount of \$350,000, rather than a first lien mortgage at execution of the Agreement.

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

**FOLLOW-UP REGARDING CAMPUSTOWN BIKE/PEDESTRIAN PROJECTS:** Management Analyst Brian Phillips recalled that, at its meeting of May 27, 2014, the City Council directed staff to work through the Campustown Action Association (CAA) to solicit feedback from area business owners/property owners to determine if consensus could be reached regarding options to address bicycle-car and bicycle-pedestrian collisions in Campustown. Staff did meet with those parties and did not receive support for the two particular projects that had been presented to the City Council on May 27. Staff was now proposing, in addition to the six items that had already been approved by the Council, to proceed with better signage in the Campustown Area regarding the dismount zone that was already in place via an Ordinance and also provide better signage indicating where bicyclists should go. Bicyclists would be routed around the Lincoln Way area from Hayward to Lynn and also the 100 Block of Welch Avenue.

Kim Hanna, CAA, asked the City Council to approve its proposal that had been submitted via a letter to the City Council. The referenced proposal encouraged the creation of a green painted traffic lane (indicating "bike-friendly," but not as a separate lane) eastbound and westbound on Lincoln Way from Franklin Avenue to University Boulevard; installing large dismount signs on Welch Avenue; and installing sharrows and graphics on Chamberlain Avenue and on Welch Avenue. She acknowledged that the creation of the green painted lane on Lincoln Way was not supported by City staff; however, would like the City to consider the concept on a trial basis. Ms. Hanna said that the concept had been considered by Campustown businesses to be too great a risk. However, according to Ms. Hanna, there will be approximately 500 more people living along Lincoln Way with the two new projects between Stanton and Lynn, approximately 200 more employees working at Lincoln Way and Welch, and up to 12 new businesses opening up between Welch and Lynn in the next 18 to 24 months. After that occurs, Ms. Hanna would like the City to re-evaluate traffic patterns and flows in Campustown.

Council Member Orazem shared that he had noticed, when commercial areas are located near a campus, the speed of traffic is reduced considerably. He asked if staff were considering a reduction in speed limits along the two or three block area between Hyland and Lynn or Hyland and Ash due to all the new commercial development that will be located in the area. Transportation Engineer Damion Pregitzer advised that staff was not proposing that as an alternative at this time. Discussions had occurred concerning signalized crossings at the Lincoln Way median; however, there were no discussions about traffic-calming measures along Lincoln Way.

Council Member Goodman noted that other communities had used the technique of painting lanes. He asked if staff was against that idea or had not explored that thoroughly. Mr. Pregitzer said that staff was not against the concept; however, the green lane markings were still in the experimental status by the Federal Highway Administration. The City could not use that technique without asking

its permission. Before doing that, Mr. Pregitzer said he would like to report back to the Council what the Federal Highway Administration wanted to see to justify it and what reporting or study requirements would be mandated. Mr. Pregitzer said he preferred that the research be completed before recommending green lane markings.

*Ex officio* Member Lissandra Villa provided the students' perspective and urged the City Council to approve Alternative No. 4, which would be to direct staff to develop a project to temporarily close parking along the east side of the 100 and 200 blocks of Welch Avenue in order to widen the sidewalks and install a bike lane. She emphasized the number of students who live at the Towers who would be using Lincoln Way. Ms. Villa noted that that option would be a temporary measure to see if it would work. It was also pointed out by Ms. Villa that this issue was initially raised at the request of the Student Affairs Commission.

According to Mr. Phillips, whatever option is chosen, City staff would develop specific concepts for implementation, including time frames, costs, materials, and a plan to gather information regarding the use of the areas.

Council Member Gartin asked to know the positions of others who would be mainly affected. Mr. Pregitzer answered that Iowa State is not supportive of anything that would affect parking. The Ames Bicycle Coalition is not wholly in favor of the bike lane along Lincoln Way, but asked if some guidance could be given to bicyclists as to where they should be riding.

Moved by Goodman, seconded by Corrieri, to direct staff to develop a project to temporarily place a bike lane in the parking lane along Lincoln Way from Hayward Avenue to Lynn Avenue.

Council Member Goodman explained his position on that recommendation, which would allow time to evaluate how Campustown would change if bikes become a more prominent part of that commercial area. He noted that the area is becoming more dense with pedestrians. It was his opinion that businesses might actually benefit; however, it would be extremely important for staff to reach out to the business owners impacted to see if that was actually the result. If it proved detrimental to businesses, he would not be in favor of moving forward to make it a permanent solution.

After being asked by Council Member Goodman, Director Diekmann advised that there would be 23 parking spaces created by the surface parking lot by Kingland.

Vote on Motion: 2-4. Voting aye: Corrieri, Goodman. Voting nay: Betcher, Gartin, Nelson, Orazem. Motion failed.

Moved by Orazem, seconded by Corrieri, to direct staff to develop a project to temporarily close parking along the east side of the 100 and 200 Blocks of Welch Avenue in order to widen the sidewalks and install a bike lane.

Council Member Gartin offered his opinion that this option would present a real safety issue for bicyclists. He asked staff to provide information on the number of accidents per year. Transportation Engineer Pregitzer stated that he did not have the data available at this meeting; however, could provide that to the Council.

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

Moved by Goodman, seconded by Corrieri, to direct staff to explore the installation of bicyclist

dismount signage at the entrances to the Lincoln Way and Welch Avenue “Bicyclists Prohibited on Sidewalks” zones and develop signage and markings to route bicyclists around those areas and direct staff to research the painting of a green traffic lane eastbound and westbound on Lincoln Way and Franklin Avenue to University Boulevard.

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

The meeting recessed at 7:55 p.m. and reconvened at 8:03 p.m.

**EASEMENTS AT 701 SOUTH DUFF AVENUE:** Civil Engineer Eric Cowles recalled that on July 8, 2014, the City Council had referred to staff a letter from Scott Renaud, representing the property owner at 701 South Duff, regarding the vacation of an access easement and sanitary sewer easement that had been granted to the City of Ames. Mr. Cowles explained that the Access Easement provides access to the City’s property located behind Howe’s Welding for mowing and maintenance purposes and the sanitary sewer easement provides access for maintenance purposes.

Mr. Cowles said that he had talked to Jim Howe, owner of the property located at 711 South Duff, who expressed concerns about getting materials and equipment to his business without an access easement. Mr. Howe had advised that he had been utilizing the property to the north for many years to access his property and needed to maintain as much access to his property as possible.

Referencing an earlier email sent directly to the Council by Piper Wall, wife of Jim Howe, Council Member Goodman said it was his interpretation of the email that when properties are utilized by another property owner for a very long time, there are certain rights acquired by the user. He asked City Attorney Judy Parks to comment on Ms. Wall’s assertion of those property rights. Ms. Parks stated that easements can be created in multiple ways, such as by written document or by use. She advised that this might be one of those situations where a user has been accessing another’s property for a certain period of time, e.g., ten years or more, and the user may assert his or her right to implicit use of that land.

Piper Wall, 912 Clark Avenue, Ames, said that she was speaking on behalf of her husband, Jim Howe, owner of the business located at 711 South Duff. According to Ms. Wall, Howe’s Welding building was built in 1993, and the shared drive behind the properties had been in use since approximately that time. She said that when the building changed hands in 1995, a verbal agreement was entered into between Jim Howe and Doug Livy, the owner of Quality Motors, for the shared drive. There had never been a formal written document, however. According to Ms. Wall, the sale between Mr. Livy and the developer happened “overnight,” there was never a sign posted to make others aware the property was available, and the sale was complete before Mr. Howe had an opportunity to pursue purchasing a strip of the land to allow continued access to his property. Ms. Wall said that she had done her own research and discovered that after a certain number of years of using a property, persons could assert their rights to that property. She requested that the hearing on the vacation of the easements not occur until after August 19, 2014, so that they could further explore their options.

Chuck Winkleblack, 105 South 16<sup>th</sup> Street, Ames, advised that he had met with Jim Howe approximately in March and told him of the pending purchase and development of the property next door. He stated that he had met again with Jim Howe and Ken Howe, Jim’s father, on June 17, 2014, and they had asked him if there was anything he could do to help facilitate access into Howe’s Welding. According to Mr. Winkleblack, the developer subsequently made some changes to the retaining wall to allow easier access to Mr. Howe’s property. Mr. Winkleblack pointed out that the developer needs to get going with the project; a Building Permit cannot be issued until this issue is

resolved. It was stated by Mr. Winkleblack that he met with neighbors on both sides on more than one occasion prior to turning any documents into the City.

Moved by Goodman, seconded by Gartin, that the Council not set the date of public hearing for the proposed vacation of the existing access easement until feedback has been received at the August 19 City Council Workshop.

Council Member Goodman said he did believe that Mr. Winkleblack had reached out to Mr. Howe; however, Mr. Howe might not have been aware of what his rights were to continue using the shared drive. Mr. Goodman recommended that the Howes be given an extra week in order for them to consult an attorney to determine their rights.

It was pointed out by City Manager Steve Schainker that the hearing would not occur on August 19; feedback would be received on August 19, but the public hearing would not be held at that same meeting. The decision on this issue would then be made at the next Regular City Council Meeting, which would be at the end of August.

Council Member Corrieri pointed out that the public hearing would not occur until August 12; that is three weeks away and should give the Howes time to find out what their rights are.

Vote on Motion: 3-3. Voting aye: Betcher, Gartin, Goodman. Voting nay: Corrieri, Nelson, Orazem. Mayor Campbell voted nay to break the tie. Motion failed.

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 14-416 setting August 12, 2014, as the date of public hearing for the proposed vacation of the existing access easement and the existing sanitary sewer easement at 701 South Duff Avenue.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher, Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Council Member Orazem pointed out that the hearing could be continued if need be on August 12.

Council Member Gartin recommended that whatever is worked out between the property owners be placed into a formal written agreement.

Council Member Betcher disconnected from the meeting due to bad reception at 8:21 p.m.

**REFUSE-DERIVED FUEL CONVERSION SYSTEM:** Assistant City Manager Bob Kindred introduced Gary Freel, Resource Recovery Plant Superintendent; Donald Kom, Electric Services Director; and Karen Server, Purchasing Agent.

Superintendent Freel reported that the City's Resource Recovery Plant (RRP) first opened in 1975, and the practice of burning refuse-derived fuel (RDF) along with coal has been a very effective way to reduce landfilled waste and co-fire the City's Power Plant. However, in 2008, the power market began to flip, making the internal production of energy a more expensive option compared to purchasing power from the power grid. In addition, federal environmental mandates led the Power Plant to begin studying conversion from coal to natural gas, which provided a timely opportunity to explore other waste-to-energy (WTE) technologies. In October 2010, the City Council awarded a contract to URS Corporation to prepare a feasibility study of current Waste-to-Energy conversion alternatives. URS examined six unique conversion methods and determined that thermal gasification would be the most viable alternative conversion process for the City from a technological

standpoint. The URS study focused on evaluating various conversion technologies, but did not include a detailed financial analysis of the alternatives. In July 2012, City Council awarded a contract to HDR Engineering to perform detailed financial modeling of the identified gasification process. On November 12, 2013, the City Council decided that the HDR gasification model appeared to be too expensive to pursue and directed staff to continue looking for conversion technology options in the future that would be both financially and technologically viable.

Electric Services Director Kom advised that the HDR financial evaluation was conducted in parallel with Electric Services' Energy Resource Options Study, which was performed by Black & Veatch. Based on that Study, in November 2013, the City Council determined that the City's Power Plant would be switched to natural gas as the primary boiler fuel source. The EPA has established a deadline for the conversion of April 2016. Also, using natural gas would potentially reduce the Power Plant's capacity to utilize RDF by as much as 13%.

Mr. Freel said that, since 2013, staff has continued to explore potential RDF to gas conversion technology options at the RRP. Research has been done and discussions have occurred with several vendors and consultants about projects that are at a commercial scale and at a size sufficient to accommodate Ames' future needs. That research has led staff to Frontline Bioenergy of Ames, which has an existing commercial scale gasification technology. It appears that the technology could be integrated into the Ames WTE system under financially advantageous terms.

Director Kom advised that a Frontline gasification system was installed in Benson, Minnesota, in partnership with Chippewa Valley Ethanol Company (CVEC). It was noted that, as the availability of wood waste began to diminish and the price of natural gas began to fall steeply, the financial viability of the gasification process declined and the gasifier was decommissioned. In an effort to assess the compatibility of Ames RDF in its gasifier, Frontline used City of Ames RDF as test feedstock at the Biomass Energy Conversion Facility in Nevada, Iowa, with successful conversion of the RDF to biogas. Frontline Bioenergy has proposed that they would dismantle the Benson gasifier and relocate the equipment to the City Power Plant's coal yard for use in the Ames WTE system. Staff visited the site in Benson in March 2014, viewed the equipment, and found that it appeared to be a viable option.

Purchasing Agent Server outlined three Purchasing Policy options, as follows:

1. Construct the City's own gasification system, which would involve engaging a consultant to design the project. The project would then be publicly bid. This process is not feasible in this case, however, since any gasification technology is very specific to the particular vendor's technology and would likely be proprietary in nature. This makes it impractical to design plans and specifications for which multiple contractors could submit bids.
2. Competitively select a private firm that would build, own, and operate a plant, which utilizes RDF to produce electrical power or another marketable product. To identify such a firm, the City would typically issue a Request for Proposals (RFP). Given the lack of commercially proven, financially viable conversion technologies presently available; however, staff does not believe that the RFP process would be worthwhile at this time.
3. Waive formal bidding requirements and identify one firm with which to negotiate a contract. Staff has found Frontline to have the only promising, full-scale, proven technology available. The vetting process of Frontline's technology would continue after the Council waives the competitive bidding requirements. If the vetting process determines that this is an unworkable

solution or if staff is unable to negotiate an acceptable arrangement for the City, the Council will not be asked to approve a contract.

Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 14-417 to waive the City's Purchasing Policies for competitive bidding and authorize staff to thoroughly vet Frontline Bioenergy, LLC, and its commercial scale gasification-to-electricity operation, and if the vetting process is successful, initiate contract negotiations with Frontline.

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

**REQUEST FROM LEAGUE OF WOMEN VOTERS TO MODIFY CITY HALL COUNCIL CHAMBERS RESERVATION POLICY:**

City Manager Schainker advised that since it opened in 1990 at its current location, Ames City Hall meeting rooms have been used extensively by the public. Since demand for meeting space many times has exceeded availability during certain times and days, staff created a Room Reservation Policy in an attempt to provide a fair process for determining use of City Hall conference rooms. This Policy limits scheduling for outside organizations to one meeting at a time, which was done to prevent one group from coming in first and reserving meeting rooms for many months or year(s) at a time. One exception to the Policy was for reservation of the Council Chambers for the League of Women Voters for Candidate Forums, State of the Community, and Legislative Wake-Ups. It was felt that these meetings, which are televised over Cable Channel 12, are beneficial to the entire community, and not restricted to membership in any organization. With the lack of public meeting rooms, the competition for no-cost space is intense, and staff would like the City Council to make the decision as to whether an exemption to the Policy should be made for the League of Women Voters, thus allowing it to schedule more than one meeting at a time. Reservation of the Council Chambers is necessary to be confirmed as the League of Women Voters must provide sufficient notice to the public through advertisement in the local newspaper.

Moved by Goodman, seconded by Corrieri, to support the staff policy that limits scheduling of only one meeting at a time per group, with the exception of the League of Women Voters, which will be allowed to schedule its Candidate Forums, Legislative Wake-Ups, State of the Community address, and other civic educational events at one time for the City Council Chambers.

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

**SUSTAINABILITY COORDINATOR:** Sustainability Coordinator Merri Rankin gave an update of the FY 2013/14 activities and accomplishments related to the Sustainability Advisory Services contract between the City and Iowa State University.

Moved by Goodman, seconded Corrieri, to adopt RESOLUTION NO. 14-418 approving the 2014/15 Contract.

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

**URBAN DEER MANAGEMENT:** Police Chief Cychosz presented the Annual Urban Deer Management Program Report, as prepared by the Urban Deer Task Force. The Report recommended that bow hunting in designated locations, including the park system on City property, and on other eligible property as approved, be continued. Chief Cychosz explained that the Program is very tightly monitored. All participants must purchase a special tag and register with the Police Department. Rules also require participants to pass a safety course and proficiency test, to hunt only from tree stands situated at least 85 feet from trails, and to limit shots to 75 feet or less.

According to Chief Cychosz, an aerial count in January identified 339 deer in the survey area as compared with 381 deer in the same areas last year. Because the decrease could have been impacted by the fluctuation of the winter weather at the time of the survey, Mr. Cychosz cautioned against drawing any conclusions about the Program's effectiveness. During 2013, there were 35 tags purchased and 18 deer were harvested.

Mr. Cychosz advised that a majority of the Task Force members support the continuation of hunting in designated City locations.

Moved by Goodman, seconded by Corrieri, to approve bow hunting within the park system, on City property, and on other eligible property as detailed in the Urban Deer Management Ordinance and with the same rules as last year.

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

**INSPECTION AND ASSESSMENT SERVICES OF GT1 COMBUSTION TURBINE:** Electric Services Director Kom advised that the signed Contract with Wood Group Pratt 7 Whitney has not been received by the City. Therefore, Mr. Kom asked that this item be pulled from this Agenda. Once the Contract is received, it will be presented for approval at the next City Council meeting.

**HEARING ON REZONING FOR 4710 MORTENSEN ROAD:** Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

After being questioned by Council Member Gartin, Director Diekmann advised that staff had not received any comments from the property owners in the area.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance rezoning 4710 Mortensen Road from Community Commercial/Residential (CCR) to Floating Suburban Residential Medium-Density (FS-RM).

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

**HEARING ON ZONING TEXT AMENDMENT REGARDING ACCESSORY STRUCTURES FOR INSTITUTIONAL USES IN RESIDENTIAL ZONING DISTRICTS:** The hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Gartin, seconded by Nelson, to pass on first reading an ordinance making a zoning text amendment for institutional uses that allows up to a 900-square-foot accessory building by right and requires a Special Use Permit for accessory buildings that exceed 900 square feet.

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

**HEARING ON SALE OF CITY-OWNED PROPERTY LOCALLY KNOWN AS 1126 BURNETT AVENUE:** The public hearing was opened by Mayor Campbell. She closed the hearing after no one asked to speak.

Moved by Corrieri, seconded by Goodman, to approve the sale of City-owned property locally known as 1126 Burnett Avenue to Erika Renz at a price of \$100,000 in connection with the Community Development Block Grant Acquisition/Reuse Program.

According to City Housing Coordinator Vanessa Baker-Latimer, an appraisal was conducted on the property, and it was appraised at the sale price.

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

**HEARING ON SALE OF CITY-OWNED PROPERTY LOCALLY KNOWN AS 1222 CURTISS AVENUE:** Mayor Campbell opened the hearing and closed same after no one came forward to speak.

Moved by Orazem, seconded by Nelson, to approve the sale of City-owned property locally known as 1126 Burnett Avenue to Alysia Larson at a price of \$100,000 in connection with the Community Development Block Grant Acquisition/Reuse Program.

Housing Coordinator Baker-Latimer told the Council that an appraisal was also conducted on this property, and it was appraised at the sale price.

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

**HEARING ON POWER PLANT UNIT NO. 7 CRANE REPAIR:** Electric Services Director Donald Kom explained that no bids had been received by the bid due date of April 22, 2014. Staff is in the process of trying to determine why no bids were received. The technical specifications will be reviewed along with discussions with the design engineer and plan holders to determine the reason that no bids were submitted.

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

Moved by Goodman, seconded by Corrieri, to accept the report of no bids and direct staff to rebid the project after discussions have been held with the design engineer to determine a future course of action.

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

**ORDINANCE AMENDING CHAPTER 13 PERTAINING TO EGRESS WINDOWS:** Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance amending Chapter 13 to only require below-grade egress windows in bedrooms.

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

**ORDINANCE PERTAINING TO PETITIONS FOR REZONING AND MASTER PLAN DETERMINATION:** Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4187 making zoning text amendments to Sections 29.1507(2) and 29.1507(3) pertaining to Petitions for Rezoning and Master Plan Determination, respectively.

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

**ORDINANCE PERTAINING TO FLOATING SUBURBAN RESIDENTIAL DISTRICT:** Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4188 making a zoning text amendment pertaining to Floating Suburban Residential Districts specifically related to density range, limitation on units per building, changes to setbacks, clarifications to Establishment Sections' references to rezoning and map amendment process, and cleanup of net density terminology.

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

**ORDINANCE AMENDING CHAPTER 21 TO ALLOW FOR MULTIPLE-FAMILY DEVELOPMENT ENTRANCE SIGNS:** Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4189 amending Chapter 21 to allow for multiple-family development entrance signs.

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

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Goodman, to refer to staff the letter from Steve Burgason offering to purchase the back half of the old Airport Road dead-end stub.

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

Moved by Orazem, seconded by Goodman, to refer to staff the request from Mainstream Living, Inc., to expand the driveway space at 2709 Aspen Road.

Vote on Motion: 3-0-2. Voting aye: Gartin, Goodman, Orazem. Voting nay: None. Abstaining due to Conflicts of Interest: Corrieri, Nelson. Motion declared carried.

Moved by Nelson, seconded by Gartin, to refer to staff the letter from Attorney Larry Curtis on behalf of Ames Golf and Country Club requesting further direction concerning the requirements of *Municipal Code* Sections 23.403 and 23.404, pertaining to Streets (sidewalks) and Water Supply, respectively.

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

Moved by Gartin, seconded by Goodman, to place a staff report on a future agenda pertaining to amending the Ames Urban Fringe Plan as requested by Chuck Brekke.

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

**CLOSED SESSION:** Moved by Goodman, seconded by Nelson, to hold a Closed Session as provided by Section 21.5c, *Code of Iowa*, to discuss matters in litigation.

Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

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

The meeting reconvened in Regular Session at 10:53 p.m.

Moved by Gartin, second by Goodman, to allocate an additional \$25,000 for outside counsel on the Breckenridge lawsuit.

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

**ADJOURNMENT:** Moved by Goodman to adjourn the meeting at 10:57 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor