

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

AMES, IOWA

MARCH 1, 2011

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 6:34 p.m. on March 1, 2011, with the following members present: Campbell, Davis, Goodman, Horness, Larson, Mahayni, Orazem, and Wacha.

ADMINISTRATION OF THE SECTION 8 HOUSING VOUCHER PROGRAM: Vanessa Baker-Latimer, Housing Coordinator, recalled that, at the January 11, 2011, City Council meeting, the City Council then directed staff to initiate proceedings to relinquish the City's Section 8 Housing Choice Voucher Program to the Department of Housing and Urban Development (HUD), with recommendations as to which regional housing authority might best be suited to take over the administration of the City's vouchers. This action was necessitated by administrative budget shortfalls for the Program; beginning in Fiscal Year (FY) 2011/12, there would be a shortfall of approximately \$150,000 between HUD funding and the actual cost to administer the Program.

According to Ms. Baker-Latimer, four area Housing Authorities (HAs) that could possibly take over Ames' vouchers were identified by staff and presented to the City Council; those were Marshalltown, Des Moines, Fort Dodge, and the Central Iowa Regional Housing Authority. Of the four regional HAs, it appeared that the most feasible would be the Central Iowa Regional Housing Authority (CIRHA) for the following reasons:

1. They currently administer the same program in the balance of Story County.
2. They have background policies that currently exceed Ames policies.
3. They have "standard" or "high" performance ratings for the Section 8 Management Assessment Program (SEMAP), which is a HUD-mandated, 15-indicator performance rating system for HAs administering a Section 8 Housing Program.
4. They have a larger number of vouchers and support staff, so absorbing additional vouchers should enhance their financial stability. (CIRHA has approximately 700 vouchers and would be able to assume Ames' 229 vouchers.)

According to Ms. Baker-Latimer, staff has had extensive discussions with the CIRHA Executive Director and has met with the Executive Board. She reported that CIRHA is very interested in absorbing the vouchers and in administering Ames' Program.

Ms. Baker-Latimer noted that the Ames Housing Governing Board has the final authority over the Program. If approved by the Housing Governing Board, the first step would be for Ames and the CIRHA to execute a 28E Intergovernmental Agreement. The Agreement would be required to allow an entity outside of the Ames jurisdiction to operate a Program within the corporate limits of Ames. Ms. Baker-Latimer reviewed the proposed Contract. She also covered other elements that City staff intends to negotiate with CIRHA. It is hoped that the Agreement will be brought back to the Housing Governing Board on March 22, 2011. Once executed, HUD will be notified and begin its process to officially transfer the vouchers to CIRHA.

The Administrative Transition Plan was reviewed by Ms. Baker-Latimer; a Memorandum of Understanding will detail those provisions. She advised that CIRHA will not have a local office. According to Ms. Baker-Latimer, any administrative fund balance and reserve in the Program will have to be turned over to CIRHA. Ms. Baker-Latimer said that the City will bill CIRHA for the support of any staff from the City of Ames who assists during the transition.

Council Member Goodman asked what is known about CIRHA's service level. Ms. Baker-Latimer replied that CIRHA is a much larger housing authority and covers a much larger jurisdiction. There will be some transition for Ames clients. Ms. Baker-Latimer described some of the activities that she had asked CIRHA to hold to help Ames' clients with the transition. She said that Ames' preferences are for the elderly, disabled, and families with dependent children; however, CIRHA's preferences only include the elderly and disabled.

According to Ms. Baker-Latimer, HUD requires a 90-day notice of Program transfer and only allows transfers to occur on January 1 or July 1. It, therefore, is imperative that the City give notice to HUD by April 1, 2011, to make the transfer effective July 1, 2011.

Ms. Baker-Latimer emphasized that the Section 8 Housing Choice Voucher Program will not be going away; it will remain, but will be administered by another agency.

Moved by Mahayni, seconded by Wacha, to authorize staff to negotiate the Intergovernmental Agreement and Memorandum of Understanding with Central Iowa Regional Housing Authority to transfer administration of the Section 8 Housing Voucher Program.

Council Member Goodman asked if the City has any recourse if the transfer is not successful. Ms. Baker-Latimer stated that via a memo that she had received from HUD, all transfers are permanent. Council Member Goodman noted that the Program participants had not been asked for their input, and for that reason, he would not be able to support the motion.

Vote on Motion: 7-1. Voting aye: Davis, Horness, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

ADJOURNMENT: Moved by Mahayni, seconded by Larson, to adjourn the Ames Housing Governing Board at 6:55 p.m.

Vote on Motion: 8-0. Motion declared carried unanimously.

REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:05 p.m. on March 1, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. Mayor Campbell announced that the Council would be working from an Amended Agenda. Added were a Proclamation for Flood Awareness Month and a request from Ames Main Street Cultural District pertaining to painting Downtown benches and trash cans.

PROCLAMATION FOR FLOOD AWARENESS MONTH: Mayor Campbell proclaimed the month of March 2011 as Flood Awareness Month. Accepting the Proclamation was City Planner Charlie Kuester. Mr. Kuester advised that Ames has adopted Chapter 9 of the *Municipal Code* as its regulations pertaining to building in the flood plain. Mr. Kuester added that residents

should decide whether they should purchase flood insurance, which is available to all Ames residents.

PRESENTATION OF GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD: The Mayor presented the Award to Finance Director Duane Pitcher and Budget Officer Carol Collings. The City has received this Award for the past 25 years.

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 Special Meeting of February 15, 2011, and Regular Meeting of February 22, 2011
3. Motion approving certification of civil service applicants
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor w/ Outdoor Service – Coldwater Golf Links, 615 S. 16th Street
 - b. Class A Liquor w/ Outdoor Service – Elks Lodge #1626, 522 Douglas Avenue
 - c. Class C Beer and B Wine – Swift Stop #5, 3218 Orion Street
 - d. Class E Liquor, C Beer, and B Wine – Sam’s Club #6568, 305 Airport Road
 - e. Class C Liquor – Carlos O’Kelly’s Mexican Café, 631 Lincoln Way
 - f. Special Class C Liquor – Valentino’s, 823 Wheeler St. #1
 - g. Special Class C Liquor – The Spice Thai Cuisine, 402 Main Street
 - h. Class C Beer – Swift Stop #4, 1118 South Duff Ave.
5. Motion setting March 8, 2011, at Noon as date of Special City Council Meeting
6. RESOLUTION NO. 11-071 rescinding April 12, 2011, and setting March 8, 2011, as date of public hearing on City Hall Heat Pump Replacement Project
7. RESOLUTION NO. 11-072 providing for a Debt Service Tax Levy for FY 2011/12 to Pay the Cost of Constructing Street Improvements and Improvements to City Hall
8. RESOLUTION NO. 11-073 approving appointments to City’s various boards and commissions
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Richard Deyo, 505-8th Street, #2, Ames, stated that Ames does not have a motto. He passed around examples of what he would like to see as Ames’ motto.

Dan Goshorn, 4109 Valley View Road, new Store Director of the HyVee Drug Store at 500 Main Street, presented a proposal to occupy eight parking spaces in the Main Street Station parking lot for a garden center. Mr. Goshorn said that they had already secured support of Hubbell Realty, the property manager, and the Main Street Cultural District (MSCD).

5-DAY CLASS C LIQUOR LICENSES FOR CHRISTIANI’S EVENTS: Moved by Davis, seconded by Mahayni, to approve a new Class C Liquor License & Outdoor Service for Buffalo Wild Wings, 400 South Duff Avenue.

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

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY AT REIMAN GARDENS: Moved by Davis, seconded by Mahayni, to a new 5-Day (March 1 - 5) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Blvd.

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

5-DAY CLASS LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY AT REIMAN GARDENS: Moved by Davis, seconded by Mahayni, to approve a new 5-Day (March 8-12) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Blvd.

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

MAIN STREET CULTURAL DISTRICT (MSCD) BENCH/TRASH CAN PAINTING: Angela Moore, Director of the MSCD, and Design Committee Chair Judy Gilger, 236 Main Street, Ames, were present. Ms. Moore explained the request of the Main Street Cultural District for permission to paint and decorate 18 wooden benches and several wooden trash cans (if funds allow) located in the Downtown area. The MSCD Design Committee would like to use this project as a fund-raiser and would be soliciting sponsors to support the artists' designs. No funds are being requested from the City. There are 18 benches; each bench will have one sponsor. Sponsorships will cost \$1,000. The Design Committee will jury each artist's design for content appropriateness with a member of the Public Art Commission being included in the jury process.

The Public Art Commission (PAC) considered this project at its December 1, 2010, meeting and recommended approval. Ms. Moore distributed a letter from the PAC to the Mayor and Council members.

Moved by Mahayni, seconded by Orazem, to allow the MSCD to sponsor a bench-painting project for City-owned wooden benches and possibly trash cans in the District, with the following stipulations:

1. The District Design Committee will follow the criteria set out in the Street Painting Ordinance (Section 22.29 of the *Municipal Code*) in "juring" artists' proposals.
2. The MSCD will provide insurance indemnifying the City for any damages that may occur as a result of the project.
3. The City retains the right to remove any painted cans or benches that may become a hazard.

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

GREEK WEEK 2011 REQUESTS FOR APRIL 2: Representing Greek Week 2011 were Kayla Hunefeld, General Co-Chair, and Mitch McDermott, Logistics Chair. Ms. Hunefeld and Mr. McDermott explained some of the events that are being planned for Greek Week from April 1 to April 3.

Ex Officio Member England noted that the entire Greek Week event is alcohol-free.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 11-074 approving closure of portions of Sunset Drive, Ash Avenue, Gray Avenue, Greeley Street, and Lynn Avenue from 7:00 a.m. to 7:00 p.m. on April 2, 2011.

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 Wacha, to adopt RESOLUTION NO. 11-075 approving suspension of parking regulations for portions of Gray Avenue, Greeley Street, Pearson Avenue, Lynn Avenue, and Sunset Drive from 7:00 a.m. to 7:00 p.m. on April 2, 2011.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

MAIN STREET FARMERS' MARKET: Angela Moore introduced the new MSCD Events Coordinator Tom Drenthe

Ms. Moore said that the MSCD has been working with the Chamber of Commerce for the past six months to host a Farmers' Market on Main Street, between Clark and Burnett Avenues, from 8 AM to 1 PM on Saturdays from June 25 to September 24, 2011. Ms. Moore described some of the efforts that have been undertaken. It is intended to be comprised of food, music, and family fun.

According to Ms. Moore, all business owners along the 400 Block of Main Street have approved that location.

Council Member Wacha asked if they had received much response from vendors from either of the previous Farmers Markets. Ms. Moore said that there had been a lot of interest expressed and questions asked. A meeting will be held for potential vendors tomorrow at the Ames Public Library.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-076 approving the closure of Main Street, between Clark and Burnett Avenue, and affected parking spaces each Saturday from 6 AM to 2 PM from June 25 through September 24, 2011 with the stipulation that the Farmers Market reimburse the City \$400 for lost meter revenue and \$1/day for each electric outlet used.

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

REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS FOR 1512 X AVENUE IN BOONE COUNTY: Planning and Housing Director Steve Osguthorpe explained that Jody McCaskey is proposing a subdivision of land within two miles of the corporate limits of Ames, which makes it subject to the provisions of the Ames subdivision regulations. The proposed division of land is a two-lot split on a 40-acre parcel. One lot contains an existing home. The remainder is about 33.5 acres and will remain in agricultural production. The site lies approximately two miles southwest of the Ames City limits in Boone County. It is located in the area of the Ames Urban Fringe Plan that is identified as Agriculture/Farm Service. Ms. Osguthorpe stated that since the proposed lot is the site of a farmstead, the division of the quarter-quarter section is consistent with the Plan.

Mr. Osguthorpe explained that since the proposed subdivision lacks public improvements, subdivision regulations classify it as a Major Subdivision, which requires a Preliminary Plat. However, Section 23.103(1) or the Subdivision Ordinance allows the City Council to waive or modify the requirements under certain circumstances. The City Council has routinely granted subdivision waivers in areas where annexation by the City is not anticipated in the foreseeable future and when the proposed development is consistent with the use and density standards of the

Ames Urban Fringe Plan. If the City Council were to waive the infrastructure requirements, the owners could then proceed with the preparation of a Minor Final Plat for consideration by the Council. The three standard covenants would be required, which bind the owners and successors to (1) agree to annexation at the time the City requests, (2) waive objections to assessments that may be imposed in the future if public improvements are brought to the site as an assessment project, and (3) pay any fees associated with the buy-out of rural water.

Director Osguthorpe noted that the waiver, if approved, would be valid only for this division; any subsequent division of land would need to request a new waiver.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-077 approving a waiver of the City's design and infrastructure standards for subdivisions for the proposed two-lot, 40-acre subdivision on X Avenue in Boone County, contingent upon, within six months following the date of the Resolution, signed covenants and an application for the Final Plat are submitted to the City.

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

REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS FOR PROPERTY LOCATED ON CAMERON SCHOOL ROAD:

Ms. Osguthorpe stated that a request had been received from Steve and Barb O'Rourke for a waiver of subdivision standards for a 6.45-acre lot on Cameron School Road northwest of Ames. The property is located within two miles of Ames corporate limits and is subject to the provisions of the Ames subdivision regulations. The subdivision, to be known as Hickory Hills Subdivision II, is a proposed residential development to be comprised of three lots. It is located in the area of the Ames Urban Fringe Plan that is identified as Rural Residential.

Mr. Osguthorpe said that this request is similar in nature to the McCaskey request, and all pertinent information would be the same.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 11-078 approving a request to waive the City's design and infrastructure standards for subdivisions for the proposed three-lot residential subdivision on Hickory Hills Drive, contingent upon, within six months following the date of adoption of the Resolution, signed covenants and an application for a Final Plat are submitted to the City.

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

HEARING ON REZONING PROPERTIES ALONG BOTH SIDES OF KELLOGG AVENUE BETWEEN UNION PACIFIC RAILROAD AND LINCOLN WAY:

Mayor Campbell opened the hearing.

Laura Cram, 1601 Johnson Street, Ames, expressed concerns over any new restrictions that might be placed on the building she owns at 203 Kellogg. Ms. Cram stated that she has been told that they are now not in compliance with the HOC District and would not be in compliance with the new regulations. Ms. Cram said she believes that her building is in compliance with the exception of the setback requirement from Gilchrist. She cited her concern that, because her building is deemed noncompliant, she would not be able to rebuild on that site if something were to happen

to her building. Also, she would not be able to change the square footage of her building unless she built a second story. Ms. Cram explained there are already restrictions placed on her property's abstract, one of which is that the front 50 feet of the property will not contain any structures. That area is currently used for parking; however, under the new regulations, it is her understanding that parking would not be allowed in the front of her building. She is asking that staff look at alternatives due to the special circumstances surrounding her building's proximity to the railroad. Specially, Ms. Cram asked that her property be carved out of the boundaries for the new zoning district.

Council Member Larson asked if Ms. Cram had talked with railroad representatives about possibly changing the restrictions since there is now a protected crossing at the railroad tracks. Ms. Cram said she had not had any discussions with the railroad.

Director Osguthorpe said that it is a possibility to carve out Ms. Cram's property; however, he is not sure if that would solve any issues since the property is not in compliance with the current regulations of the Highway Oriented Commercial zoning either. He explained that there is always the possibility of applying for variances from the Zoning Board of Adjustment for relief of regulations.

Ms. Cram said that the front parking area of her property needs to have some improvements done. Again, she pointed out that parking in the front of the building is not allowed under the Downtown Service Center (DSC) regulations, and if her building is going to be governed by those, she would not want to invest money in improvements to an area that she will not be able to use. This is a big concern for her as there is not enough parking space in the back of her building. Her business also currently has a sign. She has been told that the kind of sign that she has will not be allowed in the DSC zone. Ms. Cram said she assumes that because it is existing, it would be grandfathered-in, but if changes were needed to the sign in the future, they could not be done.

Planner Jeff Benson explained that the proposed change to DSC would encourage incremental investment in preservation and development. It is also intended to strengthen visual connections between Lincoln Way and Main Street..He said that the proposed rezoning will implement the recent change to the LUPP Map designating the area in question appropriate for Downtown Service Center zoning. The DSC zone will help preserve existing characteristics that are similar to the Downtown north of the railroad and. According to Mr. Benson, it will also guide new infill development in a way that is more consistent with the downtown area and provide an incentive for redevelopment that improves Kellogg Avenue as a traditional retail block and an entrance to the Downtown.

Council Member Larson expressed his dislike over some of the regulations under DSC zoning. He does not want to force business owners to "destroy their buildings" by forcing them to build a second story if they want to expand or change their building. Mr. Larson noted that many of the businesses in the area in question have invested in improvements to their buildings over the years.

Council Member Wacha agreed that Laura's Cabinet Gallery should be removed from the boundaries of the new zoning to DSC. He explained that the building is unique in that it already sets farther back from the street than any other building and is in such close proximity to the

railroad.

Council Member Orazem asked why two stories would be required. Mr. Benson said that requirement is in the DSC zoning regulations. He said that he was unsure how the HyVee Drug Store was allowed to be built with only one story. According to Mr. Benson, the number of stories to be required could be addressed through a text amendment.

Council Member Larson pointed out the number of buildings in the Downtown that are currently single stories. He noted that if something happened to those buildings, the property owners would not be allowed to rebuild them as one-story buildings. Council Member Larson noted that no one had raised concerns through the process to date.

City Attorney Marek advised that the area in the rezoning ordinance is set by legal description. He recommended that, if the Council were inclined to change the area, the matter should be referred back to staff.

No one else came forward to speak, and the Mayor closed the hearing.

Moved by Larson, seconded by Goodman, to refer back to staff the issue of rezoning this area to DSC, but carving out the property where Laura's Cabinet Gallery is located.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Larson, seconded by Orazem, to refer back to staff for a report on a possible text amendment that would remove the two-story requirement for the entire DSC area.

Council Member Larson again noted the number of buildings that have been remodeled and not made to conform with the two-story requirement; so obviously, that requirement is not being enforced. Council Member Orazem concurred, and said he doesn't see this as being unsightly...

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

Council Member Wacha noted that since the rezoning ordinance had not yet passed on first reading, the date of public hearing on revisions to the Downtown Urban Revitalization Area would need to be moved back. Mr. Benson noted that, if it is the intent of the Council to extend the Downtown Facade Improvement Program to the subject area, a resolution to set a date for the public hearing on revision of the Downtown Urban Revitalization Area to include the properties in question will be needed. However, in light of the Council's direction, any revision to the Downtown Urban Revitalization Area would need to be placed on hold until the rezoning comes back to the City Council.

Moved by Wacha, seconded by Larson, to refer back to staff for recommending a new date for a public hearing on revisions to the Downtown Urban Revitalization Area.
Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Orazem left the meeting at 8:03 p.m.

HEARING ON AMENDMENTS TO FISCAL YEAR 2010/11 BUDGET: The public hearing

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-080 amending the budget for the current Fiscal Year ending June 30, 2011.

City Manager Schainker informed the Council that another amendment might be needed in May depending on what the City Council decides on Agenda Item No. 21 pertaining to the Downtown Facade Program.

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

HEARING ON ADOPTION OF FY 2011/12 BUDGET: Mayor Campbell opened the hearing. There being no one requesting to speak, the hearing was closed.

Council Member Orazem returned to the meeting at 8:06 p.m.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION 11-081 approving the FY 2011/12 budget.

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

AMENDMENT TO LAND USE POLICY PLAN PERTAINING TO USE RESTRICTIONS FOR THE CONVENIENCE COMMERCIAL NODE (CVCN): Director Osguthorpe advised that Kurt Friedrich of Friedrich Companies had requested that the text of the LUPP be amended to eliminate the use restrictions under the exception criteria for CVCN land use designations.

Mr. Osguthorpe gave the history of when and why the concept of convenience nodes was originally developed back in 2004. The intent under this concept was to provide nodes of commercial development in close proximity to, and for the convenience of, the immediate neighborhood, but in a manner and scale that would be compatible with the residential character of the neighborhood. During the development of this concept, the development community proposed locational criteria that would allow convenience commercial nodes every one-half mile. The locational criteria that were ultimately adopted required a spacing of two miles between nodes and two miles from village commercial centers. The Council's language allowed the convenience node to become an area for only those uses not otherwise provided for in the village, but ensured it would not compete with business opportunities in the village.

According to Mr. Osguthorpe, a number of amendments have been approved since 2004. Those amendments were described in detail. Subsequent to the development of the grocery store and car wash, a request was submitted to divide the McFarland Clinic lot. This division created a fifth lot in a zone that allowed only four uses. Staff reminded the applicant that a fifth use was not allowed. However, the proposed division met basic subdivision requirements, and there was nothing in the use restrictions for the zone that prohibited more than one of the four uses in the zone. During the subdivision review, the Council inquired of the applicant what use he had in mind for the fifth lot. A use was not disclosed at that time, but the Council was reminded that the division met subdivision requirements.

Mr. Osguthorpe stated that the current use limitations were adopted to ensure that a CVCN district located close to a village would not undermine the viability of the village. The concern was that the node would attract businesses that may want the locational advantages of the village, but that would not want to comply with the more stringent standards within the village. In retrospect, however, two things became evident under the adopted standards. First, limiting the number of uses within the convenience node could become problematic if one of those businesses were to close down and no other use were allowed to occupy the vacated building. Second, limiting the number of uses without further limiting the size of the convenience node has resulted in a node that is perhaps larger than necessary for just four uses. This is evident by the large size of both the car wash site and the original McFarland Clinic site (the McFarland Clinic site was later divided because of that. The first issue might be addressed by easing the restrictions on uses, but the City Council would have to be confident that this would not undermine business opportunities in the village.

The Council was advised by Director Osguthorpe that the second issue could be addressed by modifying the language that defines the size of convenience nodes. The current language allows nodes of “between two and five acres, but not greater than ten acres.” Ten acres appears to be too large for only four businesses. Mr. Osguthorpe advised that a two- to five-acre limit may be more appropriate for nodes approved under the exception criteria.

Mr. Osguthorpe said that the exception criteria were adopted to facilitate a customer’s request to place a convenience node at Stange and Bloomington. It appears, however, that many of the standards that were originally deemed necessary to both facilitate a node and protect surrounding commercial and neighborhood interests have proven problematic to businesses wanting to locate in the node. This is evident by the many changes that have been requested since the Node was created. According to Mr. Osguthorpe, this may be an indication that the exception criteria are not functioning as originally intended.

The alternatives available to the City Council were explained by Director Osguthorpe.. He noted that, when considering the alternatives, the Council should be aware that eliminating the use restrictions from the LUPP would not be effective at the Stange/Bloomington node because those use restrictions are also included in the Developer’s Agreement that was approved when that node was created. To make the proposed LUPP amendments effective at the Stange/Bloomington node, the Council would need to support an amendment to eliminate the use restrictions from the Developer’s Agreement associated with the approval of that node. The amendment was recorded against all properties within the node and an amendment would have to be approved by each owner of property in the node.

Mr. Osguthorpe stated that, at its meeting of February 16, 2011, with a vote of 5-0-1, the Planning & Zoning Commission recommended that the Council support the applicant’s request by eliminating the exception criteria altogether and supporting an amendment to the Developer’s Agreement eliminating the use restrictions.

The public hearing was opened by the Mayor. No one came forward to speak, and the Mayor closed the hearing.

Moved by Wacha, seconded by Orazem, to adopt RESOLUTION NO. 11-082 eliminating the use restrictions in Convenience Nodes by eliminating the exception criteria in the LUPP

altogether and by supporting an amendment to the Developer's Agreement eliminating the use restrictions at the Stange/Bloomington Node.

Council Member Wacha expressed his desire to not restrict uses for villages. Council Member Goodman emphatically disagreed, stating that it would not be respectful to current property owners who have made investments based on the regulations at that time. He also believes that if the use restrictions are lifted, it will hinder the pedestrian feel to the village.

Roll Call Vote: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

DOWNTOWN FACADE IMPROVEMENT PROGRAM: Planner Jeff Benson advised that the Downtown Facade Improvement Program was established by the City Council more than ten years ago to encourage improvements to downtown facades that would help create a more consistent image for the District based on the intrinsic historic qualities of the buildings. The Program currently offers grants that match private investment in facade improvements, support for professional design services, and partial property tax abatement for increases in property value resulting from the improvements. Mr. Benson reported that projects on 16 properties have been supported through FY 2010. He gave a summary of the previously approved projects as well as potential future projects.

Mr. Benson reported that the Ames Main Street Cultural District is currently reviewing applications for the Iowa Main Street Challenge Grant Program. He explained that each Main Street Program in Iowa may apply to the State for one grant of up to \$100,000. Five projects in Ames are vying for selection. Three of those projects are also on the list for Downtown Facade Grants. After the MSCD selects one of those projects, the City Council can expect that project to apply for funding under the Downtown Facade Improvement Program, as one of the criteria that the State of Iowa uses to select projects for its grant is support from the City.

Assistant City Manager Kindred reported that it is possible that the projected Downtown Facade Program grants could exceed budgeted funding. He pointed out that the FY 2010/11 Adjusted Budget includes \$50,000 for the Facade Program from the Hotel/Motel Tax Fund, and the 2011/12 Budget includes \$50,000 from the Local Option Tax Fund. In addition, the Council added \$27,625 from past carry-over savings in the Program to fund a one-time expense for Phases 2 and 3 of the National Register Nomination of the Downtown Historic District. To deal with the projected shortfall, staff plans to recommend, during the Spring 2011 budget amendments, that \$29,500 from the Hotel/Motel Tax Fund balance be brought forward to cover the projects approved in previous years. Assuming that action is approved by Council, that will leave approximately \$130,000 in funding to cover an estimated \$160,000 in grant requests.

City Manager Schainker advised that the Council has two options for dealing with the anticipated shortfall: (1) utilize the additional portion of the Hotel/Motel Tax fund balance to fund the grants, or (2) limit the amount of grants made. He noted that it is possible for the City Council to establish priorities to guide them in deciding which projects to award grants to.

Council Member Larson said that it was his understanding that the intent of the Downtown Facade Grant Program was to improve front facades. He does not believe funds should be used

to improve the back sides of properties.

Council Member Davis said he has concerns about drawing down the balance of the Hotel/Motel Fund. He would like additional criteria established for the Downtown Facade Grant Program.

Council Member Goodman shared that one priority that he feels should be included is that the property has not been given a Downtown Facade Grant in the past. He also would like to see a way to measure impact.

Moved by Goodman, seconded by Larson, to direct staff to come back with a list of criteria that should include commentary on the back side, the address not having received a grant in the past, the visual impact of the grant, occupied buildings versus addresses, and greater leverage.

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

DOWNTOWN FACADE IMPROVEMENT GRANT FOR 132 AND 134 MAIN STREET:

Planner Benson advised that there is a prospective tenant for 132 and 134 Main Street and would like to have a decision on the request for a Downtown Facade Improvement Grant. He suggested that this item be tabled in light of the City Council requesting criteria be established.

A gentlemen living at 1115 SW 46th Street, Ankeny, said that he is the proposed tenant of the former Whiskey River building. He would like to address the appearance of the back of the building. Specifically, he would like to put the roof on and re-do the steps on 132 Main Street. Pertaining to 134 Main Street, he would like to install a new overhead door at the old loading dock entrance.

Council Member Goodman stated that, based on the discussion that had already transpired at this meeting, he did not feel that the request would be approved. He would like the prospective tenant to be told that upfront.

Moved by Goodman, seconded by Larson, to deny the request for a Downtown Facade Improvement Grant for 132 and 134 Main Street based on the fact that these addresses have already received Grants.

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

INTERMODAL FACILITY: Transit Director Sheri Kyras advised that upon completion of the TIGER Grant Agreement, the Federal Transit Administration (FTA) recommended that the Ames Transit Agency (CyRide) hire a project and construction manager to oversee the technical aspects of the design and construction of the facility. Iowa State University has expertise in large construction projects, and the FTA made a determination that ISU was a part of CyRide, and therefore, waived the requirement to competitively bid those services. The cost for the services will be in an amount not to exceed \$345,210 plus a reimbursable expense of \$5,500 for monitoring the Site Pollution Discharge Permit. The Transit Board of Trustees approved the project and Construction Management Agreement at its February 17, 2011, meeting.

Moved by Larson, seconded by Orazem, to adopt RESOLUTION NO. 11-084 approving the Project and Construction management Contract with Iowa State University.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these minutes.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 11-085 approving the contract and bond from Weitz Company for Construction of the Intermodal Facility.

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

CONSULTING SERVICES RELATED TO THE CLEAN AIR ACT: Brian Trower, Assistant Director of Electric Services, noted that staff is very pleased with the services rendered to date by the Ritts Law Group. The charges to date amount to approximately \$139,000.

City Attorney Doug Marek said he envisions these types of services will be ongoing due to the political nature and complexity of the issues. Council Member Goodman asked if it would be more practical for the City to hire staff who could provide the services now being performed by consultants. Mr. Marek said that he did not think it would be beneficial for the City to maintain an employee of the same caliber and specialization needed to address these types of issues.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-086 authorizing extension of the Engagement and Retainer Agreement with Ritts Law Group of Alexandria, Virginia, in an amount not to exceed \$50,000 for consulting services related to the Clean Air Act. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

FLOOD MITIGATION PLAN: Assistant City Manager Bob Kindred and Municipal Engineer Tracy Warner updated the Council on flood mitigation. Mr. Kindred reminded the Council members of their flood mitigation goals and objectives. He brought the Council's attention to the status report on the staff's efforts and plans to accomplish the tasks, which had been prepared by the Public Works Department. He also noted the extensive list of flood recovery and repair projects already accomplished or currently underway. The list was broken down between river flooding and localized flooding.

Mr. Kindred advised that an update on the Flood Buy-Out Program is planned to be presented at the Council meeting scheduled for March 22.

After being questioned about the status of the Cyclone Truck Stop located on Dayton Road, Ms. Warner reminded the Council that the building had been extensively damaged in a wind storm and also received damage from the flood. According to Mr. Kindred, a Demolition Notice has been sent to the owner by the City's Building Official.

Regarding localized flooding caused by the August 2010 Flood, Ms. Warner described the process to be followed and the work that has to be done by City staff for the ten properties that have been identified as possible recipients of FEMA flood mitigation funding. Engineering evaluations have to be performed for each individual location. Applications with complete analyses must be submitted to FEMA by September 2011. Ms. Warner noted that the City is under contract with an outside engineering firm, and Notices of Interest have already been filed for ten properties.

City Manager Schainker said that he wanted to make sure that the City Council was in agreement with the flood mitigation efforts. The City Council concurred with the flood mitigation goals, objectives, and tasks, as presented.

MULTI-USE TRAILS LIABILITY MITIGATION PLAN: Inta Bingham, Risk Manager, and Nancy Carroll, Director of Parks and Recreation gave a report on the Multi-Use Trails Liability Mitigation Plan. Ms. Bingham recalled that the City Council had directed staff to institute a procedure by which liability claim settlements in a significant amount would first be reviewed by Council prior to accepting the settlement. In addition, staff was asked to develop a process for mitigating potential bodily injury claims sustained on multi-use trails. These actions were taken after a \$75,000 bodily injury claim was settled by legal council retained by the City's liability carrier, [Iowa Communities Assurance Pool (ICAP)]. The injury allegedly occurred on one of the City's multi-use trails.

Ms. Bingham brought the Council's attention to a listing of settlements and liability claims paid over the past three years.

City Council Schainker said that direction by the City Council was needed as to at what level it wanted to approve any settlements versus City staff approving them. It was noted that an answer was not needed at this meeting, but would be needed in the near future.

Ms. Carroll said that the ICAP has told City staff that they will survey other communities to ascertain what precautions they take to mitigate risks. City staff identified that, in addition to multi-use trail safety issues, there are safety issues dealing with sledding at various sites on City property and ice fishing at Ada Hayden. Ms. Carroll said that information has not been received from ICAP yet.

Ms. Bingham reported on the suggestions that had been made by ICAP's Loss Control Specialist and Claims Manager on how to comply with Council's request:

1. ICAP's Claims Manager will notify the legal defense team assigned to any liability claim against the City of Ames that the City Council has final authority to authorize settlement offers over an amount to be determined by the Council. That could \$10,000, \$25,000 or another amount. Settlements below that threshold will still be reviewed and authorized by City staff.
2. A link to the Fire Incident Dispatch Detail log has been created so that the Risk Manager is now able to monitor all accidents that have occurred on City property. This process will enable the Risk Manager to document the possible claim details in a timely manner, take photographs as needed, and notify the liability carrier, ICAP, of a potential claim.
3. The Parks & Recreation Department is waiting for ICAP loss control to forward examples of defensible snow removal policies utilized by other jurisdictions. Any changes to the current snow removal guidelines will be implemented in the fall of 2011.
4. The Parks & Recreation Department will continue to maintain a log of snow removal efforts by their maintenance staff.
5. The Parks & Recreation Department has ordered signs that state "Limited Winter Trail Maintenance, Use at Your Own Risk". The signs will be placed at the entrances to the multi-use trail system within the City by fall of 2011. Additional signage may be placed within the trail system based on ICAP's loss control recommendations.

Mr. Schainker noted that some of those suggestions had already been implemented.

Moved by Goodman, seconded by Wacha, to set the threshold at \$50,000 for settlement of claims that need to come before the City Council.

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

ORDINANCE VACATING FORMER SUMNER AVENUE RIGHT-OF-WAY AND ALLEY RIGHT-OF-WAY IN KINGSBURY'S ADDITION: Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4058 vacating the former Sumner Avenue right-of-way and alley right-of-way in Kingsbury's Addition.

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

ORDINANCE REZONING PROPERTY AT 712 SOUTH 16TH STREET: Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4059 rezoning property at 712 South 16th Street from Highway-Oriented Commercial (HOC) to Residential High Density (RH).

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

COMMENTS: Mayor Campbell advised that the City received a 90-day notice of contract termination from the State Department of Inspections and Appeals (DIA) today. The notice indicated that the DIA would be terminating the City's contract pertaining to food inspections.

City Manager Schainker recalled that Council had directed a survey of local restaurant owners be conducted. In light of the notice received today, he asked the Council if it wanted to continue with the survey. Mr. Schainker noted that the only way that the City could be allowed to retain its food inspections contract would be through legislative action. In addition, it has been ascertained that the deadline for requesting legislative action is this Friday, March 4, 2011. Mr. Schainker advised that there is a very small window of opportunity to get the legislation action through the legislative funnel.

Council Member Larson said he preferred that the survey be conducted. He noted the philosophical issue that he has in that the State is not consistent; it is not terminating all contracts. To him, it is a matter of state versus local control. Mr. Larson noted that the reasons the State cited for terminating Ames' contract were arbitrary. Council Member Goodman agreed, expressing his dismay that the State is "picking and choosing" which communities will be allowed to administer their own programs and which will not. The Mayor added that the DIA representatives told the Council it was partly due to their budgetary issues; the fees generated from Ames would help maintain the program for all the counties.

Council Member Wacha said, other than the State's method of communicating the news to the City that it would be terminating its contract, he doesn't have a real problem with it. He thinks the City needs to pick its battles and save its legislative requests for bigger issues.

It was again noted by City Manager Schainker that it would be difficult to get any legislative action during this Legislative Session.

Council Member Mahayni said that the issue to him was the decreased level of service that will be received from the State. He noted that the City has subsidized food inspections for 32 years.

Moved by Goodman, seconded by Mahayni, to request the Mayor to work with the legislators, Iowa League, and Metropolitan Coalition to “fix the philosophical issues.”

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

Moved by Goodman, seconded by Orazem, to request the Mayor to attempt to get the legislative action introduced by Friday, March 4, 2011, to deal with the inconsistent way the State is administering its food inspections contracts.

Council Member Larson again noted that he still wanted the results of the survey of the restaurateurs.

Council Member Wacha said that he did not see the benefit of “fighting this battle.” The Mayor noted that the same battle had been fought in Cerro Gordo County, with successful results.

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

Moved by Larson, seconded by Wacha, to refer to staff the request from HyVee Drug Store, 500 Main Street, to be allowed to open a small garden center in the parking lot directly to the west of its building.

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

Moved by Larson, seconded by Goodman, to refer to staff the letter from Bloomington Heights Townhomes for a report on the possibility of the City taking over maintenance of private streets.

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

City Attorney Marek reported that the letter from Attorney Larry Curtis, Pasley and Singer Law Firm alleging that the City’s storm water drainage system had failed, which resulted in a significant amount of water entering the basements of 323 Sixth Street, 329 Main Street, and 323 Fifth Street had been referred to ICAP.

Mayor Campbell referenced the memorandum from Kalen Petersen, Director of the Central Iowa RSVP, advising that the House of Representatives had passed legislation that would eliminate the Corporation for National and Community Service and its program, which would include RSVP, VISTA, and AmeriCorps. Noting the good work that those agencies do in and around the Ames community, she urged all interested persons to contact their legislators in an attempt to stop that cut.

Council Member Goodman asked for a report on how the City’s new proactive sidewalk snow-clearance program went. Mr. Schainker stated that one would be forthcoming.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:17 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor