

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 10, 2010

The regular meeting of the Ames City Council was called to order at 7:00 p.m. on August 10, 2010, 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: Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member England was also present.

**CONSENT AGENDA:** Council Member Wacha asked to pull Item No. 11 pertaining to the Precipitator Wire Replacement project for Electric Services from the Consent Agenda.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of July 27, 2010
3. Motion approving Report of Contract Change Orders for July 16-31, 2010
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor & Outdoor Service – Olde Main Brewing Co., 316 Main Street
  - b. Class C Liquor - El Azteca, 1520 S. Dayton Avenue
  - c. Class C Liquor - Es Tas Stanton, 216 Stanton Avenue
  - d. Class C Liquor - Okobojo Grill, 118 S. Duff Avenue
  - e. Class B Beer - Flame-N-Skewer, 2801 Grand Avenue
  - f. Class C Liquor - Chicha Shack, 2418 Lincoln Way
  - g. Class B Native Wine - Iowa's Wine Cellar, 2010 Philadelphia, Ste. 5
  - h. Class C Liquor - Deano's, 119 Main Street
  - i. Class C Liquor & Outdoor Service Privilege - SMG Food & Beverage, CY Stephens Auditorium
  - j. Class C Liquor & Outdoor Service Privilege - SMG Food & Beverage, Scheman Building
  - k. Special Class C Liquor - SMG Food & Beverage, Fisher Theater
5. RESOLUTION NO. 10-362 approving Investment Report for Fiscal Year ending June 30, 2010
6. RESOLUTION NO. 10-363 approving Official Statement and setting date of public hearing for sale on August 24, 2010, of Series 2010A General Obligation Bonds
7. RESOLUTION NO. 10-364 supporting Ames Intermodal Facility TIGER II grant application
8. RESOLUTION NO. 10-365 approving Certificate of Consistency with City's 2009/14 CDBG Consolidated Plan on behalf of nonprofit organizations receiving Emergency Shelter Grant funds
9. Engineering Services Contracts for 2010 Gas Turbines 1 and 2 for Electric Services:
  - a. RESOLUTION NO. 10-366 awarding contract to Black & Veatch of Kansas City, Missouri, for Part 1: GT-1 Engine Overhaul/Swap in an amount not to exceed \$50,000
  - b. RESOLUTION NO. 10-367 awarding contract to SEGA, Inc., of Stilwell, Kansas, for Part 2: GT-2 Anti-Icing Control in an amount not to exceed \$50,930
  - c. RESOLUTION NO. 10-368 awarding contract to Black & Veatch of Kansas City, Missouri, for Part 3: GT-2 Controls Modification in an amount not to exceed \$24,000
10. RESOLUTION NO. 10-369 approving amendment to Engineering Services Agreement for 2009/10 Airport Improvement Program
11. RESOLUTION NO. 10-371 approving contract and bond for 2010/11 CDBG Public Facilities Neighborhood Infrastructure Improvements Program
12. RESOLUTION NO. 10-372 accepting completion of 2009/10 CyRide West Wall Exterior Improvements Project

13. RESOLUTION NO. 10-373 approving Plat of Survey for property located at 1104 and 1114 Wilson Avenue  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PRELIMINARY PLANS AND SPECIFICATIONS FOR PRECIPITATOR WIRE REPLACEMENT FOR ELECTRIC SERVICES:** Council Member Wacha asked what caused the difference in the estimates; originally it was approximately \$64,000, and it jumped to over \$100,000. Electric Services Director Donald Kom advised that state bidding law requires engineer's certification for any project over \$100,000. The vast majority of the cost difference was due to engineering costs to specifically design the project.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 10-370 approving preliminary plans and specifications for Precipitator Wire Replacement for Electric Services; setting September 15, 2010, as bid due date and September 28, 2010, as the date of public hearing.

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

**PUBLIC FORUM:** Staci Harper, 1419 Edgewater Court, Ames, requested that Adams Street, between Calhoun Avenue and Dawes Drive, be paved. She noted that most of Adams Street is paved except for a small section, which is gravel and fairly steep. Ms. Harper specifically asked that the paving of that section be included in the next annual Capital Improvements Plan. Her letter with attached petition signed by 75 Ames residents was distributed to the Mayor and City Council.

Joe Rippetoe, 419 Pearson Avenue, Ames, recalled that he had revisited the issue of Ames' form of government at a recent City Council meeting; however, two of the Council members were absent. He stated his belief that the City of Ames is operating under a very outdated form of government. Mr. Rippetoe alleged that the City's government is not working as well as it should. He referenced an editorial in the *Ames Tribune* that cited tie votes as a problem. According to Mr. Rippetoe, some Council members were open to change earlier this year, but the topic was dropped in favor of other issues. He read a listing of issues that had resulted in tie votes. A series of questions devised by Mr. Rippetoe was asked of the Council members. Mr. Rippetoe urged the City Council to adopt an alternate form of government, as allowed by *Iowa Code*. He suggested the City Council be comprised of five at-large Council members. Also, Mr. Rippetoe prefers that residents be allowed to vote for all Council members, not just the one pertaining to their ward.

**CLASS C LIQUOR LICENSE & OUTDOOR SERVICE FOR CY'S ROOST:** Moved by Goodman, seconded by Davis, to approve a new Class C Liquor License & Outdoor Service Area for Cy's Roost, 121 Welch Avenue.

Council Member Wacha asked the Police Chief if all issues had been addressed by the establishment. Chief Cychosz stated that the Police Department had seen a pretty dynamic turnaround in the number of violations, was pleased with the progress, and it was endorsing approval of the License & Outdoor Service Area.

Ryan Thomas introduced himself as the new Manager of Cy's Roost.

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

**MUSIC WALK:** Jennifer Schill, Event Planner for the Main Street Cultural District, invited the public to attend the Music Walk to be held on Thursday evening, September 16, 2010. She noted that beer and wine tasting would be permitted only in establishments with appropriate licenses.

Moved by Mahayni, seconded by Wacha, to approve the following requests from the Main Street Cultural District for the Music Walk on September 16, 2010:

- a. RESOLUTION NO. 10-374 approving waiver of parking meter fees and enforcement for MSCD from 4:00 p.m. to 8:00 p.m.
- b. RESOLUTION NO. 10-375 approving waiver of fees for electricity usage along Main Street
- c. Motion approving Blanket Temporary Obstruction Permit for MSCD from 8:00 a.m. to 8:00 p.m.
- d. Motion approving Blanket Vending License for MSCD from 4:00 p.m. to 8:00 p.m.
- e. RESOLUTION NO. 10-376 approving waiver of fee for Blanket Vending License
- f. RESOLUTION NO. 10-377 approving closure of two parking spaces on east side of Kellogg at northeast intersection of Kellogg and Main, from Noon to 8:00 p.m. for food vendor

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

**ORDINANCE ESTABLISHING “NO PARKING” REGULATION ALONG WEST SIDE OF JENSEN AVENUE FROM 20<sup>TH</sup> TO 24<sup>TH</sup> STREET:** Moved by Mahayni, seconded by Wacha, to pass on first reading an ordinance establishing “No Parking” regulation along west side of Jensen Avenue from 20<sup>th</sup> Street to 24<sup>th</sup> Street.

Council Member Goodman explained that he would not support the motion because the decision to change regulations retroactively in a neighborhood should be 100%.

Roll Call Vote: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

**ORDINANCE VACATING JACKSON DRIVE R-O-W ADJACENT TO 1605 & 1609 JACKSON DRIVE:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4041 vacating Jackson Drive right-of-way adjacent to 1605 and 1609 Jackson Drive.

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

**CONSERVATION SUBDIVISION ORDINANCE:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt CONSERVATION SUBDIVISION ORDINANCE NO. 4042.

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

Mayor Campbell noted that Fire Chief Clint Petersen was not yet present due to his needing to deal with flood-related issues in the City. She announced that the discussion on *2009 International Building Codes*, therefore, would occur after the discussion of growth strategy.

**DISCUSSION OF GROWTH STRATEGY:** City Manager Steve Schainker summarized the discussion that was initiated at the City Council's meeting held on July 13, 2010. He recalled that the discussion at that meeting centered on the implementation of "Scenario 4" from the Targeted Growth Study (prepared by staff in April 2008). Mr. Schainker reminded the Council that on April 13, 2010, the City Council approved the change to the Ames Urban Fringe Plan designating Rose Prairie and adjoining land as Urban Residential, which was in support of "Scenario 4," and recently had entered into a Developer's Agreement pertaining to that property.

According to Mr. Schainker, the owners of Fieldstone Subdivision in Northwest A have requested that the LUPP be amended to exclude their property from Scenario 4 and that they be allowed to develop outside the City limits, and thus, free from any City subdivision standards. Mr. Schainker noted that the Council is being asked how to handle the Northwest A subarea in response to the Fieldstone request and to determine what areas should receive City incentives in accordance with the Capital Investment Strategy. He said that it appeared from the conversations at that meeting that the City Council was amenable to modifying the terminology in the Land Use Policy Plan (LUPP) that would call for Allowable Growth Areas (those lands that would be supported for development within the City limits) and incentivized Growth Areas (those areas within the Allowable Growth Areas where the City Council would apply the Capital Investment Strategy).

Planning and Housing Director Steve Osguthorpe summarized the actions already taken by the City Council, which included adding the North as a Targeted Growth Area. The City now has the North, Northwest A and B, and Southwest A, B, C, and D in its current growth strategy. Mr. Osguthorpe pointed out areas on a map that were included in the City's Capital Investment Strategy.

Director Osguthorpe spoke about how the Conservation Subdivision Ordinance could significantly reduce densities in North B. He explained how the market factor affects the calculation of the total number of acres needed to support a population target. Market factor was defined as a planned surplus of land capacity to accommodate variations in land availability and development choices. City Manager Schainker stated that if the total acres available are totaled, it could show land that could accommodate a population greater than what is projected in the LUPP. He pointed out that it is desirable to have that because the land isn't going to be built out exactly as projected. According to Mr. Osguthorpe, it is not possible at this time to determine exactly how the construction of such a subdivision would impact the actual gross densities, but staff believes they would be significantly less. He said that a healthy market factor can help to offset any loss of capacity otherwise anticipated. Director Osguthorpe clarified that none of the numbers presented in the staff report take conservation subdivisions into account.

Planner Kuester stated that if the entire Fieldstone area were to be developed at Rural Residential density, all of Northwest A (not just Fieldstone) would equate to a density of approximately 2.2 dwelling units/acre, which is 1/20th what staff thought would be yielded by the entire area. To serve the Northwest A Area, there is a need to extend approximately 4,300 feet of sanitary sewer from the existing City limits to the east.

Council Member Orazem asked who would bear the costs for infrastructure (water, sewer, and streets). Planner Kuester said the costs being presented at this meeting were the costs for the trunk lines (the main water and sewer lines) and the collector streets. Mr. Orazem inquired specifically who would bear the costs of widening the street located in Northwest A north of

the railroad tracks where the street is more narrow than City standards. Mr. Kuester stated that the developer would be responsible for bringing it up to City standards. City Manager Schainker noted that the City's Long-Range Transportation Plan does not contain any improvements to North Dakota (heading north); it is not contained in the LUPP either. Although sometimes the City negotiates with the developer on those types of costs, it is very difficult to determine the percentage of responsibility. Mr. Schainker clarified that the numbers being presented are understated if improving north up to Cameron School Road is being discussed.

Council Member Larson asked to know the difference in costs between the relocation of Fire Station 2 and new construction for Fire Station 4. Planner Kuester said the main cost would be for new fire equipment if a new station were built. He said that the costs being presented included the cost for buying new equipment, but not for land acquisition. Also, operating costs would be increased if additional personnel were required for a new fire station.

Seven development options were presented by Director Osguthorpe and Planner Kuester. The pros and cons and costs for each option were given.

Planner Charlie Kuester showed a map depicting the locations of Northwest A, Southwest A and B, and North B. He showed a table comparing the costs of developing in each of the areas. It was noted that the costs were based on 2008 dollars and the City's current Capital Investment Strategy. Mr. Kuester noted that, on Table 1, costs for the relocation of Fire Station #2 were reflected under both Southwest A & B and Northwest A. Regardless of which direction would be chosen, the relocation of the fire station would be necessary.

According to Planner Kuester, Option C most closely reflects the request by the owners of Fieldstone, as detailed in a letter sent by Attorney Frank Feilmeyer and referred to staff by the City Council in April. This option removes Northwest A from the Allowable Growth Area and allows it to develop in the County without City infrastructure standards.

Planner Kuester specifically noted that under Option F, Fieldstone property in Northwest A within 200 feet of natural areas would initially be developed outside the City limits in accordance with City standards with no density requirements, while all other property would be developed within the City limits as Suburban Residential in an incentivized growth area.

Director Osguthorpe reviewed the request of the owners of Fieldstone Subdivision, specifically noting the pros and cons. He said that it is anticipated that changes made for the Fieldstone Subdivision will likely be cited as precedent for future developments within the Northwest A Growth Area. Mr. Osguthorpe clarified that staff would have to determine if there was a logical reason to give Fieldstone a different land use designation than the surrounding land. He reiterated if they were to exclude Northwest A, and by logical extension Northwest B, the yield would be decreased by approximately 10,000 units. Director Osguthorpe pointed out that would be overstated, however, if the Council were to approve Fieldstone's request, and not change the rest of Northwest A or Northwest B.

Planner Kuester noted that Option D includes the provision for creating a boundary about 200 feet away from the natural area, which is an attempt to protect stormwater runoff into the Creek. That number was arrived at based on recommendations in the Sewer Study. Those areas would be exempt from the density calculations and allow for some large lots along the

perimeter. City Manager Schainker pointed out that, under this Option, the entire development would be within the City limits.

City Manager Schainker again emphasized that the City will need to develop in all three of the Allowable Growth Areas in order to accommodate the projected population target and to retain the ability to expand beyond the 2030 planning horizon. Elimination of Northwest A from the City's Allowable Growth Area would impede the City's ability to achieve that target.

Council Member Orazem asked when the City would be obligated to provide sewer and the railroad overpass under Option D. Planner Kuester stated that under Option D, the land would be annexed. City Manager Schainker advised that negotiations would occur between the City and the developer as to whom upfronts the sewer costs, and staff will need direction from the City Council on that. If it is an incentivized area, the City would pay for the upsizing. Regarding when this would occur, Mr. Schainker clarified that no one would have to install any infrastructure if there is no development.

Planner Kuester noted that the Fieldstone property, in and of itself, is not eligible for annexation at this time because it is not adjacent to the City limits. Other properties between Fieldstone and the City limits would have to agree to be annexed.

Council Member Orazem pointed out that there are many houses already built in the area that are on septic systems, so they would be obligated to hook up to the sewer upon annexation. Assistant City Manager Kindred said that those properties could remain on their existing septic systems until the system fails. Iowa Code then requires that, if the home is within 200 feet of an existing city sewer line, they would have to connect to it at that time.

Council Member Davis asked that if the City's waste treatment plant has the capacity to handle this much development. In the absence of Water and Pollution Control Director John Dunn, Mr. Osguthorpe said that he did not believe it would be an issue.

Director Osguthorpe advised that if development is allowed outside the City limits, the City needs to be prepared to address the issue of annexation and what would be required at the time of annexation to bring infrastructure up to City standards.

According to Director Osguthorpe, the City Council needs to take into account five issues when making its decision:

1. Protection of the natural areas
2. Provision for large lots
3. Facilitation of future annexation
4. Magnitude of cost to the City, both now and in the future
5. Accommodation of the population targets

It was noted that Option E addresses all five of the criteria in an affirmative way. Options D and G address four of the five factors.

Planner Kuester clarified that Options F and G would allow the development to occur outside the City limits; the rest of the area would stay as Urban Residential and could develop at a slower time frame. This would allow the 200-foot area to develop immediately. Director

Osguthorpe said that, in terms of what the City is projecting to need, it needs each of the areas to achieve the population target and retain the market factor.

City Council Orazem inquired if the entire area would have to be annexed before the sewer could be built. Director Osguthorpe said the sewer would first cross Northwest B, then down into A. He pointed out that Northwest B could not be annexed before Northwest A because the land would not be contiguous. Mr. Orazem asked how the development could go forward if the sewer is not built. Mr. Osguthorpe said that if the City does not have the financial capacity to build the sewer, it would be a timing issue. It was pointed out by Mr. Orazem that if septic systems are allowed, that would mean even more households that would eventually have to be retrofitted back into a sewer system, which is a large expense. Mr. Osguthorpe agreed, stating that that is a decision that must be made by the Council: is it better to wait and have the development built to City standards or allow it to be built outside the City limits now.

Council Orazem questioned whether it was necessary to have all dwellings within the City connected to its sewer system or is it possible to have a subdivision that is designed for septic systems that meet EPA guidelines. City Manager said that had never been studied, and it would have to be explored. Council Member Orazem said that if the City is not prepared to construct the sewer now, he is not comfortable adding more households that are eventually going to have to be retrofitted into the City's system. Council Member Larson said that there would be a lot of septic tanks due to the density requirement for the areas other than those located in the 200' boundary.

Mayor Campbell again noted the absence of several senior staff members who were attending staff briefings in the Emergency Operations Center due to flooding conditions occurring in the City. Director of Water and Pollution John Dunn gave an update on the status of impending rising water levels around the City from the Skunk River and Squaw Creek.

Kurt Friedrich, Friedrich Iowa Realty, 100 Sixth Street, Ames, noted that Regency Builders is no longer in business and not a part of this project. He stated that the developers are not necessarily wanting to get a definite answer to all the issues at this meeting, but want to work towards a common understanding. Mr. Friedrich said he cannot envision more than 20 to 25 lots being created; that is not a significant number of large lots that would be added to the market. According to Mr. Friedrich, there are other reasons to support lower-density development in this area:

1. The recently-conducted Sewer Study points to a desire for lower densities, particularly in the areas adjacent to natural features.
2. The existing character of the neighborhood, which consists of approximately 70 homes, each sitting on one- to three-acre lots.
3. It would enable them to provide larger lots for those who desire them.

Mr. Friedrich noted that the developers' original plan called for Rural Residential development (with no density requirement) built in the County to County standards; however, they have been meeting with the City's Public Works Department regarding public infrastructure on their property. The public infrastructure would be compatible with City infrastructure as much as possible so as to be conducive to annexation into the City in the future.

Another option was presented by Mr. Friedrich. He specifically requested that approximately 25 acres be added to the original proposal for exempted area, which would allow for the construction of a road and to create larger lots on both sides of the road. This would also coincide with the parcel lines. Mr. Friedrich also proposed that the acres in between the Urban Residential area and the exempted area be designated as Rural Transitional Residential. Lots with a maximum size of one acre (or less) would be allowed in that area. Another possible designation that had been discussed with staff was Priority Transitional Residential, which requires 3.75 housing units/acre. This would allow development to initially occur in the County, and the developers would pledge to work with the City's Public Works Department to establish infrastructure in the development that would be compatible, as much as possible, to City infrastructure. A more seamless annexation could then occur if the property in question were ever to be brought into the City.

At the request of Council Member Larson, Mr. Friedrich identified the property owners adjacent to the potential Rural Transitional Residential area.

Mr. Friedrich advised that what he would see as a natural progression would be an intensification from north to south. Moving west, there would be further intensification. Council Member Larson thought it made sense for there to be gradual intensification from the Exempted to the Rural Transitional to the Priority Transitional Residential.

Council Member Wacha asked why people just didn't buy a lot in the County if larger lots were desired. Mr. Friedrich advised that there are limited options close to the community that offer larger lots. Mr. Wacha asked if the developers had heard from potential buyers or if a study had been done. According to Mr. Friedrich, they constantly hear from customers who want a large lot close to the community. He referenced the Reserve Subdivision, which had 44 lots, and was sold out very quickly. Mr. Friedrich noted that small or narrow lots severely limit the types of plans that are possible to be built.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, agreed that the Fieldstone developers should be given an answer soon, especially because they are willing to build to City standards in the County. He also said that, if a portion of property (potentially 1,000 units) is being removed from the mix, the cost analysis would change. He believes that areas that are not available for development (because they are already acreages) and those that are not developable due to being in the floodway or floodway fringe should be removed. Also the logic that was used (e.g., cost of gravity-flow sewer systems.) to remove North A and North C from the Incentivized Growth Areas should be applied on other areas. If annexation is improbable, the land should not be included in the discussions. According to Mr. Winkleblack, large lots are still the smallest sector of development in Ames every year. He also noted that septic tanks cannot be installed on smaller lots; a substantially larger lot is needed to provide the required soils. Also streets in the County are dedicated to the County, but the homeowners associations must maintain them. It was pointed out by Mr. Winkleblack that the land in question is clearly not contiguous to the City and asked if there was a way to get to an 80/20 annexation. He then asked if the City had asked the Rookwood residents if they wanted to be annexed since the sewer, if development is allowed around Ada Hayden, would be built close to that area. If those septic tanks fail, there would have to be sewer installed in the area.

Council Member Davis asked to know the true triggering event that would cause the relocation of Fire Station #2. City Manager Schainker advised that it hinges on emergency

response time; that is a policy decision of the City Council. He noted that if the City Council directed staff to pursue what Friedrich Developers was offering, an analysis would be done.

Council Mahayni said it was important for the City to decide where it should grow well into the future (past 2030). If it is to the north, the discussion should not just be centered on Fieldstone, but on the total area. If that is not done, the long-range implications of the development would have been ignored. Mr. Mahayni also pointed out that if the Council is discussing long-range projects, financial tools to meet those obligations need to be established. Mr. Schainker advised that negotiations on how to finance them would come later, and he would need direction from the City Council. Council Member Wacha noted that it appears from all projections that Ames is going to need the land in question to meet its population needs to 2030; however, it is not going to happen “next year.”

Council Member Wacha noted that North B is primarily, from a cost and a land standpoint, Rose Prairie, and the attorney for Story County Land has indicated that development there probably would not occur for three years. The City has been trying for five or ten years to have development in Southwest A and B, mostly to no avail. Mr. Wacha noted that the Council needs to think long-term; the potential large numbers (costs) are not going to be before the Council tomorrow and they are not going to be before the City all at the same time.

Council Member Goodman said he sees the potential Fieldstone development in Northwest A is too far out in the Growth Area and it is too soon. He believes that a large investment was made, and it has become a lot more challenging. That challenge is not being brought before the City Council to decide if the City should invest money to help alleviate those changes. Mr. Goodman said that it is not fair for the City to back out of Northwest A as a Priority Area or to back out of incentivization because people made investments in that area. What’s different is that there is a large parcel in the middle of Northwest A that involves “leap-frogging of infrastructure,” which then brings a financial risk that was initially borne by private investment to the taxpayers of Ames.

Council Member Wacha stated that he was not in favor of Option C; there were too many negatives. He said the two questions that have to be determined by the City Council are: (1) should growth in Northwest A be allowed or incentivized, and (2) should parts of that around the natural area be allowed to be built in the County to City standards now or should it be built in the City right away. He also noted the commitment that was made to that land owner.

Council Member Wacha stated that the decision on building the sewer needs to be made by this City Council and not passed on to a future Council. Council Member Orazem reiterated that if the decision is to annex the area in question, the City has obligations to the property owners in the area. If the City is not willing to make that commitment, it has to be willing to accept that it will develop in the County.

Council Member Larson said that he did not like the idea of exempting certain areas from the City’s density requirement under the current Land Use Policy Plan, as the current Plan is density-driven. Rather than “exempting” areas, he would prefer to “up” it in locations where there is a reason, e.g., environmental protection. Council Member Mahayni agreed, saying that there might be an area that should be protected, and the development around that area should be suitable to that protection. However, the rest of the development must meet urban design standards.

City Manager Schainker said that the Council will have to decide what is the appropriate maximum size of the definition of a large lot versus acreage; that is the kind of policy decision needed to be made by the City Council.

Moved by Larson, seconded by Wacha, to modify Option D to change the 200' area adjacent to the natural area that would be exempt from density based on a maximum of a two-acre lot on the north side of the road closest to that 200' line and on the south side maximum lots of a half acre.

Mayor Campbell specified that Option D has North B as an Allowable Growth Area; Southwest A & B as Incentivized Growth Area; Southwest C & D as an Allowable Growth Area, and Northwest A (all of the Fieldstone property will be developed inside of City as an Incentivized Growth Area with the density requirement of two acres on the north side and a half acre on the south side.

City Manager Schainker noted that the road being referenced would be based on what is included on a site plan.

Planning Director Osguthorpe asked for clarification, specifically that the 200' is the area that is described as exempt. He asked if the lots (maximum size of half acre) on the south side would be exempt from the density calculation. Council Member Larson said it was his intention that they be exempt. Mr. Schainker said that staff is going to have to look carefully at the boundaries.

Planner Kuester noted that, under Option D, nothing will occur until the land is annexed into the City.

Council Member Wacha noted again that the additional land is needed to accommodate the City's population, but development could not occur for at least three years.

Council Member Goodman noted that the New Lands added in 1997 equaled far less than 300 acres, yet has met the City's housing needs for the past 13 years. He does not believe that it is realistic that Ames can be one of the fiscally conservative leaders in this state in terms of the tax base and have growth areas that are all active at once with taxpayer money. Council Member Wacha said all growth areas would not be active at the same time. Council Member Larson asked what taxpayer money would be spent. Council Member Goodman said it would go towards the beginning investments, the roads, the \$5 million "loans" to the growth areas, and General Obligation Bonds. He pointed out that after the project is complete, there still is an infinite amount of operating costs. Council Member Larson asked how development in the Northwest would occur if the Council did not move ahead now. Mr. Goodman said he was comfortable developing in the Northwest as long as the current Council considers incremental development. He believes that leap-frogging over other parcels would not be a benefit of the Ames taxpayer; the northern growth area was a detriment to the Ames taxpayer. Council Member Wacha pointed out that the City formerly had six incentivized growth areas; however, under the motion on the floor, there would be three incentivized growth areas.

Council Member Davis called for the question.

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

**2009 INTERNATIONAL BUILDING CODES:** Fire Chief Clint Petersen advised that the staff recommendation is a culmination of seven public meetings that occurred with the combined Building, Electrical, Plumbing and Mechanical Boards. There has been no opposition to the adoption of the updates from the building community; it is being supported by the local Home Builders Association Board of Directors. Chief Petersen addressed the comments made at the July 27, 2010, Council meeting. In essence, this item is a routine triennial adoption of the *Codes*.

Larry Cormicle and Brad Heemstra, members of the Building Board of Appeals, were present. Mr. Cormicle, 1522 Stone Brooke Road, Ames, assured the Council that the *2009 Codes* were carefully reviewed and public safety was put first. He encouraged the adoption of the *Codes* with local amendments.

Moved by Mahayni, seconded by Goodman, to set August 24, 2010, as the date of public hearing on adoption of the *2009 International Building Codes*, with local amendments.

Chief Petersen noted, with regards to the correlation between the updated codes and the City's *Rental Housing Code*, the proposed updates do not significantly alter the *Building*, *Plumbing*, or *Mechanical Code* requirements that currently affect rental housing units.

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

The meeting recessed at 9:45 p.m. and reconvened at 9:50 p.m.

Mayor Campbell stated that, due to impending flood conditions, Item No. 24 would be discussed next.

Mayor Campbell asked Water & Pollution Control Director John Dunn to give a flood update. Mr. Dunn stated that severe storms began at the north end of the basin around 5 p.m. The storm cluster is expanding to the south and encompassing the entire basin that affects Ames. The forecast is for another two or three hours of heavy rainfall throughout the basin. A self-serve sand-bagging station is being set up in the Jiffy Lube parking lot on South Duff. Southeast 5<sup>th</sup> Street and 6<sup>th</sup> Street by Brookside Park are now closed. Hotels on SE Dayton and SE 16<sup>th</sup> Street are being notified in case they need to evacuate.

**NPDES PERMIT FOR WATER POLLUTION CONTROL PLANT:** Water and Pollution Control Director John Dunn stated that the National Pollutant Discharge Elimination System (NPDES) Permit is required for the City to discharge into the South Skunk River. Mr. Dunn gave background information on the Ames NPDES Permit.

On June 29, 2010, the Iowa Department of Natural Resources issued the formal "draft" discharge permit for the Ames facility. During the public notification and comment period, the City as well as the public may provide comments to the IDNR in support of or objecting to the terms and conditions of the Draft Permit. The public comment period will end on August 14, 2010. Mr. Dunn read the topics that staff is recommending be raised with the IDNR as objections to conditions in the Draft Permit.

Moved by Davis, seconded by Goodman, to authorize staff to file comments with the Iowa Department of Natural Resources raising six objections to the Draft Permit, as proposed by staff.

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

**PRELIMINARY PLAT FOR TIMBER ROAD ESTATES:** Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 10-378 approving the Preliminary Plat for Timber Road Estates.

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

**VISIONING:** City Manager Schainker said that one of the City Council's top goals is to create and promote a community vision. As such, he was instructed by the City Council to: (1) present a report on the Dubuque Foundation's effort to create a community vision and (2) draft a Request for Proposal for distribution to potential visioning consultants.

Mr. Schainker reported that Dubuque accomplished its process without assistance from outside consultants with costs paid from a \$75,000 grant from the racing industry. He said that he did not see their process designed to be a true community visioning, but rather an effort to identify the top ten project priorities that had the most public support. As such, the City of Dubuque was not a major participant in the endeavor.

It was stated by Mr. Schainker that the visioning experiences that he is familiar with have utilized the services of an outside consultant. He thanked Jeff Johnson, President of the Iowa State University Alumni Association, for his assistance in developing the Request for Proposals (RFP). It was the belief of both Mr. Schainker and Mr. Johnson that an outside consultant would have more credibility in leading the visioning process because he or she is oftentimes viewed as having fewer biases. It appears that the cost for an outside consultant could range from \$50,000 to \$100,000.

Mr. Schainker also recommended that the City Council establish a citizen committee to assist the staff in reviewing proposals that are received and to ultimately make a recommendation. He asked the City Council to provide direction in that regard.

Jeff Johnson said it was important that this process be driven by the City and its Council. A list of potential visioning/branding consultants had been provided to the Council, and Mr. Johnson encouraged the City Council to *Google*<sup>TM</sup> those and more to see who has been involved in visioning efforts. Mr. Johnson also recommended that an outside consultant be used. Based on his research of the cities that have gone through the process, he felt that \$50,000 - \$100,000 should be sufficient to pay the consultant fees.

The draft RFP was reviewed by Mr. Schainker. He emphasized that the process must (1) ensure participation by a large cross-section of the Ames population in terms of numbers and differing perspectives, (2) engage new participants in the local government issues discussions, and (3) understand and work to avoid mistakes encountered in previous visioning/branding efforts. The proposed scope of work and deliverables were identified.

Council Member Larson indicated his preference for the consultant costs to be on the low end of the \$50,000 - \$100,000 approximation so that there would be funding left for special events to involve the community.

Council Member Orazem cited his desire for the City to develop the brand. Mr. Johnson explained that the brand comes after the visioning exercise is completed. He again emphasized that the consultant process should be done through a very public and open process.

Moved by Davis, seconded by Goodman, to approve the distribution of the proposed RFP for visioning consulting services.

Catherine Scott, 1310 Roosevelt, Ames, said she believed that Ames has already been branded by outside sources as a small town with large town amenities. She said that she liked the Dubuque process because there was a large variety of projects suggested, which got a lot of people involved.

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

Council Member Goodman said he would like to have the finalists make a presentation to the public and to the City Council. He also recommended that a representative of the human services agencies be included on the steering committee.

Relating again to the flooding situation, City Manager Schainker announced that the Red Cross is opening an emergency shelter at the First Christian Church, Sixth and Clark, for persons who have to evacuate their homes.

Council Member Larson suggested that a person representing ISU Athletics be included on the steering committee. Council Member Goodman recommended that a representative from AMOS also be a member.

Moved by Davis, seconded by Larson, to direct staff to establish a citizen committee comprised of the persons suggested by the City Manager and those added above to assist the staff in reviewing any proposals that are received and to make a recommendation to the Council.

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

**COMMENTS:** Moved by Mahayni seconded by Goodman, to refer to staff the letter of Charles and Jacquelyn Olson dated August 2, 2010, requesting a waiver of infrastructure requirements for property on Deer Run Lane.

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

Moved by Mahayni, seconded by Goodman, to refer to staff the letter and petition submitted by Staci Harper pertaining to paving the gravel portion of Adams Street.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:45 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor