

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 12, 2011

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on July 12, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Larson, Mahayni, and Orazem. *Ex officio* Member Finseth was also present. Council Members Goodman and Wacha were absent.

S. E. ENTRYWAY PROJECT: Municipal Engineer Corey Mellies introduced members of the Project's design team: Clay Schneckloth and Don Marner, Snyder & Associates; and David Dahlquist, RDG Dahlquist Art Studio. Jeff Benson, City Planner, was also present.

Mr. Mellies gave an overview of the recent history of the Project. The improvements were to consist of installation of light columns and planting of trees and native plants and flowers. An Iowa Department of Transportation (IDOT) funding agreement was approved in December of 2008. A public hearing was held in December 2010 to receive feedback regarding the proposed project. Although generally positive responses were received, there was a concern expressed that the project would not have a presence at the Dayton Avenue and SE 16th Street. As a result, the IDOT and Federal Highway Administration recommended delaying the project until their evaluation of a potential reconfiguration of the U. S. 30/I-35 Interchange. It was ascertained that a decision on that project will not be made by those two entities for approximately another year. According to Mr. Mellies, since the City wanted to move forward with the project, the IDOT requested that the sculptures be kept away from the right-of-way to avoid the need to relocate them if and when the U. S. 30/I-35 Interchange project occurs. Mr. Mellies reported that the sculptures will not be located in the right-of-way; they will be on private property.

This project is estimated to be bid in January 2012 through the IDOT with construction to be completed in Summer 2012. Mr. Mellies clarified the funding, and emphasized that there is not a funding shortage for this project.

Mr. Schneckloth and Mr. Marner gave a presentation on the final design concept and schedule for the Southeast Entryway Project. Mr. Mellies asked the Council to authorize staff to move forward with RDG Dahlquist Art Studio on a sole source contract. The contract, once prepared, would be brought back to the Council for final approval.

Referencing the City's visioning process specifically naming the City of Ames as "The Heartland's Leading Edge," Council Member Orazem asked if there would be a way to incorporate some Power Film elements into the design - either for the smaller elements at Dayton Road or in some other way. He would like to tie in some local technology into the process. Mr. Dahlquist said that the potential use of Power Film or a solar panel for the smaller elements may have feasibility. He explained the components necessary to make that happen and committed to look into it in more detail.

Moved by Mahayni, seconded by Orazem, authorizing staff to negotiate a sole source contract with RDG Dahlquist Art Studio for fabrication and installation of lighted sculptures for the Ames Southeast Entryway Project.

Vote on Motion: 4-0. Motion declared carried unanimously.

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 payment of claims
3. Motion approving Minutes of Special Meeting of June 21, 2011, and Regular Meeting of June 28, 2011
4. Motion approving Report of Contract Change Orders for June 16-30, 2011
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – Welch Ave. Station, 207 Welch Avenue
 - b. Class B Beer – Pancho's Mexican Grill, 1310 South Duff Avenue
 - c. Class C Liquor – Capone's, 2518 Lincoln Way
6. Motion directing City Attorney to draft ordinance changing name of Cardiff Drive to Grayhawk Avenue
7. RESOLUTION NO. 11-335 approving agreement with Story County for funding under 2011 Edward Byrne Memorial Justice Assistance Grant
8. RESOLUTION NO. 11-336 approving Contract for Economic Development Financial Assistance with Iowa Economic Development and Boehringer Ingelheim Vetmedica, Inc., and the Cities of Ames, Fort Dodge, and Sioux Center
9. RESOLUTION NO. 11-337 approving renewal of CyRide contract for Dial-A-Ride Services
10. RESOLUTION NO. 11-338 approving revisions to Official Parking Meter Map for Downtown Lots S and R
11. RESOLUTION NO. 11-339 approving preliminary plans and specifications for Water Pollution Control Facility Methane Engine Generator Rehabilitation Project; setting July 28, 2011, as bid due date and August 9, 2011, as date of public hearing
12. RESOLUTION NO. 11-340 approving contract and bond for Emergency Relief Projects (South Dayton Avenue, 6th Street Bridge, Lincoln Way Bridge at Squaw Creek)
13. RESOLUTION NO. 11-341 accepting completion of 2009/10 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
14. RESOLUTION NO. 11-342 accepting completion of Greenbriar Park Improvements Project
15. RESOLUTION NO. 11-343 accepting completion of ISU Vet Med Substation Materials (Instrument Transformers)

Roll Call Vote: 4-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: No one spoke during this time.

5-DAY CLASS C LIQUOR LICENSE FOR VILLA CATERING AT CPMI EVENT CENTER: Moved by Davis, seconded by Mahayni, to approve a 5-Day Class C Liquor License for Villa Catering at CPMI Event Center, 2321 North Loop Drive.

Vote on Motion: 4-0. Motion declared carried unanimously.

FIREWORKS FOR 2011 IOWA GAMES: Moved by Mahayni, seconded by Davis, to approve a Permit to shoot fireworks from the southeast intersection of University Boulevard and Southeast 16th Street on July 15, 2011, for the 2011 Iowa Games.

Vote on Motion: 4-0. Motion declared carried unanimously.

AGREEMENT FOR TRANSFER OF VACATED PORTION OF 11TH STREET: City Manager Steve Schainker recalled that at the time of first reading of the ordinance vacating portions of 11th Street and the alley east of Kellogg Avenue, staff indicated that Council direction

was required prior to final reading in regards to whether any remuneration would be required to the City from the hospital to transfer the property to Mary Greeley Medical Center (MGMC). According to Mr. Schainker, what makes this case different is that the land will remain under the control of a City entity. It was noted that the City operates a number of different enterprises that are all technically City operations, monies are routinely transferred between funds to compensate for services received; in which case MGMC should pay for the vacated property. It was pointed out that, prior to the establishment of the policy, a portion of 12th Street was closed and transferred to MGMC at no cost to allow for the construction of a radiation therapy department. However, in 1994, when MGMC requested portions of 11th Street and Douglas Avenue be vacated to accommodate the construction of MGMC's parking ramp and other additions, the City Council chose to apply the land reimbursement formula.

Mr. Schainker advised that he worked through the City's standard land reimbursement formula with MGMC Administration. The value is based on the square-footage assessed value of other land immediately adjacent to this property; that would equate to approximately \$92,000. The City's formula allows for deductions for a number of situations, e.g., relocating utilities, removal of infrastructure, easements given to the City. Possible options were outlined for the Council.

Moved by Mahayni, seconded by Orazem, to adopt Resolution No. 11-344 approving transferring the vacated portion of 11th Street between Kellogg Avenue and Douglas Avenue and the alley to Mary Greeley Medical Center for \$48,863.47.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE VACATING PORTION OF 11TH STREET: Moved by Davis, seconded by Mahayni, to adopt ORDINANCE NO. 4074 vacating an un-vacated portion of 11th Street between Kellogg Avenue and Douglas Avenue and the northern 181 feet of alley that lies south of 11th Street between Kellogg Avenue and Douglas Avenue.

Roll Call Vote: 4-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PLAT OF SURVEY FOR 1111 DUFF AVENUE: Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 11-345 approving a Plat of Survey for 1111 Duff Avenue.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

STREETS OF NORTH GRAND: City Manager Steve Schainker provided a chronological history of the Development Agreement between the City and G K Development, Inc., signed in July 2007. A number of options had been detailed in the Council Action Form, and Mr. Schainker asked the Council if they had any questions.

Council Member Davis asked what would happen to the bond being held by the City. Mr. Schainker recommended that, if an extension is granted, the City retain the bond in the event a new site plan is not approved. However, if a new plan is submitted, there might not be a need for a reconfiguration of the parking lot. City Manager Schainker provided the reasons why the bond was required for private sector improvements. Planning and Housing Director Steve Osguthorpe explained that the bond was required to address the nonconformity in the actual number of

parking spaces that were created as a result of the platting of the property. There were also other items that were required as part of the adaptive reuse to address landscaping.

Council Member Larson asked what would happen if the City would draw upon the bond. City Attorney Doug Marek explained that if the bond were redeemed, the improvements specified in the Development Agreement, i.e., reconfiguration of the parking lot, would have to be constructed. The City would need to initiate a public improvement project to make the parking lot improvements. Council Member Larson related that a lot of people in the community want the project to move forward and are getting frustrated by extensions continually being granted. The Mayor noted that the bond is specifically for the reconfiguration of the parking lot and is not transferrable to any other improvements. Mr. Marek advised that it could be if another Development Agreement were approved or a new site plan agreement were approved.

Greg Kveton representing G.K. Development acknowledged that the Streets of North Grand project envisioned in 2007 is no longer feasible. He emphasized that the Mall owners remain focused on developing the south end of the Mall by basically big-box stores. Mr. Kveton stated that it is a very difficult project. He reported that, for the last two years, they have been working on plans to redevelop the south end of the Mall into several big boxes. Specifically, they need two major retailers to get that going. Mr. Kveton told the Council that they have put a tremendous amount of effort into this project. Currently, they have one major national retailer ready to sign a lease, and the only thing preventing the signing of that lease is that they want a second major retailer. They have had two or three prospects, which for whatever reason, did not pan out. According to Mr. Kveton, they currently have a good prospect and actually have a Letter of Intent. According to Mr. Kveton, for the first time, they are ready to move forward with the City on the process for a site plan involving two major retailers as well as improvements to the south and the north ends of the property.

Mr. Kveton explained that cashing the bond would be a hardship for the Mall owners. It would take away money, time, and positive energy from the project. Reconfiguration of the parking lot or putting in trees would not bring in retailers. It takes signed retailers in order to finance the project and move forward with it. According to Mr. Kveton, they are further along in the process than they ever have been. They have made additional progress since January 2011 toward obtaining major retailer commitments. Mr. Kveton indicated that money is being spent on architectural fees for both the interior and exterior design of one major store where they are ready to execute the lease. That architect is also working on the site plan and has a concept plan for the new shops that would be on the south end of the property on Lot 1. In addition, they have just finished a lease buy-out for the coin-operating laundry. That property will be demolished and made ready for new tenants. According to Mr. Kveton, the sale proceeds for the new Walgreen's store has been reinvested in the project to buy down debt. The Mall property previously had too much debt on it compared to what it is worth; that was making it difficult for the owners to obtain financing for the new development.

Mr. Kveton shared a drawing indicating the locations of the possible major retailers. One potential retailer needs a specific parking lot configuration, so if the improvements secured by the bond were made, they would need to be torn out once that retailer signs. He committed to beginning the site plan approval process by September 1, 2011, which means a completely engineered site plan for this project.

Mayor Campbell asked if the major retailers would be named by September 1. Mr. Kveton said when they have signed leases, the retailers would be named.

Council Member Larson referenced the incentives that Council had previously offered to the Mall owners and its tenants. He noted that the window of time for accepting those incentives lapsed without Mall owners taking advantage of them.

Mr. Kveton reiterated that one retailer has signed a Letter of Intent. He said that the lease with that retailer is ready to be signed once one other major retailer is ready to commit to the project. Council Member Mahayni related that he heard a similar story from North Grand Mall representatives eight and one-half years ago. He asked for clarification as to whether the site plan approval can move forward in September 2011 without the tenants being named. Mr. Kveton said again that they have one firm commitment from a major retailer and very solid discussions have occurred with another major retailer. Negotiations with the second major retailer have moved forward within the past two weeks. The only reason they wouldn't finalize the lease would be a change in the company's financial structure or severe market changes.

Mr. Kveton told the Council that he is not at liberty to announce the names of the prospective tenants; it is up to the tenants if and when they want to make the announcement. It is not wise to announce tenants until the leases have been signed and until the tenant approves releasing its name. Council Member Larson asked what was meant by having a Letter of Intent. Mr. Kveton explained that it means that the retailer has gone through a market study, has seen the site, and that it wants to be in that market and at that site.

Council Member Davis said that he did not want staff to waste its time on the site plan approval process only to have G K Development come back and say the leases with the retailers fell through. He asked for proof that it would not be a waste of staff's time. According to Mr. Kveton, the square footage estimates are solid. Mr. Davis noted that the conceptual drawing being presented tonight was very rough and appeared not to be professionally done. He asked for the name of the architect who had prepared the drawing being shown at this meeting. Mr. Kveton said it was Simonson and Associates from Des Moines, Iowa, and stated that, by tomorrow, he would have a drawing with a complete lay-out and architect's name.

Council Member Orazem asked what the City could do at this point. Mr. Kveton would like to reintroduce the possibility of incentives to tenants. It is also very important that the City not cash the bond. He asked the Council to approve Option D, which would be for the owners of the North Grand Mall to prepare and seek approval of a new site plan along with a request for approval of a remote parking agreement.

Council Member Larson asked City Attorney Marek if the bond would become moot if an extension to the terms of the Development Agreement were not granted. Mr. Marek said that the City would not need to grant an extension to retain the bond. Expiration of the current extension on July 18, 2011, would mean that the developer at that point did not have authority to proceed, but it would not require the City to immediately act on the bond. He also advised that the current agreement would remain in effect until a new site plan is approved. If the extension expires, it would be at the discretion of the Council to proceed with the parking lot improvements.

Mr. Larson asked if there is anything that prevents the City from negotiating with the developer while the City was making improvements after cashing in on the bond. Mr. Marek advised that the Council would need to present its notice of intent to call the bond, and then follow the public bidding process.

Council Member Orazem said he believes that the improvements detailed in the Agreement are not the ones that need to be done and may, in fact, hinder the development process. However, he agreed with Council Member Larson that the City needs to move forward with something.

Council Member Mahayni said that the Council has made the mistake several times when it continued to grant time extensions. He thinks that an extension should be granted only if the bond is called and funds expended to improve the North Grand Mall site with landscaping enhancements around the periphery of the site. Those improvements would not be negative to any potential retailers. Attorney Marek advised that the bond is very specific as to what improvements are to be done; they are basically infrastructure improvements. The site plan does include landscaping around the periphery, but they are not tied to the bond. To accomplish those improvements, renegotiation of the Developer's Agreement would be necessary. Planner Kuester pointed out that if an extension were granted, landscaping improvements could be required with the costs being borne by G.K. Development.

Council Member Larson pointed out that there are many good retailers currently in the North Grand Mall that are being "hurt by the limbo."

Council Member Larson asked if the City would have to draw upon the bond if it denied the extension. Mr. Marek advised that the extension could be denied without drawing on the bond. Mr. Larson indicated that it would allow for staff to continue to work with the developers. If there are serious negotiations, he would not mind waiting 60 days, but if nothing serious has happened after that period of time, then he feels that the bond should be called.

Moved by Larson, seconded by Davis, to deny the extension of the terms of the Development Agreement and direct staff to continue negotiations with G.K. Development toward the submission of a new site plan by no later than September 1, 2011.

Council Member Mahayni asked for a definition of "submission." Mr. Kveton said that "submission" means that a site plan will be filed with the City on or before September 1, 2011.

Vote on Motion: 4-0. Motion declared carried unanimously.

AMERICANS WITH DISABILITIES ACT COMPLAINT: City Manager Schainker told the Council that in 2009 the City of Ames completed projects that included asphalt resurfacing of Summit Avenue and Crescent Street between 13th Street and Ridgewood Avenue. The area has existing sidewalk located in sporadic, discontinuous locations. This project did not include any sidewalk work within the project limits. A neighborhood resident, Mark Goodale, filed a complaint with the Federal Highway Administration (FHWA) alleging violation of the Americans with Disabilities Act of 1990 (ADA). Mr. Goodale contended that the City should have completed the sidewalk network in conjunction with the project. The Iowa Department of Transportation (IDOT) and the FHWA conducted an investigation of the alleged violations and ruled that there was no requirement to install or replace sidewalks in conjunction with the project.

Mr. Schainker stated that as a result of the findings, staff visited with the homeowners that are potentially directly affected by the added sidewalk. Only one homeowner was opposed to the new sidewalk. Even though this homeowner's property already has a sidewalk adjacent to a portion of its frontage, the owner did not want the added maintenance responsibility.

The cost to install ramps at the three locations is estimated at \$4,800, while the additional cost to add the sidewalk is estimated at \$3,000. It is anticipated that staff will obtain private contractor quotes for the work, which may be financed using unobligated Sidewalk Safety Program funds.

The City of Ames has already met the requirement to have a finalized ADA Transition Plan, which includes publication of the grievance procedure. In order to meet the requirement to install curb ramps, the City Council must decide whether to construct the minimum requirement of ramps in the three identified locations, or to construct the additional limited sidewalk along Summit Avenue at the intersection of Ridgewood Avenue. With direction from the City Council, it may be possible for the improvements to be completed before the start of the 2011/12 school year. After Council makes this decision, the City Manager must provide a written plan that documents how the City has met or intends to implement the provisions of the report. That plan has to be submitted to FHWA within 90 days of notification, which was sent on May 27, 2011.

Kay Potter, 1020 Gaskill, Ames, advised that she and one other person knocked on the doors of 13 houses on September 14, 2010, to find out if people wanted sidewalks. She said that the person at 1523 Summit at that time indicated that he was not opposed to a sidewalk as long as he didn't have to pay for it.

Robert Gillard, 1411 Summit, Ames, indicated that he was not interested in the ADA lawsuit; however, was concerned about the location of Ramp B and Ramp C. He felt due to the speed of cars, the location of Ramp B would be too dangerous without a stop sign before the curve. Regarding Ramp C, the location being proposed by the City would lead to no sidewalk. He proposed that it be located farther up on Summit to the location

Max Porter, 1707 Amherst Drive, Ames, stated that he is the owner of the property at 1505 Ridgewood. He indicated that he is in favor of the sidewalk in front of that residence. He said that there is a great deal of pedestrian traffic already in that area.

Patricia Savage, 1505 Ridgewood, Ames, said that she has rented that residence for approximately ten years. She had been shoveling a path from her address so that children walking to school did not have to walk in the street. She noted the speeding traffic at Summit and Crescent. It continues through the school year and the summer now that the Aquatic Center has opened. Ms. Savage referred to "Crescent" as a blind street; it has a very dangerous curve there and some type of control device need to be installed there it is definitely a safety issue.

At the request of Council Member Mahayni, Traffic Engineer Damion Pregitzer addressed the possibility of installing a stop sign on Summit. He advised that criteria would have to be met before a stop sign is installed; however, there are other measures that could be taken to slow traffic.

Moved by Orazem, seconded by Larson, to approve the installation of handicapped ramps A, B, and Alternate C and sidewalk section.

Vote on Motion: 4-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Davis, to direct staff to look at the traffic patterns for alternative ways of traffic calming.

Vote on Motion: 4-0. Motion declared carried unanimously.

The meeting recessed at 9:02 p.m and reconvened at 9:07 p.m.

COMMUNITY VISIONING: Public Relations Officer Susan Gwiasda summarized the recommendations made by Brand Endeavor after the focus group meetings, survey, and town hall meetings. City Manager Schinker noted that it is going to be a major investment, not only of City staff time, but also the staff of the Chamber of Commerce, Convention & Visitors Bureau, Economic Development Commission, and Iowa State University.

Mayor Campbell asked for public input on the recommendations.

Richard Deyo, 505 Eighth Street, #2, Ames, said that he had a logo that he would like the City to use. He would like it to include the City's Sister Cities.

Catherine Scott, 1510 Roosevelt, Ames, said she did not have any problem with the vision. Ms. Scott recognized that it was going to be very challenging. She referenced the recommended tagline, "The Heartland's Leading Edge," noting that if Ames is going to say that, it cannot become complacent. Ms. Scott wondered how the sectors would be defined and what authority is going to tell the City of Ames if it is truly on the leading edge.

Dan Culhane, representing the Chamber of Commerce and the Economic Development Commission, said that they are fully committed and supportive of this process. He reported that Julie Weeks, Director of the Ames Convention & Visitors Bureau, is also supportive.

Council Member Larson said that he would like assurance that the Steering Committee is in agreement with the recommendations.

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 11-346 approving the report and recommended action steps for the City's Community Vision.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

CITY'S RECORDS RETENTION SCHEDULE: City Clerk Diane Voss explained that the City's Records Retention Schedule, initially adopted in April 1998, had been updated. She described the steps that had been taken by City departments to bring the Schedule up-to-date. Ms. Voss emphasized that maintaining an up-to-date Records Retention Schedule is a key step in ensuring that the City complies with Open Records laws.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 11-347 adopting revisions to the Records Retention Schedule.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ANNEXATION OF ROSE PRAIRIE: Planner Charlie Kuester stated that the City had fulfilled all necessary steps required by City policies and the *Iowa Code* to allow the City Council to take action on the proposed annexation of 173.47 acres of land owned by Story County Land, LC. The land lies south of 190th Street and west of Grant Avenue in Franklin Township. Since the proposed annexation is within two miles of Gilbert, the actions of the City Council will be forwarded to the City Development Board in Des Moines, which will schedule a public hearing. The annexation will be final only upon approval of the City Development Board.

Council Member Larson said that he had hoped that the other two developers would have been a part of this annexation.

Joanne Olson, 3817 Columbine, Ames, representing the Bloomington Heights Neighborhood, specifically the residents of Hyde Avenue. Ms. Olson indicated that the Council's decision on this annexation is going to impact residents of Bloomington Heights. She pointed out that the primary access to this development is going to be Hyde Avenue, which is a local road and not designed to be an access point to another development. It is her contention that Hyde Avenue is going to be used as a collector road. Ms. Olson alleged that the traffic study did not consider anything except whether a stop light was needed. Residents are not against development, but Grant Avenue should not have been turned into Hyde; it should have been constructed straight in the first place. They ask that Stange Road be redesigned so as not to end at Bloomington Road or another access to the Rose Prairie be created. Hyde Avenue is a local road being asked to function as a collector without the geometric design features.

Traffic Engineer Pregitzer advised that planned growth occurs and the classification of roads changes. Safety is the first concern. The City's approach will be the same on Hyde as it is for other streets when planned growth happens. Conceptually, Stange Road is to connect with Cameron School Road.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 11-348 approving the annexation of 173.47 acres of Lot 2, Street Lot A, and Street Lot B, all of Rose Prairie Final Plat, as requested by Story County Land, LC.

Council Member Larson acknowledged the issues with Hyde Avenue. It was his desire that all issues could have been resolved that would have allowed the other two developers to be a part of the annexation; in which all issues could have been addressed for the long term. He hopes that if the motion passes, Council will keep those issues at the forefront.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

REQUEST FOR TEXT AMENDMENT TO ALLOW REMOTE PARKING FOR RESIDENTIAL USES: Planning and Housing Director Steve Osguthorpe recalled that a request was submitted by Brad Kuehl representing the Crystal Cove Apartments for the City Council to consider a text amendment allowing remote parking in residential areas. Mr. Kuehl's letter further stated that the parcel division which causes the parking issues is necessitated by "financing purposes." This request was referred by City Council at its meeting of June 14, 2011. The Council requested that staff prepare a memo describing the reasons for the text amendment and

what it would accomplish. In addition, the Council wanted clarification as to how financing issues impacted this request.

According to City Manager Schainker, the reason for the request is to facilitate financing of a new building on the Crystal Street site. The current development involves one lot that will contain three multi-family buildings. To date, two of the three buildings have been constructed. It is the owners' desire to complete the third building on the site. However, according to Matt Eller, the owner's representative, in order to receive a loan for the third building with the bank that financed the first two structures, he needs to refinance the loans on the first two buildings with another bank or banks. He has stated that this refinancing can be accomplished only if the development is divided into two lots; however, by splitting the lots, there will be insufficient parking available on proposed Lot A to satisfy the City's parking requirements. Therefore, the owner is seeking an amendment to the City *Code* that would allow him to create a separate lot that would nonetheless be part of a recorded horizontal property regime. In effect, the combined lots would still function as one development site.

Mr. Osguthorpe explained that the current limitations on residential development were imposed to address concerns under the previous *Code* that allowed parking in the Campustown area on properties that were not proximate to the apartments they were intended to serve. This resulted in apartment residents parking on the streets in locations that impacted the surrounding residential neighborhood. This occurred because the parking otherwise established for the apartments was sometimes too remote from, and, therefore, not convenient to the apartments they were intended to serve. It also resulted in an accounting nightmare for City staff, trying to remember which off-site parking spaces applied to which sites and which buildings in the area, and not knowing if parking spaces proposed for one project were not already allocated to another remote project.

According to Mr. Osguthorpe, staff believes a viable text amendment can be developed to satisfy the request. The amendment would apply only to properties directly abutting the parcel upon which the principal residential building is contained, and which are part of a horizontal property regime (condominium) that binds all of the parcels together into one development project. The problems associated with the Campustown situation would be less likely under the proposed amendment because it would allow remote parking only on sites directly abutting the site they serve, and would therefore be convenient to the apartment dwellers (thereby lessening the temptation to park on the streets). It would also be clear that the remote parking spaces were associated with the apartment units because the horizontal property regime would link the parcels and site features together under one common site plan.

Moved by Larson, seconded by Orazem, to refer to staff the request from Brad Kuehl, representing the Crystal Cove Apartments, for preparation of a zoning text amendment to allow remote parking in residential areas only on sites directly abutting the site it serves.

Vote on Motion: 4-0. Motion declared carried unanimously.

PRIVATE FUEL STORAGE AT MUNICIPAL AIRPORT: Traffic Engineer Damion Pregitzer gave the background on a request made by Brian Aukes on March 24, 2011, which led to the City Council approving a policy change to allow private fuel storage by those Airport users who were able to meet all applicable standards and regulations. In order to allow private fuel storage at the Airport, two changes will be required: (1) The Self-Fueling Standards need to be amended to add language that permits private on-side fuel storage, and (2) Each of the Lease Agreements of the

requesting Airport users needs to be amended. Mr. Pregitzer emphasized that the Addendum to the Lease Agreement will not allow the owner of a private fuel tank to sell or dispense fuel to any other Airport user for any reason. At this time, two Airport users are requesting an Addendum to their Leases to allow private fuel storage: Brian Aukes and Craig Summerfield.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-349 approving an Amendment to the Airport Master Plan.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-350 approving amended Lease Agreements with Brian Aukes and Craig Summerfield.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

CONTRACT FOR PURCHASE OF SOFTWARE SERVICES NECESSARY TO MANAGE MISO MARKET TRANSACTIONS: Electric Services Director Donald Kom described the process followed by staff that resulted in staff's recommendation to award a contract to Power Costs. He explained that the vendor will continue to update the software.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-351 awarding a contract to Power Costs, Inc., of Norman, Oklahoma, in the amount of \$449,400.00, plus applicable sales tax, for purchase of software services necessary to manage MISO market transactions.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REZONING PROPERTY AT 3409-3413 SOUTH DUFF AVENUE: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance rezoning property at 3409-3413 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC).

Roll Call Vote: 4-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 516 KELLOGG AVENUE: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance rezoning property at 516 Kellogg Avenue from Government/Airport (S-GA) to Downtown Service Center (DSC).

Roll Call Vote: 4-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 500 KELLOGG AVENUE: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance rezoning property at 500 Kellogg Avenue from Downtown Service Center (DSC) to Government/Airport (S-GA).

Roll Call Vote: 4-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTIES BETWEEN 11TH STREET AND 13TH STREET (FROM DUFF AVENUE TO CARROLL AVENUE): Moved by Mahayni, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4073 rezoning properties between 11th Street and 13th Street (from Duff Avenue to Carroll Avenue) from Urban Core Residential Medium Density (UCRM) to Hospital-Medical (H-M).

Roll Call Vote: 4-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE MAKING A TEXT AMENDMENT TO HEIGHT LIMITS FOR PRINCIPAL STRUCTURES IN HOSPITAL-MEDICAL ZONING DISTRICT: Moved by Mahayni, seconded by Davis , to pass on third reading and adopt ORDINANCE NO. 4075 making a text amendment to height limits for principal structures in Hospital-Medical Zoning District.

Roll Call Vote: 4-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REZONING PROPERTIES AT 1010 AND 1018 KELLOGG AVENUE AND 220 AND 222-11TH STREET: Moved by Mahayni, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4076 rezoning properties at 1010 and 1018 Kellogg Avenue and 220 and 222 11th Street from Medium-Density Residential (R-M) to Hospital-Medical (H-M).

Roll Call Vote: 4-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

COUNCIL COMMENTS: Council Member Orazem recommended that the Council hold a workshop with the County concerning areas for potential economic development. Council Member Larson noted that he and Council Member Davis represent the City Council on the Economic Development Commission (EDC) Board. Mr. Larson suggested that they bring that request up at the next EDC Board meeting.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 9:57 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor