

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

AMES, IOWA

SEPTEMBER 11, 2007

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on September 11, 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 Luttrell was also present.

PROCLAMATION FOR NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH: Mayor Campbell proclaimed the month of September 2007 as National Alcohol and Drug Addiction Recovery Month. Accepting the Proclamation were Sherry Bradley, June McDonald, and Jason Hegland from Community and Family Resources.

PROCLAMATION FOR NAMING OF UNIVERSITY BOULEVARD: Tahira Hira, representing Iowa State University, accepted the Proclamation for the renaming of Elwood Drive to University Boulevard. Angela Moore, representing the Ames Convention & Visitors Bureau, listed community events planned for the week of September 17 in observance of the naming of University Boulevard and Iowa State's 150th Anniversary.

UPDATE ON CITY'S "ECO-SMART" PROGRAM: City Public Relations Officer Susan Gwiasda gave a presentation on the internal and external efforts of the City to use resources wisely. The program includes many components pertaining to the environment, electricity (energy), water, trash, and CyRide.

HUMAN SERVICES CAMPUS FEASIBILITY STUDY: Assistant City Manager Sheila Lundt introduced Bill Dreyer of RDG, 2712 Stange Road, Ames. Ms. Lundt reminded the City Council members that they had approved the expenditure of up to \$20,000 in Local Option Sales Tax funds for the Human Services Campus Feasibility Study. RDG was the only firm to submit a proposal to undertake the Study and was awarded the contract in June.

Mr. Dreyer advised that the primary focus of the Study was to gather information as to the feasibility of a human services campus. Thirty-five human service agencies were asked to provide input; 11 completed a questionnaire regarding needs and resources. Since the Study has been completed, additional inquiries from other agencies have been received.

It was emphasized by Mr. Dreyer that this Study is a feasibility study and does not have a specific location or building layout. The Study does not contain an in-depth financial analysis or fund-raising plan.

The Study was summarized by Mr. Dreyer. He outlined some of the Campus advantages and disadvantages. It is not known what the cost to each agency would be at this point. Space needs were briefly reviewed. The programmatic requests by all agencies incorporating shared facility spaces amounts to 51,429 gross square feet (GSF). Assuming future expansion of 25% and including three extra agency offices, conference room, coffee shop, resource library, and facility management offices, the proposed central human services building would equate to 64,286 GSF. The site would

need to be approximately six acres. For purposes of the Study, a mid-range land cost of \$4 - 7/square foot was used. A cost range of \$150-200/GSF was used for building costs and development. For a single facility of 64,300 GSF located on a single six-acre site, a pre-design project estimate of \$11-15 million (plus fees and other related costs) was given. Mr. Dreyer advised that there are a lot of factors that will influence the final building and site as well as the costs.

Five alternatives were presented by Mr. Dreyer, as follows: (1) one new building for all agencies on one site; (2) multiple new buildings for all agencies on one site, (3) renovate one existing building/build one new smaller building, (4) renovate two existing buildings/build one new smaller building, and (5) maintain the status quo. Ms. Lundt pointed out that the City-owned building at 205 Walnut does not allow for any expansion.

In summary, Mr. Dreyer advised that there is support for a central human services facility on the part of the participating agencies and major stakeholders who have offered input. He said that there seems to be a general consensus to move forward. Site, funding, and leadership need to be identified for the next phase of investigation.

Ms. Lundt stated that many of the agencies are at the point that something must be done. Many programs are currently being operated in sub-standard space and several cannot meet the needs of community members requiring services; these are services that are essential to supporting individuals in maintaining employment, staying in school, remaining in their homes, or even maintaining their independence. According to Ms. Lundt, it will be essential to establish a strong private/public partnership to move the concept forward. She said that, on September 25, 2007, possible next steps and information on possible usage of a portion of the City's CDBG funds will be presented to the City Council. Representatives of many of the affected agencies will be present on that date.

Council Member Mahayni pointed out that the prospective campus would be a regional human services center. Ms. Lundt advised that, in addition to the City, representatives reviewing the Study and indicating support for the concept to move forward were from the Ames School District, Story County, Ames Chamber of Commerce, and Iowa State University.

Council Member Goodman said that he is concerned that the cost of the campus would equate to fewer dollars being used for services. Discussion ensued about the current cost of inefficient run-down buildings. Ms. Lundt advised that, for many agencies, remaining in their current buildings is not an option. Council Member Doll pointed out that a number of clients need several services, and it would be very beneficial to them to have the services in the same location. Also, many of the current human services agency buildings are currently not ADA-compliant.

CONSENT AGENDA: City Manager Steve Schainker asked that Item No. 28, the Minor Final Plat for Bailey Subdivision, 1st Addition, be pulled for separate discussion. Council Member Goodman requested that Item No. 10, the expanded outdoor service area for Element/Chaser's at 2401 Chamberlain Street, also be discussed separately.

Moved by Mahayni, seconded by Goodman, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of August 28, 2007
3. Motion accepting Report of Contract Change Orders for August 16 - 31, 2007
4. Motion approving renewal of the following liquor licenses and beer permits:
 - a. Class C Liquor - Corner Pocket/Zone, 125 Main Street
 - b. Class C Liquor - Mandarin Restaurant, 415 Lincoln Way
 - c. Class B Native Wine - Lillie Mae Chocolates, 417 Main Street
5. Motion approving permanent transfer of Valentino's Special Class C Liquor license from 2500 Ferndale Avenue to 823 Wheeler Street, Suite 1, effective September 24, 2007
6. Motion setting the following City Council meeting dates:
 - a. November 20, 2007, at 7:00 p.m. for Regular Meeting
 - b. December 18, 2007, at 7:00 p.m. for Regular Meeting
 - c. January 15, 2008, at 5:15 p.m. for CIP Worksession
 - d. February 1, 2008, at 2:00 p.m. for Budget Overview
 - e. February 5, 6, 7, and 12, 2008, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - f. March 4, 2008, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
7. Motion approving encroachment permit for awning at 2418 Lincoln Way
8. RESOLUTION NO. 07-409 approving appointment of Michael Moore and Robert McMahon to fill vacancies on Student Affairs Commission
9. RESOLUTION NO. 07-410 approving 2007 Street Finance Report
10. Ames High Homecoming, October 1, 2007:
 - a. Motion approving a fireworks display for Ames High Homecoming at AHS Stadium the evening of October 1, 2007, pending receipt of certificate of insurance
 - b. RESOLUTION NO. 07-411 approving closure of portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, and Pearle Avenue from 6:00 p.m. to approximately 7:30 p.m. for parade scheduled at 6:30 p.m.
 - c. RESOLUTION NO. 07-412 approving suspension of parking meter fees in Main Street Cultural District from 5:00 p.m. to 6:00 p.m.
 - d. RESOLUTION NO. 07-413 approving closure of Parking Lot N from 5:00 p.m. to 8:00 p.m.
11. Octagon Art Festival, September 23, 2007:
 - a. Motion approving Blanket Temporary Obstruction Permit for sidewalks adjacent to closed streets
 - b. Motion approving Blanket Vending License
 - c. RESOLUTION NO. 07-414 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6 a.m. to 6 p.m.
 - d. RESOLUTION NO. 07-415 waiving fees for use of electricity during the event and for Blanket Vending License
12. Requests from Main Street Cultural District for MusicWalk on September 20, 2007:
 - a. Motion approving Blanket Temporary Obstruction Permit for CBD sidewalks from 8:00 a.m. to 8:00 p.m.
 - b. Motion approving Blanket Vending License for CBD from 4:00 p.m. to 8:00 p.m.
 - c. RESOLUTION NO. 07-416 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 07-417 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.

- e. RESOLUTION NO. 07-418 approving closure of three parking spaces on east side of Kellogg Avenue, from Main Street to the alley, from Noon to 8:00 p.m. for food vendors
 - f. RESOLUTION NO. 07-419 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza
13. RESOLUTION NO. 07-420 approving preliminary plans and specifications for the Grand Avenue Extension Power Line Relocation Project for the Electric Services Department; setting October 10, 2007, as bid due date and October 23, 2007, as date of public hearing
 14. RESOLUTION NO. 07-421 approving preliminary plans and specifications for Site Preparation and Earthwork for Furman Aquatic Center; setting September 26, 2007, as bid due date and October 2, 2007, as date of public hearing
 15. RESOLUTION NO. 07-422 setting September 25, 2007, as date of public hearing for issuance of General Obligation Bonds, Series 2007A, in an amount not to exceed \$9,750,000
 16. RESOLUTION NO. 07-423 authorizing matching funds with Iowa Department of Transportation for Ames Municipal Airport Hangar Painting in the amount of \$18,392.18
 17. RESOLUTION NO. 07-424 awarding contract to Shelton Painting, LLC, of Lacona, Iowa, in the amount of \$91,960.88 for Ames Municipal Airport Hangar Painting
 18. RESOLUTION NO. 07-425 awarding contract to Gillig Corporation of Hayward, California, for purchase of three 40-foot heavy-duty transit buses in an amount not to exceed \$324,000 per bus
 19. RESOLUTION NO. 07-426 approving contract and bond for Grand Avenue Extension Project (Squaw Creek Drive to Lincoln Way)
 20. RESOLUTION NO. 07-427 approving contract and bond for Power Plant Elevator Replacement Project
 21. RESOLUTION NO. 07-428 accepting completion of 2004/05 Traffic Signal Replacement Program (Duff Avenue/Sixth Street)
 22. RESOLUTION NO. 07-429 accepting completion of 2005/06 Traffic Signal Replacement Program (Duff Avenue/Main Street)
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

EXTENDED OUTDOOR SERVICE AREA FOR ELEMENT/CHASER’S, 2401 CHAMBERLAIN STREET: Council Member Goodman asked for more information on the height of the fence around the outdoor service area. Scott Davis, 2401 Chamberlain Street, advised that the fence is currently being constructed around the outdoor service area. The fence will be six-feet high all the way around. Mr. Goodman was also concerned about the location of the dumpster. Mr. Davis said that the dumpster will be placed inside the fence.

Moved by Goodman, seconded by Rice, approving an expanded outdoor service area for Element/Chaser’s at 2401 Chamberlain Street.

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

MINOR FINAL PLAT FOR BAILEY SUBDIVISION, 1ST ADDITION: City Manager Schainker advised the City Council that information had been provided to City staff late in the process regarding approval of Bailey Subdivision, 1st Addition. This information did not change staff’s recommendation on this issue, but it will necessitate a future funding request from staff.

Mr. Schainker reminded the City Council that a few months ago, it had been announced that Ames would be the site of the new Colorbiotics project, an expansion out of Becker Underwood. He explained that Colorbiotics will be built on land in the Bailey Subdivision. This land is being divided into two lots; the southern lot will be the site for Colorbiotics. When the incentives package was prepared, the company only asked for tax abatement. In the past, when companies would create high-paying jobs, incentives of \$50,000 (in forgivable loans or grants) to \$100,000 (in low-interest loans) have been offered. It was discovered when the site plan for Bailey Subdivision was being reviewed that Boston Avenue dead-ends into the southern lot. It was first thought that a cul-de-sac could be constructed at that location; however, that would interfere with Colorbiotics' plan for internal traffic circulation. It has now been determined that the turnaround for Boston Avenue will have to be constructed on property owned by First National Bank. To do this correctly will mean an approximately \$15,000 hammerhead investment. Mr. Schainker advised that staff will be coming before the Council at a future date to request those funds for this purpose; the funds could be allocated from the economic development account. He said that if this information had been known earlier, the company would have been required to make the public improvement. More than likely, however, the company would have asked for additional funding to help defray those costs. It was also noted that the hammerhead will be beneficial to the City for its emergency vehicles and snowplows.

Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 07-430 approving the Minor Final Plat for Bailey Subdivision, 1st Addition.

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

PUBLIC FORUM: Catherine Scott, 1510 Roosevelt Avenue, Ames, pointed out that the City Code requires that adjacent land owners within 200 feet of the affected property be notified of pending rezoning applications. It is her belief that that number is too small; more people should be notified as the "earlier feedback is received, the better." Ms. Scott asked the Council to consider increasing that number in the Municipal Code.

FIRE STATION CONTROL PROJECT: Deputy Fire Chief Paul Sandoval explained that a Fire Dispatch Network Upgrade project was originally undertaken as a result of an Insurance Services Office (ISO) evaluation conducted in 2003. As a result of that evaluation, ISO recommended that the City have two paths or redundant systems for fire dispatch. Staff then moved forward with a plan to achieve that redundancy. An Assistance-to-Fire Fighters grant was obtained in 2005 to provide the majority of funding for this project, which was estimated to cost \$160,000; a FEMA grant, CIP funds, and E-911 funds were to be used. As the project moved forward, it became evident that the project must include a new network for emergency communications and renovation of the existing 30+-year-old telephone and intercom systems. At the time the Request for Proposal was established for this project, it was believed that an application program interface (API) was a part of the HTE computer-aided dispatch system (CAD); however, it was discovered that the latest HTE CAD version is no longer included the API. The API is necessary to allow dispatch information to be shared with the Locution software. Due to the additional work necessary to complete this project, Locution Systems will need to make additional on-site visits in excess of those included in the original agreement. As a result, the project budget now exceeds available revenue by \$40,762.

Savings in the year-end 2006/07 General Fund are available to cover this cost. Deputy Chief Sandoval summarized that this project is important for the delivery of prompt emergency services within the community. The initial goals for better, faster, and more secure emergency dispatch communications cannot be met without this additional expenditure.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 07-431 approving funding for the completion of the Fire Station Control Project utilizing \$40,772 of the available General Fund balance from Fiscal Year 2006/07.

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

AMENDMENT TO 2007-2012 CAPITAL IMPROVEMENTS PLAN: The Council was reminded by Public Works Director John Joiner that on July 24, 2007, staff was directed not to pursue any physical alterations to the intersection or changes to the signal phasing at the Grand Avenue/13th Street Intersection. Staff was also directed to return to the Council with a recommendation to amend the Capital Improvements Plan (CIP) to include a project for replacement of the existing traffic signal equipment. Staff is recommending that the traffic signal replacement project still be shown within the U. S. 69 Intersection Improvements program. With the new project shown in 2008/09, it will provide adequate time to generate engineering plans, have the project reviewed by the Iowa Department of Transportation (IDOT), and hold a bid letting. According to Director Joiner, by amending the CIP to include the replacement of the traffic signal equipment at the intersection of 13th Street and Grand Avenue, the City will enhance the reliability of signal operations and benefit overall intersection efficiency. Funding for this \$227,500 project would come from the Road Use Tax fund.

Director Joiner said that there are several remaining items to be completed as part of the City's approved Engineering Services Agreement with WHKS & Co. One item in particular is to finalize the engineering survey of the area to include all public and privately owned utilities. That surveying work originally extended three to four blocks in each direction from the intersection; however, under the revised project, this survey work will now need to extend only one block in each direction. This work is needed to move forward with developing the engineering plans for the traffic signal replacement.

Council Member Larson asked that City staff visit the affected property owners as well as send notification to let them know that the surveying work will be occurring.

Moved by Larson, seconded by Popken, to direct staff to amend the U. S. 69 Intersection Improvements CIP page to include the replacement of the traffic signal equipment at 13th Street and Grand Avenue under the 2008/09 year of the U. S. 69 Intersection Improvements program.

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

HISTORIC SITE PRESERVATION GRANT APPLICATION FOR CITY HALL DOORS:

Assistant City Manager Bob Kindred explained that the doors for the City Hall and Community Center have served the building well since 1989, but replacement of at least some of the doors is

now necessary. Deciding how to replace the doors involves a balance of many interests, including historic appearance, maintenance and useful life of the doors, handicapped accessibility, energy efficiency, building security, and cost. Staff has been searching for the best way to fund the replacement of the doors and attempting to determine what doors can best meet the City's needs.

Planner Ray Anderson advised that funding to assist with the cost of replacing the exterior doors is available through the Historic Site Preservation Grant (HSPG) program administered by the State Historical Society of Iowa. In order to qualify, the project must involve work on an "historical site." Council was reminded that, on October 24, 2002, the Ames High School (presently the Ames City Hall and Community Center) was listed in the National Register of Historic Places. Mr. Anderson advised that the HSPG is a competitive grant program, and projects require a dollar-for-dollar cash match. The grant would cover a maximum of \$100,000 of the total project cost and the City would be responsible to pay the remainder of the cost.

Mr. Anderson advised that he and the architects have met with representatives of the Iowa State Historical Society and have been assured that the proposed project is eligible for grant funding. However, it was noted that the project will only be eligible if the new doors are constructed of "wood materials." The new doors, if approved, will again be solid core wood with an 1/8-inch white oak veneer and will again need to be protected regularly with marine spar varnish satin finish. The Historical Society has also made recommendations pertaining to the size of the door opening and hardware in order to meet the requirements of the Americans with Disabilities Act (ADA). To include the hardware recommended by the Historical Society will increase the cost significantly. Input from citizens with expertise in handicapped accessibility will be sought before final plans are prepared.

Mr. Anderson advised that the estimated total project cost would be \$236,775. Should the grant application be submitted as proposed and the City receive the full \$100,000, the balance of approximately \$137,000 can be made available from the following years' allocations to the City Hall Improvements Capital Improvements Project.

Jay Goss, RDG, 301 Grand Avenue, Des Moines, Iowa, showed pictures of the existing doors as well as the proposed replacements.

Council Member Goodman asked if all doors needed to be replaced. Mr. Kindred advised that some doors are weathered more than others; however, with grant funding a possibility and the efficiency of one bidding process, it was decided to attempt to replace all doors.

Moved by Popken, seconded by Goodman, to authorize submission of an HSPG grant application to the State Historical Society of Iowa to help fund the Exterior Door Replacement and Rehabilitation project for the City Hall/Community Center.

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

PRELIMINARY PLAT FOR ESTATES WEST SUBDIVISION, 516 NORTH DAKOTA: Planner Seanna Perkins described the proposed development. The site, currently a manufactured home park, is approximately 16.58 acres in size and is zoned Residential Low Density. The applicant proposes

to remove all of the existing structures, including all of the manufactured homes, and subdivide the site into 11 single-family residential lots.

Ms. Perkins pointed out that the City's Long-Range Transportation Plan indicates an unpaved path within the Clear Creek floodplain in the general vicinity of this site. If, at some future date, the City determines that construction of an unpaved pathway would be appropriate, the City could provide the pathway on its own property.

According to Ms. Perkins, at the Planning & Zoning Commission meeting of September 8, 2007, testimony from several interested citizens regarding concerns and questions about removal of existing vegetation, on-site garbage, assessed fees for the improvement to Arizona Avenue, slopes, and the floodplain. The Commission did unanimously recommend approval of the Preliminary Plat with the following stipulations:

1. The developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, pursuant to Ames Municipal Code Division IV, including: street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvements Agreement to guarantee the completion of all public improvements and provide security in the form of an improvement guarantee, as set forth in Section 23.409 of the Ames Municipal Code.
2. A note shall be included on the face of the Final Plat stating that development of Lots 1 through 11 shall be subject to Ames Municipal Code Chapter 9, Flood Plain zoning regulations.
3. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to Final Plat approval.

Ms. Perkins explained that the reason staff is recommending that a note be placed on the Final Plat regarding flood plain zoning regulations is to make it clear to persons contemplating improvements that they will need to seek a Conditional Use Permit from the Zoning Board of Adjustment.

Council Member Rice noted that 53 trailer units will be replaced by 11 single-family units. Although he is pleased with the appearance of the new project, he is concerned about the loss of affordable housing in this area.

Sue Ravenscroft, 455 Westwood, Ames, said that she walks in the area in question and noted that visibility is an issue as vehicles speed through the area. She hopes that drivers will be aware of pedestrians. Also, Ms. Ravenscroft advised that the sidewalks are not shoveled in this area, and she hopes that will improve.

Chuck Winkleblack, Hunziker & Associates, 105 South 16th Street, Ames, advised that the majority of the mobile homes being replaced are 40 to 50 years old and were designed to last approximately ten years; they have outlived their usefulness. He did note that Hunziker & Associates is currently constructing 120 low-income housing units on the east side of Ames, which will help address the

need. Mr. Winkleblack pointed out that it is the City's responsibility to maintain the bike/pedestrian path in this area.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 07-432 approving the Preliminary Plat for Estates West Subdivision located at 516 North Dakota, subject to the following conditions:

1. The developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, pursuant to Ames Municipal Code Division IV, including: street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvements Agreement to guarantee the completion of all public improvements and provide security in the form of an improvement guarantee, as set forth in Section 23.409 of the Ames Municipal Code.
2. A note shall be included on the face of the Final Plat stating that development of Lots 1 through 11 shall be subject to Ames Municipal Code Chapter 9, Flood Plain zoning regulations.
3. Civil drawings of all public improvements shall be submitted to the Public Works Department for review and approval prior to installation and prior to Final Plat approval.

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

The meeting recessed at 9:10 p.m. and reconvened at 9:17 p.m.

AMENDMENT TO LAND USE POLICY PLAN (LUPP) PERTAINING TO CONVENIENCE COMMERCIAL NODES: Steve Osguthorpe, Planning and Housing Director, advised that the applicant Uthe Development Co., LLC, is requesting that the text of the LUPP be amended to provide exception criteria to the locational criteria for the Convenience Commercial Node (CVCN). He stated that an application for rezoning had been submitted by the applicant and was denied after a hearing was held by the Planning & Zoning Commission on July 18, 2007. In response to the recommendation for denial, the applicant requested that the proposed rezoning be placed on hold. The proposed LUPP text amendments were then submitted in response to the staff and Planning & Zoning Commission's recommendations based on findings that the proposed rezoning was not consistent with the locational criteria for such a zone as stated in the LUPP.

It was pointed out by Mr. Osguthorpe that the proposed text amendment is not site-specific or necessarily related to sites identified as historically, architecturally, or archaeologically significant.

Applicable laws and policies were noted by Director Osguthorpe. He advised that three locations within the New Lands Area are recommended for Convenience Commercial Nodes, as follows: (1) Northwest Growth Corridor at the intersection of North Dakota Avenue and Union Pacific Railroad, (2) Southwest Growth Priority Area near the intersection of Lincoln Way and Boone County/Story County line, and (3) Southwest Growth Priority area in the vicinity of the intersection of State Avenue and Oakwood Road. Mr. Osguthorpe said that the existing locational criteria were based

upon information obtained from the Urban Land Institute. The proposed amendments do not question the validity of the existing spacing criteria; rather, they provide exception criteria not currently included in the LUPP for locating Convenience Commercial Nodes closer to existing nodes or villages. Current language in the LUPP states that Convenience Commercial Nodes should not be located within two miles of an existing neighborhood commercial area, convenience commercial node, and/or village commercial center development.

In reviewing this proposal, staff also took into consideration applicable goals and policies as stated in the City's LUPP, as follows: (1) Planning and Management of Growth, (2) Developable Area Provisions, (3) Environmental-Friendliness, (4) Sense of Place and Connectivity; (5) Cost-Effectiveness and Efficient Growth Pattern, (7) Mobility and Alternative Transportation, (9) Economic Expansion and Diversification, and (10) Cultural Heritage Preservation. Mr. Osguthorpe noted that the LUPP has identified a need for an additional 800-900 acres of commercial growth. Although the need for retail at the regional level will largely be met with the rezoning of the lifestyle center site on East 13th Street, the more local needs of neighborhoods have not yet been realized.

It was pointed out by Director Osguthorpe that the Planning & Zoning Commission reviewed this request at its regular meeting on August 15, 2007, and voted unanimously to recommend approval to the City Council. Based upon the findings, staff also concluded that the proposed amendments would be consistent with the goals and policies of the City's LUPP.

Elizabeth Koziel, 3902 Westlawn, Ames, stated that she is very concerned about the land north of the railroad tracks being rezoned to Convenience Commercial. She moved to this location believing that it was a residential area and doesn't understand why people "need to have a grocery store in their backyard." Ms. Koziel is also concerned that business owners who spoke against this proposal in the past might be reluctant to speak against it now since they don't want people to think they don't want the competition. She encouraged the City Council to keep this area zoned Residential.

Sue Ravenscroft, 455 Westwood, Ames, said that one of the hallmarks of good planning is predictability. By incorporating vague criteria, e.g., anticipated uses and services, predictability is decreased. It was her opinion that the proposed criteria could be used to allow more strip malls. This proposed "strip mall" is 13 acres and does not contain anything extraordinary. It is Ms. Ravenscroft's opinion that the law should only be changed if there was something extraordinary included, e.g., green roofs, pervious surfaces for parking, less parking, buildings that comply with the lead efficiency standards, design that includes the village concept. Ms. Ravenscroft does not believe that a proposed convenience commercial center will not adversely affect the nearby commercial center. She asked what evidence was required to meet that criteria. Ms. Ravenscroft reiterated that the LUPP was designed to provide predictability, not only for developers, but also for residents, and she feels that allowing changes such as what are being proposed would decrease that predictability. If the Council were going to change the law, Ms. Ravenscroft believes it should be for a better reason than for "an ordinary strip mall."

Wendy White, 3702 Ashton Drive, Ames, said that she lives in a three-year-old townhome community, which is immediately adjacent to the proposed commercial development. She stated that she opposes the proposal to amend the LUPP. Ms. White pointed out that the LUPP was created

to provide predictability to homeowners and businesses. She said that when she purchased her home, she could not predict that zoning policies could change so that she could be living next to a 24-hour convenience store with a gas station and grocery store. According to Ms. White, "Fareway's popularity should not undermine her rights as a homeowner." Ms. White said that Cub Food owners also could not predict that zoning laws could change to enable a competing grocery store to be built only 1.3 miles away. Also, Ms. White feels that the solution to renovate foot traffic in Somerset should not be to rezone surrounding areas to commercial; that practice would become precedent if the proposed amendments to the LUPP were to be approved. She feels that the two-mile interval between commercial sites is appropriate; there is a supermarket, carwash, and convenience store 1.3 miles from the proposed construction site. Ms. White stated that if the criteria for Convenience Commercial Nodes were revised, the Council should take a more comprehensive approach. She explained that the proposed development is 13 acres, but the entire West HyVee shopping plaza on Lincoln Way, which includes physicians' offices and a full-size supermarket is only 6.2 acres. In her opinion, it is not necessary to have a shopping plaza twice the size of the West HyVee shopping plaza in this residential area. Ms. White suggested that the LUPP specify that Convenience Commercial Nodes will be no larger than five acres and provide more clarity regarding the type of businesses permitted. She asked the City Council to uphold the integrity of the LUPP and protect the rights of existing homeowners and businesses.

Joe Rippetoe, 419 Pearson Avenue, Ames, said that "the elephant in the room once again is the Wolford Corporation" as once the Council agreed to change the LUPP for Wolford in 2005, it opened the door to continued and repeated changes to the Plan. Whether the LUPP is being fine-tuned or "slaughtered," if the end result is commercial development where it is not wanted, it doesn't matter. The LUPP should only be changed in the face of extraordinary circumstances or opportunities. He said that developers formerly regarded the LUPP as a "given." Mr. Rippetoe is very concerned that staff reviews each proposal's potential for having impact in the immediate vicinity; that is not broad enough for the LUPP. He feels that the potential impact on the entire community should be considered. Mr. Rippetoe believes that there is a good chance, if this runs its course through every process, it would be the first step in the closing of the downtown Fareway store. He urged the City Council to reject the request for LUPP text amendments.

Catherine Scott, 1510 Roosevelt, Ames, thinks the proposal has the potential to undermine the emphasis on the village concept. She also believes that, although some of the criteria is based on information obtained from the Urban Land Institute, it takes the predictability away from the LUPP. Ms. Scott recommended that the City Council deny the text amendments.

Council Member Popken advised that two things concern him pertaining to the text amendments being requested: (1) this change is being driven for the entire City by this one proposal, and (2) it is unknown how this change will affect the Somerset commercial area. He pointed out that the City has invested a lot in the commercial area in Somerset, and he does not believe that having a Convenience Commercial Node this close to it would be beneficial.

Council Member Larson believes that Somerset has failed in its original mission. He does not believe that Somerset provides the commercial choices for residents of that area. It is Mr. Larson's opinion that the needs of a growing community change, and the City needs to have the capability

to respond to the desires of the residents of the affected area. Mr. Larson said that the vast majority of people who have contacted him regarding this issue have urged him to vote in favor of the requested amendments. The input he received indicated that this was well-thought-out and would satisfy the choices of what people in the community want.

Council Member Goodman agreed that Somerset does not provide the residents of that area with the amenities that they were expecting. He felt possible solutions would be to: (1) revisit the village concept and possibly create some “freedoms” inside the village to accommodate other kinds of uses, e.g., a grocery store, gas station; (2) add another type of commercial area that does not currently exist that can yield the opportunities nearby, but which, under current guidelines, the village cannot now yield. Mr. Goodman believes that neither of those solutions could occur in this instance because people have made life decisions on the basis of the LUPP. He said, for that reason, he cannot support the requested text amendments.

Council Member Doll advised that he was surprised to hear the testimony on this subject tonight, as every comment that he had received had been supportive of the proposed changes. He perceives this as opening up an opportunity to provide services where people want them. Mr. Doll referenced the village concept and said, to him, that means that people are able to walk to service-providers. While 1.3 miles is walkable, it is much more difficult when carrying groceries. He sees this as solving an issue as people would like to see these services in the village. Mr. Doll pointed to one of the components of the Council’s vision: “is open and inclusive by accommodating varied lifestyle choices in housing, transportation, retail, entertainment, and employment.” These amendments would allow the City to offer varied retail in a location where services are now very limited. He does not believe that the requested proposal is extraordinary; it’s very ordinary and provides necessary services.

Council Member Rice said that it comes down to a matter of scale for him. He agreed that the City’s LUPP is not perfect, but he feels that allowing too much flexibility leads to arbitrary decisions. The scale being discussed tonight is a large grocery store, not a small convenience store. Mr. Rice alluded to the Growth Priority Areas agreed to by the City Council: Southwest, West, and Northwest; not North. He feels that if this request were allowed, it would be one more stepping stone to more development to the North. Mr. Rice said that, if the text amendments were approved, the Council would not be able to deny requests in the future for anyone who could show a need. Predictability offered by the LUPP is also an issue for him.

Council Member Mahayni challenged the other City Council members to name one city that has a Land Use Plan that is cast in stone, and “if you change it, you are calling for disasters.” He said that is not the case, as Land Use Plans do change with time and new information. Mr. Mahayni pointed out that what is being discussed is a Convenience Commercial Node. According to Mr. Mahayni, the essence of that classification within the hierarchy of commercial is convenience, i.e., proximity to the consumers. Also, Mr. Mahayni is concerned that anytime there is a commercial proposal before the City Council, it is described as a “strip mall.” He advised that the LUPP refers to “nodes,” which means a mixture of commercial activities to serve the “neighborhood that surrounds the area,” not to serve the “City.” Mr. Mahayni emphatically noted that Council members continue to argue on Smart Growth principles, e.g., they want “less travel, less travel, less travel.” He pointed

out that the request before them offers the chance for them to make commercial convenience stores available at the level of the neighborhood, yet some Council members are opposing the proposal because there is a store two or three miles away, which will require consumers to travel there. Mr. Mahayni does not view this as being too flexible; development proposals will be presented to the Council and it will have the opportunity to approve or deny at that point. He pointed out that the request before the Council tonight is not referring to a specific area. Mr. Mahayni sees this request as a positive change in the context of the LUPP; within Smart Growth principles, it makes daily-type of services available closest to the neighborhood around it, not the whole city.

Council Member Popken countered that predictability of the Land Use Plan is also a principle of smart growth. Predictability would be lost if this were approved, and more requests would be made to locate commercial areas closer than the Plan-prescribed distance. He said if the radius were made smaller, he might be able to support it.

Council Member Goodman advised that the scope is too broad; it would not limit what types of services are allowed. Council Member Larson pointed out that what is being proposed is to provide exception criteria for the Convenience Commercial Node. He feels that this provides some flexibility to the LUPP to enable the City Council to make decisions on specific proposals. Mr. Larson said that when the City Council is through “killing projects” because no LUPP text amendments get approved, there will be no flexibility to make good projects move forward.

Council Member Goodman said that he interprets the LUPP as not allowing for the duplication or undermining of nearby services in the Convenience Commercial Node. He thinks that this will further hinder the success of the village concept. Council Member Doll does not see what is being proposed as being in competition with anything contained in Somerset. Council Member Larson pointed out that what was before the Council tonight deals with the LUPP, not specific development.

Moved by Doll, seconded by Larson, to adopt a resolution approving text amendments to the LUPP to provide exception criteria to the locational criteria for the Convenience Commercial Node (CVCN).

Roll Call Vote: 3-3. Voting aye: Doll, Larson, Mahayni. Voting nay: Goodman, Popken, Rice. Motion failed.

SAFETY DEVELOPMENT SERVICES FOR FY 2007/08: Human Resources Director Julie Huisman advised that the City has provided a comprehensive OSHA safety program to its employees for over 20 years. The program has been internally staffed by the Risk Management with specific program development and on-site training provided by various contracted vendors, and for the last three years, those services have been provided by the Iowa Association of Municipal Utilities (IAMU).

Ms. Huisman said that Human Resources staff and IAMU staff performed a comprehensive review of existing literature and best practices in the area of program development and training. In looking at the complexity of the program, it was decided to adopt a four-year plan to complete the entire project. Costs would be \$125,491 for FY 2007/08; \$136,233 for FY 2008/09, \$144,413 for FY

2009/10, and \$67,329 for FY 2010/11. The Safety Training budget was finalized late last year before completion of this analysis; the amount budgeted was \$82,500. Additional funding for this year may be taken from the available balance in the Risk Management Fund, which is sufficient to cover existing deductibles as well as the added \$43,000 cost of this Safety Program.

According to Ms. Huisman, staff is also requesting that the Agreement for General Services with the IAMU be granted a waiver from the standard Purchasing Policies and that the existing agreement be expanded to include Phase II: Program Development and Phase III: Employee Training. While the IAMU is not a single-source provider of these services, it is the most practical source. IAMU safety staff has worked very closely with the City's departments over the last three years and are familiar with all City operations. Given the complexity of the subject, IAMU's involvement in developing the three-phased plan, and previous challenges identifying ways to address these areas, it seems appropriate to continue with the IAMU for the next four years. The proposed contract will, however, only cover FY 2007/08; staff will reevaluate the proposal annually as to the progress of the IAMU in completing the requirements.

Council Member Larson expressed his concern that the City will be paying for developing a program that will be shared with other communities at the City's expense. He thought if that were the case, perhaps the costs may be lowered. Mr. Larson suggested that the City visit with companies such as Story Construction or ACI Mechanical that have been recognized for their safety programs. Jon-Scott Johnson advised that the model that will be used will be available to other cities; however, the City's program will be unique to Ames and its operations. City Schainker pointed out that by contracting out these services, the City is saving money; it is cost-effective.

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 07-433 waiving the standard Purchasing Policy and selecting the Iowa Association of Municipal Utilities to provide Safety Development Services for FY 2007/08 in an amount not to exceed \$125,491.

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

UPDATE ON STUDENT AFFAIRS COMMISSION: *Ex officio* Member Luttrell gave an update on issues that had been raised by the Government of the Student Body (GSB) at an earlier joint meeting and summarized the progress made on each of the topics, as follows:

1. Cleaning Up Campustown. The Story County Juvenile Court Officer gave approval to the concept of providing "community service" workers, when available, on Saturday and Sunday mornings if: the City provides the trash bags, their workers are allowed to deposit the garbage bags in the dumpsters of area businesses, and the pick-up area is reasonably limited. Boundaries set as the pick-up area were Knapp from Ash to Sheldon, Welch from Lincoln Way to Storm, Lincoln Way from Stanton to Hayward, Hunt from Welch to Sheldon, Chamberlain from Stanton to Hayward, and Hayward from Lincoln Way to Hunt.
2. Public Restrooms in Campustown. The City has entered into a contract with Mike Yeagle, Campustown Property Management Director of Operations, to rent restroom facilities at

Cyclone Plaza, 200 Stanton Avenue, and at 303 Welch Avenue for use by the general public from 8 AM until 2:30 AM the next day seven days/week.

3. Terms of Board and Commission Members. The Commission recommended that the terms run from September 1 to August 31.
4. Ordinance Creating the Student Affairs Commission. Commission members recommended that the Ordinance be modified to allow the International Student Council President, the Inter-Residence Hall Association President, and Ames High Student Council President positions to be filled by designees of these organizations. It is also being recommended that student representatives to the Commission be appointed by the Government of the Student Body (GSB).
5. Campustown Court. Members of the GSB Senate and Cabinet are meeting with the Landscape Architecture Club, Community and Regional Planning Club, and a horticulture club to assist in the design of the Campustown Court at Welch and Chamberlain.

Moved by Goodman, seconded by Mahayni, to refer to staff proposed changes to the ordinance pertaining to the Student Affairs Commission, as follows: (1) Change the terms of members to run from September 1 to August 31; (2) allow for the International Student Council President, the Inter-Residence Hall Association President, and Ames High Student Council President positions to be filled by designees of these organizations; and (3) Student representatives to the Commission be appointed by the Government of the Student Body.

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

SOUTHEAST ENTRYWAY PROJECT: City Manager Schainker recalled that, in accordance with a request from the South Ames Business Neighborhood Association (SABN), the City Council authorized staff to apply for a Transportation Enhancement grant through the Iowa DOT for light column sculptures and plantings along the U. S. 30/Dayton entryway, streetscape improvements at the SE 16th Street/South Dayton Avenue Intersection, and a shared-use path along SE 16th Street. The total budget was \$1,006,000, of which \$106,000 was to be in the form of donations from the SABN. A companion project included in the CIP involves the paving of the surface and installation of a new bridge along SE 16th Street. That budget is projected at \$4,700,000, with assessments of four properties contributing \$1,500,000 of those costs. He advised that excellent bids were received and the project costs have been reduced to \$4,000,000, thus lessening the City's share to \$2,500,000.

Mr. Schainker stated that three issues have now surfaced:

1. In order to qualify as a local match for the entryway project, the shared-use path originally included in the bid for the SE 16th Street project must be rebid; however, since the City received very attractive bids on this project, it would not seem prudent to rebid the shared-use path and risk incurring higher costs just to qualify for a local match.
2. The SABN leaders had indicated that they would contribute an additional \$60,000 towards a local match for the enhancement grant; however, to date, they have had difficulty raising the additional funds.

3. The estimated cost for the SE 16th Street Paving and Bridge Project has been reduced by \$700,000. In accordance with the existing agreements with the four property owners who will be assessed \$1,500,000, all of the cost reduction will benefit the City. The SABN representatives have requested that the City use some of that savings to ensure it can maintain the \$683,000 enhancement grant for the entryway project; if the \$88,000 originally identified for the shared-use path along SE 16th Street is not included in the local match, the state grant will be reduced.

It was pointed out by City Manager Schainker, that if this option is approved, the City will be contributing \$148,000 more to the SE 16th Street Paving and Bridge project than the current legal arrangement requires, but \$552,000 less than originally planned.

Moved by Goodman, seconded by Mahayni, to direct staff to initiate a second assessment project with the original four property owners totaling \$148,000 for entryway improvements and reduce the amount to be assessed to the four property owners from \$1,500,000 to \$1,352,000 contingent upon their signing a second Waiver of Assessment Agreement for \$148,000.

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

UNIT NO. 7 ROTOR: Donald Kom, Electric Services Director, briefed the City Council on the current status of the Unit No. 7 Rotor. Staff is not asking for any action to be taken by the City Council at this meeting. He advised that the contractor has agreed to the Change Order, which allows the \$100,000 to be removed from the contract (to pay for the additional testing). The City still plans to attempt to require a bond increase of the contractor; however, it is unknown whether that can be produced. City staff does not want the Change Order and the additional bond requirement to be tied together. Mr. Schainker reminded the City Council members that they had previously authorized the staff to move ahead in this regard. Additional Council action will be necessary after it is determined whether the rotor passes or fails the testing to be performed by Alstom. Mr. Kom said that Alstom contacted the City today and indicated that its test pit is available for the next week. The rotor will be taken to the test site within the next 24 hours.

HEARING ON 2007/08 CLEAR WATER DIVERSION PROGRAM: Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 07-434 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$202,892.

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

HEARING ON POWER PLANT ROOF REPLACEMENT PROJECT: The public hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Goodman, seconded by Doll, to accept the report of bids and delay award of contract.

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

COMMENTS AND FUTURE AGENDA ITEMS: Moved by Rice, seconded by Popken, to refer to staff the request of Russ Weis regarding the parking regulations near the Pizza Ranch restaurant in the Eastgate Subdivision.

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

Moved by Rice, seconded by Doll, to refer to staff the request of Civil Design Advantage pertaining to a waiver of jurisdictional rights for 5239 Zumwalt Station Road.

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

Moved by Popken, seconded by Goodman, to update the City Council and citizen Sharon Guber on the results of the previous analysis of the State Avenue speed limit.

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

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 10:58 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor