

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

AMES, IOWA

JULY 8, 2008

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on July 8, 2008, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, and Popken. Council Member Rice and Ex officio Member Beals were absent.

PRESENTATION OF SPECIAL RECOGNITION FOR “LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN” BUILDING: Sheri Kyras, Transit Director, advised that Ames had recently received special recognition at the State Transit Convention. The Federal Transit Administration had given an award to CyRide in recognition of its new building meeting the Leadership in Energy and Environmental Design (LEED) standards.

PRESENTATION OF ANNUAL REPORT FROM AMES ECONOMIC DEVELOPMENT COMMISSION (AEDC): Representing the AEDC were Dan Culhane, President and Chief Executive Officer, and John Russell, Board Chairman. Mr. Culhane reviewed the scope of contractual services contained in the City’s Agreement with the AEDC. He also highlighted a variety of activities that the AEDC had been involved with over the past 12 months.

Council Member Larson asked Mr. Culhane to comment about the lack of industrial land in Ames. Mr. Culhane advised that the lack of available industrial land is discussed often at AEDC Board meetings. It is critically important to have large tracts of industrial land available if Ames is going to be in a position to compete for larger projects. Mr. Culhane believes that the tracts of land should be at least 20 acres in size.

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 June 24, 2008
3. Motion setting Special City Council Meeting for 7:00 p.m. on July 29, 2008
4. Motion approving certification of civil service applicants
5. Motion directing City Attorney to draft an ordinance establishing parking regulations for Tiverton Court and Stange Road
6. Motion accepting Report of Contract Change Orders for June 16-30, 2008
7. Motion approving renewal of the following beer and liquor licenses:
 - a. Class C Liquor & Outdoor Service Privilege - Fox I Lounge, 111 South 5th Street
 - b. Class B Beer - Pancho’s Mexican Grill, 1310 South Duff Avenue
8. RESOLUTION NO. 08-284 approving revisions to ASSET Policies
9. RESOLUTION NO. 08-285 approving Contract for Services with the Ames Convention & Visitors Bureau for Campground Sponsorship
10. RESOLUTION NO. 08-286 approving ASSET Administrative Services Contract for Services
11. Watershed Improvement Review Board (WIRB):
 - a. RESOLUTION NO. 08-287 approving funding request
 - b. RESOLUTION NO. 08-288 approving contract modification
12. RESOLUTION NO. 08-289 approving preliminary plans and specifications for Eddy Current System for a Non-Ferrous Metals Recovery System for the Resource Recovery Plant, setting July 24, 2008, as bid due date and July 29, 2008, as date of public hearing
13. RESOLUTION NO. 08-290 approving preliminary plans and specifications for Induction Sorting System for a Non-Ferrous Metals Recovery System for the Resource Recovery Plant, setting July

24, 2008, as bid due date and July 29, 2008, as date of public hearing

14. RESOLUTION NO. 08-291 approving preliminary plans and specifications for Conveyors for a Non-Ferrous Metals Recovery System for the Resource Recovery Plant, setting July 24, 2008, as bid due date and July 29, 2008, as date of public hearing
15. RESOLUTION NO. 08-292 approving preliminary plans and specifications for 2008/09 CDBG Neighborhood Curb Replacement Program, setting July 24, 2008, as bid due date and July 29, 2008, as date of public hearing
16. RESOLUTION NO. 08-293 awarding contract for Diesel Fuel Supply at Power Plant to Keck Company, Inc., of Des Moines, Iowa, in an amount not to exceed \$1,000,000/year
17. RESOLUTION NO. 08-294 awarding a contract to Vital Support Systems of Urbandale, Iowa, for the Network Equipment Upgrade (telephone system) at a cost of \$73,295.50
18. RESOLUTION NO. 08-295 approving contract and bond for Lime Sludge Disposal Operation
19. RESOLUTION NO. 08-296 accepting final completion of Water Pollution Control Plant SCADA construction in the amount of \$360,721.65
20. RESOLUTION NO. 08-297 approving Minor Final Plat for Dauntless Subdivision, 8th Addition
Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: No one spoke during this time.

FIREWORKS PERMIT FOR IOWA GAMES OPENING CEREMONIES: Moved by Popken, seconded by Goodman, to approve a permit to shoot fireworks from an area southeast of the intersection of University Boulevard and SE 16th Street at approximately 9:15 p.m. on July 18, 2008, for Opening Ceremonies of the Iowa Games.
Vote on Motion: 5-0. Motion declared carried unanimously.

OUTDOOR SERVICE PRIVILEGE FOR PAPA'S CORNER, 2430 LINCOLN WAY, FOR JULY 22, 2008: Moved by Goodman, seconded by Popken, to approve an Outdoor Service Privilege on July 22, 2008, for Papa's Corner, 2430 Lincoln Way.
Vote on Motion: 5-0. Motion declared carried unanimously.

OUTDOOR SERVICE PRIVILEGE FOR CENTERPLATE AT IOWA STATE CENTER FOR RAGBRAI: Moved by Mahayni, seconded by Doll, to approve a 5-day Beer Permit and Outdoor Service Privilege for Centerplate in Parking Lots A 1-4 and B 3-6 at Iowa State Center for a RAGBRAI Beer Garden.
Vote on Motion: 5-0. Motion declared carried unanimously.

REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR CYCLING COUNTRY FESTIVAL: Moved by Popken, seconded by Mahayni, to approve a 5-day Beer Permit and Outdoor Service Privilege for Olde Main Brewing Company in the 400 Block of Burnett Avenue for a beer garden.
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Popken, seconded by Mahayni, to approve a blanket Temporary Obstruction permit for sidewalks in the MSCD.
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Popken, seconded by Mahayni, to approve a blanket Vending License for the MSCD.
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 08-298 approving waiver of fee for the blanket Vending License.

Council Member Goodman advised that he would be abstaining from the vote due to a conflict of interest.

Roll Call Vote: 4-0-1. Voting aye: Doll, Larson, Mahayni, Popken. Voting nay: None. Abstaining: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Larson, seconded by Mahayni, to adopt RESOLUTION NO. 08-299 approving suspension of parking regulations and enforcement.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-300 approving closure of Main Street, from Kellogg Avenue to Burnett Avenue; Burnett Avenue, from Main Street to 5th Street; and two parking stalls in front of Wheatsfield Cooperative on Douglas Avenue.

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

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 08-301 approving usage of and waiver of fee for electricity in Tom Evans Plaza and in the alley behind Evert's.

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

HEARING ON AMENDMENTS TO SOMERSET URBAN REVITALIZATION AREA PLANS:

Mayor Campbell opened the public hearing. No one requested to speak, and the Mayor closed the hearing.

Planning and Housing Director Steve Osguthorpe explained that three Urban Revitalization Areas had been created for the Somerset Village development: Urban Revitalization Area #7, Somerset Urban Revitalization Area, and Somerset Town Center West Urban Revitalization Area. Urban Revitalization #7 has no expiration date; however, for the other two Areas, construction must have begun before July 1, 2008, in order to qualify for tax abatement. Since that expiration date has passed, the only tax abatement remaining in Somerset is for buildings built for sit-down restaurants, grocery stores, and commercial buildings with affordable residential units on the upper floors.

Mr. Osguthorpe reminded the City Council that, at its meeting of May 27, 2008, the City Council set this meeting date for a public hearing on an ordinance to repeal URA #7 and amend the plans for the other two Somerset URAs to provide for tax abatement for buildings constructed by July 1, 2011, for retail sale of goods or services as defined in Municipal Code Table 29.501(4)3. According to Director Osguthorpe, staff has been contacted by several owners of property in Somerset. None of those owners had concerns once they were told that the proposed actions would continue the tax abatement for new retail buildings. However, Tom Durkin, owner of the Ames Racquet and Fitness Center in Somerset, expressed concern that the added reference, i.e., constructed for retail sale of goods or services, would make future expansion of his building ineligible for tax abatement. Mr. Durkin is requesting the Council to consider the Fitness Center to be a retail service. Mr. Osguthorpe said, however, that Municipal Code Table 29.501(4)3 has health clubs and gyms listed as an Entertainment, Restaurant, and Recreation Trade use, not a Retail Sales and Services use.

It was noted that a letter from Tom Durkin, representing the Ames Racquet and Fitness Center, had been received by the City Council members requesting that “Entertainment, Restaurant, and Recreational Trade” be added to the proposed amendment. A letter in support of that proposal written by Chuck Winkleblack, Hunziker & Associates, had also been received and placed around the dais.

Council Member Larson asked what happens when an abated building’s use changes. City Attorney Doug Marek told the Council that if a building met the terms of the abatement eligibility criteria at its completion, it does not matter if its use later changed.

Moved by Mahayni, seconded by Larson, to pass on first reading an ordinance repealing Urban Revitalization Area No. 7.

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

Council Member Larson asked if the criteria for Items 26b and 27c are the same. Director Osguthorpe said that the same types of commercial development would be eligible for abatement. The difference is strictly in the boundaries, which were set under each Plan. Council Member Goodman pointed out that the boundaries could be repealed, which would create one large area. Council Member Larson indicated his desire to repeal the boundaries and have one large tax abatement area. He also asked to know the time line for abatement when businesses change owners and uses and who would enforce whether the abatement should continue to be in effect. Attorney Marek informed the Council that once a building meets the criteria, it qualifies for the tax abatement; the tax abatement does not end if the use later changes.

Moved by Larson, seconded by Mahayni, to adopt RESOLUTION NO. 08-302 approving an amendment to the Somerset Urban Revitalization Area Plan to allow tax abatement for buildings constructed by July 1, 2011, for retail sale of goods or services, as defined in Table 29.501(4)3 of the Municipal Code, and including sit-down restaurants, cafes and delicatessens, and health clubs and gyms.

Council Member Goodman recalled that he did not support this when it was referred back to staff and stated that he would not support this Resolution. He advised that he had served on the City Council when Somerset Town Center West was initially brought forward for development and recalled that the developer requested the property to be rezoned from residential to commercial, citing increased interest and demand for commercial development. That developer then came to a subsequent meeting and asked for abatement as an incentive for commercial development. Mr. Goodman said, additionally, he just learned at this meeting that if a building’s use changes, the abatement does not end. It is his opinion that, with the addition of limited uses being allowed in a recently created Convenience Commercial Node at Bloomington and Stange Roads, traffic will increase and will add viability to the businesses in that area. He would like to see if development would occur without abatement. Council Member Goodman vehemently voiced his disapproval of continuing any tax abatement in this area since it cannot be guaranteed that the City would be getting anything from the abatement that it wants.

Attorney Marek clarified that, when the City Council approves an Urban Revitalization Area, it is setting criteria to encourage certain types of buildings. Even if the building remains empty, once it qualifies, it receives tax abatement even though no services would be provided.

Council Member Larson recalled that Mr. Goodman had initially opposed any commercial development at Bloomington and Stange Roads so as not to alter the original business owners’

investments in Somerset. However, the original business owners had tax abatement, and it would only seem fair that it should not now be taken away. If Council Member Goodman's logic for not supporting tax abatement for the Town Center West portion of Somerset could be endorsed, Mr. Larson feels that would be the resolution that would not be supported. However, the Somerset URA has different boundaries and was created under different circumstances, and Mr. Larson believes that resolution should be supported.

Council Member Goodman clarified that the City Council carefully crafted the Convenience Commercial Node at Bloomington and Stange so to accentuate the area with limited uses. It was specifically crafted to add energy and traffic to the area without hurting existing investments.

Roll Call Vote: 3-2. Voting aye: Doll, Larson, Mahayni. Voting nay: Goodman, Popken. Resolution failed.

Council Member Goodman asked when a motion to reconsider would have to be made. The Mayor advised that it would have to be at the next meeting.

Council Member Larson pointed out that there is a land owner who has expansion plans in the Somerset URA; that property would have qualified for abatement had the URA Plan not contained a sunset clause. He ultimately would like to see a motion to reconsider the vote on at least that Resolution. Although he supports abatement for the Town Center West area as well, there are no proposed projects pending.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 08-303 approving an amendment to the Town Center West Urban Revitalization Plan to allow tax abatement for buildings constructed by July 1, 2011, for retail sale of goods or services, as defined in Table 29.501(4)3 of the Municipal Code, and including sit-down restaurants, cafes and delicatessens, and health clubs and gyms.

Roll Call Vote: 3-2. Voting aye: Doll, Larson, Mahayni. Voting nay: Goodman, Popken. Resolution failed.

HEARING ON 2008/09 ASPHALT RESURFACING PROGRAM AND 2008/09 SEAL COAT REMOVAL/ASPHALT RECONSTRUCTION PROGRAM: The hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-304 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$1,291,690.15.

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

HEARING ON SALE OF THE SOUTH 8 FEET OF VACATED ALLEY LOCATED AT 1112 GRAND AVENUE: The Mayor opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 08-305 approving conveyance by Quit Claim Deed to Nathan Saetveit and Deb Sondall Saetveit.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-306 accepting a right-of-way easement.

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

TEXT AMENDMENTS FOR LANDSCAPING STANDARDS AND REQUIRED PARKING:

Planning and Housing Director Steve Osguthorpe advised that during a preliminary review of the layout of Fareway's proposed store at the intersection of Stange and Bloomington Roads, its representatives noted that the City's parking requirement for grocery stores was significantly higher than what its marketing practices require. Fareway's representatives indicated a willingness to provide more landscaping in lieu of what they believed to be surplus parking if the City would allow it.

Staff noted that the City's parking requirements for retail are higher than most jurisdictions across the state of Iowa. In fact, they are significantly higher than the national average parking demand for shopping centers and supermarkets. Mr. Osguthorpe stated that the City currently requires one parking space per 150 square feet of floor area.

According to Director Osguthorpe, staff members' experience with administering parking requirements in other jurisdictions reveals that retail parking can be reduced to a 1/300 ratio and function efficiently. Also, reducing parking and increasing landscaping would facilitate better integration of retail into residential areas, and increased landscaping would greatly enhance the visual quality of commercial areas. Lastly, it was noted that reduced parking and increased landscaping would further the City's goals under the "Cool Cities Initiative".

The Council was asked to consider the following text changes:

1. Eliminate reference to "minimum" parking, and instead, call it "required" parking.
2. Reduce the parking requirement for all retail, shopping centers, and grocery stores to approximately 1/300 square feet.
3. Increase the landscaping requirement for parking lots based upon the square footage of building, using the difference between the current and proposed parking ratio to quantify the increase.
4. Define "parking areas" to include associated drive aisles.

According to Mr. Osgurthorpe, the proposed standards could be applicable to all retail and grocery stores or could be applied to select zones, e.g., the Convenience Commercial Nodes. Staff believes that the changes could result in significant improvements in both the visual quality and environment of the City.

Council Member Popken asked what would happen if a business actually wanted more parking. Director Osguthorpe advised that it would be a matter of how the site could be configured; it would be done on a case-by-case basis. Council Member Goodman suggested that options such as permeable pavement might be considered for those businesses that want additional parking.

Council Member Mahayni pointed that this proposal appeals to him particularly for those developments adjacent to residential areas. He would like staff to work something out for Fareway now, and discussion on the standards for other commercial developments could continue at a later date. Council Member Larson recommended that staff's proposal be made effective for Convenience Commercial Nodes (CCN), especially since the CCN at Bloomington and Stange is the only one being developed at this time. That would be a starting point, and if it proves successful, perhaps it could be expanded to other commercial areas.

Council Member Goodman noted that if the proposed standards would be approved for the CCN at Bloomington and Stange, it would include a medical clinic. He sees that as something that would be debatable as medical offices often need more parking. Director Osguthorpe clarified that the proposed standards would only be applicable to retail and grocery stores, not to medical clinics.

Moved by Goodman, seconded by Popken, to direct staff to refer the proposed changes to the Planning & Zoning Commission using a dual tract, firstly concentrating on standards for properties located in Convenience Commercial Nodes, and secondly, all other commercial areas.

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

PLANNING APPLICATION PROCESSING SCHEDULE: Planning and Housing Department Director Osguthorpe advised that the Department is now fully staffed and ready to again implement a more-defined processing time frame for applications. He explained problems that had been encountered with the former processing schedule. Staff has drafted a new schedule that identifies key steps in the review process and identifies both City staff's and the applicant's responsibilities at each level of the review process. The new schedule also provides a more realistic time frame for staff to perform a quality review of applications.

Mr. Osguthorpe explained the new approach, giving examples of application processing times. He said that staff had shared the draft schedule with members of the development community on May 13, 2008. Most of the comments at that meeting had focused on Code amendments that attendees believed were needed to address some specific areas of the process, namely, timing of exterior lighting information; removing erosion control review from the Development Review Committee process, and omitting Planning & Zoning Commission review of Special Use Permits.

Council Member Larson explained that, in Ames, requests for Special Use Permits (SUPs) are reviewed by both the Planning & Zoning Commission and the Zoning Board of Adjustment. It was noted that the approval process for SUPs took an average of 57 days. Having served on the Planning & Zoning Commission, Mr. Larson stated that it was unclear to many Commission members as to why they needed to review SUP applications. City Manager Steve Schainker advised that a Code amendment would be needed to eliminate that step.

Moved by Goodman, seconded by Larson, to support the implementation of the proposed application processing schedule.

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

Motion by Larson, seconded by Mahayni, to direct staff to study and return with a recommendation to the City Council regarding the following: timing of submittal of exterior lighting information, removing erosion control review from the DRC process, and removing Planning & Zoning Commission review from the SUP process.

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

2000/01 ARTERIAL STREET REHABILITATION: Council Member Larson noted that it had taken the City quite some time to finalize this project. Municipal Engineer Tracy Warner advised that staff had contacted the affected property owners and gave them advanced notice that the assessments were now being finalized.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 08-307 accepting as complete and satisfactory the contract, ordering final payment, determining amount to be assessed, and ordering Final Plat and Schedule.

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

Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 08-308 adopting the final assessment and levying assessments.

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

REPEAL OF MUNICIPAL CODE CHAPTER 21A: Moved by Goodman, seconded by Popken, to pass on first reading an ordinance repealing Chapter 21A: Smoking in Public Places.

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

Moved by Doll, seconded by Larson, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 4-1. Voting aye: Doll, Larson, Mahayni, Popken. Voting nay: Goodman. Motion failed due to the lack of a super majority vote.

SUPPLEMENT NO. 2008-3 TO THE MUNICIPAL CODE: City Attorney Marek recalled that a question had arisen as to what is included when the Council is asked to approve Code supplements. He explained that at the end of each calendar quarter, the Legal Department compiles all of the ordinances enacted during that three-month period for insertion into the Municipal Code. Each quarterly Supplement is then presented to the City Council for approval.

Moved by Popken, seconded by Mahayni, to adopt RESOLUTION NO. 08-309 approving Supplement No. 2008-3 to the Municipal Code.

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

COMMENTS: Moved by Popken, seconded by Mahayni, to direct the City Attorney to draft an ordinance to allow a person/organization to have signs, including off-premises signs, posted on fences of softball and baseball diamonds located in a Government/Airport (S-GA) District in the City of Ames, but only in the league season during which games are played on the premises.

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

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 8:58 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor