

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

**AMES, IOWA**

**JANUARY 9, 2007**

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on January 9, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Buske was also present.

Assistant City Manager Bob Kindred introduced Steve Osguthorpe, the City's newly hired Planning and Housing Director.

Mayor Campbell announced that the Council would be working from an Amended Agenda: Item 32a should read, "International Association of Fire Fighters, Local 625." She further advised that Item No. 7, a request for an encroachment permit for an awning at 212 Main Street, had been pulled by staff.

The City Manager asked to pull Item No. 6, a request for a fireworks permit for a display at Iowa State Center, for separate discussion.

Council Member Goodman asked to pull, for separate discussion, Item No. 11 requesting support for local control of smoking in public places and Item No. 14 awarding the Yard Waste Disposal Site Operations contract.

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of December 19, 2006
3. Motion approving renewal of the following beer permits and liquor licenses:
  - a. Class B Beer - Pizza Pit, 207½ Welch Avenue
  - b. Class C Beer - Casey's #2506, 3020 South Duff Avenue
  - c. Class B Liquor - Quality Inn & Suites/Starlite Village Conference Center, 2601 East 13th Street
  - d. Class C Liquor - Café Beau, 2504 Lincoln Way
4. Motion approving new Class C Liquor License and Outdoor Service Privilege for Mangostino's Bar & Grill, 604 East Lincoln Way
5. Motion approving new Class C Liquor License for WestCyde Wings, 3706 Lincoln Way
6. Motion directing City Attorney to draft ordinance for script revisions pertaining to parking regulations on South Bell Avenue
7. Motion directing City Attorney to draft ordinance regarding parking regulations for Cochrane Parkway
8. RESOLUTION NO. 07-001 adopting Supplement No. 2007-1 to the Municipal Code
9. RESOLUTION NO. 07-003 approving appointment of Council Member Jami Larson to the Ames Convention and Visitors Bureau Board of Directors
10. RESOLUTION NO. 07-004 approving plan establishing skill-based pay system for Water and Pollution Control Department's maintenance positions
11. RESOLUTION NO. 07-006 approving contract with Charles Gabus Ford for \$20,879.15/car for three 2007 Ford Crown Victorias for Police Department
12. RESOLUTION NO. 07-007 approving preliminary plans and specifications for Installation of Motor Control Center for Gas Turbine 1; setting February 14, 2007, as bid due date and February 27, 2007, as date of public hearing
13. RESOLUTION NO. 07-008 approving contract and bond for Unit No. 7 Condenser Tubes Replacement Project
14. RESOLUTION NO. 07-009 approving Change Order No. 2 for Wood Tangent Structures for the 161 k-V Transmission Line
15. RESOLUTION NO. 07-010 approving Change Order No. 2 for Ames Power Plant 161/69 k-V Substation Construction

16. RESOLUTION NO. 07-011 accepting completion of Duff Avenue Open Space Hardscape Project
17. RESOLUTION NO. 07-012 approving Major Final Plat for Nacin Subdivision  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**FIREWORKS PERMIT FOR A DISPLAY AT IOWA STATE CENTER ON JANUARY 20, 2007:** City Manager Schainker reminded the Council that, last October, several residents had complained about a fireworks display that occurred very late in the evening. Subsequent thereto, at the Council's direction, a survey had been sent to those requesting fireworks permits during the past year to receive feedback as to the latest time that displays should be allowed. Pointing out that it stays light much later in the summer, Council Member Rice said that it would depend on the time of year when the display was to occur as far as the latest time that should be approved. The results of this survey and a recommendation from the Manager is forthcoming. Mr. Schainker pointed out that the time of this request is 8:30 PM. Also, because this display will occur on Iowa State University property, the City requires a letter of authorization from the University's Risk Manager. Mr. Schainker advised that the letter had not been received, so staff is requesting that any approval be subject to the City's receiving that authorization.

Moved by Goodman, seconded by Doll, to approve the request for a fireworks permit for a display near Iowa State Center on January 20, 2007, pending receipt of authorization letter from ISU.

Moved by Larson, seconded by Goodman, to amend the motion to place a stipulation on the permit that the display will be concluded by 10:00 p.m.  
Vote on Amendment: 6-0. Motion declared carried unanimously.  
Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

**RESOLUTION SUPPORTING LOCAL CONTROL OF SMOKING IN PUBLIC PLACES:**  
Council Member Popken advised that a constituent had contacted him and indicated that he wanted to provide input on this item.

Joe Rippetoe, 419 Pearson Avenue, Ames, spoke in opposition to the Resolution. He told the Council members that everyday they ignore the authority of the Iowa Supreme Court. He recalled that in 2001, the City Council passed an ordinance restricting smoking in restaurants. In 2003, that ordinance was struck down by the Iowa Supreme Court, but the Council voted to keep it on the books even though it had been declared unconstitutional. He asked the present Council members to ask themselves "if there are any messes" of their predecessors that need to be cleaned up. In his opinion, the unconstitutional smoking ordinance is one "such mess." Mr. Rippetoe said that he doesn't understand why the City would want to weigh in on this issue after all the consternation and confusion it has caused "for a handful of restaurant owners." He also asked to know the policy of this Council on unconstitutional ordinances. Mr. Rippetoe feels that it sets a very bad precedent for deliberations with Wolford Development, alluding to consequences that could be faced should the "Wolford rezoning ordinance" be struck down in court. According to Mr. Rippetoe, "it is going to get contentious, it's not going to be pretty, and the Council should want the law on its side if that ordinance is struck down." Mr. Rippetoe asked the Council to do the following:

- a. Reject the Resolution Supporting Local Control of Smoking in Public Places
- b. Repeal the unconstitutional "no-smoking" ordinance
- c. Set policy to repeal immediately any ordinance that is struck down by the Iowa Supreme Court

Council Member Goodman asked the City Attorney for his recommendation. City Attorney Doug Marek stated that the Iowa Supreme Court held that, by the Implied Preemption Doctrine, local jurisdictions don't have the authority to regulate smoking. The City is prohibited from enforcing the ordinance, and it is basically dormant when it is on the books. Mr. Marek said he has not

studied, from a policy matter, whether it is a good idea to repeal it; he just views it as a dormant and unenforceable ordinance. According to Mr. Marek, similar instances have occurred in the State Legislature; they have laws on the books that are unenforceable.

Council Member Popken pointed out that the Resolution before the Council at this time is an endorsement of the concept that the City be given the authority to regulate.

Council Member Mahayni believes that this is “bigger than the Resolution given the lecture that the City Council received” tonight from Mr. Rippetoe. He explained that this has been a political issue for some time, the City was sued over this issue, and the City lost the lawsuit. Mr. Mahayni recalled that former City Attorney John Klaus recommended that the Council rescind the ordinance, but did not say that it was illegal to keep it on the books. The reasons that the Council decided to keep the ordinance on the books were because it was a political issue, not only in the City, but also in the State; there have been attempts over the past years to introduce this issue at the state level to allow local governments to be responsible for dealing with such an issue. The ordinance is unenforceable now, but if the state law changes, the City will have passed the ordinance and be ready to enforce it. Mr. Mahayni said that what he found offensive was the fact that the mall is being made the center issue for everything that is done in Ames. Council Member Mahayni advised that that is not the way the City does business, and pulling this item for separate discussion was uncalled for.

Council Member Goodman advised that he will not support the Resolution mainly because he thought, when Council directed that it be placed on a future agenda, it was going to request local control. However, the Resolution placed before them primarily denounces smoking and is about controlling what people do. He does not condone smoking; however, his issue is local control.

Moved by Rice, seconded by Mahayni, to adopt RESOLUTION NO. 07-002 to state as follows, “that the Mayor and City Council of the City of Ames, Iowa, hereby request that the Iowa General Assembly and the Governor of the State of Iowa pass legislation allowing local control of smoking in public places.”

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

**YARD WASTE DISPOSAL SITE OPERATIONS FOR 2007:** Council Member Goodman said that he pulled this item from the Consent Agenda because there was an involved party who would like to speak.

Chad Steenhoek, Steenhoek Environmental Contracting Services, Inc., indicated that he had submitted a bid for this project; however, it was ruled invalid by City staff. Mr. Steenhoek wanted to make the City Council aware of the situation. In late November, he had received a Request for Proposal (RFP) to bid to be the yard waste site for the City of Ames. He said that he had been working for two years to prepare his property to be such a site. The bid was due December 12, and he submitted his bid that morning. On the afternoon of December 12, according to Mr. Steenhoek, he had received a phone call from Mike Adair of the City’s Purchasing Department, who asked him if one of the blanks on the proposal was meant to be zero; Mr. Steenhoek had written “see outline” in that blank. According to Mr. Steenhoek, at that time, Mr. Adair did not ask any other questions about the proposal or advise him that there was anything wrong with the way he had filled out the form. He was informed that he was the lowest bidder, however, a few weeks later, Mr. Steenhoek received a letter from the City stating that his bid had been ruled nonresponsive in one of the categories. Mr. Steenhoek questioned this and was told that another bidder had raised the issue, and the City Attorney had ruled Mr. Steenhoek’s bid nonresponsive.

He was informed that the City Attorney had made the ruling based on no number being entered

in a blank on the Request for Proposal; however, Mr. Steenhoek said he did not know that he couldn't use words, i.e., "see outline," in that blank. Mr. Steenhoek requested that his bid be "put back on the table." He said that if he would be awarded the contract, it would save the City \$60,000 over the next four years, would provide an easier site to access, and there would be no waiting on free days because he has a larger site.

Public Works Director John Joiner further explained that the proposal was laid out so that the bidders were to enter an amount for the cost for them to be open and in operation for the months of April through December and an amount for the cost for them to have a free day with brush and a free day for leaves. Mr. Steenhoek's intent was to have all fees included in the lump sum fee for the period from April through December; he would not charge a specific fee for the "free days." Instead of entering a zero in that line item on the RFP, Mr. Steenhoek wrote "see outline," and the outline explained other items, such as the Traffic Control Plan, debris management, etc. The outline went into detail that the fees for the "free days" would be rolled into the lump sum fee. Because verbiage was written where a number was expected, in consulting with the City Attorney's Office, it was determined that his bid was nonresponsive.

City Attorney Doug Marek explained that the rules are set out in the City's Purchasing Policies; the ruling was made because the format of the RFP was not followed. Mr. Marek advised that the options before the City Council at this meeting are to reject all bids and rebid or take the one qualifying bid. He said that the same challenge would be raised if the City were to count all bids by resorting to criteria other than what are set out in the Purchasing Policies.

City Manager Schainker pointed out that this is a multi-year contract, but the City Council would have to take action each year to renew it. Director Joiner concurred, stating that this is a one-year contract, but it does allow for renewal for an additional three years. Mr. Steenhoek said that his advantage of other bidders not knowing the amount of his bid is over; one year does not change that for him. He reiterated that he had spoken with Mike Adair before the bids were due, and he did not inform him of his error. Had he known, he could have corrected it prior to the close of the due date. Mr. Steenhoek feels that his bid should be valid because Mr. Adair confirmed with him prior to 5:00 p.m. on the due date that the number was zero.

Terry Lewis, 2216 North Dakota, Ames, advised that he was speaking in his role as a Purchasing Agent for Iowa State University. He believes that the City's Purchasing Agent had the responsibility to inform Mr. Steenhoek of his error, since the Agent had inquired about the line in question, and Mr. Steenhoek should have been allowed to remedy it prior to the close of that day. Mr. Lewis recommended that the City Council reject all bids and re-bid.

Attorney Marek advised that the RFP procedure in the Purchasing Policies states that the form must be completed according to the directions.

Moved by Larson, seconded by Mahayni, to adopt RESOLUTION NO. 07-005 awarding the Yard Waste Disposal Site Operations contract to All-Seasons Contracting Services, Inc., of Ames, Iowa, in the amount of \$35,500.

Moved by Goodman, seconded by Larson, to amend the motion to include directing staff to rebid this project after one year.

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

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

Council Member Mahayni suggested that bids, whether an RFP or not, not be opened until the deadline.

**PUBLIC FORUM:** Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, asked the City Council to explore and clarify the relationship between the City of Ames and the Ames Economic Development Commission (AEDC). He said he has made this same request two or three times based on the 1985 Agreement between the two entities no longer appearing valid. It is Mr. Pfannkuch's understanding that the annual funding (approximately \$70,000) to the AEDC comes from the portion of the Hotel/Motel Tax designated for economic development. He pointed out that the voters approved a portion of the Hotel/Motel Tax to go to economic development, but voters did not specify that funding was to be provided to the Ames Economic Development Commission; that decision has always been made by the City Council. Mr. Pfannkuch pointed out that the 1985 Agreement specified how the 16-member AEDC Board was to be constituted; however, that was at some point unilaterally changed by the AEDC. He said that he was told by the City Manager that the funds would be allocated as part of the annual budget process. Mr. Pfannkuch reminded the Council that at their September 12 meeting, Assistant City Manager Sheila Lundt explained that the City had entered into an agreement with the AEDC in 1985 that allows for reimbursement of certain expenses.

It was pointed out by Mr. Pfannkuch that the City Council approved an increase in the allocation to \$50,000/year in 2003. In a letter dated December 19, 2006, from AEDC Executive Director Dan Culhane, it is clear that the AEDC views the funding as ongoing funding, and not as part of the annual budget process. Mr. Pfannkuch said it makes no sense to him that almost all of the economic development funds generated by the Hotel/Motel Tax that go "outside" the City are routinely given to the AEDC.

Mr. Pfannkuch asked the City Council to initiate a discussion about what economic development funds could be used for and requested that no further funds be allocated to the AEDC in the upcoming budget discussions until the relationship between the two entities is clarified.

**RECREATION AREA DEVELOPMENT - OUTDOOR AQUATICS CENTER:** Parks and Recreation Department Director Nancy Carroll gave the history behind two bond referendums for an aquatics center (1991 and 2003) that ultimately failed. She also summarized the Ames School District's planning document ("Project 2016"), which specifically called for the existing City-owned Municipal Pool to be demolished. Ms. Carroll emphasized that "Project 2016" was never formally adopted by the School Board, and there have several new administrators hired; this plan might be revisited by the School Board in the future. According to Ms. Carroll, Iowa State University, Ames School District, and City officials have met to discuss partnership possibilities, and correspondence has been received from Iowa State University President Geoffroy outlining the University's position on partnering. Neither the School District nor the University has identified a desire to partner with the City for a recreational Outdoor Aquatics Center.

Ms. Carroll advised the City Council that the Parks and Recreation Commission, at its meeting of December 21, 2006, discussed the need to continue to research long-term partnering opportunities related to an indoor recreational pool and gymnasiums. The Commissioners also unanimously recommended that the Mayor and Council move forward immediately by retaining architects to: (1) Update costs of an Outdoor Aquatics Center; (2) Evaluate location options for this Outdoor Aquatics Center; and, (3) Determine public support for a bond referendum to be held in 2007 for an Outdoor Aquatics Center.

According to Ms. Carroll, two sites have now surfaced to be tested. One is located adjacent to the new Middle School, and the second possibility arose when the University recently gave the City permission to test a site north of 13<sup>th</sup> Street, east of Squaw Creek (immediately south of Ames High).

Ms. Carroll further stated that the Parks and Recreation Commission agreed that, although other facilities (indoor recreational pool, gyms, etc.) are still needed, it seems advisable to "phase"

recreation facility development efforts into the future. The Commission recommended the following two-step process be utilized:

**Step 1: Pursue the Development of an Outdoor Aquatics Center.**

- City to retain the architectural firm of RDG to:
  1. Determine how many people the facility needs to accommodate (based on a summer population of approximately 35,000 people)
  2. Determine the capital costs to construct the necessary water surface area to accommodate anticipated usage
  3. Determine annual operational costs and forecast anticipated revenues
  4. Assess two facility location options and prepare a conceptual master plan of each site.
- Parks and Recreation Commission members, in conjunction with a facilitator, will host public meetings in late March and April to:
  1. Educate the public about the need for overall long-term (beyond 2007) recreational facility development and that partnership opportunities may exist in the future with the School District/ISU.
  2. Assess the public's interest in a phased approach beginning with a bond issue being held (in the spring or fall of 2007) for the development of an Outdoor Aquatics Center.
- If the public's input from these meetings proves positive, recommend to the Mayor and City Council that a bond referendum be held for an Outdoor Aquatics Center in the spring or fall of 2007.

**Step 2: Continue Discussions with Potential Partners in 2007.**

- Continue conversations (excluding an Outdoor Aquatics Center) with the District and ISU on the potential of long-range partnering opportunities.

Council Member Popken asked if it were possible to take "the pulse" of prospective voters. Ms. Carroll indicated that is probably the staff's No. 1 challenge. Mr. Popken suggested that a survey be sent to those who voted on the last referendum.

Council Member Doll recognized that \$815,000 is programmed into the next Capital Improvements Plan for maintenance of one pool for the next five years. He felt that it is time to look at that and consider building new.

Ms. Carroll indicated that the City does not know the exact cost of the study, but it is thought that it would be approximately \$16,000 to \$18,000.

City Manager Schainker instructed the City Council that no decision would be made tonight; the item will be placed on their January 23 Agenda.

**NORTHWEST/SOUTHWEST GROWTH PRIORITY STUDY:** Bob Kindred reiterated the findings of the Study, which had been presented at the Council's meeting on December 19, 2006. Mr. Kindred said that the Southwest/Northwest Growth Priority Analysis provided an extensive study of the difference in capital costs associated with growth in six sub-areas. Among the key findings was the fact that there is a limited supply of subdivided land available to accommodate

future growth demand. While growth to Southwest Study Areas A and D appears to be more cost-effective, neither of those Areas currently has a developer who is ready to proceed with construction. The owner of a significant portion of Northwest Study Area A has requested annexation and is prepared to make the significant investment needed to develop that property.

Mr. Kindred advised that, due to the fact that the proposed development is a substantial distance from the City's existing infrastructure and very expensive to reach, staff believes that it is not appropriate for the City to allocate 100% of the total cost required to grow into the Northwest Study Area A, even if a village development is proposed. Because additional developable land is needed, and there is a willing developer, it does seem appropriate that some level of public investment be made in this Area, i.e., oversizing and/or overpass costs, whether or not it is developed as a village.

Gary Reed, Civil Design Advantage, 5501 NW 112<sup>th</sup> Street, Suite G, Grimes, representing Fieldstone Development, L.L.C., a Regency and Friedrich-affiliated partnership, said that over the past year, analyses have been performed in response to their Annexation Petition, which was submitted on February 21, 2006. Mr. Reed recognized the thoroughness of the Study performed by City staff on the Northwest and Southwest Growth Priority Areas to determine cost effectiveness of directional growth. He advised that Fieldstone Development suggests that the \$5,000,000 Transportation System (railroad overpass on North Dakota Avenue) expense allocated to the Northwest Growth Area A be considered a "network improvement." This will become more evident if the plan to extend Bloomington Road occurs; north-central residents traveling south through town may then utilize the Bloomington Extension to North Dakota and then proceed southerly across that overpass. The developers understand that \$5,000,000 is earmarked for an overpass of the Union Pacific Railroad on North Dakota Avenue. They believe that that is a similar expense to the U.S. 30/South Dakota Avenue interchange, which is physically located in or abutting the Northwest Growth Priority Area, yet the impacts and benefits extend over the entire western part of Ames.

Mr. Reed pointed out that over 200 net acres of developable ground would be opened up in the Ames School District. He stated that there is over 2.5 times as much acreage within the Northwest Primary Study Area as compared to the Southwest Primary Study Area. Also, the developers believe that the time value should be considered as the Council reviews the financial impact of directional growth. Fieldstone Village represents 365 gross acres within the Northwest primary study area. Mr. Reed requested that the Council move tonight to move forward with the annexation request of Fieldstone Village, L.C.

A request was made by Mr. Reed to amend proposed revised verbiage to an alternative to state, "Since it appears that the most cost-effective alternative to accommodate our ultimate population goal that has a willing developer is the Northwest Study Area A, the City Council can direct staff to negotiate a developer's agreement with Fieldstone Village Development, L.L.C., whereby the City would pay 100% of the North Dakota overpass cost, with responsibility for infrastructure cost to the site, including over-sizing, and the development style to be established as a part of the agreement." The developers believe that the decision on the development style (e.g., village) would be better addressed when the developer's agreement is being negotiated with the City.

Council Member Popken asked how many acres in the Fieldstone Development are in the Ames School District. Planner Dominic Roberge calculated the answer to be approximately 20 acres.

Terry Lewis, 2216 North Dakota, coordinator of the Onion Creek Neighborhood Association, indicated that it is the majority opinion of that Neighborhood to not object to the basic issue of whether annexation and development should occur in the Northwest Growth Area; growth will occur in the area south of Onion Creek anyway as the land is too close to the existing limits of Ames. Their concerns are that all of the various issues and costs be considered prior to approving annexation, and if it is approved, to work to make the development an area people will want to

live in, will integrate into the existing neighborhood, and the result will be one in which all of Ames would be proud. Mr. Lewis raised the following issues/questions:

1. There needs to be some joint meetings between Ames and Story County to work out who will do what in the coming years.
2. There needs to be a sewage/drainage study done in this area.
3. Would the City consider putting the main collector sanitary sewer line in an area that was not annexed into the City?
4. Since it is being contemplated that the village concept may change to accommodate this development, shouldn't more time be spent analyzing the potential ramifications of such a change before annexation of this area is approved?
5. Any proposed development anywhere in Ames should allow any developer or builder to construct a dwelling unit with minimal conditions or preferences.
6. What is being done to expand the employment base along with the City's efforts to hit its long-term Land Use Policy Plan (LUPP) population targets?
7. In order to sell people on this Development, City services will be needed when the first residents occupy dwelling units. Is the City ready to provide all services when occupancy begins?
8. Remember that 27,000 of the City's current 53,000 population are students.
9. Options for having the entire development be in the Ames Community School District should be investigated. These discussions should take place prior to the annexation discussions with the developer. If the School Districts cannot work out a deal, that may affect the overall decision.
10. There doesn't seem to be a good plan in place to protect existing property owners who own one- to five- or ten-acre lots from high-density development.
11. No one is sure if Ames can support another "mini downtown" or retail/commercial area in another village.
12. What impact will this proposed development have on the farm operation directly to the north and others to the west?
13. Does the City have a plan for affordable housing in these types of large developments?
14. The railroad overpass on North Dakota needs to remain as part of the costs for this Development and not be considered a "network improvement."
15. The Market Position Analysis conducted for Regency by Zimmerman/Volk assumes a build-out of 150 units/year with complete build-out in seven to ten years. What happens if other developments come on line and cut the per-year build-out down to 50 units or so?
16. The Market Position Analysis states 18.4% of the projected occupants would be multi-family renters. There were no apartments included in the original design reviewed by the Onion Creek Neighborhood. This Neighborhood is categorically against any new rental units in any development in the Northwest Growth Area south of Onion Creek.

17. The Market Position Analysis states that only 37% of the total number of dwelling units in the proposed development would be occupied by families with children. The right numbers must be considered in the evaluation of the benefits to all school districts.
18. In the Market Position Analysis, it is stated that 215<sup>th</sup> Street and County Line Road would require paving. County Line Road has been paved for many years, so it calls into question the accuracy of the Analysis.
19. The Market Position Analysis states that potential buyers of property in the Development will come from Polk, Story, and Boone Counties. Will new industry come on line or will it just “steal” people from existing areas for no net gain?
20. The Market Position Analysis states that the proposed development is to be developed using the principles of “new urbanism.” If so, two things must occur:
  - a. All of the principles of “new urbanism” must be followed as listed in the book, New Urbanism: Comprehensive Report & Best Practices Guide, not just selected ones or just “using the name.”
  - b. The City should consider this very carefully. Does Ames want to embrace all of “new urbanism” as a result of this Development?

Mr. Lewis stated that the Onion Creek Neighborhood recommends that the City slow down and more completely analyze its choices; bring in resident experts, such as Dr. Peter Orazem (Iowa State University); and review all aspects of future development in Ames, using long-term trend analysis.

Shelly Coldiron, 2403 North Dakota, Ames, stated that she and her husband bought their property in 1995. They own eight and one-half acres, which is actually pocketed by the subject 365 acres, and believe that they will be the most impacted by the proposed Fieldstone Village Development. When they bought their property, they were under the assumption, based upon the development plan at that time, that the area would not be further developed for at least 25 years. If the village concept is used, it would include 23 properties adjacent to the Coldiron property. The City needs to look at buffer zones; they did not move there to have someone butted up against their property. Also, Ms. Coldiron asked the Council to think about the impacts on wildlife and the environment, e.g., the watershed, preserving natural areas, etc. She pointed out that the road to the property in question is not straight, which will be a major issue. Ms. Coldiron believes that the estimate of \$5 million for the overpass is low. She thinks that neighborhood residents need to have input on the design process of any future development in this area. Ms. Coldiron invited the Mayor and Council members to visit her property to get a view of how the development will affect current property owners.

Beth Weninger, 2772 North 500<sup>th</sup> Avenue, Ames, said that she purchased ten acres and built a home there. She was also under the impression that the property south of her (i.e., Fieldstone Village) would not be developed further. Ms. Weninger believes that wildlife would be displaced if a development of this size were to be constructed. She said that she is not opposed to development, but she is opposed to a densely populated development. Ms. Weninger supports some development as long as it is done with integrity, but if it were to be dense, then she prefers the land in question not be allowed to be annexed.

Joe Lynch, 3700 Onion Creek Lane, Ames, referenced an e-mail that he had sent to the Mayor and City Council. He is seriously concerned about the possibility of another village development. Mr. Lynch wants the City to do the best job it can to save infrastructure dollars and environmental resources. He said that he is especially interested in a sanitary sewer study being performed before the City proceeds any further on this issue. Mr. Lynch would like the City to consider a

consensus-building approach to design if it is decided to annex the property in question.

Bud Nichol, 2135 North Dakota, Ames, advised that he had no knowledge of the neighborhood residents discussing this issue. He believes that the City Council members have the obligation to ask their constituents if this development is needed; Mr. Nichol does not think that growth in this area is warranted. He thinks this development represents urban sprawl and will stress the quality of the housing located in the downtown area. Mr. Nichol recommended that staff look at what could be done to improve Downtown Ames, Lincoln Way, and Grand Avenue. He does not see any reason to develop in the Northwest Growth Area. Mr. Nichol thinks the best use for the land in question is agricultural. He has been a homeowner, commercial/industrial owner, business owner, and an apartment owner, and he “hates what is happening.” Mr. Nichol doesn’t want Ames to be a “doughnut,” with development all along the outside edge with the interior looking worse and worse.

Bill Spencer, Regency Land Development Services, 6600 Westown Parkway, West Des Moines, said that he is concerned about many of the statements that had been made tonight. He said that the developers came before the City Council and asked what type of development was preferred, and the answer given was “village;” however, that decision has not been made yet. The developers have been working with City staff since 2005 on these issues, have made themselves available to the neighborhood groups, and they will receive more input from those groups. He said they do not want this to be a “run of the mill” subdivision; they want to do some things that are unique. Mr. Spencer said that the developers are not to the point where the public can state that they are in favor or not in favor of the proposal. Mr. Spencer reiterated that the developers fully intend to get input from the neighborhoods. After reviewing the staff’s study, he concluded that developing in the Northwest does make sense for the City. The developers believe that they will meet their goal of developing a Master Plan Community that residents are proud of and is a benefit to the City of Ames.

Cathy Brown, 2309 Hayes Avenue, Ames, representing Iowa State University, pointed out that the University owns land adjacent to the Northwest and Southwest Growth Priority Areas. The University uses these lands for agricultural purposes and intends to continue to operate farms along State Avenue, 260<sup>th</sup>, Zumwalt, South Dakota, and North Dakota for the foreseeable future. The majority of these activities are in the Southwest Growth Priority Area, and the University has no intentions of disposing of those lands in the near future. She alluded to an ag pavillion facility that will be constructed by the University to be used for instructional purposes; its location has not yet been determined.

Jerry Frankl, 2125 North Dakota Avenue, Ames, indicated that he and his wife purchased their three acres of land in 2003 and built a home there. He is concerned about “leap-frogging” and believes that annexation of the land in question would cost taxpayers a great deal of money. Mr. Frankl is concerned about 1,400 dwelling units being constructed when schools are being closed. He referenced an article in last Sunday’s Des Moines Register that stated Ames had had zero growth since 2000. Mr. Frankl believes that there are other areas that can be developed that seem a lot more practical. The density issue is a big concern to him and his wife; those who moved to this area did so to have more room. Mr. Frankl asked the City to put the annexation request on hold until it can be looked at a lot closer.

Jeff Drawbond, 4790-215<sup>th</sup> Street, Ames, believes that the developers are pretty set on the village development concept. After seeing the plans, Mr. Drawbond said that there are 25 to 30 properties that will abut his property, including four streets that dead-end into his 33 acres. He doesn’t view this as a neighborhood development; it is a high-density development. Mr. Drawbond said that the plan shown to him by the developers is not anything like what they presented tonight. He does not believe the developers when they say they will consider other concepts besides village development.

Doug McCay, 5500 - 240<sup>th</sup> Street, Ames, advised that he owns property in Southwest Ames. His vision is to have his 20 acres around the interchange be commercial so that he could put a miniature golf course there. He also would like to see a grocery store, strip mall, and/or motel there. Mr. McCay also envisioned housing in this location, possibly giving some of the smaller lots along Highway 30 to Habitat for Humanity or Ames Land Trust for affordable housing. According to Mr. McCay, plans for development in this area that he presented to the City have been rejected, and he was only told that they didn't meet with the City's long-range plan. He no longer feels that he can trust the City and will not be submitting plans to develop his land in the near future. Mr. McCay pointed out that there is a willing developer in the Northwest Area, and the City should allow the Development to proceed.

Phil Iasevoli, 3108 South Dakota Avenue, Ames, referenced the Worle Creek Sanitary Sewer project, which was going to go right through the middle of his property, stating that Council directed staff to do a complete study, and when the results were known, the plan was changed. The study showed that putting the sewer line through the Creek bottom was going to cost more money. Compromise was reached, and the area has been preserved. He strongly encouraged the Council to direct City staff to perform a complete study for the area in question; the Norris Study is outdated. The Norris Study did state that the land around Onion Creek was a high-value natural habitat area. In looking at the construction of apartments along South Dakota, of which he has heard 40% are empty, there should be provisions in the developer's agreement not to allow any more apartments.

Terry Lewis clarified that a neighborhood meeting was held in March of 2006, and at that time, those in attendance decided not to take any action until after the Northwest/Southwest Growth Priority Analysis was completed. He said it is their intention to meet again and will be asking Fieldstone Development to make a presentation to the residents.

The meeting recessed at 9:03 p.m. and reconvened at 9:10 p.m.

At the inquiry of Council Member Popken, John Joiner indicated that the overpass is contained within the City's Land Use Policy Plan and would serve more than the area in question. If development were to stay static, there would not be the need for an overpass in this area.

City Manager Schainker advised that the issue on the type of development, i.e., village, could be negotiated with the developer. He acknowledged that the developer did discuss possible alternatives with the City and was under the impression that the City preferred the village concept.

Council Member Rice said that he is not sure what he would be voting on; there are still many unanswered questions. Council Member Mahayni indicated that if the Council were to direct staff to negotiate a developer's agreement, many of those questions would be answered. It was noted that the village concept is the only type of development that, per policy, would receive incentives. Also, if the Council were to support development in this Northwest Growth Priority Area, Council Member Popken believes that the message would be sent that the Southwest is no longer the "preferred" area. Council Member Mahayni said that it is still the Council's preference to develop in the Southwest Area; the difference is that the City currently provides incentives for development in the Southwest. He pointed out that it is still the Council's prerogative to not approve the developer's agreement.

City Manager Schainker said that it is preferable that the Council not wait until there are very few lots left to direct the staff to negotiate with a developer. He would like the City to be "ahead of the curve."

Council Member Goodman pointed out that it is the responsibility of the City Council to be fiscally responsible with taxpayer money. He is concerned about who will be paying for the costs of improvements. Mr. Goodman wants the costs of development in the Northwest Area to be

comparable to those in the Southwest Area and is primarily concerned about the costs of the overpass. Council Member Mahayni pointed out that after negotiations have occurred, much more detail will be known as far as determining costs.

Mayor Campbell suggested that the alternative be changed to read as follows, “Since it appears the most-cost-effective alternative to accommodate our ultimate population goal that has a willing developer is the Northwest Study Area A, the City Council can direct staff to negotiate a developer’s agreement with Fieldstone Village Development, L.L.C.” Council Member Goodman is concerned that staff will put a lot of time into the negotiations, but the costs to be borne by the City would still be too great; he felt that more guidance was needed from the Council.

Council Member Larson believes that the City Council should give clear direction to the staff as to what type of development is desired in this area. From the input received at this meeting, he sensed that density was also an issue. City Manager Schainker pointed out that this issue would be further complicated due to changes required to current policies if the village type of development were chosen. Mr. Larson believes that the Council owes it to the developer to give direction as to what type of development is preferred. He does not want to mandate the village concept and then have to incentivize it to make it viable.

Council Member Doll wants to know at what point the neighbors will be brought into the negotiations. City Manager Schainker said that is an important issue and would be part of the negotiations.

Moved by Mahayni, seconded by Larson, to direct staff to negotiate a developers’ agreement with Fieldstone Development, L.L.C., since it appears that the most-cost-effective alternative to accommodate the City Council’s ultimate population goal that has a willing developer is the Northwest Study Area A.

Moved by Mahayni, seconded by Larson, to amend the motion to direct the staff to explore development alternatives and possibly negotiate a developers’ agreement.

Vote on Amendment: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Rice. Voting nay: Popken. Motion declared carried.

Vote on Motion, as Amended: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Rice. Voting nay: Popken. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**DOWNTOWN FACADE IMPROVEMENT GRANT FOR 229 MAIN STREET:** Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 07-013 approving the Downtown Facade Improvement Grant in the amount of \$6,893 for 229 Main Street.

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

Electric Services Director Don Kom introduced the newly hired Assistant Director of Electric Services Brian Trower.

**UNIT NO. 7 TURBINE GENERATOR OVERHAUL PROJECT:** Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 07-014 approving a contract to Cotter Turbine Services, L.L.C., of Big Lake, Minnesota, in the amount of \$197,163.75 (plus applicable sales taxes) for Unit No. 7 Turbine Generator Overhaul Project.

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

**HEARING ON REPLACEMENT OF MOTOR CONTROL CENTER FOR GAS TURBINE**

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

Moved by Popken, seconded by Mahayni, to accept the report of bids and delay award of contract.

Vote on Motion: 6-0. Motion declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**HEARING ON ZONING TEXT AMENDMENT TO ELIMINATE REQUIREMENT FOR LOT FRONTAGE AND TO MODIFY LOT SETBACK IN THE PLANNED REGIONAL COMMERCIAL (PRC) DISTRICT IN COMBINATION WITH THE NORTHEAST GATEWAY OVERLAY (O-GNE) DISTRICT:**

The public hearing was opened by Mayor Campbell. After no one requested to speak, the hearing was closed.

Moved by Goodman, seconded by Larson, to pass on first reading an ordinance making a zoning text amendment to eliminate the requirement for lot frontage and to modify the requirement for lot setback in the Planned Regional Commercial (PRC) District in combination with the Northeast Gateway Overlay (O-GNE) District.

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

**SPEED LIMIT ON STANGE ROAD:** Moved by Rice, seconded by Goodman, to pass on first reading an ordinance revising the speed limit on Stange Road.

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

**SPEED LIMIT ON SOUTH DAKOTA AVENUE:** Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance revising the speed limit on South Dakota Avenue.

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

**REVISIONS TO SNOW ROUTE ORDINANCE:** Moved by Goodman, seconded by Popken, to pass on first reading an ordinance revising snow routes.

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

**ORDINANCE RESTRICTING PARKING ON HAMPTON STREET:** Moved by Goodman, seconded by Larson, to pass on first reading an ordinance restricting parking along the south side of Hampton Street.

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

**COMMENTS:** Moved by Rice, seconded by Goodman, to refer to staff the letter from the Main Street Cultural District requesting free parking on January 25 - 27.

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

Mr. Rice also noted that he had seen a flyer announcing free parking on those days, which had already been printed and distributed. He recommended that staff convey to the the MSCD not to advertise free parking until it has been acted on by the City Council.

Moved by Popken, seconded by Goodman, to refer to staff the request for alley paving between Eighth and Ninth/Burnett and Clark, specifically asking for an estimate of costs of assessment. Vote on Motion: 5-0-1. Voting aye: Doll, Goodman, Larson, Mahayni, Popken. Voting nay: None. Abstaining: Rice. Motion declared carried unanimously.

Moved by Popken, seconded by Larson, to direct staff to prepare for Council an update on the plan for and progress of securing the Wastewater Permit, specifically listing the steps to be taken. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Popken, seconded by Rice, to direct staff to explore the agreement between the AEDC and the City, specifically looking at the structure of the agreement, and bring it up to date, using a contract for services format.

Moved by Larson, seconded by Popken, to amend the motion to include directing staff to schedule a round-table discussion with the AEDC.

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

Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

Mayor Campbell announced that the Ames Tribune is sponsoring a series of educational programs and has invited the City Council to attend on January 18 at 7:00 p.m. That session will be entitled, "How Has Ames Grown? A Comparison View," and will be held in the City Council Chambers.

Referencing a memo sent by the Mayor regarding the length of terms of service on Boards/Commissions, *Ex officio* Member Buske recalled that the change in terms was recommended initially to make it easier for students to serve. However, one-year terms are actually producing a lack of interest. He feels that this is an issue on which it would be appropriate for the Student Affairs Commission to render an opinion.

Moved by Mahayni, seconded by Rice, to direct staff to look at changing the terms of office for some Boards and Commissions from one-year terms.

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

**CLOSED SESSION:** Moved by Popken, seconded by Goodman, to go into Closed Session, as provided by Section 20.17(3), Code of Iowa, to discuss collective bargaining strategy.

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

**REGULAR SESSION:** Moved by Doll, seconded by Goodman, to reconvene in Regular Session.

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

**INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 625:** According to Ms. Huisman, the City's proposal was not accepted.

**PUBLIC, PROFESSIONAL, AND MAINTENANCE EMPLOYEES (PPME), LOCAL 2003:**

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION 07-015 ratifying the contract with the PPME, Local 2003.

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

**ADJOURNMENT:** Moved by Doll, seconded by Rice, to adjourn the meeting at 10:18 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor