

**MINUTES OF THE MEETING OF THE  
AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE  
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

MAY 24, 2011

**MEETING OF THE AMES AREA METROPOLITAN  
PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 24th day of May, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Campbell, Davis, Goodman, Larson, Mahayni, and Orazem. Also present were AAMPO Administrator John Joiner, and Rudy Koester, City of Ames Transportation Planner. Voting Members Clinton, Choi, O'Brien, and Wachar were absent.

**PUBLIC HEARING ON PROPOSED 2012 TRANSPORTATION PLANNING WORK PROGRAM (TPWP):** Rudy Koester, City Transportation Planner, explained that the Final FY 2012 TPWP includes eight planning work elements to ensure an integrated transportation system. There were no major changes from the draft previously provided to the Policy Committee. The Iowa Department of Transportation administers the Program. According to Mr. Koester, a public input session was held on April 26, 2011, and no revisions were requested. The TPWP must be filed on or before June 1, 2011.

Administrator Campbell opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Mahayni, seconded by Larson, to approve the Final 2012 Transportation Planning Work Program

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

**DRAFT FY 2012-15 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** Transportation Planner Koester said that the TIP outlines projects that will receive federal funding. The Program spans four years and covers street improvements, CyRide projects, and trail projects. Mr. Koester highlighted the projects that are scheduled to occur in 2012.

Moved by Davis, seconded by Mahayni, to approve the draft FY 2012-15 TIP and setting June 28, 2011, as the date of public hearing.

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

**AMENDMENT TO FY 2011-14 TIP:** Shari Atwood, Transit Planner, advised that CyRide will be requesting a Job Access and Reverse Commute (JARC) Grant for the Gray Route that travels to the Kate Mitchell area. The funding for that Grant must be included in the previous year's TIP, instead of with the FY 2012 funding. Due to that requirement, an amendment to increase the funding levels for FY 2011 was necessary. Also, there was a slight error in the formula; it would increase it from \$6,561 in federal funding to \$15,844.

Moved by Goodman, seconded by Davis, to approve the amendment to the FY 2011-14 TIP.

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

**REVISION OF FEDERAL FUNCTIONAL CLASSIFICATION (FFC):** Transportation Planner Koester said that Public Works staff noticed a couple changes that needed to be made to the FFC. To facilitate the changes, staff has to make a formal request to the Iowa DOT to reclassify certain roadway segments. Once the Iowa DOT approves the reclassification, it goes to the federal government for approval.

Municipal Engineer Tracy Warner further advised that STP funding may be used for any classification above a local roadway. With the reclassifications being requested, STP funding will be able to be used since the roads would be designated as collectors or minor arterials.

Moved by Larson, seconded by Davis, to authorize staff to make a formal request to the Iowa Department of Transportation to revise the FFC of the following roadway segments:

Dotson Drive - Lincoln Way to Mortensen Road  
Ridgewood Avenue - 13<sup>th</sup> Street to 20<sup>th</sup> Street  
Hayes Avenue - 20<sup>th</sup> Street to 24<sup>th</sup> Street  
Hoover Avenue - 24<sup>th</sup> Street to 30<sup>th</sup> Street  
South Dayton Place - South Dayton Avenue to Southeast 16<sup>th</sup> Street  
Southeast 16<sup>th</sup> Street - Dayton Avenue to South Dayton Place  
Southeast 16<sup>th</sup> Street - South Duff Avenue to South Dayton Avenue  
South Dayton Avenue - South Dayton Place to Southeast 16<sup>th</sup> Street

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

**ADJOURNMENT:** Moved by Davis, seconded by Goodman, to adjourn the meeting at 7:10 p.m.  
Vote on Motion: 6-0. 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 7:14 p.m. on May 24, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, and Orazem. *Ex officio* Member Finseth was also present. Council Member Wacha was absent.

**PRESENTATION OF HISTORIC PRESERVATION AWARD(S):** Mayor Campbell introduced Sharon Wirth, Chairperson of the Historic Preservation Commission. Ms. Wirth and Mayor Campbell presented the following Awards:

1. **Significant Achievement in Historic Preservation:** Ames Historical Society. Kathy Svec accepted the Award on behalf of the Ames Historical Society.
2. **Adaptive Reuse:** The Vinyl Café, 303 Kellogg Avenue. Ben Hull, owner of The Vinyl Café, was unable to attend.
3. **Significant Achievement in Historic Preservation:** Gloria Betcher. Ms. Betcher was present and accepted the award.
4. **Adaptive Reuse:** Caleb Mathews for Caleb Jamin Photography Studio, 232½ Main Street. Mr. Mathews was unable to attend.

5. **Historic Rehabilitation:** Chuck Winkleblack and Mark Hanson for rehabilitation of the old Moore's Dairy into Miss Meyer's, 426-5th Street. Mr. Winkleblack and Mr. Hanson were present and accepted the award.
6. **Significant Achievement in Historic Presentation:** Youth and Shelter Services, Inc. (YSS). Accepting the award on behalf of YSS was John Eitel.
7. **Architecturally Compatible New Addition or Structure:** Dayton Road Development Corporation for 211 Lynn Avenue. Accepting the award was Stacy Woodward.

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

1. Motion approving payment of claims
  2. Motion approving Minutes of the Regular Meeting of May 10, 2011
  3. Motion approving Report of Contract Change Orders for May 1-15, 2011
  4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
    - a. Class B Beer – Pizza Hut #4303, 436 South Duff Avenue
    - b. Class C Liquor – Old Chicago, 1610 South Kellogg Avenue
    - c. Class B Liquor w/Outdoor Service – Gateway Hotel & Conference, 2100 Green Hills Drive
    - d. Class C Beer and B Wine – Ames Asian Market, 819 Wheeler Street, #5
    - e. Class B Beer – King Buffet of Ames, 1311 Buckeye Avenue, Suite B
  5. RESOLUTION NO. 11-239 approving 2011/12 Human Services Contracts
  6. RESOLUTION NO. 11-240 adopting new and revised fees
  7. RESOLUTION NO. 11-241 approving agreement with Interstate Power & Light for work on Main Street Alley (Douglas Avenue to Kellogg Avenue)
  8. RESOLUTION NO. 11-242 setting public hearing for June 14, 2011, on proposed vacation of a portion of 11<sup>th</sup> Street and a portion of alley between Kellogg and Douglas for Mary Greeley Medical Center
  9. RESOLUTION NO. 11-243 approving Section 3 Plan in connection with Community Development Block Grant (CDBG) program requirement
  10. RESOLUTION NO. 11-244 approving preliminary plans and specifications for 2011/12 Collector Street Pavement Improvements Program (Hayes Avenue); setting June 8, 2011, as bid due date and June 14, 2011, as date of public hearing
  11. RESOLUTION NO. 11-245 approving preliminary plans and specifications for 2011/12 Water System Improvements (Water Main Replacement for Graeber Street/Hughes Avenue); setting June 22, 2011, as bid due date and June 28, 2011, as date of public hearing
  12. RESOLUTION NO. 11-246 approving preliminary plans and specifications for Emergency Relief Projects (South Dayton Avenue, Sixth Street Bridge, Lincoln Way Bridge at Squaw Creek); setting June 21, 2011, as bid due date and June 28, 2011, as date of public hearing
  13. RESOLUTION NO. 11-247 approving contract and bond for 2010/11 CyRide Route Paving Improvements (Ontario Street)
  14. RESOLUTION NO. 11-248 approving contract and bond for 2010/11 Collector Street Improvements (Storm Street)
  15. RESOLUTION NO. 11-249 approving Plat of Survey for 519 South Duff Avenue
  16. RESOLUTION NO. 11-250 approving Plat of Survey for 1109 Ridgewood Avenue
- Roll Call Vote: 5-0. 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, said that his name is actually “Bin Laden.” He told the City Council to have a good evening and wished them peace.

Dan Culhane, President of the Ames Chamber of Commerce and Ames Economic Development Commission, presented to the City a watercolor print done by local artist Jo Meyers Walker, which had been awarded “Best in Show” at the Chamber’s Annual Dinner held in February 2011. Mr. Culhane also presented a plaque to the City that is a replication of the front page of the *Ames Tribune* from December 17, 2010, announcing the expansion of WebFilings. In that article, WebFilings announced its intent to create 250 new jobs. The four partners: WebFilings, Research Park Corporation, Ames Economic Development Commission, and the City worked diligently to make that expansion happen. The company plans to break ground for the expansion project later in Summer 2011. Lastly, Mr. Culhane presented a chart showing that the City of Ames and the Ames Economic Development Commission had partnered to create 1,500 jobs in the past ten years. He noted that the chart was a great illustration of the benefit of that partnership, and he thanked the City for its investment in economic development.

**NEW 12-MONTH SPECIAL CLASS C LIQUOR LICENSE FOR OCTAGON CENTER FOR THE ARTS:** Moved by Davis, seconded by Goodman, to approve a new 12-month Class C Liquor

License for Octagon Center for the Arts, 427 Douglas Avenue.

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

**5-DAY CLASS C LIQUOR LICENSES FOR OCTAGON CENTER FOR THE ARTS:** Moved by Mahayni, seconded by Davis, to approve a 5-Day Class C Liquor License for Octagon Center for the Arts, 427 Douglas Avenue.

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

**5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY:** Moved by Davis, seconded by Mahayni, to approve a 5-Day Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard.

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

**HEARING ON VOLUNTARY ANNEXATION OF PROPERTY LOCATED IN SECTION 21, FRANKLIN TOWNSHIP, STORY COUNTY (ROSE PRAIRIE:** Planner Charlie Kuester

gave a chronological summary of the actions that had been taken since Story County Land, L.C., filed a Petition for Voluntary Annexation of approximately 174 acres of land north and west of Ada Hayden Heritage Park. According to Mr. Kuester, the Land Use Policy Plan identifies the area in question as an “Allowable Growth Area.” The area is designated as Urban Residential. It was clarified by Planner Kuester that the Sturgis property is not being included in the annexation request.

Mr. Kuester advised that the City Council was not being asked to take any action at this meeting. Due to a provision in the *Iowa Code*, the applicant has the right to withdraw its request to annex within three days following the public hearing; therefore, approval or denial of the annexation request will occur at the City Council meeting of June 14, 2011.

According to Mr. Kuester, the Planning & Zoning Commission, at its meeting of April 20, 2011, unanimously recommended that the City Council approve the request to annex the property in question with a strong recommendation that the Council consider issues regarding traffic (that

had been raised by the Bloomington Heights Neighborhood Association). The Commission asked the City Council to, regarding future annexations, look at traffic patterns in a broader sense and not just as they relate to the city limits at that time.

Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

**HEARING ON FIRST UNITED METHODIST CHURCH (FUMC) LAND TRANSACTION:**

The Mayor opened the public hearing. She closed same after no one came forward to speak.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-251 approving the Developer's Agreement.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-252 approving vacating easements.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-253 approving sale of City-owned property to FUMC.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-254 approving a Plat of Survey for 500, 508, 514, and 516 Kellogg Avenue.

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

**HEARING ON REZONING PROPERTY AT 1820 SOUTH DAYTON PLACE:** Planning and Housing Director Steve Osguthorpe advised that the property in question is a five-acre parcel that was annexed into the City on November 7, 2008; at that time, it was brought in with the Agricultural zoning designation. On April 18, 2011, a Rezoning Application [from Agricultural to Highway-Oriented Commercial (HOC)] was filed on behalf of the property owners Jeffrey James and Judy James.

Mr. Osguthorpe stated that the property is in the Floodway Fringe and would be subject to the City's floodway standards (raised to the proper elevation and all measures are taken to protect it from flood damage). According to Mr. Osguthorpe, the property is also located in the City's Gateway Protection Area. He raised the question of whether the Council desired to refer the matter back to staff for further rezoning to apply the Overlay District. Director Osguthorpe further explained that the Overlay District was the result of discussions among property owners, the Department of Transportation, and the City as a means to create more of an entryway corridor statement. He also told the Council that the Overlay District already includes all the land around this property. Mayor Campbell asked if that would mean the rezoning on the table would have to be postponed. In reply, Mr. Osguthorpe said that the Council could move forward with

first passage of rezoning the property to HOC; the normal rezoning process could then begin for applying the Overlay zoning.

Council Member Orazem asked to know if there could be implications of changing the zoning designation of the property if FEMA re-defines the “1 in 100-year floodplain” and changes the boundaries for the floodway. Mr. Osguthorpe noted that the property in question is already located in the Floodway Fringe, not the Floodway, and he did not anticipate any change unless FEMA narrows the amount of land that would be contained in the Floodway Fringe. Also, at the inquiry of Council Member Orazem about the property’s elevation, Mr. Osguthorpe said that he could advise the Mayor and Council of the elevations; however, he did not have that information with him.

Council Member Larson asked if the property owner had “weighed in” on the possible application of the Overlay. Mr. Osguthorpe said he was unsure if the James’s had been involved in any discussions of that nature; however, if staff moves forward with the Overlay rezoning, it would be discussed with the property owners.

At the question of Council Member Orazem, City Attorney Marek advised that, if nothing is built until a redefinition of the “100-year floodplain” is received, the new “1 in 100-year” level would apply. If they were to further develop the property now, the current level would apply.

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

Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance rezoning property at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC).

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

Moved by Larson, seconded by Goodman, to refer to staff to determine whether the property should be further rezoned to be included in the Southeast Gateway Overlay Zoning District.

Chuck Winkleblack, 105 South 16<sup>th</sup> Street, Ames, said that his understanding was that, at some point in time, that would happen. The other parcel that is adjacent to the property in question already falls under those guidelines, so the owners were under the assumption that this property would as well.

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

#### **HEARING ON REZONING PROPERTY LOCATED AT 1010 SOUTH DUFF AVENUE:**

Director Osguthorpe advised that the Council had referred a letter from Chuck Winkleblack requesting a Land Use Policy Plan amendment for this property, locally known as the Carney property. He noted that the application for a LUPP Map amendment was accompanied by an application for rezoning (to Highway-Oriented Commercial) for the same property. According to Mr. Osguthorpe, the upland portion of this property has already been developed. When this item was referred to staff, the Council had inquired about the property’s flood potential. Mr. Osguthorpe said that the property on the south side is both out of the Floodway Fringe and out of the Floodway. Although located right next to the Creek, the property in question remained

dry during last August's flood event. Therefore, it is expected that if the property were to be further developed, it also would not incur flooding. It was noted by Mr. Osguthorpe that there could still be some development allowed in the Floodway Fringe, such as parking lots.

The proposal was to change the Land Use Policy Plan first, followed by the rezoning to Highway-Oriented Commercial. Chuck Winkleblack clarified the exact boundaries of the requested rezoning.

Council Member Goodman asked about the frequency of changing property to HOC that had been designated as a Greenway. According to Mr. Osguthorpe, there had been discussion about property in a Greenway involving property on South 16<sup>th</sup> Street where the Skunk River went right through that property. Mr. Goodman asked if the part of the property that is designated as a Greenway would only allow parking lots. Mr. Osguthorpe replied that the property is not in the floodway; it is located in the Greenway, which is intended to maintain open space, continuity, and wildlife.

Mr. Osguthorpe noted that the parcel had to be reconfigured to keep a portion with frontage on South Duff (to maintain frontage requirements); that ends up being within the Creek. The only portion that would end up not being developed would be the flowing water area. It is not known how the property will end up being developed, so staff does not know at this point what will be paved.

Director Osguthorpe explained that there is an overlay along the area in question that designates it as a Greenway. The Greenway designation mostly follows the floodway as designated by FEMA. Mr. Osguthorpe said that staff has found no inconsistencies between the proposed amendment and the existing goals and policies of the LUPP. He said that the subject property is in a prime location for an infill site for commercial development along South Duff Avenue. According to Mr. Osguthorpe, the Greenway designation will remain and the overlay designation over the HOC base designation would not impede the proposed rezoning, platting, or eventual development.

Mayor Campbell opened the public hearing.

Discussion continued about appropriate use of land designated in the Greenway. Council Member Goodman said he would like to see more structure or guidelines about Greenways because he feels like he has to be an expert on things like wildlife migration before making decisions on these types of issues. Director Osguthorpe made the Council aware that if there is any wildlife that has to go under the bridge, they would end up on this property on the other side. Chuck Winkleblack said that there is some dry land under the bridge.

Chuck Winkleblack, 105 South 16<sup>th</sup> Street, said that it is hoped that a Final Plat for this property will be on the Council's Agenda for June 14; that will be much more detailed and clarify elevations and boundaries. He also noted that there is right-of-way already designated all the way along the northern boundary of the property. There would be a total of approximately 2.7 acres rezoned to HOC with 1.75 acres being out of the Floodway and the Floodway Fringe. There would be still be a corridor for wildlife to migrate through the Greenway.

There being no one else wishing to speak, the hearing was closed.

Moved by Larson, seconded by Mahayni, to adopt RESOLUTION NO. 11-255 approving a Land Use Policy Plan Map amendment from Agricultural (A) to Highway-Oriented (HOC).

Council Member Goodman asked if the City Council needed to provide additional direction to staff to address the issue of appropriate use of property in the Greenway or at least an evaluation, specifically, that efforts should be made as part of the process. City Manager Schainker said that it raises a good point pertaining to the whole philosophy behind Greenways and what is hoped to be accomplished by naming those. Council Member Goodman said it is difficult for the Council members to know how much value to give to something that at one point (1997, in this case) the Council decided had merit. Director Osguthorpe said the time to address it would be now since it would pertain to the LUPP. Mr. Goodman asked if it would be possible to designate a small area for a Greenway with a Map change that would still support the rezoning.

Municipal Engineer Tracy Warner noted that after staff review, she had requested a drainage easement that includes Squaw Creek and a portion up to its banks. She felt that would be adequate to address the issue of the wildlife habitat; that is in the form of an easement that is shown on the Plat and does not need to be addressed through the LUPP.

Council Member Larson said this is one of those issues that should be put on a list for the five-year review (of the LUPP).

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

Moved by Mahayni, seconded by Davis, to pass on first reading an Ordinance rezoning property from Agricultural (A) to Highway-Oriented (HOC).

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

**HEARING ON WATER AND POLLUTION CONTROL FACILITY SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM, PHASE II:** The public hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-256 approving final plans and specifications and awarding a contract to Automatic System Company of Ames, Iowa, in the amount of \$412,250.

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

**HEARING ON EAST 13<sup>TH</sup> STREET PROJECT (1-35 RAMPS TO 570<sup>TH</sup> STREET):** The Mayor opened the hearing. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-257 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$111,895.55.

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



**HEARING ON FINAL AMENDMENTS TO FISCAL YEAR 2010/11 BUDGET:** Finance Director Duane Pitcher brought the significant changes to the attention of the Mayor and Council.

Mayor Campbell opened the public hearing. There was no one who wished to speak, and the Mayor closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-258 amending the current budget for Fiscal Year ending June 30, 2011.

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

**2011/12 PROPOSED FLOOD BUY-OUT:** Housing Coordinator Vanessa Baker-Latimer explained that last fall, staff had provided information about applying for buy-out funds through the Iowa Homeland Security & Emergency Management Division under its Hazard Mitigation Grant Program in response to the July and August 2010 wind and flooding events. After those events, Ames/Story County became eligible for disaster assistance funding. Ms. Baker-Latimer briefed the Council on actions that had been taken by staff since that time. On March 22, 2011, the City Council had directed staff to move forward in preparing an application to the State for flood buy-out funds to residentially zoned properties along South 5<sup>th</sup>, South 4<sup>th</sup>, and on South Russell.

Staff had provided information to the State on properties that might be considered for buy-out in order for a Benefit Cost Analysis (BCA) to be performed. Staff was notified from the State last week that none of the residentially zoned properties reflected in the City's preliminary application scored high enough in the Benefit Cost Analysis to qualify for further review by the State or submitted to FEMA. One of the things that the State recommended was that the City provide as much information as possible about previous damages because the more information they have means a better likelihood that they could get the ratios up higher. Ms. Baker-Latimer explained that the amount of the damage must be at or above the assessed value in order to make the determination that it meets the Benefit Cost Analysis. The State has recommended that the City make a formal decision to withdraw from the Program; however, they would retain the information that had been submitted in case there are future events. Ms. Baker-Latimer advised that the City needs to look at how it collects data and what information the City already has; that information needs to be retained and added to if another event impacts the same property. The State also recommended that the City review its flood plain policy and determine if the policy should include a Repetitive Loss Clause.

Jim Sorenson, 2000 Indian Grass Court, Ames, stated that he and his wife, Lisa, own 62 rental units. Forty-eight of those units are on South 5<sup>th</sup> Street. They were interested in participating in the Buy-Out Program. However, since learning that none of the properties would be eligible for the State's Buy-Out Program, he has had discussions with Assistant City Manager Bob Kindred, who indicated that the City may be pursuing amending its Flood Plain Ordinance to include a repetitive loss provision. Mr. Sorenson conveyed that he and his wife are concerned about the City taking that action. City Manager Schainker noted that the City's Building Code prohibits rebuilding when 50% or more of the building was damaged; he is unsure if it is also a FEMA regulation. Mr. Sorenson indicated that his understanding is that such an ordinance would disallow the issuance of Building Permits for rebuilding properties that incurred repetitive damages equating to more than 50% of the property's value. He is confident that that would never occur in a one-time flood event, but could if it were cumulative. Mr. Sorenson indicated

that he and his wife are opposed to such an ordinance since if they were not allowed to rebuild the lower units, they would lose a substantial portion of their investment. He also noted that each time they have had to renovate the properties, they make them better than they were before, and they have never had a vacancy in the units.

Moved by Mahayni, seconded by Goodman, to direct staff to withdraw from the Hazard Mitigation Grant Program.

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

**NATIONAL REGISTER NOMINATION FOR THETA DELTA CHI FRATERNITY:** Director Osguthorpe advised that an application was submitted to the State by Will Page on behalf of the owner of the Delta Chi Fraternity. The submittal to the State requires that the City, as a Certified Local Government, review the nomination and determine its eligibility under the criteria. According to Mr. Osguthorpe, the property meets two criteria: A. pertains to events associated with the property in the broad pattern of history and C. pertains to the architectural style. Staff believes that the information provides sufficient evidence that the building meets Criteria A and C, that the building did play a major role in the emergency of Ash Avenue as the preference for Greek residences, and that the architecture of the building set a new standard for that type of building.

Moved by Davis, seconded by Mahayni, to find that the nomination of the Theta Delta Chi Fraternity House meets the National Register Significance Criteria A and C and recommends National Register eligibility to the State Nominations Review Committee.

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

**TEMPORARY CONSTRUCTION SITES:** Planner Osguthorpe noted that the City Council had referred to staff a letter from Manatt's concerning use of the former Cyclone Truck Stop at 1811 South Dayton Place. This was prompted by Manatt's receiving notice of violations of the Flood Plain and Zoning Ordinances due to its use of the site as a concrete batch plant. The plant was set up for the U. S. Highway 30 reconstruction project in Story and Boone Counties. The letter asked the City to offer alternative solutions to allow the use to remain on a temporary basis to complete the U. S. 30 project. According to Mr. Osguthorpe, whatever location was chosen needed to have the least impact on the City's street system while having the best proximity to the Highway 30 project, and the former Truck Stop was determined to be the ideal location. The property, however, does not comply with the allowed uses in the HOC Zone; it would be an industrial use. The second issue was that it was occurring in the Floodway Fringe; however, that has been addressed.

Mr. Osguthorpe outlined four possible solutions to allow the concrete batch plant as a temporary use:

1. Special Use Permit, which authorizes specific uses in districts that don't normally allow them. The next step would be to draft a text amendment to change the Code to allow concrete and asphalt batch plants in any zone, subject to the approval of the Zoning Board of Adjustment.
2. Make an administrative determination by the Planning and Housing Director based on criteria to be developed.

3. Retain the status quo and allow the zoning to dictate.
4. Make an ordinance change that would allow such a use.

City Manager Schainker stated that this does not happen often, but could have a significant impact on surrounding properties. Staff is recommending the Special Use Permit process, which would allow for public input.

Mr. Osguthorpe advised that a Notice of Violation had gone to Manatt's on two counts: (1) use issue and (2) floodway issue. Manatt's appealed the use issue; that is going before the Zoning Board of Adjustment (ZBA) in the near future. If the Council were to recommend the Special Use Permit process, a zoning text amendment would be initiated. The ZBA then could stay the enforcement action pending the outcome of the text amendment. If the text amendment ordinance were adopted, Manatt's would then have to apply for a Special Use Permit. During that time, Manatt's could continue to operate the plant.

Moved by Goodman, seconded by Davis, to direct the City Attorney to prepare a text amendment to allow concrete and asphalt batch plants in any zone, subject to approval of a Special Use Permit (SUP) by the Zoning Board of Adjustment.

Council Member Goodman said his concern is that the Cyclone Truck Stop has been in a distressed state for years, and because of that, it appears to be a perfect location for this type of use. That use is illegal for that location, but is occurring there. Mr. Goodman indicated that he did not like the precedent that was being set, i.e., not following the Code and so the City changes the Code to accommodate that need. He said he agrees that the procedure should be created for future incidents, but does not think the SUP process should be extended to this project. It was pointed out by Mr. Goodman that business owners should ask questions and make sure they understand the codes before money and time are invested in projects.

Council Member Larson asked if similar situations had occurred in the past. He said since there are no procedures currently in place for a business to know what was required for temporary construction sites, he feels that the City should work with them. If there were procedures in place, and the business knowingly violated or ignored it, that would be different. Municipal Engineer Warner clarified that Manatt's had formerly set up a batch plant (in the 1990s) at the end of Mortensen Road, which is in a residential area, and that was done to facilitate the completion of one of the City's projects. Jason Spooner, Manatt's, said that, on the South Dakota/Mortensen Road, he had spoken with Jerry Byg, who was at that time the City Municipal Engineer, and Mr. Byg had assisted Manatt's in finding that site for its batch plant. He noted that they followed the same channels for the existing batch plant.

Council Member Goodman said he believes that businesses should be responsible for finding out the rules and then following them.

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

**FEMA HAZARD MITIGATION GRANT PROGRAM (HMGP):** Municipal Engineer Tracy Warner advised that the City had, after presentation of the Flood Study, submitted ten projects for consideration under FEMA's Hazard Mitigation Grant Program. Iowa Homeland Security

and Emergency Management Division has now completed their preliminary eligibility review of the Notices of Interest and the proposed projects have been determine to meet the requirements. The City has now been invited to complete and submit an HMGP Project Application for each proposed project. Ms. Warner emphasized that successfully completing and submitting an application does not guarantee that the proposed projects will be eligible or funded; it is only the next step in the HMGP funding process.

According to Ms. Warner, if approved for funding, the cost share basis would be an amount not to exceed 75% from federal funds, an amount not to exceed 10% from state funds, and the remaining 15% coming from local funds. She noted that the local match funding had been included in the City's 2011/12 Low-Point Drainage Improvements Program. Ms. Warner also conveyed that she would serve as the City's Authorized Representative, if directed by the City Council, to administer the Program.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 11-259 approving the local match for Lincoln Way Fraternities (Phi Kappa Alpha and Phi Kappa Theta).  
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-260 approving the local match for Waterbury Court.  
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Mahayni, seconded by Goodman, to approve the designation of the Municipal Engineer as the applicant's authorized representative for both projects.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**STAFF REPORT ON FATS, OILS, AND GREASE:** John Dunn, Director of Water and Pollution Control, stated that the Water and Pollution Control Department is just beginning to evaluate options to resolve Fats, Oils, and Grease (FOG) problems; however, they have been a problem in Ames' sewers for many years. The waste solidifies inside the pipes and collect in manholes, which restrict or even block flows through pipes and eventually lead to sewer back-ups in buildings or sanitary sewer overflows.

Kris Evans, City Environmental Engineer, gave a presentation on FOG, specifically, its sources, problems it causes, who contributes to it, how it can be prevented, and why it needs to be managed. Ms. Evans advised that City staff will continue discussions with food establishment owners, waste haulers, and others concerning FOG.

Mr. Dunn noted that the City Sanitarian had assisted the Water and Pollution Control Department in the past with locating the food establishments that were contributing significantly to the FOG problems. In light of the State assuming restaurant inspections in Ames, that source of data might be lost, which will significantly impact the City's ability to respond to FOG issues.

Council Member Goodman said that maintenance of grease traps is perhaps the most important component.

**ORDINANCE REGARDING TOWING OF VEHICLES FROM PRIVATE PROPERTY:**

Chief Cychosz presented background information on the proposed Ordinance. It had been determined that if the City were to get more involved in private property tows, the two steps that would have the most cost-effective impact are: (1) the requirement for the property owner or agent to co-sign the tow and (2) the requirement to notify the Police Department when a private property tow has been done.

Council Member Goodman asked if notification would be given to all owners of private parking lots concerning the new ordinance. Chief Cychosz stated that the Police Department will begin by educating the towing companies.

Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance regarding towing of vehicles from private property.

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

**ORDINANCE TO PERMIT WINE TASTING AT FARMERS' MARKETS:** Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance to permit wine tasting at Farmers' Markets.

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

**ORDINANCE REVISING CHAPTER 12 PERTAINING TO THE CITY HOSPITAL:** Moved by Goodman, seconded by Davis, to pass on second reading an ordinance making revisions to Chapter 12, The City Hospital.

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

**ORDINANCE TO PERMIT VETERINARY OFFICES IN THE COMMERCIAL CENTER OF VILLAGE RESIDENTIAL ZONING DISTRICTS:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4066 to permit veterinary offices - small animal exclusive and including indoor kenneling in the Commercial Center of Village Residential zoning districts.

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

**ORDINANCE REVISING THE RENTAL HOUSING CODE:** Moved by Goodman, seconded by Larson, to adopt ORDINANCE NO. 4067 making revisions to the Rental Housing Code.

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

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Goodman, to refer to staff the letter dated May 20, 2011, from Scott Renaud, Fox Engineering, requesting a trail easement in Greenbrier Park on South 16<sup>th</sup> Street.

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

Moved by Goodman, seconded by Orazem, to add Greenway and Natural Areas analysis to the LUPP "bucket" for the five-year review.

The Mayor asked if the bucket should be kept "fluid." Council Member Davis asked if motions needed to be made each time a Council member thinks of an issue. By doing that, it makes it a

definite, rather than having the Council members collect their thoughts first and then decide which items were most crucial. The Mayor suggested that Council members e-mail the City Manager. Council Member Goodman said he thinks the best way to ensure that any issues are part of the review process is to let the City Manager know at that time.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 9:19 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor