

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

AMES, IOWA

AUGUST 18, 2009

The Ames City Council met in special session at 7:00 p.m. on the 18<sup>th</sup> day of August, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Keppy was also present. Council Member Doll was absent.

**INTERMODAL FACILITY CONCEPT:** CyRide Director of Transportation Sheri Kyras explained that the concept of a new intermodal facility in Ames was only six weeks old, and that because the grant application is due by September 15, the parties (CyRide, Iowa State University, and the City of Ames) are working in a very short time frame. She explained that what was presented to Council may be refined before the actual grant application is turned in. Ms. Kyras gave a brief history of the intermodal concept, and indicated that the transportation network in Ames is disjointed. She stated that there has been a desire to build such a facility in the past, but not enough funding. Ms. Kyras pointed out that they are working quickly because the grant is funded by stimulus money, and that they have hired URS Surface Transportation as a consultant.

Bill Troe, Vice President of URS Surface Transportation, gave details about the Transportation Investment Generating Economic Recovery (TIGER) grant program. He explained that it is a 100% grant for local infrastructure projects, funded by stimulus dollars. Mr. Troe pointed out that the program is competitive across the country, so they are competing against other cities for the grant money. He said that the grant application is due September 15, but that the opportunity did not surface until May; thus the rushed schedule.

Mr. Troe explained the potential benefits of an intermodal project, including connecting the city as well as bringing in commercial opportunities. He stated that from an economic return standpoint, an intermodal facility is not necessarily the first choice; however, in the correct place it can be a very good opportunity. He explained that the facility would not generate new employment by itself, but would provide an opportunity to help other projects that would generate employment.

Mr. Troe stated that an intermodal facility that includes parking would provide a substantial opportunity for redevelopment of the Campustown area, which would positively impact both Iowa State University (ISU) and Ames. He surmised that a lack of parking is an inhibiting factor in new development or redevelopment in Campustown. Mr. Troe pointed out that the facility would advance the ISU "master plan" of replacing on-campus parking with fringe parking. He mentioned additional benefits, including connecting gaps in bike paths, and providing a connection with intercity buses.

Mr. Troe reviewed the four potential sites around the community, and explained that they looked at site suitability, economic benefits and impacts, operational impacts, and relative costs as screening criteria. He stated that three out of the four sites were omitted because they did not meet the criteria in one way or another; the Iowa State Center site because it was located almost entirely within the 100-year flood plain, the Downtown site due to the proximity of the railroad crossing, and the Stange Road site due to the lack of potential economic return. He said that the Campustown site, located at the intersection of Hayward and Chamberlain, met all of the criteria and was the ideal location.

Mr. Troe gave details about the site, and explained that it is currently used as surface parking for residence halls. He stated that the proposed facility would house approximately 750 parking spaces, 240 of which would be replacement of the current spaces. He gave other ideas for allocation of the remaining parking, and explained that it would be worked out more specifically as the project continues.

According to Mr. Troe, the Campustown location is somewhat problematic relative to CyRide operations. He explained that because the routes on Lincoln Way have a very tight time schedule, to divert off-route and provide inter-changing of passengers, transfers, etc., would throw those routes out of sync. He said that additional CyRide buses would add higher costs, and that a circulator bus has been included in the cost estimate as an alternative.

Mr. Troe stated that they also performed a directional distribution study to decipher where people are coming from and going to, and they concluded that the vast majority would be headed to or from the north, then traveling east or west along Lincoln Way. He gave percentages of the directional distribution study, and expounded on how the presence of the intermodal facility would impact daily traffic.

Mr. Troe reviewed current versus proposed traffic operations conditions. He said that along Lincoln Way, traffic is currently classified as “moderately congested.” He explained that the additional traffic created by the intermodal facility would reduce level of service one letter grade in the surrounding area.

As indicated by Mr. Troe, the potential uses of the structure could include parking for the ISU Department of Public Safety (DPS) vehicles, locker rooms with paid showers, parking spaces for taxi services, and retail space. He also explained the concept drawing of the facility, and emphasized that they would be retaining as well as adding green space.

Mr. Troe stated that the total cost of the facility would be approximately \$43.6 million, and gave a break-down of what each component would cost. He reiterated that though the TIGER grant is 100% funding, it is also competitive; therefore, if the City were to apply for 100% funding without any local match, it could likely lose to other applications. He suggested that the City provide a 10% local match and apply for 90% funding with the TIGER grant. He pointed out that it is difficult to ascertain what the local match should be, since this program is brand new and has no history to analyze.

Mr. Troe reviewed the detailed operations and maintenance costs, and calculated an approximate expense of \$350,000 annually to run the facility. He explained that the facility would also make money via parking revenue, and gave a low-end revenue estimate of \$375,000 annually. Mr. Troe also reviewed the short-term and long-term economic impact, including potential job creation. He surmised that roughly 400 short-term construction jobs and 300 long-term office sector jobs could be created through the facility, annually generating another \$55.3 and \$52.7 million of economic benefit, respectively.

Council Member Goodman questioned how the long-term numbers were produced, and Mr. Troe explained that an input/output model that was used for estimations. He also stated that typically, each 1,000 square feet of office space would have room for four new employees.

Council Member Rice asked about the parking spaces for DPS, and Mr. Troe discussed further details

of parking space allocation. He stated that they should be able to accommodate the vast majority of the DPS vehicles.

Transit Board Member Robert Anders asked about the shuttle route that was mentioned, and questioned whether these routes would be junctions for other routes. Ms. Kyras replied that if they were to receive the grant funds, the purple route would be re-routed through the intermodal facility, leaving a fairly large gap in the transit system. She explained that the best way to address that issue would be a special shuttle service providing connection to the campus area, where riders would be able to transfer onto any other CyRide route.

Mr. Anders asked if the site would be compliant with the zoning regulations for the area. City Planner Charlie Kuester replied that the site is zoned SGA Special Government/Airport, and is not subject to City zoning regulations. He explained that the City and University would work together to ensure that the structure was compatible with the surrounding zoning.

Council Member Popken asked if street improvements could be included in the grant application as part of the local match, since the streets would be enduring heavier bus traffic. Mr. Troe stated that they have already included \$1.2 million for roadway improvements, primarily for Sheldon and Hayward Avenues.

Mr. Goodman stated that as a retailer in Campustown, the project was very exciting to him. He offered the idea of bringing more CyRide routes south to bring more people through Campustown, and suggested that it would have a great economic impact and bring in many more jobs than what is currently estimated. He also pointed out that a hub for all CyRide routes doesn't exist.

Ms. Kyras stated that they had looked into bringing CyRide routes through the facility, but that it would add substantially more cost to the project than adding a circulator bus.

Transit Board Member Warren Madden said to keep in mind that the proposal had been prepared in a very short period of time, and that a lot of issues will require further analysis and information. He urged the Council to determine whether the plan and vision look like they work and whether they meet the grant requirements. He said that this is a unique opportunity, and he does not want to get hung up on issues that will require further exploration.

Ex Officio Member Keppy asked if the facility would draw people away from the commuter lots. Ms. Kyras stated that she did not think that it would have an impact since the commuter lot is free and the parking ramp would not be. This incited a discussion about the cost of parking at the new facility.

Council Member Rice asked if offering a 12-15% local match would make a big difference in competition or improve the chances of getting the grant. Mr. Troe reiterated that it is difficult to say, since the program is only eight weeks old and there is no track record. Mayor Campbell asked if the 90/10 split was standard for this kind of grant, and Mr. Troe stated that it was.

Mr. Goodman stated that he had posed the idea of bringing CyRide routes through Campustown because the economic impact could be substantially greater for the grant application. Mr. Troe said that it would come down to how much income the facility would be able to generate, and that it would not be positive if transit dollars had to be added to offset re-routing buses.

Ken Kruempel, 2519 Timberland Road, Ames, asked if they had interacted with the neighbors in the area, and whether there were going to be expectations about landscaping. Ms. Kyras said that they have been interacting with the surrounding neighborhood, but that since this is a quick project they had not been able to gather a lot of people together for input in a short amount of time. She explained that their next step would be outreach to the surrounding community. She said that they would like to enhance the College Creek area, and that there would be “green features” on the building.

Ken Larson, 3318 Woodland, Ames, expressed his disappointment with another parking garage on the Iowa State campus, and said he hoped that instead of doing a green roof they would cover the building with ivy. He said that he felt that Ames has let housing go to the far fringes and sprawl, and that this building should be capped with five stories of housing. He also expressed his concern about the traffic lights at Hyland Street and Lincoln Way. He said that he felt there were a lot of unanswered questions about this project.

Catherine Scott, 1510 Roosevelt, Ames, asked if the parking rates would be similar to what Campustown is charging now. Mr. Troe stated that the parking rate would be consistent with other university rates.

Moved by Mahayni, seconded by Rice, to support the Ames Intermodal Facility TIGER Grant Application.

Roll call vote: 5-0. Motion declared approved unanimously.

## **DISCUSSION ON REGULATIONS FOR ALLOWING WIND AND SOLAR USES WITHIN**

**AMES:** Planning & Housing Director Steve Osguthorpe explained that the City of Ames does not currently allow energy production within residential areas. He stated that, since September of 2008, staff has reviewed the concept of wind and solar energy in Ames. He said that the Planning and Zoning Commission has been involved, and that public input has been sought on several occasions. He emphasized that public input was very important, and stated that they have gotten a range of feedback, from very supportive to very opposed.

City Planner Sam Perry explained that under the City’s current zoning, energy production is not a permitted use in residential or commercial zones, but it is allowed in industrial zones. He stated that the impetus behind the research was an inquiry from a residential property owner about free-standing solar panels.

Mr. Perry said that many other cities in Iowa are working on this concept, and a few have passed regulations for small wind towers. He said there are not many regulations for solar panels as far as location, height, and setback. He said that City staff wanted to take an overall view and deal with both wind and solar at the same time, because it’s the same use of generating electricity.

Mr. Perry stated that staff has proposed a three-level approach for approval of applications: administrative, special use permit through the Zoning Board of Adjustment, and a variance. He said that other cities have required going straight to the special use permit, which requires notification of all neighbors, for putting up a wind turbine.

According to Mr. Perry, other cities have a minimum lot size requirement, but he stated that staff did not feel that was necessary. He said they didn’t see that having a minimum lot size as well as a

setback accomplished a goal.

Mr. Perry showed the Council examples of solar energy systems. Regarding roof-mounted solar panels, he stated that if they were tilted up from the roof plane it would require a special use permit, unless they were not visible from the street.

Council Member Mahayni left the meeting.

Mr. Perry explained the concept of “net metering,” which would allow those who have a surplus to send it back into the grid and get credit, which they could use when their demand is higher than their supply. He stated that if there is a surplus over the long-term, there would be a cash payout. He clarified that most of the systems are too small to be generating excessive power. Mr. Perry stated that the proposed zoning regulations would speak of utilities in a general sense, not just the City of Ames utilities, and would cover anything within the city limits.

Mr. Perry said that both flush-mounted and tilted solar panels would be allowed, but that tilted would require a higher level of approval. Council Member Rice asked if the solar panels were adjustable for seasons. Mr. Perry replied that a lot of them are, but that usually the most optimal angle is determined and the panel is fixed to that angle year-round.

Council Member Goodman asked if any zoning regulations would apply if there is a room or a window coming out of the house at a certain angle. Mr. Perry said that the zoning code speaks to minor projections, and this is a somewhat parallel approach.

Mr. Perry stated that a typical residential wind turbine produces two to three kilowatts. He explained that the Net Metering Agreement would be for up to 10 kilowatts. Electric Services Director Don Kom said that they wanted to put cap on the agreement that they could easily handle, and ten kilowatts was good number to work with. He explained that if someone wanted to go higher than ten, they would need to work with Electric Services directly. He pointed out that anything above 10 kilowatts would be a fairly large and substantial piece of equipment.

Mr. Perry said that there have been inquiries from industrial/commercial properties as well, and he explained that the draft policy document is designed to cover the entire city – both residential and commercial. He said that they hope to make these permitted in every zone, but that the level of criteria would vary depending on the zone. He pointed out that most jurisdictions require a setback of 110% of the turbine tower height, which would rule out most subdivision lots in Ames.

Council Member Larson asked if staff had come up with anything related to a decibel maximum. Mr. Perry stated that the noise ordinance is 55 decibels for Ames, and that some systems have an inverter inside the house rather than up on the tower. He stated that the system should not be audible at the property line. Mr. Osguthorpe pointed out that a constant low hum could be irritating even if it's quiet, because it would never stop.

Council Member Popken said that there may not be a noise problem initially, but if the bearings on the turbine wear out, it could cause a much larger issue. Mr. Osguthorpe stated that they are relying on the integrity of technical research, and that sometimes they may not know if it's audible until it's up. He pointed out that the technology is improving, and some manufacturers have much

quieter options.

Mr. Rice asked if there is a 110% setback for power poles. He questioned what the difference was between a pole with lines on it and a wind turbine. Mr. Perry pointed out that there is something turning on top of the small wind turbines. He stated that they did not see a data-driven reason for the setback; however, there may be an indirect purpose such as noise or general mitigation. He said that most turbines are rated to withstand winds of up to 145 mph, which is almost double the required 90 mph in the building code. Mr. Osguthorpe said that staff did not find any data that the turbines fall over, but that it is always a statistical possibility that they could.

Mr. Perry showed a map of lot sizes in Ames, and discussed lot size requirements and tower placement. Mr. Popken asked how many residential lots were in Ames, and Mr. Perry replied that there are approximately 10,000.

Mr. Rice stated that he had a problem with the concept of setbacks, because trees or light poles could be just as likely to fall. Mr. Osguthorpe said that the setback is not only for the possibility that they might fall, but also for aesthetic reasons.

Mr. Larson said that some people just want to feel like they're doing their part to help the environment, even if they're not doing much at all. He said that he could not envision many lots in the city that would practically be able to generate much wind energy. Mr. Osguthorpe said that it may not be practical, but that it should at least be allowed in the code.

Mr. Larson stated that he would rather try wind energy in the commercial and industrial zones first. He said that it does not seem practical for a typical subdivision. Mr. Osguthorpe offered the thought of setting aside a common lot with a common generator in new developments. This spurred a discussion about "sun rights," and what the different parties' rights would be surrounding an alternative energy system.

Mr. Popken asked if this would regulate something such as a small apartment building with a natural gas generator. Mr. Perry replied that this is only in regards to renewable energy generation, and the regulation of the outdoor equipment and the placement of it.

Mr. Perry mentioned freestanding solar panels, and stated that they would not be allowed between the front setback line and property line. He explained that it is less desirable to have freestanding solar panels in the front, and that there are other communities with a similar approach.

Ken Larson, 3318 Woodland, Ames, commented that it is more efficient to put the panels on the roof. He said that if Ames wants to encourage solar development, streets should run east-west. Mr. Osguthorpe stated that unfortunately it would not work for many existing houses with roofs built in the wrong direction, and that the challenge is how to regulate it.

Mr. Goodman pointed out that if a shed or playhouse was built in the yard it would be fine, and questioned why a solar panel would be regulated. Mr. Osguthorpe stated that they wanted to make sure that they start out slowly and carefully, and that they could possibly loosen the regulations over time. Mr. Goodman said that he likes the idea and thinks it's a great opportunity.

Mr. Ken Larson stated that he thinks that the City should prohibit the use of covenants in subdivisions and homeowners associations that would otherwise limit solar installations on the whim of what someone's aesthetics standard is. He said that whether or not something looks good is subjective. He said that owners of solar panels would need to protect their investment, and should be allowed to have a neighbor's tree trimmed if it is interfering with the solar panel. He also stated that in a wooded town like Ames, wind generation isn't practical.

Ken Kruempel, 2519 Timberland Road, Ames, asked whose expense it would be to protect the electric utility system from the wind generators when there's an outage on the City's system. Mr. Kom explained that as part of the permitting process, the potential owner would have to submit technical specs to Electric Services, and there would be certain minimum equipment requirements. He stated that the requirements would be the responsibility of the solar panel or wind turbine owner.

Mr. Kom said that they will also have to put in specialized metering, because the system would need a meter that runs in both directions. He explained that the current meters on homes only run one direction, and as part of the permitting process they would have to put in proper equipment. Mr. Kruempel asked if the protection equipment was expensive, to which Mr. Kom replied that it is quite expensive. Mr. Kruempel said that people need to know up-front that it is not cheap. Mr. Kom stated that Electric Services would be happy to meet with interested parties one-on-one to discuss details.

Mr. Larson stated that he liked staff's approach on solar energy, but had concerns about doing wind in residential areas. He said he would rather see that tried in commercial and industrial areas first. He said that he was definitely not ready for freestanding wind turbines in residential areas.

Mr. Popken said that he would lean towards the liberal side of allowing things to happen than on a restrictive side. Mr. Goodman stated that he sees both points on wind energy, and suggested that perhaps wind could be approved on a case-by-case basis. Mr. Rice said that with the speed of alternative energy development in the near future, he did not think the Council should lock into a "no," and he said that he agreed with Mr. Popken about taking a more liberal approach.

Mayor Campbell stated that the solar aspect would be easier to move forward with at this stage than the wind, and questioned whether the two issues should be married. Mr. Perry said that the long-term goal is to separate them, and that staff had anticipated that wind would be more controversial.

Mr. Popken said that he would be in favor of getting the solar moved along quickly, since it is less controversial. Mr. Goodman said that he agreed with splitting them, but said that they should not forget about wind. Mr. Larson concurred.

Moved by Popken, seconded by Rice to put a priority on completing the solar energy ordinance, and subsequently move forward with wind energy separately.  
Vote on motion: 4-0. Motion declared approved unanimously.

Mr. Larson said that it is important to stay on track after the solar is finished to get some resolution to wind energy, concentrating on commercial and industrial zones. He said that that may help to get

a feel from the community before they go forward with residential wind.

**COMMENTS:** Moved by Popken, seconded by Goodman, to direct staff to put in a 10-day property owner notification requirement prior to a hearing in the gas franchise agreement condemnation portion.

Vote on motion: 4-0. Motion declared approved unanimously.

Moved by Goodman, seconded by Rice, to have staff give a recommendation about the legality of having second and third readings of ordinances at Council workshops. Mr. Goodman stated that it may help move things more quickly for the customer. A discussion ensued about whether it would be fair to the public to do second and third readings at a workshop, since the public may not be as likely to attend the workshop meetings.

Vote on motion: 2-2. Voting Aye: Goodman, Rice. Voting Nay: Larson, Popken. Motion failed.

**ADJOURNMENT:** The Special Meeting adjourned at 10:02 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Emily Burton, Recording Secretary