

**MINUTES OF THE SPECIAL MEETING OF THE
AMES HOUSING GOVERNING BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

AUGUST 26, 2008

SPECIAL MEETING OF THE AMES HOUSING GOVERNING BOARD

The Special Meeting of the Ames Housing Governing Board was called to order by Chairperson Campbell at 7:00 p.m. on August 26, 2008, with the following members present: Doll, Goodman, Horness, Larson, Mahayni, Popken, and Rice.

DISASTER RELIEF VOUCHERS: Housing Coordinator Vanessa Baker-Latimer advised that the Department of Housing and Urban Development (HUD) and the Federal Emergency Management Agency (FEMA) were working to assist families affected by flooding in parts of Central and Eastern Iowa in finding affordable replacement housing. The City has been asked by HUD if its Housing Authority was in a position to assist families displaced by the 2008 flooding disaster. Cities must be willing to immediately process an application and be willing to allow the family to port. According to Ms. Baker-Latimer, each affected Housing Authority would be required to sign an Agreement of Understanding prior to the issuance of the Vouchers from the City. Ms. Baker-Latimer stated that the City's Administrative Plan allows for preference to be given for displaced persons due to disasters and has 11 Vouchers available.

Moved by Popken, seconded by Mahayni, to adopt RESOLUTION NO. 08-364 reserving Disaster Relief Vouchers in connection with the City's Section 8 Housing Choice Voucher Program, with the following stipulations:

1. A waiver will be given to HUD's one-year residency requirement to allow the Voucher holders to remain in their current jurisdiction (as needed) under the portability guidelines with the other Housing Authority billing the City of Ames Housing Authority.
2. The other Housing Authority will be allowed to bill the City of Ames until such time as the Voucher can be absorbed into their program allocation. Additionally, the other Housing Authority must absorb the reserved Voucher before contacting names from their waiting list to fill openings.
3. The 11 Vouchers may only be utilized to serve a family in good standing who was displaced from a public housing unit owned by the other Housing Authority or from a project-based housing unit that is owned or managed by the state, by a non-profit agency, or by a for-profit agency.

Roll Call Vote: 8-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ADJOURNMENT: Moved by Goodman, seconded by Rice, to adjourn the Housing Governing Board meeting at 7:06 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:06 p.m. on August 26, 2008, 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 Beals was absent.

Mayor Campbell announced that the City Council would be working off of an Amended Agenda. She also stated that Item No. 8 pertaining to the 28E Agreement for Trench Rescue Trailers and Equipment from the Story County Emergency Management Agency had been pulled by staff.

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

1. Motion approving payment of claims
 2. Motion approving minutes of the regular meeting of August 12, 2008
 3. Motion setting Special City Council Meeting for September 3, 2008, at 7 PM
 4. Motion approving renewal of the following liquor licenses, beer permits and wine permits:
 - a. Class B Beer - Flame-N-Skewer, 2801 Grand Avenue
 - b. Class C Liquor - Okoboji Grill of Ames, 118 S. Duff Avenue
 - c. Class C Liquor - Deano's 119 Main, 119 Main Street
 - d. Class C Liquor & Outdoor Service Privilege - SMG Food & Beverage, CY Stephens Auditorium
 - e. Class C Liquor & Outdoor Service Privilege - SMG Food & Beverage, Scheman Building
 - f. Special Class C Liquor- SMG Food & Beverage, Fisher Theater
 - g. Class E Liquor, B Wine, C Beer - Hy-Vee Drugstore, 500 Main Street
 5. RESOLUTION NO. 08-365 approving reappointment of Sheila Coady to Student Affairs Commission
 6. RESOLUTION NO. 08-366 approving Contract with Ames International Partner Cities Association, Inc.
 7. RESOLUTION NO. 08-367 approving Neighborhood Improvement Project grant for 2008/09
 8. RESOLUTION NO. 08-368 setting September 23, 2008, as date of public hearing for issuance of General Obligation Bonds, Series 2008A, in an amount not to exceed \$8,355,000
 9. RESOLUTION NO. 08-370 approving preliminary plans and specifications for New Pumps at Water Pollution Control Plant, setting September 25, 2008, as bid due date
 10. RESOLUTION NO. 08-371 approving amendment to the 2008/09 Capital Improvements Plan to allow for the use of \$38,293.38 to repair and upgrade the Ames Public Library's elevator
 11. RESOLUTION NO. 08-372 approving contract and bond for 2008/09 CDBG Neighborhood Curb Replacement Project
 12. RESOLUTION NO. 08-373 approving contract and bond for City Hall Doors Replacement Project
 13. RESOLUTION NO. 08-374 approving Change Orders 1 and 2 for 2006/07 and 2007/08 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction programs
 14. RESOLUTION NO. 08-375 accepting partial completion of public improvements and reducing security for Northridge Heights Subdivision, 11th Addition
 15. RESOLUTION NO. 08-376 accepting completion of public improvements and releasing security for Sunset Ridge Subdivision, 3rd Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Roy Cakerice, 2911 Duff Avenue, Ames, said that he was representing approximately 1,500 people who have signed a petition asking that people of Ames be given swimming options. Specifically, it is being requested that Carr Pool be kept open for another year or two to see if its attendance and usage diminishes, as some have suggested, when the new Furman Aquatic Center opens. He emphasized that the people who signed the petition are not against the new Aquatic Center. Mr. Cakerice stated that he, in fact, voted to build the new Aquatic Center, but that should not prevent others from having Carr Pool to swim in. Further, he feels that, by having

two outdoor pools, Ames will be even more attractive to people and they will want to live here. He cited budget figures for the past five years and urged the City Council to read the information that he provided to them; in particular, Pages 4 to 14 and the expense columns. According to Mr. Cakerice, Carr Pool is not 80 years old; it was completely renovated about 26 years ago. He asked if there were any city recreation grants that could be applied for to help meet the costs of operation for Carr Pool or if the revenues generated by the Furman Aquatic Center could be shared to cover Carr Pool's expenses.

Susie Petra, 2011 Duff Avenue, Ames, told the Council that she was curious about the types of projects that were in the Plan for next year; specifically, the proposed \$300,000 interactive water fountain for Downtown; the \$75,000 water slide mentioned for Brookside; a floating dock for the High School Pool; and the estimated \$50,000 - \$60,000 to demolish Carr Pool. According to Ms. Petra, the taxpayers would like a say in how the money is spent, and if polled, they would most likely say that the demolition money should be instead put towards Carr's future repair needs, the \$300,000 budgeted for the interactive water fountain should be used to keep Carr Pool open, and the same for the Brookside Park water slide. Ms. Petra reminded the Council that Ames citizens have not begun to explore the many innovative and "outside the box" ways to keep Carr Pool open. They want options and are willing to help the City find a way to keep Carr Pool along with the Furman Aquatic Center.

Judith Lemish, 327 South Maple, Ames, pleaded for a "stay of execution" for Carr Pool. She pointed out that Ankeny is doing a public/private aquatic project and suggested that Ames investigate such a partnership. Ms. Lemish suggested that Carr Pool be kept open as a way to relieve some of the overcrowding that presumably will occur at the new Aquatic Center. She also indicated that she has a friend who is an architectural historian who would be willing to work with her on grant applications.

Erica Fuchs, 4014 Marigold Drive, Ames, said that Carr Pool is valued not only for its history, but also for its current and future usefulness to the Ames community. She said that the public has been told that Carr Pool is 80 years old and needs extensive updates, repairs, and major capital improvements; however, according to Ms. Fuchs, the Pool is approximately 30 years old and in good condition. Ms. Fuchs pointed out that Carr Pool's swim basin and bathhouse were built in the late 1970's and early 1980's to replace the original 50-year-old facility that was constructed in 1926 by Alpha and R. E. Carr. She noted that the City of Ames "Outdoor Aquatic Center Informational Brochure," which promoted the bond issue, stated incorrectly that Carr Pool is "an 81-year-old" pool. It is Ms. Fuchs' opinion that such misinformation biased voters by encouraging them to believe that Carr Pool is in really bad shape; however, it needed few repairs to stay open this summer. She also alleges that many of the \$125,000 in capital improvements once planned for Carr Pool are not necessary. Ms. Fuchs listed ways that the Pool's annual subsidy of \$50,000 could be cut to \$25,000. She also noted that the demolishing of Carr Pool was not mentioned in the wording on the bond issue ballot, and many voters were unaware that their vote for the Aquatic Center would mean Carr Pool would be demolished. Ms. Fuchs, representing the Friends of Carr Pool, asked the City to keep the Pool open for at least two more summers, with reduced hours of operation, if necessary, to see how the Aquatic Center affects the attendance at Carr Pool.

Kay Wall, 1004 Kellogg Avenue, Ames, explained why she prefers to swim at Carr Pool. Ms. Wall said that she has been asking swimmers at Carr Pool if they were looking forward to the opening of the new Aquatic Center, and only one had indicated that she was. Ms. Wall pointed out the importance of physical activity and that Carr Pool allows many the opportunity to enjoy swimming.

Several people have told her that swimming pools are a public service and should not be viewed as money-makers.

Gina Folsom, 113 South Sycamore, Cambridge, said that it is important for residents of surrounding small towns for Ames to keep Carr Pool open. She pointed out that there is a lot of history behind Carr Pool, and it would be “a sin to destroy it.”

Bob Bergeson, 517 - 20th Street, Ames, stated that he was part of a crew that refurbished Carr Pool from 1977 - 1980. He told the Council that he worked with a person from the Department of Health and Sanitation, who advised what to remove and replace. Mr. Bergeson listed what improvements were made at that time and what materials were used in the complete renovation.

Phil Iasevoli, 3108 South Dakota Avenue, Ames, spoke to the City Council concerning a sketch plan for development of 2983 South Dakota Avenue that had been submitted to the City’s Planning Department at the beginning of this month by Keith Arneson of Pinnacle Properties. He said that the site in question is a ten-acre parcel located in Rural Story County, but within the two-mile fringe area of Ames. Mr. Iasevoli said that his main purpose in addressing the Council tonight was to make them aware of the Worle Creek Sanitary Sewer Study, completed at the City’s direction in 2004. According to Mr. Iasevoli, that Study indicated that the sewer trunk line was not to be placed in the riparian area of the Creek, but on the high ground to the north and on the high ground to the south. He asked the Mayor, City Council, and staff to review that Study before allowing development at 2983 South Dakota Avenue.

FIREWORKS PERMIT AT JACK TRICE STADIUM ON SEPTEMBER 6, 2008: Moved by Mahayni, seconded by Rice, to approve a Fireworks Permit for display at Jack Trice Stadium after the ISU vs. Kent State football game (at approximately 9:15 p.m.) on September 6, 2008.
Vote on Motion: 6-0. Motion declared carried unanimously.

NEW CLASS BN WINE PERMIT FOR IOWA’S WINE CELLAR: Moved by Goodman, seconded by Mahayni, to approve a new Class BN Wine Permit for Iowa’s Wine Cellar, 2010 Philadelphia Street.
Vote on Motion: 6-0. Motion declared carried unanimously.

NEW CLASS C LIQUOR LICENSE FOR CHICHA SHACK: Moved by Goodman, seconded by Rice, to approve a new Class C Liquor License for Chicha Shack, 2418 Lincoln Way.
Vote on Motion: 6-0. Motion declared carried unanimously.

“WELCOME TO AMES” EVENT ON SEPTEMBER 5, 2008: Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 08-377 approving closure of street and metered parking spaces on Chamberlain Street between Welch and Stanton Avenues from Noon to 9:00 p.m. and the closure of Chamberlain Parking Lot Y.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 08-378 approving the waiver of fees for electricity used in conjunction with this event.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

AMES HIGH SCHOOL HOMECOMING EVENTS: Kristin Tylka, 922 New Hampshire Circle; Kate Gibson, 1504 Wheeler; and Andrea Metzger, 2324 Duff Avenue, representing the 2007 Ames High Homecoming Committee, highlighted events that will be occurring during the week of September 15 - 19.

Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 08-379 approving closure of portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, and Pearle Avenue from 5:00 p.m. to approximately 7:00 p.m. for a parade scheduled at 6:00 p.m. on September 15, 2008.

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

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 08-380 approving suspension of parking meter fees in the Main Street Cultural District from 5:00 p.m. to 6:00 p.m. on September 15, 2008.

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

Moved by Goodman, seconded by Popken, to approve a Fireworks Permit for display after the football game (at approximately 9:15 p.m.) on September 19, 2008.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 08-381 approving a waiver of the Fireworks Permit fee.

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

HEARING ON BROOKSIDE PARK PEDESTRIAN BRIDGE PROJECT: Mayor Campbell opened the public hearing. There being no one requesting to speak, the Mayor closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-382 authorizing reallocation of funding from the Brookside Park Limestone Walls and Walkway Project to the Brookside Park Pedestrian Bridge Project.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 08-383 approving final plans and specifications and awarding a contract to Herberger Construction Company in the amount of \$220,000 to replace the Brookside Park suspension bridge.

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

HEARING ON DOG PARK PROJECT: The public hearing was opened by the Mayor. No one asked to speak, and Mayor Campbell closed the hearing.

City Manager Steve Schainker reminded the Council that the FY 2007/08 CIP includes \$150,000 for the development of a Dog Park to be constructed at the previous Water and Pollution Control Plant site at the east end of Billy Sunday Road. Mr. Schainker also recalled that the Friends of the Dog Park had raised \$50,000 in funding for this project and the Council had authorized \$100,000 from the Parkland Acquisition and Development Fund. Only one bid in the amount of \$175,785 was

received for this project, which exceeds the engineer's estimate by 30%. According to Parks & Recreation Director Nancy Carroll, the engineering firm of Snyder & Associates cannot identify any modifications to the project that would reduce costs without compromising the quality of the project. Staff asked for the Council's direction on how best to proceed with this project.

Council Member Goodman recalled that Matt Randall had spoken to the City Council recently about the need for Greenbriar Park to be cleaned up. He asked if it would be a possibility for the City to use that site for a Dog Park and accomplish the clean up at the same time. Ms. Nancy Carroll advised that City staff had met with engineers Snyder & Associates about improvements to Greenbriar Park. She shared some components of a proposed Conceptual Plan that had been created by Snyder & Associates for that site. No cost estimates have been provided for the proposed improvements at this point. Ms. Carroll indicated that the proposed site for the Dog Park at the east end of Billy Sunday Road is much larger; Greenbriar Park could not accommodate the proposed Dog Park without its quality being compromised. Council Member Rice asked why there was a 30% differential between the engineer's estimate and the bid received. Ms. Carroll indicated that it appears the overage came from the fencing and utilities, which include a concrete receptacle for the dog waste. Council Member Popken asked if it would be beneficial for the City to bid out separate components of the project. City Attorney Marek advised that this project would be considered a public improvement, and as such, it cannot be broken into several small pieces.

Ms. Carroll advised that, based on the comments received from the engineers, it does not appear that redesigning the project or rebidding it would yield a lower project cost. In addition, representatives of the Ames Foundation who are working with the Friends group to raise money for this project have indicated that it is highly unlikely that they would have success in raising additional funds.

Council Member Popken asked if it were possible to scale back the project. Ms. Carroll said that to do so would jeopardize the quality and intent of the project. Council Member Rice asked if the parking lots would have to be paved. City Attorney Marek advised that under the terms of the Zoning Code, the area, zoned Government/Airport, would be exempt from paving standards; however, the City has always held itself to the same standards that are required for non-governmental development.

Moved by Rice, seconded by Mahayni, to reallocate \$30,000 from the Park Maintenance Facility CIP and \$19,185 from the Park Land Acquisition and Development Fund to pay for the overage.

Council Member Goodman indicated that the City Council had committed to funding in the amount of \$100,000. The City is now being asked to provide an additional \$50,000. He does not see the outpouring of support from the community for this project and pointed out that there was no one present from the Friends of the Dog Park at this meeting. Council Member Larson concurred with Council Member Goodman.

Mayor Campbell informed the City Council that the bid submitted for this project will expire on October 17, 2008.

Council Member Mahayni indicated his support for this project. He believes that this project would add to the quality of life in Ames. It is the opinion of Mr. Mahayni that the cost of materials has increased since the engineer's estimate was made and is the reason for the higher total.

Roll Call Vote: 3-3. Voting aye: Doll, Mahayni, Rice. Voting nay: Goodman, Larson, Popken. Mayor Campbell declined to vote to break the tie. Motion failed.

Council Member Doll asked if it were possible for advertising along the fencing to be sold by the Friends of the Dog Park to raise additional funds for the project. City Attorney Marek informed the Council that there is an ordinance revision drafted that would allow for fence advertising to be allowed in certain areas; however, the proposed Dog Park site is not one of those areas.

Moved by Larson, seconded by Doll, directing that the City fund \$32,954 of the overage subject to the Friends of the Dog Park contributing an additional \$16,231 to the project.

Vote on Motion: 2-4. Voting aye: Doll, Larson. Voting nay: Goodman, Mahayni, Popken, Rice. Motion failed.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 08-369 allocating the total overage of \$49,185 from the Park Land Acquisition and Development Fund.

Roll Call Vote: 4-2. Voting aye: Doll, Mahayni, Popken, Rice. Voting nay: Goodman, Larson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

It was noted by Mayor Campbell that this item will come back to the City Council for approval of the contract with the bidder.

PROPOSED ANNEXATION OF 1820 SOUTH DAYTON AVENUE: Steve Osguthorpe, Director of Planning and Housing, recalled that a Voluntary Annexation petition for 1820 South Dayton Avenue had been received and referred by the City Council to the Planning and Zoning Commission. The Commission is scheduled to consider the application at its September 3, 2008, meeting. At this time, the Council is being asked to determine if the Ames Urban Fringe Plan Map would need to be amended prior to annexation of the land.

The Council was advised that the state of Iowa had made some changes to the annexation process, the most notable of which is that a consultation among the City Council, Board of Supervisors, and Township Trustees must occur first. Staff is suggesting that this consultation be scheduled for the September 9, 2008, City Council meeting.

Mr. Osguthorpe noted that annexation and development of the land in question is consistent with the Highway-Oriented Commercial land use, but not with the Natural Areas land use. He pointed out that a letter dated June 20, 2008, from Chuck Winkleblack, representing the owner of the property proposed to be annexed, provided reasons why he believes that the annexation is consistent with the current Ames Urban Fringe Plan Map. Those reasons were read by Mr. Osguthorpe. Staff feels that since the Ames Urban Fringe Plan is a new policy, the affected jurisdictions should interpret it together. It was pointed out that as long as Story County, Gilbert, and Ames agree on the land use designation by the Ames Urban Fringe Plan Map by October 14, 2008, the land use plan process could be accomplished within the same time frame required by the state for the annexation decision and not further delay the applicant.

Council Member Larson asked if all issues had been finalized regarding the implementation process for the Ames Urban Fringe Plan. City Manager Schainker indicated that they had not. Mr. Larson said that he continues to have difficulty with allowing a non-interested party to "have veto power" over an entire project. Director Osguthorpe stated that this proposed annexation would be a test case to see how things would work. Council Member Larson again pointed out that the "rules" pertaining to amending the Ames Urban Fringe Plan have not been agreed to by all parties.

Council Member Popken asked if the annexation process, which requires a consultation with the Story County Board of Supervisors and Grant Township Trustees, is a standard requirement or in

place only because Ames has an Area Urban Fringe Plan. City Attorney Marek advised that the requirements are the same for all annexation requests.

It was pointed out by Council Member Larson that the boundary lines are not as precise on the Land Use Policy Plan as they are on the Zoning Map. He believes that the City could get into a lot of arguments over small slivers of land being on one side of a line or another. Director Osguthorpe showed how much of the site in question is zoned Highway-Oriented Commercial and how much is in the Natural Areas overlay.

Moved by Larson, seconded by Goodman, finding that no change in the Ames Urban Fringe Plan Map is needed to support a commercial zoning designation; directing staff to proceed with the new annexation consultation process required by the state law; and further directing staff to notify Gilbert and Story County of that decision.

Chuck Winkleblack, 105 S. 16th Street, Ames, indicated his support of the motion. He pointed out that if the Council felt a change in the Ames Fringe Area Plan or Map is needed, there currently is no process in place to make changes.

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

FLOOR AREA RATIOS FOR OFFICE USES IN THE GENERAL INDUSTRIAL ZONING DISTRICT: Director Osguthorpe informed the City Council that it is a priority of the Planning and Housing Department to address the issue of minimum Floor Area Ratio (FAR) in the General Industrial (GI) Zone as it applies to office uses. The current minimum FAR for office uses in the GI Zoning District is 0.35, which was adopted in 2000.

Planner Charlie Kuester provided background information that resulted in an Ordinance amendment in 2006 that exempted office uses for which a building or site plan had been approved prior to November 15, 2006, from the minimum FAR requirements. He said that another office use in the GI Zone is now seeking approval: Hawkeye Renewables at 224 South Bell Avenue is requesting a building expansion.

Floor Area Ratios was defined by Mr. Kuester as a tool used within zoning ordinances to control densities of development. It is the percentage of a lot that is devoted to floor space and accounts for the impacts of multi-story structures. According to Mr. Kuester, a review of FAR requirements in the Ames Municipal Code reveals that minimum FAR is found only in the Downtown Service Center and Campustown Service Center Districts and in the General Industrial District, but only for office uses.

Mr. Kuester advised that one reason for the minimum FAR for office uses is to discourage non-industrial uses in the City's limited areas zoned for industrial use. However, since it only pertains to office uses, it is not a very effective tool because several other non-industrial uses could be built without having to meet any minimum FAR.

Several options to address the minimum FAR in the GI District were explained by Mr. Kuester, as follows:

1. Drop the FAR requirement entirely for the GI District
2. Remove offices and/or other non-industrial uses from the GI District
3. Grant a reprieve for this proposed project

4. Apply the FAR to all non-industrial uses in the GI District
5. Do not take any action, which would require any new construction or expansion to meet the current minimum 0.35 FAR.

Elaborating on Option No. 1, Mr. Kuester said that if the City Council is interested in removing or restricting non-industrial uses from the General Industrial Zoning District to preserve industrial land, staff could be directed to investigate other options. One strategy would be to remove offices and other unwanted uses from the permitted uses allowed in the GI District. If that is the chosen option, the City Council could also consider the creation of a new Professional Office/Light Industrial Zoning District where corporate offices, flex spaces, warehousing, and light industrial uses would be allowed. Those changes would allow for the preservation of industrial land by prohibiting office uses and the creation of a professional office park that would prohibit heavier industrial uses.

Mr. Kuester stated that, in addition to the direction to staff to address the issue of the minimum FAR in the GI District, the City Council asked to know the availability of industrial land. The Council was told that a cursory examination of the current GI Zoning District shows that there are few vacant lots available for development. Some land would require further street and infrastructure extensions in order to be made fully available. Staff has identified 11 parcels of land within the GI District that are vacant and have utilities and street improvements in place. The largest parcels are 14.62 and 14.01 acres in size; one is 7.80 acres in size, and the remaining parcels are less than six acres in size.

Council Member Popken indicated his preference to find a mechanism to use the lots to their fullest potential. Shadow platting was explained as an option by Director Osguthorpe.

Moved by Popken, seconded by Goodman, to direct staff to draft a Zoning Ordinance text change dropping the Floor Area Ratio requirement entirely for the General Industrial Zone and directing staff to provide options to the City Council, to include shadow platting and others, to provide for maximum density.

Scott Renaud, FOX Engineering, 1601 Golden Aspen Road, Ames, told the Council that parcels do not come in nice, even shapes. He agreed with dropping the FAR requirement in the GI Zone. Mr. Renaud suggested that the development community be asked for input on the options.

Chuck Winkleblack, 105 S. 16th Street, Ames, indicated that he has a project waiting for approval that cannot move forward until the text amendment is approved.

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

CLARIFICATION RELATING TO CAR WASHES IN CONVENIENCE COMMERCIAL NODES: Director Osguthorpe reminded the Council that a letter was received from Chuck Winkleblack asking for a clarification as to approval of car washes in the Convenience Commercial Nodes (CVCN). Specifically, it had been assumed by the developers that, when the four uses were approved by the Council for CVCNs, each use was allowed independently. In order to move ahead with site plan approval for a proposed car wash on one of the four platted lots, Mr. Winkleblack is requesting a text amendment to the Municipal Code that will allow a car wash independent of an associated convenience store without Special Use Permit approval.

Mr. Osguthorpe pointed out that Table 29.807(2) of the Municipal Code states that vehicle service facilities are not allowed in the CVCN District “except convenience stores in combination with

gasoline service and car wash, by Special Use Permit,” which requires approval from the Zoning Board of Adjustment. Previous actions taken by the City Council on this topic were summarized by Mr. Osguthorpe. He said that the question now is whether the standards pertaining to one of the approved uses (grocery stores, medical offices and clinics, convenience stores, and car washes) should be different for CVCN Districts abutting a village than for a CVCN District two miles away from a village.

The “purpose” statements for villages in Section 29.1201 were reviewed. Information was provided by Mr. Osguthorpe as to where the largest car washes are currently located. He pointed out that a five- or eight-bay car wash may not be perceived as a “small scale facility serving primarily nearby residents.” Mr. Osguthorpe told the Council that the site in question is large enough to accommodate future expansion; it is a 1.4-acre site.

Five options for the City Council to consider to resolve this issue were offered by Director Osguthorpe. He said that, under each of the options, because noise, hours of operation, etc., could impact the surrounding neighborhoods, staff recommends that a Special Use Permit be required from the Zoning Board of Adjustment.

Council Member Larson recapped discussions held by this Council concerning the issue. He stated that it was not discussed, nor was it the Council’s intent, to require that the car wash be attached to the convenience store.

Council Member Popken said that he specifically recalled his conversation with the developer at the Council meeting when car washes were included as an approved use in the CVCN. He had asked Mr. Winkleblack if he could live with the zoning for this area, and Mr. Winkleblack succinctly indicated that he could. Mr. Popken indicated that he does not know why this is back on the Agenda because he felt the understanding was clear.

Council Member Mahayni stated that he continues to believe this constitutes spot zoning; however, it was his understanding that the car wash would be separate. The topic of it being attached to a convenience store was not raised during the meeting. He knows that the Council has been shown plans of the area in question, and each time, the car wash has been shown on its own lot.

Council Member Goodman said that he perceives this issue as a matter of scale: how large of car wash will be allowed. He feels that it should be small scale to provide a convenience for the residents of the Village area.

City Manager Schainker pointed out that the Code states that a car wash “in combination with a convenience store” doesn’t mean that the car wash must be on the same lot. Director Osguthorpe concurred, but advised that, in order for the car wash to operate independently of a convenience store, a text change would be required.

Council Member Popken said that he believed the original intent of the ordinance creating Convenience Commercial Nodes was to provide for a car wash to be attached to a convenience store. Council Member Goodman pointed out that this issue does not only deal with car washes in the CVCN at Bloomington and Stange; it deals with car washes in all CVCNs. City Manager Schainker concurred that the requirement applies to all CVCNs; however, direction on the interpretation is necessary since the current Code states that a car wash “in combination with a convenience store” is an allowed use.

It was Council Member Mahayni's perception that there are two issues: (1) the rules for all CVCNs and (2) the rules for the CVCN within a certain distance from a village. Council Member Goodman emphasized that the previous discussion centered around uses only. City Attorney Marek clarified that the requirements would pertain to all CVCNs, but the one in question has added requirements due to its village zoning.

Moved by Goodman, seconded by Popken, to direct staff to prepare an ordinance amendment to require that car washes in CVCN Districts be located on the same site as the convenience store and impose a limit on the number of car wash bays to two.

Chuck Winkleblack, 105 S. 16th Street, Ames, pointed out that the Developer's Agreement that he signed allowed for four uses: grocery store, convenience store, medical facilities, and car washes. They were always shown on separate lots, and scale was not dictated. Mr. Winkleblack advised that he has been working on getting a car wash in Somerset for over ten years, and a four- to six-bay car wash was always anticipated. He said that design guidelines for Somerset have changed approximately 20 times in those ten years. It was also stated by Mr. Winkleblack that the proposed multi-bay car wash will only take up 3,000 square feet, which is very small compared to the proposed surrounding buildings. If the car wash is now limited to two bays, the prospective buyer might be lost.

Council Member Rice pointed out that, under the current Code, if a convenience store were in place, this discussion would not even be taking place.

Mr. Winkleblack told the City Council that there had not been any complaints about the multi-bay car wash on Beedle Drive, which is located near a residential area.

Bart Clark, 5743 North Swing, Ames, identified himself as the prospective buyer of the car wash in Somerset. He told the Council that his plan was to build a five-bay car wash at the site in question. If the demand is there in the future, he would like to expand by adding one additional bay, if the Code allows. Mr. Clark stated that he has no plans to become a regional car wash. He indicated that if the motion on the floor passes and the car wash must be in combination with a convenience store, he will not continue with his plans.

Vote on Motion: 2-4. Voting aye: Goodman, Popken. Voting nay: Doll, Larson, Mahayni, Rice. Motion failed.

Council Member Mahayni asked for an interpretation of the Code. City Attorney Marek advised that it was staff's interpretation that separate businesses could be on separate lots as long as they both were in existence. Council Member Larson asked if the Code dictated which use had to be developed first. Mr. Marek said that it stated that a car wash in combination with a convenience store is a permitted use.

Moved by Rice, seconded by Mahayni, to direct staff to prepare an ordinance text amendment to eliminate reference to car washes being "in combination with" a convenience store, thereby allowing both uses to occur independent of each other in the CVCN District.

Council Member Goodman voiced his concern that this action would further degrade Commercial Convenience Nodes and soon they will look like Highway-Oriented Commercial. It is his opinion also that, with the proposed change, there would be no limit on scale.

Vote on Motion: 4-2. Voting aye: Doll, Larson, Mahayni, Rice. Voting nay: Goodman, Popken. Motion declared carried.

The meeting recessed at 10:05 p.m. and reconvened at 10:10 p.m.

TAX-INCREMENT FINANCING DISTRICT ON SOUTH BELL AVENUE: City Manager Schainker recalled that on June 10, 2008, the Council referred a letter from Chuck Winkleblack requesting the City to utilize Tax Increment Financing (TIF) to pay for the infrastructure improvements for approximately 37 acres of industrial land along South Bell Avenue adjacent to the existing Ames Community Industrial Park. Mr. Schainker told the Council that the developers have told staff that a financial contribution from the City is essential if industrial property is to be developed since: (1) the carrying costs make industrial development financially infeasible for developers, and (2) to be competitive with other cities, subsidies from the City are needed to reduce the land costs.

According to Mr. Schainker, the developers have indicated that the land on South Bell Avenue is a good choice for the TIF incentives because: (1) it is a logical extension of the first two phases of the Ames Community Industrial Park that was originally supported with TIF, and (2) they currently have control of all the land that is needed to accomplish this industrial development expansion.

Mr. Schainker advised the Council that estimates indicate that the cost to the City for providing infrastructure throughout the site could be as high as \$1,000,000 for the 22 lots. If those estimates are correct, the use of TIF would reduce the cost of the lot to the buyer by about \$27,000/acre. In return for this incentive, the developers are willing to cap the land sale price at \$35,000/acre for the first year after the infrastructure is in place and guarantee that this price will not grow by more than 5% each succeeding year.

City Manager Schainker added that the Executive Director of the Ames Economic Development Commission (AEDC) has informed the City Council of the lack of available industrial land for prospects hoping to expand or relocate to Ames. Also, a recent staff analysis verifies this situation; it is believed that there are only 54 acres of vacant industrial land within the City that is available for development.

It was emphasized by Mr. Schainker that the use of TIF to finance an industrial park in the absence of identified tenants is risky. However, the scenario that is being suggested by the developers is similar to the one utilized very successfully with the Ford Street Development for the creation of the Ames Community Industrial Park on East Lincoln Way. Mr. Schainker explained how TIF Districts work.

Council Member Popken asked if there will be spec buildings in the proposed site in question. Chuck Winkleblack, 105 S. 16th Street, Ames, indicated that there will be a spec building in the area; its location is just not known at this time.

Moved by Popken, seconded by Rice, to direct staff to initiate steps to provide Tax-Increment Financing for the construction of the infrastructure to serve approximately 37 acres of industrial land along South Bell Avenue.

It was noted that the steps would include:

1. Finalizing a Development Agreement that would outline conditions such as maximum per acre sale price, maximum annual increase in sale price, etc.
2. Defining the boundaries of the Urban Renewal Area
3. Creating an Urban Economic Development Renewal Plan
4. Adopting an ordinance designating the TIF District

City Manager Schainker advised that if this motion is approved, the next step would be to finalize a Developer Agreement outlining each party's responsibility related to the creation of this TIF District.

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

SANITARY SEWER ROUTING STUDY TO SERVICE NORTHWEST GROWTH AREA: City

Manager Schainker reminded the City Council that it had been approximately two years since the Fieldstone developers approached the City with an annexation request for land north of 215th Street and west of North Dakota Avenue. Due to significant infrastructure issues, the City Council directed staff to initiate negotiations to determine cost-sharing arrangements related to those issues. The negotiations were put on hold as the City Council directed staff to update the comparable costs for extending infrastructure to the southwest and northwest as well as moving north. On July 15, 2008, the City Council did not change its commitment to support growth to the southwest and northwest. As a result of that action, the Fieldstone representatives would like to complete a Development Agreement so that annexation to the northwest may occur.

According to Mr. Schainker, the challenge related to this project is that the proposed development is not contiguous to the existing City infrastructure and requires a separated grade railroad crossing to ensure a timely response for emergency vehicles. There is a substantial gap between the proposed development and the existing City infrastructure, and at issue is who should up-front the costs for extending utilities through the gap. City staff has maintained that because the Fieldstone property is removed from the City infrastructure, the relatively lower purchase price was such that the developers could, and should, take the lead up-fronting the cost to extend infrastructure through this gap until other development occurs. This could be accomplished for the water and sewer extensions through the establishment of a utility connection district where the developer would pay all the up-front costs and be reimbursed from hookup fees when other developments occur. The Fieldstone officials maintain, because this development is situated in the City's Priority Growth Area, the City should be willing to up-front the costs for extending utilities through the gap. Mr. Schainker stated that the developers have indicated a willingness to pay their fair share of the utility extensions up-front.

According to the City Manager, the crucial next step is to perform a Sanitary Sewer Routing Study to service the Northwest Priority Growth Area. The cost of the sanitary sewer trunk line would be impacted by the route that is ultimately selected.

Council Member Larson pointed out that Friedrich Developers and Regency were both listed as partial owners of the Fieldstone development. He asked for an update on that since the financial problems of Regency have become public. Kurt Friedrich, 100 Sixth Street, Ames, advised that he has provided a copy of the Operating Agreement to the City Attorney. City Attorney Marek

elaborated on the property owner ratios. Mr. Friedrich advised that all proposed parties to this development are financially stable.

Gary Reed, Civil Design Advantage, 5501 NW 112th Street, Grimes, representing the Fieldstone Development, stated that he was present to answer questions, if needed. He pointed out that it had been 917 days since the submittal of the Annexation application. Mr. Reed gave a summary of the actions taken by the developers since that time. He urged the Council to allow the project to move forward, which starts with the Council directing staff to perform a Sanitary Sewer Routing Study. Mr. Reed acknowledged the potential impacts to the Onion Creek Corridor and feels that the Routing Study would answer many questions as to those impacts.

Kurt Friedrich pointed out that the City has not changed the direction of its desired growth. The developers have waited a long time since filing the annexation request and are anxious to move forward.

Joe Lynch, 3700 Onion Creek Lane, Ames, said that the issues surrounding this proposed development that he had brought to the Council's attention previously still remain. He believes that many issues need to be resolved before a Sanitary Sewer Routing Study is commissioned by the City. According to Mr. Lynch, the development being proposed is the size of a small town. He believes that a larger-scale approach needs to be taken when development to the Northwest is being considered. Mr. Lynch recommended that a larger-scale planning firm be hired to perform a development plan, and the \$70,000 to \$80,000 projected to be spent on the Sanitary Sewer Routing Study be used to help defray the costs of retaining such a firm.

Council Member Popken asked if preparation of a Sanitary Sewer Routing Study was a logical next step for this project. Planning Director Osguthorpe said that it was crucial to determine impacts and the concept to be followed.

Council Member Goodman would like the inclusion of an exploration of stream bed stabilization techniques in any Sanitary Sewer Routing Study. He learned of these techniques during a presentation at the Council's January 8, 2008, meeting.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 08-384 directing that a Sanitary Sewer Routing Study to service the Northwest Growth Area be performed and include an exploration of stream bed stabilization techniques.

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

ECOLOGICAL HEALTH OF ADA HAYDEN HERITAGE PARK: John Dunn, Director of Water and Pollution Control, recalled that the City Council directed staff on August 12, 2008, to develop a plan to report on the environmental issues at Ada Hayden Park. The request was that no additional data collection be initiated at this time, but that a summary of previously gathered data be provided in such a way that an overall perspective of the Park's health could be understood. Mr. Dunn said that staff felt the best approach would be to bring in experts and let the Council hear from them directly. He is proposing that a Special Council Workshop be held at 7 PM on September 16, 2008, when those experts will be present..

Moved by Mahayni, seconded by Goodman, to set September 16, 2008, at 7 PM as the date of a Special Council Workshop on the ecological health of Ada Hayden Heritage Park.

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

ORDINANCE ESTABLISHING PARKING REGULATIONS ON IRONWOOD COURT: Moved by Mahayni, seconded by Larson, to pass on first reading an ordinance prohibiting parking at all times along both sides of Ironwood Court from its intersection with University Boulevard to a point 100 feet east of the western property line of 2055 Ironwood Court.

Ames Police Lieutenant Brinkley requested that the Council suspend the rules and adopt the Ordinance at this meeting so that the regulations can be in place prior to the first Iowa State football game.

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

Moved by Mahayni, seconded by Goodman, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Mahayni, seconded by Rice, to pass on second and third readings and adopt ORDINANCE NO. 3966 prohibiting parking at all times along both sides of Ironwood Court from its intersection with University Boulevard to a point 100 feet east of the western property line of 2055 Ironwood Court.

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

ORDINANCE REGARDING PARKING AND LANDSCAPING IN CONVENIENCE COMMERCIAL NODES (CVCNs): Moved by Mahayni, seconded by Goodman, to pass on second reading an ordinance making a zoning text amendment regarding parking and landscaping in Convenience Commercial Nodes.

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

COMMENTS: Mayor Campbell pointed out that an item passed on the Consent Agenda tonight set a Special Meeting for September 3; that should have been pulled as it has now been ascertained that all Council members cannot be present. She asked for a motion to reconsider.

Moved by Doll, seconded by Popken, to reconsider the Special Meeting date.

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

Moved by Goodman, seconded by Doll, to set a 5:30 p.m. start time for the Council's Regular Meeting of September 9, 2008, so that updates on dangerous buildings and the Rental Housing Code can be heard prior to regular business being addressed.

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

Moved by Goodman, seconded by Rice, to refer to staff the email from Russ McCullough concerning a new Town Center project.

City Manager Schainker suggested that the first step would be to invite Mr. McCullough to make a presentation to the City Council. Council Member Popken recommended that representatives of the Main Street Cultural District be invited to that meeting. Mr. Schainker recommended that the City Clerk contact Mr. McCullough and invite him to a meeting to make a presentation on the proposed downtown catalyst project.

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

Moved by Goodman, seconded by Popken, to refer to staff the information from a group called 11 Days of Global Unity requesting the City to accept a peace pole, getting feedback from staff on the precedence of similar requests.

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

Moved by Larson, seconded by Goodman, to refer to staff the letter from the Main Street Cultural District asking for the City to enter into a joint application with the MSCD for Main Street Iowa Program funding.

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

Moved by Mahayni, seconded by Popken, to refer to staff the request of the Library Board of Trustees for revisions to Chapter 15 of the Municipal Code dealing with libraries.

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

Moved by Mahayni, seconded by Doll, to refer to staff the memo from City Attorney Marek regarding amending ordinances pertaining to parking in front yards.

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

Moved by Mahayni, seconded by Larson, to refer to staff the letter from Matt Eller pertaining to Rose Prairie development.

Planning Director Osguthorpe indicated that Mr. Eller has requested to reactivate his application for approval of the Rose Prairie Subdivision. Staff members are working on this, making sure that their review is thorough and that they meet the time lines set by Code; however, that is taking longer than Mr. Eller would like.

Vote on Motion: 4-2. Voting aye: Doll, Larson, Mahayni, Popken. Voting nay: Goodman, Rice. Motion declared carried.

Moved by Rice, seconded by Popken, to place the issue of exempting the Hunziker Youth Sports Complex from parking lot paving requirements on a future agenda.

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

Council Member Popken requested that staff respond to the email sent from Susan Bedell, who had questions about coal dust.

Regarding Carr Pool, Mayor Campbell advised that a presentation was made at the most-recent Parks & Recreation Commission meeting. The Commission members opted to take no future action, which means going ahead with the plans to close and demolish the Pool.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 11:25 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor