

## REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

DECEMBER 10, 2013

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:04 p.m. on the 10<sup>th</sup> day of December, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue. City Council Members present were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Alexandria Harvey was also present.

### **RECOGNITION OF AMES HIGH SCHOOL (AHS) TEAM MEMBERS AND COACHES:**

On behalf of the City of Ames, Mayor Campbell recognized the following AHS team members and coaches for their very successful fall season.

Football: Coach Bruce Vertanen and team representatives Teddy Evans, Alex Brammer, Joe Bappe, Clifford Kwaw-Mensah were present.

Swim: Coach Dan Flannery was unable to attend. Team representatives Hannah Newell, Sara Bentley, Jessica Misra, Sydney Sorenson, and Maggie James were present.

State Cheer Squad: Coach Sarah Buss and team representative Claire Espeset were present.

Girls' Cross Country: Coach Kirk Schmaltz and team representatives Zoe Pritchard, Claire Dupuis, and Katelyn Moore were present.

**CONSENT AGENDA:** Council Member Goodman asked to pull Item No. 3 (Minutes of November 26, 2013) for separate discussion. Council Member Larson requested to pull, for separate discussion, Item No. 6, which was the Federal Airport Improvements Plan.

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

1. Motion approving payment of claims
2. Motion approving Report of Contract Change Orders for November 16-30, 2013
3. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor & Outdoor Service – The Café, 2616 Northridge Parkway
  - b. Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West Street
  - c. Class C Liquor – Tip Top Lounge, 201 East Lincoln Way
  - d. Class C Beer – Swift Stop #6, 125 6<sup>th</sup> Street
  - e. Class C Beer – Swift Stop #7, 2700 Lincoln Way
  - f. Class C Liquor & Outdoor Service – Aunt Maude's, 543-547 Main Street
4. RESOLUTION NO. 13-540 approving 2013/14 Funding Contract with Ames International Partner Cities Association (AIPCA)
5. RESOLUTION NO. 13-541 approving Primary Rate Interface Telephone Service Agreement with Century Link
6. RESOLUTION NO. 13-542 approving Line Volume Plan Agreement with Century Link
7. RESOLUTION NO. 13-543 approving Internet Service Agreement with Century Link
8. RESOLUTION NO. 13-544 approving Certificate of Consistency with City's 2009-2014 CDBG Consolidated Plan on behalf of Youth and Shelter Services, Inc.
9. RESOLUTION NO. 13-545 proposing vacation of open space easement and storm water flowage easement at 3910 Maricopa Drive and setting December 17, 2013, as date of public hearing

10. RESOLUTION NO. 13-546 awarding contract for three Police Interceptor Sedans to Ames Ford Lincoln of Ames, Iowa, in the total amount of \$74,589
11. RESOLUTION NO. 13-547 rejecting all bids for Coal Yard Wheel Loader and approving continued use of the existing Wheel Loader (2010 John Deere 624K) at the Power Plant's coal yard, resulting in a diminished or foregone buyback guarantee
12. RESOLUTION NO. 13-548 approving change order to Professional Engineering Services with CDA for Grant Avenue Paving and Utility Design Project in an amount not to exceed \$41,775
13. RESOLUTION NO. 13-549 approving Change Order No. 31 for the CyRide Bus Facility Expansion Project Construction
14. RESOLUTION NO. 13-550 accepting completion of Maintenance Facility Energy Efficiency Project - HVAC Improvements
15. RESOLUTION NO. 13-551 accepting completion of Unit 8 Generator Repairs/Re-Wedging Stator Project
16. RESOLUTION NO. 13-552 approving Plat of Survey for 2410-2428 Lincoln Way and 114 Welch Avenue and 107-111 Stanton Avenue (Kingland Property)
17. RESOLUTION NO. 13-553 approving Plat of Survey with easements for 505 South Duff Avenue
18. RESOLUTION NO. 13-554 approving Plat of Survey for 2712 and 2716 Aspen Road  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**FEDERAL FISCAL YEAR 2015 AIRPORT IMPROVEMENT PLAN:** Council Member Larson

asked City Manager Steve Schainker to remind the Council and public what had been set aside in the Capital Improvements Budget for the Airport Terminal project; that is what the City is informing the Federal Aviation Administration (FAA) of by filing the Federal Airport Improvement Plan. Mr. Schainker explained that, in order for the City to be eligible for federal funding, the Terminal project has to be in its own CIP. He stated that, based on input from the public, there was a desire to have a new Terminal Building with adequate space to accommodate its users and additional users and a large hangar that would allow corporate aircraft to be accommodated. Mr. Schainker recalled that this project has been set up as a partnership, using the federal funding first. He noted that the City is eligible for \$150,000 in Entitlement Funding. Transportation Engineer Damion Pregitzer added that the City is guaranteed \$150,000. Entitlement Funding, federal funding, City funding, state grant funding, Iowa State University, and funding from the private sector will be utilized to pay for the improvements. According to City Manager Schainker, the project is in the CIP, but out in the future, as the City has a lot of work to do – get the concept and design; it will take next year to work on that. The funding from the private sector also needs to be solidified.

Mr. Pregitzer reported that the reason Ames is doing this step now is that other jurisdictions may not have committed to the local funding to the extent that the FAA wanted. If not, they are not eligible for funding. He stated his hope that the funds could be raised during the next couple years; it would mean a great improvement for the Airport.

City Manager Schainker noted that the project consists of more than just the Terminal Building; it is also the extension of the runway. The latter doesn't show up in the actual project in the five-year window, but there is planning currently occurring. Mr. Pregitzer stated his belief that the major project will score well nationally for the FAA funding.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 13-539 approving the Airport Improvements Plan required by the Federal Aviation Administration (Federal Fiscal Year 4015 Airport Improvements Plan).

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

**MINUTES OF NOVEMBER 26, 2013:** Council Member Goodman brought the Council's attention to Page 17. He pointed out that the Minutes should state that the motion was to increase the City's *COTA* (not *ASSET*) allocation by 2.5%.

Moved by Goodman, seconded by Davis, to amend the Minutes on Page 17 to read, "Moved by Goodman, seconded by Wacha, to increase the City's *COTA* allocation by 2.5%"

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

**PUBLIC FORUM:** Chris Anderson, 1207 Cherokee Street, Nevada, thanked the City Council for supporting the street closure at State and Mortensen for the Arthritis Foundation Jingle Bell Run. Mr. Anderson reported that the Run was held last Saturday in -3° weather. The weather caused a small decrease in participation; however, over \$10,000 was raised.

**SOUTH DUFF ACCESS STUDY:** Transportation Engineer Damion Pregitzer reminded the Council members that, on June 11, 2013, they had referred to staff a letter from Chuck Winkleblack regarding access management on South Duff Avenue from South 5<sup>th</sup> Street to approximately Squaw Creek. The letter asked the Council to direct staff to conduct a study of the South Duff Corridor, evaluating the consolidation of several access drives along both the east and west sides of the street into a single signalized intersection. The purpose of the proposed changes was to improve traffic safety and efficiency along Ames' highest-volume roadway. According to Mr. Pregitzer, staff had held a coordination meeting with the Iowa Department of Transportation (DOT) staff, property owners, and developers who would be affected by a consolidation of access points. The study was then presented to the City Council on July 9, 2013. At that meeting, the Council directed staff to conduct the access study and traffic signal warrant analysis.

Mr. Pregitzer summarized the findings and recommendations of the South Duff Access Study. It was reported by Mr. Pregitzer that the road segment in question has a significantly higher crash potential than what is expected of similar roadways. Comparing accident statistics for commercial arterials over the past ten years, the crash rate for the segment of the South Duff Corridor between South 5<sup>th</sup> Street and the Squaw Creek Bridge is 148% over the state average, and the injury crash rate for that quarter-mile segment is 155% over the state average. Mr. Pregitzer said that means that if a person has an accident in that segment of roadway, he/she is 1.5 times more likely to be injured than on other similar roadways in the state. Because of those statistics, there does appear that there is a significant safety concern. Due to those findings, the project also includes the installation of a raised median between the South 5<sup>th</sup> Street intersection and the new traffic signal location and from the new signal south to the Squaw Creek Bridge.

It was reported by Mr. Pregitzer that staff had discussed, on November 25, 2013, the preliminary findings of the Study with the Iowa DOT staff. The Iowa DOT staff had supported the findings of the warrant analysis and the proposed location of a new traffic signal at approximately 725 south of the South 5<sup>th</sup> Street intersection. According to Mr. Pregitzer, in addition to the installation of a traffic signal, the proposed project would include restoration of

street right-of-way in the area of the existing Wal-Mart drive as well as some minor reconfiguration of Wal-Mart's parking lot and drive aisles to accommodate the new traffic patterns. The Iowa DOT staff had advised that, without the median, safety would not be increased.

Mr. Pregitzer summarized the estimated project cost and funding strategy. The estimated cost of \$325,000 includes a new traffic signal (\$200,000) plus roadway and paving improvements (\$125,000). The project would be eligible for Iowa DOT grant funding from the Urban-State Traffic Engineering Program (U-STEP), which allows up to a maximum amount of \$400,000 for linear improvements. The grant funding requires a local match of 45%.

According to Mr. Pregitzer, affected property owners along South Duff Avenue (between South 5<sup>th</sup> Street and Squaw Creek) were invited to a follow-up meeting on December 3, 2013. Discussion at that meeting centered on topics of greatest concern, which included the following:

1. Negative financial impact on businesses/convenience factor (raised median)
2. Longer trips caused by a raised median (U-turns)
3. Willingness of property owners to provide cross-access easements
4. Special need for access of larger vehicles (semi-trucks, heavy equipment)

The sequential steps that would need to be taken if the Council were supportive of the proposed traffic signal and access management project were explained by Mr. Pregitzer. He emphasized that before providing direction to proceed, the appropriate solution to the traffic situation requires the installation of both a traffic signal and a raised median. The Council was informed that not all property/business owners were in support of construction of a raised median.

According to Mr. Pregitzer, staff believes that a fair approach to financing the project would be for the City to contribute up to \$50,000 towards the local match. Wal-Mart, Hunziker Development, and the Bundy Family Trust could be approached to be approached to contribute the remaining two-thirds (\$100,000). Mr. Pregitzer reviewed the sequential steps necessary if the City Council agrees to proceed with the improvements: [1] negotiate development agreements with the neighboring property owners that will secure \$100,000 in funding commitments, [2] identify the City's source of funding (\$50,000) for the project, [3] submit a grant application to the Iowa DOT for U-STEP funding; [4] secure cross-access easements to support the goal of the project; [5] select an engineering consultant to design the project, and [6] construct the project.

Mr. Pregitzer noted that staff recognizes that the raised median could impact businesses that currently have direct access onto South Duff; however, the median is necessary for the improvement of safety and for the efficient progression of traffic between the two intersections. He emphasized that the longer-term success of this project will involve an internal site circulation plan among properties to guide the design/layout of future development within the South Duff Corridor. According to Mr. Pregitzer, the opportunity now exists to apply current best traffic management practices to reduce conflict points along South Duff Avenue. The project is an opportunity to make a significant traffic improvement in the Corridor that will have mutual benefit for both the adjacent businesses and the greater Ames community. Mr. Pregitzer also noted that there are existing Iowa DOT access agreements for driveways at 519 South Duff and 534 South Duff that have similar conditions. The installation of a raised median there and/or full closure of those drives might be required. Those actions would be

driven by safety or traffic issues that occur from direct access to South Duff, as determined by the City or Iowa DOT.

Upon being questioned, Mr. Pregitzer answered that construction of a frontage road had been explored. However, the area is already very tight due to the flood plain in the area. The different parcels would have to meet zoning requirements, and if that much of the right-of-way would be taken out for a frontage road, some of the area would not be developable. Instead, access easements are being recommended to serve as frontage roads in order to maximize the amount of developable property in the area. Mr. Pregitzer emphasized that it would take a great deal of coordination by the property owners to make this project happen.

Council Member Davis asked if the extension of Grand Avenue would alleviate the traffic issues on South Duff. Mr. Pregitzer replied that, in the years following the extension of Grand, there would be a shift in traffic. However, it is anticipated that, even with extension of Grand Avenue, the traffic would reach the current level in fewer than 25 years.

Council Member Larson asked if the City were restricted from making improvements to South Duff since it is a U. S. Highway that is governed by the Iowa Department of Transportation. He said he was abit confused over whether the proposed project was geared toward the increased traffic that will occur as a result of development on the west side of the road or if it were geared towards the current or anticipated safety issue as a result of the development. Clarifying, he asked whether the intersection or the median was driving this proposed project. Mr. Pregitzer stated that the two can't be separated if the goal is operations and safety. He again noted that the Iowa DOT officials have determined that it would take both the signal and the median to arrive at the level of safety improvement needed. It was stated by Mr. Pregitzer that there is an average of ten wrong traffic movements per hour in front of Wal-Mart. Mr. Larson asked specifically what the City of Ames can or cannot do as it relates to what the City considers to be improvements on Highway 69 (South Duff). Mr. Pregitzer said that the Iowa DOT has to approve all highway improvements. He does not have an answer yet from the Iowa DOT as to what the City can do.

Council Member Szopinski asked if this could be a phased project, i.e., the signal would be installed first with the median installed at a later date if it was deemed that it was needed for safety reasons. Mr. Pregitzer stated that it would be possible; however, due to this segment of roadway having a significantly higher crash potential than what is expected of similar roadways, the median could be required by the Iowa DOT.

Harry Wolf, Managing Director of Buyers Realty, Inc., 3101 Ingersoll, Des Moines, stated that his company owns the Boston Commons Ames building, aka as the Verizon building. Mr. Wolf referenced the letter he had submitted to the Council on this date. He reported that his company had not been notified of the meetings hosted by City staff for some reason. It was noted by Mr. Wolf that his company concurs with the four concerns raised by other affected land owners: negative financial impact on businesses/convenience factor, longer trips caused by a raised median, willingness of property owners to provide cross-access easements, and special need for access of larger vehicles. Mr. Wolf said that it had been the experience of his company that properties are de-valued dramatically when medians are installed without frontage road connectivity at both ends of the median. If customers cannot easily access a site or have that perception, they will avoid the site, which leads to tenant dissatisfaction, vacancies, and property tax decline. Mr. Wolf asked whether a median is needed in order to construct the

signal. In the event that the City believes the median would be required, he presented five stipulations with which his company could possibly be supportive of that concept.

David Brenner, 1214 Marston Avenue, Ames, sees this as also being a flooding issue. He pointed out that during heavy rains, water already backs up to the crown of the roads. Mr. Brenner said the roads continue to be built higher and higher in this area, and he believes that if you added another six inches for the median, it would in turn raise the water level six inches. It was his suggestion that a way be found to widen and lower the roadway so that more water can pass over the road.

Jeff Bundy, representing the Bundy Family Trust, said that they would have a very difficult time getting tenants for their property located on the southeast corner of South Duff if a median were constructed. They currently are negotiating with a tenant for that property, which has stated that they will not be interested in the property if a median is constructed on South Duff. Mr. Bundy also stated that he had talked to representatives of Texas Roadhouse, who told him that they would not have come to that location if they knew that a median was going to be constructed. Mayor Campbell asked if the accident history on that stretch of road concerned him. Mr. Bundy said that it did, but he would like the City to look at other alternatives.

James Howe, 811 South Duff, Ames, owner of Howe's Welding and Metal Fabrication, stated that his company had been located at its current location for 28 years. At that time, his company was about the last company in town. Mr. Howe advised the Council that semi-trailers, excavators, cranes and other heavy equipment need to have access to his company. He does not want his customers to be forced to make a U-turn in order to access his business from the south or when leaving his business to the north. Mr. Howe expressed his concern over who would pay for the proposed changes. He also said that he was concerned about the probable elevation change likely to exist at the proposed stoplight. Mayor Campbell asked Mr. Howe, given the changes to South Duff, if his current location was still an appropriate one for his company. Mr. Howe said he had no other place to go at this time. If he knew 28 years ago what he knows now, he would not have located there.

Upon being questioned by Council Member Orazem, Mr. Pregitzer stated that staff is just asking for approval of the concept; the actual design work would come later.

Piper Wall, 912 Clark Avenue, Ames, identified herself as Jim Howe's spouse, and stated that she shares the concerns about the elevations and the cost of the proposed improvements. She said that they are not adverse to having the project explored, but would like to know more about what exactly would likely to be gained and definitely want to have the access issues worked out.

Mike Flummerfelt, 6717 George Washington Carver, Ames, stated that he owns Enterprise Rental Car, which is the property next to Texas Roadhouse. He believes that the concerns expressed are all legitimate. Mr. Flummerfelt feels that the property owners who would benefit from the median are those located directly across the intersection. He pointed out that there will be many properties that will need to have deliveries from large semi-trucks, which will prove especially difficult for all the properties on the west side. It is a legitimate concern that tenants would shy away from the properties that have limited access, and those property values would decrease. Mr. Flummerfelt asked if staff had considered what South Duff will look like when

the turning lanes fill up and it then becomes two lanes. He feels that is a very legitimate concern that needs to be addressed.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, told the Council that the majority of people who attended the last meeting with staff agreed that this stretch of Ames is a disaster to get through. He believes that Ames can construct the improvements and try to make the situation better or it can compound the problems and make it worse by doing nothing. Installing a signal and timing it with the other signals would alleviate a lot of traffic issues. He agreed that this concept will take a great deal of coordination among the property owners. Mr. Winkleblack asked that the Council move the concept forward and allow City staff and property owners to attempt to address the access issues and see if they can come to a mutually acceptable solution. He also pointed out that this is a concept only; it is not the final product, and there is a lot more input that needs to be provided from all the affected property owners.

Council Member Szopinski asked for the Council to have more information from the Iowa DOT as to what could be allowed.

After being questioned by Council Member Szopinski, Mr. Winkleblack said he disagreed with Mr. Flummerfelt that his property values would go down. He pointed out that there was no evidence to support that statement.

Council Member Goodman asked if there were other alternatives. Mr. Pregitzer stated that he does not believe that significant gains could be realized if staff were asked to re-work the concept. He said that it is pretty well known what solutions would work for the type of traffic concerns that are occurring on South Duff.

Mayor Campbell pointed out that input had not been received from the general public who have to traverse South Duff on a regular basis.

Council Member Wacha offered his opinion that this is clearly a safety issue.

Moved by Wacha, seconded by Orazem, to direct staff to follow Steps 1 through 6, i.e.: [1] negotiate development agreements with the neighboring property owners that will secure \$100,000 in funding commitments, [2] identify the City's source of funding (\$50,000) for the project, [3] submit a grant application to the Iowa DOT for U-STEP funding; [4] secure cross-access easements to support the goal of the project; [5] select an engineering consultant to design the project, and [6] construct the project.

Council Member Goodman said he would like staff to have more discussion with the affected property owners, making sure that every property owner is notified and has a chance to participate in the discussion.

Council Member Larson noted that he could not support the motion until the City could explore more about what the Iowa DOT will allow. He said that part of his reason for suggesting that is that it might be impossible to get concurrence from all the affected property owners to work with each other. He would like to see Phase 1 be installation of the stop light and then not proceed to construction of a median if it can be avoided. It was his opinion that perhaps if no funding is asked for from the Iowa DOT, other alternatives might exist.

Council Member Davis acknowledged that there is a definite safety component that needs to be addressed, but he also wanted to make sure that all affected property owners are involved.

Traffic Engineer Pregitzer said he would like the Council to at least approve Steps 1 through 4 so that staff time and funding may be allocated to this project. The City would need to commit funding to the general concept. It will take time to negotiate with all the affected owners. City Manager Schainker suggested that Step 3 pertaining to submitting an application for a grant be replaced with directing staff to get more information from the Iowa DOT as to what options are available to the City.

Council Member Orazem pointed out that none of the possible improvements can occur if the property owners will not agree to cross-access easements.

Motion withdrawn.

Council Member Wacha advised that he supported the traffic signal with the median for safety reasons.

Moved by Wacha, seconded by Orazem, to direct City staff to proceed with plans to potentially construct a traffic signal and median in this area, which would include negotiating with the property owners to address their concerns about cross-access easements and talking with the Iowa DOT on what would be required for USTEP funding and/or to get their approval.

Council Member Larson asked if discussions with the Iowa DOT would ask specifically if the median is required. Mr. Pregitzer said that there would be many items included in the discussion with the Iowa DOT. All the design options would be considered.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

Council Member Larson explained that the only reason he voted aye was because he saw a lot of flexibility in that motion.

**HUTCHISON STREET RIGHT-OF-WAY:** Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-555 setting the date of public hearing on the vacation of the Hutchison right-of-way.

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

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-556 setting the date of public hearing on the conveyance of the Hutchison right-of-way.

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

**HEARING ON SPRING 2014 UNIT 8 BOILER REPAIRS:** Donald Kom, Director of Electric Services, reported that the apparent low base bid had been submitted by ProEnergy Services, LLC, of Sedalia, Missouri. The bid submitted did not supply not-to-exceed time and material prices for any of the options listed. The options were engineered and specified so that various additional repairs could be carried out if the need is identified after the boiler is opened up.



Should any of the optional services be needed, staff will initiate change orders for the added work based upon ProEnergy's assessment of the needed time and materials. Their hourly rates are significantly lower than those of the other three bidders on this project, and staff feels assured that any optional work performed by ProEnergy will be at a lower cost than the other bidders.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-557 approving final plans and specifications and awarding a contract to ProEnergy Services, LLC, of Sedalia, Missouri, in the amount of \$331,069.50, plus applicable sales taxes.

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

**KINGLAND SYSTEMS:** City Manager Steve Schainker reminded the Council members that they, at their November 26, 2013, meeting, had reviewed and recommended provisions regarding the TIF Agreement. Mr. Schainker outlined the modifications that had been made to the Agreement since Council's preliminary review.

The public hearing was opened by Mayor Campbell. Gabby Williams, 425 Welch Avenue, Ames, advised that the Government of the Student Body passed a Resolution to ask that the retail space be retained indefinitely. She noted that the Agreement now states the retail space be required on the ground floor for 20 years; that is a compromise that might be reasonable. However, she noted that the Agreement now only requires 75% of the ground floor to be retail for 20 years. Ms. Williams believes that the desires of the students is that there should be multiple store fronts on 100% of the ground floor. She asked that the City Council take into account what has been expressed from the students. The hearing was closed after no one else requested to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-558 approving the Kingland Systems Tax-Increment Financing Agreement.

Council Member Goodman asked if it would be a "deal breaker" if the Agreement were modified to require 100% of the ground floor to be retail. Todd Rogness, President of Kingland Systems Corporation, stated that he appreciated involvement by the ISU students. They believe that the Agreement being presented to the Council at this meeting is a good compromise. He stated that Kingland really needs to have flexibility in the event that retail is not in demand at some point in the future. At the inquiry of Council Member Larson, City Manager Schainker explained how they came up with the proposed amount of required retail space as part of the compromise.

Council Member Szopinski reiterated her feelings that this is not enough return for what the population in the area was requesting. Council Member Orazem disagreed, pointing out that there will be more retail space for the first ten years and it is being guaranteed that there will not be any less retail than what currently exists for the next ten years.

Roll Call Vote: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

The meeting recessed at 8:55 p.m. and reconvened at 9:03 p.m.

**WESTWOOD VILLAGE:** City Planner Jeff Benson recalled that, on October 22, 2013, a public hearing was held on an amended Major Site Development Plan for Westwood Village Planned Residence Development. At that meeting, the City Council postponed action on the proposed amendment and asked the developer, Haverkamp Properties, and neighborhood representatives to meet to see if an agreement could be reached on revisions to the proposed Plan. Since October 22, neighborhood residents have re-established the Edwards Neighborhood Association and appointed officers. On November 21, 2013, three representatives of that Neighborhood Association and three representatives of Haverkamp Properties met with a City staff member present, and that meeting resulted in proposed revisions to the Amended Plan.

Mr. Benson reported that the project is now being proposed as a total of 18 units and 54 bedrooms, rather than the former proposal of 24 units and 72 bedrooms. In addition, there are changes to the building location (farther north) and parking lot layout (consolidated to one location) to further protect existing trees. The changes from the existing approved Plan to the proposed revised Plan agreed upon with the Neighborhood representatives at the November 21, 2013, meeting were detailed by Planner Benson. He reported that staff had concluded that the revised Major Site Development Plan meets the Principles and Standards for a Planned Residential District development.

Douglas Provow, 3655 Story Street, Ames, stated that he opposed the 72-bed complex, worked with the Edwards School Neighborhood Association, met with Mr. Haverkamp, and worked to get the compromise that Mr. Haverkamp presented when he failed to accept the 25% expansion to the two-story building that he was originally authorized to build. Mr. Provow told the Council that he had lived in Ames for over 50 years. He said that his neighborhood had lost the battle against large apartment buildings 40 years ago when the City allowed the first one to be built in residential neighborhoods. According to Mr. Provow, there formerly were families with children in single-family homes, but not one child now lives on Story Street; students and single people occupy the apartments. This has led to the closing of Edwards School. Mr. Provow asked the Council to never again allow large apartment buildings to be interjected in single-family residential neighborhoods. Mr. Provow referenced the oak trees at issue. He said, although it appears that the issue had been resolved for now, one problem still remains in that future generations will never see another oak tree there because in the past 50 years, no one has allowed small oak trees to grow. Without small oaks, the grove will cease to exist.

Ken Platt, 3620 Woodland Street, Ames, asked the Council not to approve the proposal. There is a two-story building already approved. Mr. Platt advised that the Edwards Neighborhood Association, in meeting with Mr. Haverkamp, offered to allow the size of the two-story building to be enlarged; however, that was rejected by Mr. Haverkamp. He said that a three-story building does not blend in well with the residential neighborhood. It is felt that such a building will cause property values of adjacent properties to decline. Mr. Platt provided a summary of the meetings of the Neighborhood Association representatives with the owner of the property in question. He believed that the entire process was forced on his neighborhood. It was extremely rushed at a very busy time for the residents; there was not enough time to allow for

a reasonable compromise to be reached. According to Mr. Platt, the residents felt that they had to take the lesser of two evils.

Susan Ravenscroft, 455 Westwood, Ames, told the Council that the Neighborhood living near Westwood Village PRD were given an enormous task after the City Council told Brent Haverkamp to talk to the neighbors about his proposal for a 72-bed three-story building. She explained all the tasks that had been undertaken by the neighborhood residents since October 22, 2013: to reorganize their neighborhood association, elect officers, choose representatives to negotiate with the developer, and organize meetings. Ms. Ravenscroft reported that at the neighborhood meeting, the neighborhood representatives indicated very clearly that they would support expanding the 24-bed building to 30-beds and were totally in support of moving the building to the west to avoid harming any trees. The residents also indicated that they would oppose any three-story building. According to Ms. Ravenscroft, this is all about the benefits of Mr. Haverkamp's increased profits outweighing the negative impacts on the neighborhood: traffic, declining quality of life, increased noise, and increased litter. She also reported that one resident had been told by her realtor that a three-story building would cause the value of her home to decline. Ms. Ravenscroft expressed her dismay at the neighborhood being brought into the process so late. She said that Mr. Haverkamp had told the residents that he had already spent six months working with staff on the proposal. It was recalled by Ms. Ravenscroft that the 24-bedroom facility approved in 2006 was already a compromise. Because of the time demands placed on the neighborhood residents, Ms. Ravenscroft said that they needed to vote extremely quickly. That vote was done by a mix of phone calls and e-mails. Some people were contacted, others were not. There was trouble with the e-mail list. Ms. Ravenscroft alleged that there was a disorganized, hasty, and incomplete vote that was done on the basis that if the residents didn't vote for 54 beds, they would surely get 72. She said that Mr. Haverkamp told the negotiating team that he was confident of that outcome. According to Ms. Ravenscroft, the rushed deadlines that the neighborhood had to deal with were due to (1) Mr. Haverkamp, who has had permission to build a 24-bed facility for nearly eight years. If that was unsatisfactory to him, he should have come to the City much earlier and started negotiations. (2) the City. The residents were always behind because they were not brought into the process soon enough. Ms. Ravenscroft reported that the neighborhood raised the concept to City staff and to Mr. Haverkamp of working together to create a plan that would make the PRD fit into the neighborhood. With the proposal, the height and density conditions are violated. It was the request of Ms. Ravenscroft that the City Council deny the proposal.

Deb Carnine, 3654 Story Street, Ames, reported that she was one of the members of the negotiating team. She advised that the majority of neighbors in the hastily organized poll agreed to the 54-bed revision. According to Ms. Carnine, Mr. Haverkamp imposed a six-day deadline for returning the decision from the neighbors; that gave them no time to meet and no time to discuss it. They had no time to prepare a counter-offer or discuss any of the negotiating points. Ms. Carnine also stated her disagreement with a recent staff report that stated that the closing of Edwards School would remove concerns about the safety of children in the area. She pointed out that there will still be a playground, a McDonald's restaurant, a grocery store, and a pet shop. If all goes well, there will also be a park - all of which are frequent destinations for families of young children. It was reported by Ms. Carnine that she had called the police many times for loud drunken students in her yard or under her window at 2:30 or 3:00 in the morning. She said she only calls the police for a quarter of the time that those types of incidents occur. Her retaining wall has been vandalized. Ms. Carnine reported that she did vote for the 54-bed building; however, she wished she would have voted to keep the 30-bed two-story building.

There was not enough time to get all the information necessary to make a decision, and many of the residents felt that it was a bait-and-switch deal.

Kathy Schnable, 3629 Woodland Street, Ames, pointed out that buildings in a PRD are to blend in with the neighborhood. She is concerned about the height of the proposed building, and the proposed building is too dense for the neighborhood. Ms. Schnable noted that those residents voting in favor of the three-story building did so because they felt if they didn't, they would get a 72-bedroom building. She pointed out that the buildings in a PRD are supposed to blend in with the neighborhood, not only with the other buildings in the PRD. According to Ms. Schnable, the density in the Westwood PRD is already in excess of what should be allowed. Ms. Schnable emphasized that those who voted in favor of the three-story 54-bed building do not think it is a great project; however, they were afraid that if they didn't vote to appear the 54-bed building, they would get the 72-bedroom building. According to Mr. Schnable, the e-mail residents received stated that Mr. Haverkamp felt confident that he could get the 72-bed building.

Jo Baumann, 3615 Story Street, Ames, advised that she and her husband are opposed to the proposed apartment building due to the increased traffic and noise and how it will impact their quality of life and their property values. They are also opposed to the size of the building. Ms. Baumann believes that the apartment buildings do not fit into the residential neighborhood. According to Ms. Baumann, with the new building, there will be over 200 units in the small area in question. According to Ms. Baumann, the existing apartment buildings have drastically changed the neighborhood. She also noted that the discussions with Mr. Haverkamp were very rushed. Many of the residents who would have voted against the proposed plan were out-of-town. Ms. Baumann urged the Council not to approve the proposal.

Sharon Guber, 2931 Northwestern Avenue, Ames, reminded the Council that a plan for this property was approved in 2006. She explained the steps taken at that time and the compromise arrived at between the affected neighbors, City staff, and Mr. Haverkamp. The 2006 plan had been approved after considering the Land Use Policy Plan policies and goals, the wishes of the developer, and the wishes of the neighborhood. Ms. Guber pointed out that the plan has now changed to be a three-story building, which causes an increase in the number of residents. She stated that this is a concern not only in Ames, but all around the country because the requirements of the Zoning Code are based on the number of dwelling units; it is being based on density, instead of intensity. When the intensity is increased, it increases the impacts on the neighborhood. Ms. Guber urged the Council to direct that staff find out what other municipalities are looking at across the country. She would like the Zoning Code revised to be based upon intensity, not density. At this time, the development at issue is a change from something that was approved by the City Council, approved by the developer, and approved by the neighborhood. That plan had been approved in 2006, and people who bought property in the neighborhood, are contemplating purchasing property in the neighborhood, and those living in the neighborhood for some time considered that plan before they bought. Now the plan is changing dramatically in terms on the impact on the neighborhood.

Linda Feldman, 1111 Stafford Avenue, Ames, also spoke as to the process. It was her feeling that when the City Council members directed the developer to go back and talk to the neighborhood residents, they did not think that it would be so rushed. Ms. Feldman urged the City Council to vote no on the proposal.

Brent Haverkamp, 4720 Mortensen Road, Ames, stated that he had met with neighborhood residents on November 21, 2013. He said that after discussion and a variety of proposals presented by the neighborhood and him, he left proposing a 54-bed building (25% decrease) on the site in question. The President of the Neighborhood Association had called him the next week, and she said that the majority of the homeowners approved of the 54-bed project. Based on that, Mr. Haverkamp said he had the plan designed and submitted to the City staff. According to Mr. Haverkamp, the vote from neighborhood residents was 20 - 8 to approve the 54-bed building with two conditions: (1) that he commit to building no further developments on the site and (2) that he sell the vacant lot located at 306 Hickory to the neighbors (Greg and Karen Larson). At a subsequent meeting, Mr. Haverkamp had also advised the residents that he had no plans to build a multi-family development at the Edwards School site. He said that those commitments were also put in writing.

Council Member Larson asked to address the timing issue. He noted that the City Council had met on October 22, 2013, and requested that the developer meet with the residents; however, they didn't meet with the residents until November 21. Mr. Haverkamp said that he was also frustrated by that and had called City staff many times about getting a meeting scheduled. He had been told that the neighborhood was not ready to meet and was not yet ready to meet. The meeting finally occurred on November 21. Mr. Larson pointed out that that was almost a month, which seemed like an adequate time for the neighborhood to discuss the proposal. Ms. Baumann responded that the Edwards Neighborhood Association had disbanded prior to this issue and had to get reorganized. She stated that no one in the neighborhood knew that there was a limited amount of time to meet.

Council Member Orazem asked if there were any residents in favor of the 2006 plan. Planner Benson stated that it was offered as one of three options to the neighbors.

Council Member Wacha said he felt that both sides had to compromise. He felt they had done that as the neighborhood wanted a decrease in the number of beds. The developer was willing to decrease the number of beds by 25%. That was approved by the majority of those voting. Mr. Wacha pointed out that, with compromise, not everyone is happy.

Planner Jeff Benson reported that the Code requires action by the City Council within 60 days of the hearing. The hearing was held on October 22, 2013; therefore, the City Council must make a decision by December 21, 2013. He stated that he had conveyed that deadline to the neighborhood residents.

Council Member Szopinski pointed out that the message from the neighbors had been very cohesive about the process. She also pointed out that the traffic study meeting was held on the night of the Edwards School Carnival when many families would not have been able to attend.

Council Member Goodman expressed his opinion that the building in question does not look like a PRD; it doesn't fit in the neighborhood. He also pointed out that this neighborhood has had to go through this time and time again.

Council Member Larson asked what ultimately allows a change in the PRD. He said that he was disappointed that it took over a month for the developer and neighbors to meet. In regards to what had changed, Planning and Housing Director Diekmann said that housing needs in Ames

had changed. Mr. Diekmann pointed out that the Council could deny the amendment to the Plan; and if so, the 2006 Plan would stand.

Moved by Szopinski, seconded by Goodman, to deny the amendment to the Major Site Development Plan.

Council Member Goodman said that he did not feel it was totally unreasonable to allow some increase in the building if there is a guarantee that it will not happen again.

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

The meeting recessed at 10:11 p.m. and reconvened at 10:15 p.m.

**INTERNATIONAL BUILDING CODES:** Building Official Seana Perkins advised that updates to a number of nationally recognized Codes are adopted by the City of Ames on a three-year cycle. Those Codes provide the requirements, consistency, and guidance to the City's Inspection Division as it reviews and inspects projects in the City. The Codes needing updated at this time include the following:

- International Building Code
- International Residential Code
- International Existing Buildings Code
- International Mechanical Code
- International Fuel Gas Code
- Uniform Plumbing Code
- International Fire Code

Ms. Perkins related to the Council the steps in the Code adoption process. The Building Board of Appeals held a public hearing on September 9, 2013, to consider changes to the seven affected Codes as well as to the International Energy Conservation Code (IECC). At that time, the Board also recommended that the City Council adopt revisions to *Ames Municipal Code* Chapters 5 and 8.

It was noted by Ms. Perkins that the Inspections Division had received a letter from Brad Heemstra, representing the Ames Home Builders Association, asking that the City not adopt the 2012 IECC and remove that section from the International Residential Code (IRC). Inspections staff contacted other jurisdictions (Des Moines and Ankeny) that had moved forward with the 2012 Code adoption process. Both of those cities had chosen to exempt the 2012 IECC standards from the IRC and will follow the state of Iowa's lead with the 2012 IECC adoption process. *Ames Municipal Code* Chapter 5 is already following the state of Iowa for energy conservation. With that proposed change, another hearing of the Building Board of Appeals was held on October 7, 2013. The Board recommended at that meeting that the City Council approve a local amendment to the 2012 IRC to remove energy conservation; Ames' customers will continue to utilize the same requirements as are currently being utilized.

According to Ms. Perkins, Inspections staff also hosted a 2012 Code Adoption meeting on September 23, 2013 with all contractors who had done business with the Inspections Division

within the past year notified by e-mail. Eight local contractors attended. Presentations were given by Inspections staff followed by a discussion of the 2012 Codes.

In reviewing the 2012 International Fire Code (IFC), staff concluded that the City of Ames should make an additional revision to Chapter 8. The City originally had revised that Section to remove portions of IFC Chapter 11. However, those sections cannot be removed to ensure that the City of Ames will not be less restrictive than the state when it adopts the 2012 IFC. Ms. Perkins reported that the Board of Appeals met again on December 2, 2013, and moved to approve the amended version of Chapter 8 and to recommend its approval to the City Council.

Ms. Perkins brought the Council's attention to the list of the significant changes from the adopted 2009 Codes, which were included in the Council Action Form.

Council Member Goodman asked if the piece of the Code pertaining to energy conservation was predominantly geared towards electricity, natural gas, or material expectations. Plans Examiner Scott Ripperger said that it had to do with construction, i.e., R-Value of insulation, energy-efficient lighting, etc. Council Member Goodman also asked if this would be opportunities for the City's Demand-Side Management Program. City Manager Schainker stated that he would report back to the City Council on that.

It was also asked by Mr. Goodman if the adoption of these Codes would make it more difficult for people to retrofit/renovate older homes. Plans Examiner Ripperger replied that one of the Codes that is being recommended for adoption is the International Existing Building Code, which is a stand-alone code that deals only with existing building. That does give some leeway and latitude to not have to bring older buildings to all current codes.

Moved by Goodman, seconded by Szopinski, to set the date of public hearing for January 14, 2014, on the adoption of the proposed changes to Ames Municipal Code Chapters 5 and 8 and the 2012 editions of the International Building Code, International Residential Code, International Existing Building Code, International Mechanical Code, International Fuel Gas Code, Uniform Plumbing Code, and the International Fire Code, with local amendments.

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

**FIRE ALARM SYSTEM RETROFITTING:** Building Official Perkins explained that, during 2009, an extensive community involvement process had resulted in numerous changes to *Ames Municipal Code* Chapter 13 (Rental Housing Code). At that time, a new section that had been recommended by a citizen advisory committee was added that requires the installation by July 1, 2014, of an automatic fire alarm system in rental buildings with more than 16 units. The deadline of July 1, 2014, provided five years from the date that the revised Rental Housing Code was adopted to comply with the new provision. The Code also provided for two extensions that could potentially extend compliance to July 1, 2019, if approved by the Building Board of Appeals.

According to Ms. Perkins, Inspections staff reviewed property records and determined that 14 rental property owners and 35 properties would still be affected by the requirement. Staff then alerted the rental community to the requirement via an e-mail with an application form; however, to date, no applications requesting an extension have been received.

Ms. Perkins noted that the International Fire Code currently includes the fire alarm system retrofitting requirement plus applicable exceptions that are not included in the Ames Rental Housing Code, thereby creating a duplication of the requirement with inconsistent verbiage between the Codes. With the adoption of the IFC on a three-year cycle, the standards are updated regularly; however, the Rental Housing Code is not on the same review cycle. The fire alarm system retrofitting requirement is now in two locations: the Rental Housing Code and the IFC. The 2012 IFC sets the expectation that the Fire Code official may utilize certain standards to obtain compliance with the 2012 IFC. To prevent duplication of the fire alarm system retrofitting requirement, staff is recommending that the references in the Rental Housing Code Sections 13.403(1.c) and 13.802(5) be eliminated, and instead to rely on the International Fire Code, which provides for the Fire Chief to set an allowable timetable for compliance.

*Ex officio* Member Alexandria Harvey expressed her concern that students living off campus have safe housing similar to that of on-campus housing. She asked what the time frame would be to require automatic fire alarm systems in rental buildings with more than 16 units if it were taken out of the Rental Housing Code. Fire Chief Shawn Bayouth explained that the deadline would be extended past July 1, 2014.

Moved by Davis, seconded by Goodman, to direct staff to draft an ordinance eliminating Ames Municipal Code Sections 13.403(1.c) and 13.802(5) of the Rental Housing Code and to direct staff to rely on the existing language in the International Fire Code Section 1103.7.6.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Larson, seconded by Goodman, to direct staff, and in particular, the Fire Chief, to come back with a recommendation to Council on a time frame and what all is covered under the directive.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**2013/14 FUNDING FOR VEISHEA, INC.:** Management Analyst Brian Phillips reported that the City Council had financially supported VEISHEA Pancake Feed in the amount of \$8,000 in both FY 2011/12 and FY 2012/13. VEISHEA again applied for \$8,000 for its 2014 Pancake Feed. At the February 12, 2013, Budget Wrap-Up Meeting, the Council requested that staff meet with VEISHEA representatives to discuss its 2014 funding application. The Council's concerns centered on whether the City's \$8,000 was being used to subsidize other activities and whether the \$ fee/person was appropriate given the amount of the City's funding allocation. VEISHEA staff indicated their willingness to reduce the fee to \$3/person as a condition of receiving the \$8,000 in City funding. The Council did not approve a contract with VEISHEA at that time, but directed staff to gather more information about VEISHEA's budget and return to Council for further discussion.

Mr. Phillips outlined the information contained in the grant application as to the actual expenses of the 2013 Pancake Feed. He advised that, in further discussions with VEISHEA staff, they indicated that when it charged \$4/person, the City's funds were used to also support on-campus entertainment programs. In the most-recent discussions with VEISHEA representatives, they proposed keeping the per-person charge at \$4, which generates an additional \$2,200, and using \$2,500 of total Pancake Feed revenue to pay for an on-campus entertainment act. They also have indicated that if the per-person price were to be reduced to \$3, one of its on-campus entertainment programs would be canceled.



Mr. Phillips asked for Council direction as to whether it would accept VEISHEA's proposal to keep fees at \$4/person and use a portion of the City's funding for entertainment programming or if the Council feels its \$8,000 funding allocation should pay for the Pancake Feed only and the price charged should be \$3/person. Staff recommended that the price charged should be \$3/person since the goal is to encourage more participation and feels that VEISHEA has the opportunity to explore other funding sources between now and April.

Karl Kerns and Nick Morton, General Co-Chairs for VEISHEA 2014, were present. Mr. Kerns provided the history behind the Pancake Feed.

Council Member Davis expressed his feeling that if the City is subsidizing the non-alcoholic event, students should not be expected to pay more than what the pancakes cost.

Council Member Wacha noted that the City Council's goal is to get as many students to participate as possible.

Council Member Larson said that if the cost per person was set at \$3, he would recommend that the City only allocate \$6,000. He believed that there are other entities where funding could come from.

Council Member Szopinski pointed out that the motive of the event is to keep students on campus participating in events promoted by the University.

At the inquiry of Council Member Orazem, Mr. Kerns clarified that the entertainment was part of the Pancake Feed. Council Member Davis disagreed, stating that that was not the intention of the Pancake Feed when it was initiated.

Moved by Davis, seconded by Wacha, to direct staff to prepare a contract in the amount of \$8,000 for the VEISHEA Pancake Feed with a stipulation that VEISHEA charge no more than \$2/person.

Vote on Motion: 3-3. Voting aye: Davis, Larson, Wacha. Voting nay: Goodman, Orazem, Szopinski. Mayor Campbell voted aye to break the tie. Motion declared carried.

**ASSET:** Assistant City Manager Melissa Mundt reminded the Council that, at its meeting of November 26, 2013, it had asked staff for additional information to determine the funding limits for ASSET in the 2014/15 Budget. Ms. Mundt brought the Council's attention to the information provided with the Council Action Form, which showed the funding by service area over the last two fiscal years as well as the full requests for 2014/15 services. At that meeting, staff also indicated that it would provide information about service areas with constraints in helping clients. Ms. Mundt advised that those requests fall primarily in the City's highest priority areas that are included in ASSET Panel 2: Basic Needs and Panel 3: Children's Services. She noted that University Childcare had left a small amount of funding unspent. The Red Cross also did not draw down any of its funding. According to Ms. Mundt, when asked, the vast majority of service areas did not indicate issues with meeting needs in the community; however, there were some who stated concerns about having to turn away clients due to funding or facility constraints. All daycare providers had indicated constraints with providing service and had waiting lists for new clients in all age groups. Under Basic Needs, there were several services that indicated issues with turning away clients as well. However, most of them did not have accurate data to provide for 2012/13, except for Youth & Shelter Services. ACCESS and

the Salvation Army indicated that they had started more specific data collection, so they would be able to better report that information in 2013/14. Emergency Residence Project did not state if it could provide more accurate numbers or indicated if they were going to start tracking information to be able to provide data for 2013/14.

Ms. Mundt advised that the total amount being requested in ASSET funding for FY 2014/15 is \$1,275,268 or 17.5% over the current total contracted for FY 2013/14. She noted that there is no anticipated increase for FY 2014/15 in Local Option Sales Tax revenues that support ASSET programs.

Moved by Goodman, seconded by Szopinski, to increase the funding allocation for ASSET for 2014/15 by 14.9%.

Mayor Campbell noted that that amount would put the City's allocation way out of sync with the other funders. She pointed out that that had been the trend in past years.

Council Member Wacha said that an increase in that amount sets a precedent. He believes that amount of increase would not be sustainable; it would draw down the balance of the Local Option Sales Tax fund substantially.

Vote on Motion: 2-4. Voting aye: Goodman, Szopinski. Voting nay: Davis, Larson, Orazem, Wacha. Motion failed.

Moved by Davis, seconded by Orazem, to increase the funding allocation for ASSET for 2014/15 by 3%.

Mr. Davis pointed out that Ms. Mundt had indicated that a number of agencies had not drawn down their allocated funding. He also did not want the City to be that far out of sync with the other funders.

Council Member Wacha said that he would be willing to support a 5% increase if there was not support for a 3% increase.

Vote on Motion: 3-3. Voting aye: Davis, Orazem, Wacha. Voting nay: Goodman, Larson, Szopinski. Mayor Campbell elected not to vote to break the tie. Motion failed.

Moved by Goodman, seconded by Larson, to increase the funding allocation for ASSET for 2014/15 by 5%.

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

**FLOOD MITIGATION STUDY:** City Manager Schainker provided a summary of the Council action taken on November 26, 2013. He reviewed the elements of the staff's recommended three-part Flood Mitigation Plan. In reviewing the various options provided by the City's consultant, Mr. Schainker stated that he felt it was important for the City Council to declare its strategy for mitigating river flooding for the benefit of the public who had been following this issue as well as for the City staff whose responsibility it would be to implement the strategy. Based on that, the Council had been asked to make the declaration in the form of a resolution to support the three-part plan. However, at the November 26, 2013, Council meeting, with one

Council member absent, there were not four votes to support all parts of the proposed strategic plan, and the Resolution failed. Mr. Schainker informed the Council members that they were now being asked to consider a series of motions that would give staff direction on how to proceed. He indicated that the Council members would vote on each proposed direction separately.

Moved by Goodman, seconded by Wacha, to direct City staff to engage the Iowa DOT in discussions to accelerate the Highway 30 Bridge replacement.

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

Moved by Goodman, seconded by Wacha, to direct the Mayor and City staff to remain actively engaged in the Squaw Creek Watershed Management Authority and support efforts to pursue additional flood mitigation measures higher up in the watershed through that entity.

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

Moved by Goodman, seconded by Wacha, to direct staff to schedule a Council Workshop to discuss possible flood plain regulations.

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

Erv Klaas, 1405 Grand Avenue, Ames, spoke. He referenced the findings of the consultant contained in the Flood Mitigation Study and said that he had heard of *restoring* a channel, but not *reshaping* a channel. To him, *reshaping* physically changes the boundaries of the channel and does not have regard for the habitat or environment. He asked that the Council consider restoring the Squaw Creek Channel as it is in bad shape; there is bank erosion, trees falling in, and trash. Mr. Klaas reported that he had attended a meeting today of the River and Restoration Study Committee; that Committee sees waterways as amenities. Mr. Klaas recommended that the City partner with other entities to restore the Channel and then move farther down the stream and restore that portion. He noted that they use vegetation to shore-up the banks (natural restoration). Mr. Klaas explained a project currently occurring in Johnson County. The cost is much less for natural restoration than those proposed as engineering solutions. According to Mr. Klaas, there are sources of funding available.

Water and Pollution Control Director John Dunn explained that the Study had recommended strategies. He noted that rough conceptual estimates had been provided by the consultants, without specific details. All the funding allotted to the consultants had been expended.

Council Member Larson advised that he would like to hear what taxpayer pricing method, e.g., a rate structure, could be explored to be used for flood mitigation.

City Manager Schainker advised that more information was needed on the suggested solution being presented by Mr. Klaas. The scope of the proposal and the costs need to be known. Staff needs to know the amount of funding to be committed.

Moved by Goodman, seconded by Wacha, to direct staff to come back after talking with Erv Klaas or other experts and communicate with the City Council on this type of project and what it would mean.

Mr. Klaas presented more information that he had gleaned from the meeting that he attended today. He commented that there are enough experts in the area who could assist the City; the

City would not need to hire consultants. Ms. Klaas also pointed out that there is already a consultant hired for the Squaw Creek Watershed.

Council Member Orazem said that the City needs to start working on this in a finite time. The City could continue to study it into perpetuity; however, the City just funded a study. That Study came up with a cost-effective solution; that solution may need to be “tweaked a little bit” but it is not going to be millions off the \$5.9 million.

Council Member Larson pointed out that the City does not know what the project even is or how much it will cost.

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

Moved by Orazem, seconded by Wacha, to direct that staff place the restoring/reshaping of the Squaw Creek Channel project in the Capital Improvements Plan at \$5.9 million with funding shown as coming from FEMA and local.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried

Moved by Davis, seconded by , to direct staff to investigate other possibilities besides direct property taxes to finance flood mitigation issues.

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

**ORDINANCE REZONING 3333 STANGE ROAD:** Moved by Davis, seconded by Wacha, to pass on second reading an ordinance rezoning 3333 Stange Road with the north portion of parcel from Agricultural (A) to Suburban Low-Density Residential (FS-RL) and south portion of parcel from Agricultural (A) to Suburban Medium-Density Residential (FS-RM).  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE ALLOWING CLUBHOUSES IN RESIDENTIAL HIGH-DENSITY ZONE:**  
Moved by Davis, seconded by Wacha, to pass on second reading an ordinance making zoning text amendment to allow clubhouses in Residential High-Density Zone.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE CREATING CAMPUSTOWN TAX INCREMENT FINANCING DISTRICT:**  
Moved by Davis, seconded by Wacha, to adopt ORDINANCE NO. 4164 creating the Campustown Tax Increment Financing District.  
Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: Szopinski. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**ORDINANCE PERTAINING TO STEP-BACK STANDARD IN CAMPUSTOWN SERVICE CENTER:** Moved by Davis, seconded by Goodman, to adopt ORDINANCE NO. 4165 exempting from the Campustown Service Center Zoning District the step-back standard for commercial buildings of three stories or fewer.  
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Davis, to refer to staff the letter from Charles Kellogg dated December 2, 2013, offering to sell property at 619 - 13<sup>th</sup> Street to the City.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 11:53 p.m.

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Diane Voss, City Clerk

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Ann H. Campbell, Mayor