

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 23, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on September 23, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

Mayor Campbell announced that the Council members would be working from an Amended Agenda. Added under the Consent portion of the Agenda were approval of Supplement 2014-4 to the *Municipal Code* and approval of a change in bid due date for Natural Gas Conversion Equipment. A Closed Session was also added to follow Council Comments.

PROCLAMATION FOR CY'S 60TH BIRTHDAY WEEK: Mayor Campbell proclaimed the week of October 5 - 11, 2014, as Cy's 60th Birthday Week. Accepting the Proclamation were Cy, the Iowa State University mascot, and Jeff Johnson, Alumni Association President and CEO.

CONSENT AGENDA: Council Member Betcher asked to pull, for separate discussion, Consent Item 15 pertaining to ISU Homecoming activities.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of September 9, 2014
3. Motion to set the following City Council meeting dates:
 - a. January 20, 2015, at 5:15 p.m. for CIP Workshop
 - b. January 30, 2015, at 2:00 p.m. for Budget Overview
 - c. February 3, 4, 5, and 10, 2015, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - d. March 3, 2015, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – La Fuente Mexican Restaurant, 217 South Duff Avenue, pending dram
 - b. Class C Liquor & Outdoor Service – Hickory's Hall, 300 S. 17th Street
 - c. Class C Beer & B Wine – Hy-Vee Gas #5018, 636 Lincoln Way
 - d. Class C Beer & B Wine – K Mart #3971, 1405 Buckeye Avenue
 - e. Class C Beer – Doc's Stop No. 5, 2720 East 13th Street
 - f. Class C Liquor & B Native Wine – AJ's Ultra Lounge, 2401 Chamberlain Street
 - g. Class E Liquor, C Beer, & B Wine – Hy-Vee Food Store #1, 3800 W. Lincoln Way
 - h. Class E Liquor, C Beer, & B Wine – Hy-Vee Food & Drugstore #2, 640 Lincoln Way
 - i. Class C Liquor – Hy-Vee #1 Clubroom, 3800 W. Lincoln Way
5. Motion approving 5-day licenses for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue:
 - a. Class C Liquor (September 23-September 27)
 - b. Class C Liquor (September 29-October 3)
 - c. Class C Liquor (October 10-October 14)
 - d. Class C Liquor (October 18-October 22)
6. Motion approving 5-day (October 10-14) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard
7. Motion approving 5-Day (September 26-30) Class B Beer Permit & Outdoor Service for Bar at Zylstra Harley Davidson, 1219 McCormick Avenue

8. Motion approving 5-day (October 3-October 7) Class C Liquor License for Dublin Bay Pub at CPMI Event Center, 2321 North Loop Drive
9. RESOLUTION NO. 14-513 adopting and approving Supplement 2014-4 to *Municipal Code*
10. RESOLUTION NO. 14-491 approving 2014 Street Finance Report
11. RESOLUTION NO. 14-492 approving Engineering Services Agreement for Sanitary Sewer System Evaluation Planning and Design SRF Loan
12. RESOLUTION NO. 14-493 approving Detour Agreement for Iowa Department of Transportation 2015 Bridge Deck Overlay on Eastbound U. S. Highway 30 over Highway 69 (South Duff Avenue)
13. Requests for Campustown Action Association's Friday Afternoon in Campustown (FAC):
 - a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
 - b. Motion approving 5-day (October 10-14) Class B Beer Permit with Outdoor Service
 - c. RESOLUTION NO. 14-494 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 14-495 approving closure of Welch Lot T from 12:00 p.m. to 11:00 p.m., and waiving parking meter fees and enforcement
14. RESOLUTION NO. 14-496 setting October 14, 2014, as date of public hearing for vacating public utility easement located at 2810 - 2824 Wakefield Circle
15. RESOLUTION NO. 14-499 approving Agreement for Deferment of Sidewalk Installation with DB at Ames, LLC, for Copper Beech Apartment Project located at 712 South 16th Street
16. RESOLUTION NO. 14-500 approving preliminary plans and specifications for Replacement of Heating and Cooling System at Fire Station No. 3, setting October 22, 2014, as bid due date and October 28, 2014, as date of public hearing
17. RESOLUTION NO. 14-515 approving change in bid due date for Natural Gas Conversion Equipment, including Burners, Igniters, Scanners, Thermal Analysis, and Computer Modeling from September 24, 2014, to October 7, 2014
18. RESOLUTION NO. 14-501 approving contract and bond for City Hall Renovation - Phase 2
19. RESOLUTION NO. 14-502 approving contract and bond for Water Pollution Control Facility Digester Improvements
20. RESOLUTION NO. 14-503 accepting partial completion of public improvements and lessening security for South Fork Subdivision, 3rd Addition
21. RESOLUTION NO. 14-504 accepting final completion of public improvements and releasing security for South Fork Subdivision, 4th Addition
22. RESOLUTION NO. 14-505 accepting partial completion of public improvements and lessening security for South Fork Subdivision, 5th Addition
23. RESOLUTION NO. 14-506 accepting partial completion of public improvements and lessening security for South Fork Subdivision, 7th Addition (Marigold Extension)
24. RESOLUTION NO. 14-507 accepting completion of WPC Pump Replacement
25. RESOLUTION NO. 14-508 approving completion of Fleet Services Building Roof Replacement – Phase 1
26. RESOLUTION NO. 14-509 approving Plat of Survey for 3334 Lincoln Way
27. RESOLUTION NO. 14-510 approving Plat of Survey for 3707, 3711, and 3715 Marigold Drive
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUESTS FROM STUDENT ALUMNI LEADERSHIP COUNCIL FOR ISU HOMECOMING ON OCTOBER 4-10: Council Member Betcher said that she had asked to have a discussion of this item because she was concerned that the fireworks display was going to begin at Midnight. She thought that the noise from the firework shells at that time of the night could be quite bothersome for the surrounding neighborhood residents.

Evan Fritz and Matt Nelson, Co-Presidents of the 2014 Homecoming Central Committee, highlighted some of the Homecoming activities planned for the week of October 4 through 10.

Curt Beyer introduced himself as the Advisor for the Homecoming Central Committee. He explained that it had long been the tradition for the fireworks to be shot off at Midnight during the Mass Campaniling. According to Mr. Beyer, J & M Displays had been coordinating these fireworks displays for the past ten years. Mr. Beyer said that the fireworks will be a ground-effects show (all fired from the ground and none of the effects go any higher than the height of the Campanile). No aerial shells will be used. It was stated by Mr. Beyer, that although the application states from Midnight to 1:00 p.m., the actual display will actually only last between eight and ten minutes.

Council Member Betcher asked if the show could occur at 10:00 p.m. instead of Midnight. She again expressed her concerns about the noise from the fireworks carrying into the neighborhoods, specifically the South Campus Neighborhood. Mr. Beyer advised that the schedule had been set for quite some time. He again spoke of the long-standing tradition during Homecoming week to hold Mass Campaniling with fireworks at Midnight.

Council Member Goodman asked if next year's Homecoming Committee could consider holding the fireworks shoot earlier than Midnight. Mr. Beyer said that they could definitely consider the suggestion. Mayor Campbell added that that would allow the City to determine if noise complaints were received after this year's fireworks display.

Moved by Betcher, seconded by Corrieri, to adopt/approve the following:

- a. RESOLUTION NO. 14-497 approving closure of portions of Ash Avenue, Beach Avenue, Gable Lane, Gray Avenue, Greeley Street, Pearson Avenue, and Sunset Drive between 6:30 p.m. and 11:00 p.m.
- b. RESOLUTION NO. 14-498 approving closure of on-street parking on west side of Welch Avenue from Knapp Street to the south approximately 50 feet to allow for viewing of lawn display at 407 Welch Avenue
- c. Motion approving temporary obstruction permit for area inside street closures
- d. Motion approving Fireworks Permit for ground effects fireworks shoot on Central Campus at midnight on October 10

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

PUBLIC FORUM: John Shierholz, 2788 Copperstone Drive, Ames, stated that he was a representative of the Healthiest Ames group. According to Mr. Shierholz, Healthiest Ames will be hosting Mark Fenton, who is a nationally recognized consultant on public health, planning, and transportation, on October 3 at 3:30 p.m. in the City Council Chambers. Mr. Fenton's presentation will focus on walkable communities and provide an opportunity for discussion about the needs in Ames.

Representatives of the Government of the Student Body were present, as follows: Khayree Fitten, 2120 Lincoln Way, Ames; Hamad Abbas, 528 Welch Avenue, Ames; Michael Plantenberg, 528 Billy Sunday Road, Ames; and Evan Abramsky, 5354 Larch/Cessna, Ames. Mr. Plantenberg invited the Mayor and City Council to attend the "Meet Your Government Day," which will be held on Central Campus (just north of the Campanile) on October 15, 2014, from 11:00 a.m. to 1:00 p.m.

No one else came forward to speak, and Mayor Campbell closed Public Forum.

HEARING ON CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

(CAPER): Vanessa Baker-Latimer, Housing Coordinator, presented the Executive Summary of the 2013/14 CAPER. She reported that, of the \$1,185,041 budgeted, \$653,162 was expended 16% on housing-related activities, 68% on the neighborhood infrastructure improvements program activity, and 16% on program administration. Approximately \$101,650 of program income was generated from the sale and repayments of single-family homes sold through the Homebuyer Assistance Program. Overall, 545 low- and moderate-income households were assisted.

Mayor Campbell opened the public hearing. No one wished to speak and the hearing was closed.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 14-511 accepting the 2013/14 CAPER and authorizing its submittal to the Department of Housing and Urban Development.

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

HEARING ON INFORMATION TECHNOLOGY FIBER OPTIC DEPLOYMENT: At the inquiry of Council Member Goodman, City Manager Schainker explained that this will allow for the Water Pollution Control Plant, Fire Station 3, and the Animal Shelter to access the ITS network. The project also includes network connections to Fire Station 2 through the Ames Intermodal Facility.

Finance Director Duane Pitcher stated that the City had been looking for a way to network remotely located City facilities. In March 2013, the Council approved a 28E Intergovernmental Agreement with the Iowa Department of Transportation (IDOT) for the use of its Intelligent Transportation System network. The network was put into place to assist in traffic operations and information dissemination in and around the Ames area. The 28E Agreement also provided for City access to the ITS network for low-cost expansion of the City's network as well as access to data provided by the ITS. The City is responsible for the cost of connections between the ITS and City facilities.

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

Moved by Corrieri, seconded by Orazem, to adopt RESOLUTION NO. 14-512 approving final plans and specifications and awarding contract to Communication Innovators, Inc., of Pleasant Hill, Iowa, in the amount of \$74,518

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

HEARING ON 2012/13 STORM SEWER OUTLET EROSION CONTROL: Public Works Director John Joiner explained that the project is for re-stabilization of the creek channel at Pinehurst Drive in Green Subdivision, 5th Addition. When the project was bid on September 17, 2014, no bids were received. Plan holders gave two main reasons why they had not bid the project: they were too busy to perform the work or the relatively small amount of work was not cost-effective for them due to the distance that out-of-town bidders would need to travel. Mr. Joiner advised that Public Works staff is already working with staff from the Purchasing Division on alternatives.

The Mayor opened the public hearing and closed same after no one asked to speak.

Moved by Corrieri, seconded by Orazem, to accept the report of no bids and direct staff to evaluate

alternatives for accomplishing the creek stabilization this year.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON REZONING WITH REVISED MASTER PLAN FOR 601 STATE AVENUE:

Planning and Housing Director Kelly Diekmann stated that on August 26, 2014, the Council had voted 4-2 on the motion to approve the FS-RL rezoning with a Master Plan. That motion was not approved because approval required a three-quarters majority vote (5 affirmative votes) due to a valid protest of the rezoning petition being filed with the City. The City Attorney determined that, while the vote could not approve the rezoning in that particular form due to the filing of the protest, the action had not been a final denial of all options that would preclude the applicant from submitting a changed proposal.

According to Director Diekmann, on September 10, 2014, staff accepted a Revised Master Plan for the FS-RL rezoning request. The applicant has now included a signed Zoning Agreement and a signed Contract Rezoning request. Mr. Diekmann noted that the proposed zoning districts remain the same as originally submitted; however, the development details have changed since August. The changes were explained by Director Diekmann; most notably, the revised Master Plan is a reduction from the maximum of 17 net acres (will now be 14 net acres), a reduction in the number of dwelling units (now 140 dwelling units), and a reduction in the number of bedrooms (now at 420 bedrooms). Mr. Diekmann emphasized that final determination on design and layout and actual net acreage of development will occur at the time of subdivision review. That review may result in less net acreage and fewer units than the upper range reflected on the Master Plan. It was also noted that, with the approval of the Master Plan as submitted, the potential rerouting of the shared use path is conceptual at this stage and is still subject to approval of the City Council and approval of a subsequent subdivision.

The terms of the proposed Contract Rezoning Agreement were explained by Mr. Diekmann. The Agreement addressed three main items: (1) The parties agreed that the bike path shall be relocated upon mutual agreement. The relocation will be at the cost of the developer. If the path were to be relocated as identified on the Master Plan, agreement with Iowa State University to move the State Avenue crossing farther north to match the rerouted path and approval and granting of an easement by the Ames Community School District for the realignment of the path indicated on the Middle School property will both be required. (2) The maximum net developable acres for the property will be 14 acres, regardless of zoning, and may be less upon review of more specific project details and application of City standards for development of a site. (3) The developer will pay a proportionate share of intersection improvements at Mortensen and State Avenue, regardless of the type of improvement. The agreed-upon share is based on the number of trips through the intersection calculated from both the previously zoned Middle Parcel at 321 State and the subject South Parcel at 601 State Avenue.

Mayor Campbell opened the public hearing.

Michael Peterson, 3302 Morningside Street, Ames, advised that his home is adjacent to the South Parcel. He summarized the negative effects that the proposed student housing development would have on the overall area: increased flooding potential, severe reduction of wildlife species and habitat, and a decrease in the quality of life for those living in surrounding neighborhoods. In Mr. Peterson's opinion, the revised Master Plan had changed very little; it remained confusing and not specific. Mr. Peterson urged the Council to reject the applicant's proposal to zone any portion of the South Parcel as FS-RL. He asked the Council to support only RL zoning for the entire South Parcel. According to Mr. Peterson, RL would be in support of the desires of the citizens of Ames and would

be the best for Ames. He reminded the Council that its decision will set a precedent that will have long-lasting effects on the future orderly and sustainable development of the City of Ames.

Brian Torresi, DavisBrown Law Firm, pointed out that two agreements have been signed that restrict the development to 14 net acres, which was requested by the City Council. In addition, the developer has agreed to pay for 36% of the traffic improvement, regardless of what is installed. The Contract Rezoning pertains to the South Parcel as well as for off-site traffic improvements for the Middle Parcel. Both Agreements have been completed, signed, and submitted to the City. Mr. Torresi pointed out that the developer had agreed to the least-dense zone in accordance with the City's Land Use Policy Plan (LUPP). In Mr. Torresi's opinion, the developer had given the City everything it had requested. It was emphasized by Attorney Torresi that the Agreements are not giving the developers everything they wanted; they did not request the zoning that they are now agreeing to. Mr. Torresi told the Council that RL is not an option based on the underlying zone.

Tony Ramey, 425 Hilltop Road, Ames, read Article II of the Agreement. He said that it sounded like an "escape clause" to him. Mr. Ramey asked if that Article would allow the developer to circumvent any of the requirements of the Agreement. He would like that question to be addressed during the Council's discussion of this item. According to Mr. Ramey, for the neighborhood residents, it amounts to how many bedrooms are going to be built across all three Parcels and how many occupants will be allowed. He noted that if 420 would be allowed on the South Parcel, there would still be a total of approximately 800 across all three parcels. Mr. Ramey said it was his understanding that the Neighborhood would consider 500 across all three parcels to be reasonable. He asked if the City had the ability to lower the number of bedrooms to 200 on the South Parcel, so that the total would be closer to 500 for all three parcels. It was pointed out by Mr. Ramey that the developer had initially proposed 900 (400 on the South, 300 on the Middle, and 200 on the North), so to decrease that number to 800 was only a reduction of approximately ten percent. In Mr. Ramey's opinion, that is not a sufficient compromise compared to the concerns of the Neighborhood.

Sharon Stewart, 437 Hilltop Road, Ames, requested that the land be rezoned to RL, given the environmentally sensitive nature of the area, the traffic impacts, and the neighborhoods that surround it. She expressed her opinion that Breckenridge's development plan does not work at all with RL zoning and asked at what point Breckenridge would be told that its plan just does not fit in the RL zone. Ms. Stewart referenced *Municipal Code* Section 29.501, "Classification of Uses" and the standards for each principal use. She believes that Breckenridge's desired use is that of "boarding houses." According to Ms. Stewart, Breckenridge renters are "given a key to a bedroom, not a key to a house." She believes that it is a very different environment than that of a rental home. Ms. Stewart believes what Breckenridge is proposing is "group living," not "household living." In Ms. Stewart's opinion, the development should not be allowed to continue. Breckenridge's business model is that of a boarding house. She also referenced the precedent that would be set if the Council were to allow this type of development to occur.

Sarah Cady, 2812 Arbor Street, Ames, expressed her concerns about the impacts to traffic and parking if upwards of 800 new residents were allowed. She believes that there is a great likelihood that each resident would possess a vehicle. In the opinion of Ms. Cady, it is very unfair to place such a large additional traffic burden on the existing neighborhood. She urged the Council to vote to reject FS-RL zoning on the South Parcel and to move forward with a change to the LUPP designation to RL.

Robert Lorr, 233 Hilltop Road, Ames, stated that he has been a resident of 233 Hilltop Road, Ames,

for 40 years. He advised that he shared the concerns previously expressed by Ms. Cady. Mr. Lorr also noted the present lack of on-street parking in the area of Tripp Street. According to Mr. Lorr, there is also a lack of no-parking signage on the side streets near Tripp and Hilltop Road. He requested that the City Council vote against FS-RL and to vote for RL only.

Joanne Pfeiffer, 3318 Morningside Street, Ames, asked why the City Council would vote for anything except RL for the South Parcel or any part of the South Parcel; that is backed by the LUPP. She pointed out that development should be compatible with the existing single-family dwellings in the neighborhood. She also asked why the City Council members would allow the conservation area to be anything but the best in size and quality and why they would allow more traffic than what can be absorbed into the neighborhood. She urged the Council to only approve RL zoning for all of the South Parcel.

Kevin Korslund, 1625 Johnson Street, Ames, stated that he had previously contacted Council Member Gartin about the speed limit transitioning from 25 to 45 miles per hour (mph) on State Street. Mr. Korslund recommended a 35-mph speed limit for the transition zone. Although he is a regular commuter on State Street, he believes that this affects all residents of Ames who travel on State Avenue and other roads in the vicinity of the proposed development. Mr. Korslund urged the City Council to take the time needed to consider all the issues and get as much feedback as possible, not just from residents of the neighborhood, but from all residents of Ames.

Catherine Scott, 1510 Roosevelt, Ames, expressed her concerns about where the bike path would be located. She emphasized that the location needs to be resolved prior to a decision being made on any Agreement or rezoning.

Sharon Guber, 2931 Northwestern Avenue, Ames, pointed out that the Contract Rezoning Agreement “provides for a certain intensity of development on the South Parcel.” She noted that the staff report under “Findings of Fact,” No. 11, identifies that the City and developer had agreed to a 15% slope consideration for net acres. Ms. Guber pointed out that the City *Code* twice states that “anything greater than 10% slopes should be used to determine the net acres.” She questioned why there was that allowance to increase the number of units that could be allowed on that property. Ms. Guber showed a map for the proposed FS-RL zoning with 14 net acres. She also showed the same area with the removal of areas greater than 10% slopes. A map of the area if it were rezoned to RL was then shown. Ms. Guber stated that she did not see the need for the bike path to be moved and definitely did not want it moved to a very unsafe area of the flood plain. Another concern of Ms. Guber’s is that the proposed Master Plan asks for a range of units from 110 to 140. She pointed out that if ten net acres were used and if slopes greater than 10% were used, there would be 100 units allowed. Ms. Guber asked what would control the number of units – would it be the Master Plan or the subdivision controlling. Director Diekmann stated that the subdivision regulations would control. Ms. Guber reiterated her strong concern regarding the paragraph in the Contract for the Master Plan that states, “notwithstanding anything that is agreed to or in the *Code*, Ordinances, or Contract Agreements,” the developer can challenge or choose to state that “this does not apply.”

Fred Bradner, 1111 Stafford Avenue, Ames, believes that the least-dense development is best for the land in question. He questioned where the “yes” votes come from. He is trying to figure out where the positives are from the proposed Breckenridge Development.

Attorney Torresi explained that the “reservation of rights” clause does not mean that the developer will sign the Agreements and then not abide by them. According to Mr. Torresi, Breckenridge is reserving its rights to proceed with the pending litigation; however, the Contract Rezoning

Agreement “trumps that.”

Council Member Gartin referenced the testimony of Ms. Stewart and asked whether the definition of *family* would allow three unrelated persons to occupy one dwelling. Mr. Torresi stated that the tenants of each house will know each other, and they will each have a key to the house, not just a room. Ms. Stewart read the definition of “family” from the *Ames Municipal Code*. She defended her opinion that Breckenridge’s model is a boarding house, not a family unit. There is only the option to rent a bedroom; there is no option to rent an entire unit.

City Attorney Parks replied that she had not seen any terms of any lease that the tenants would need to sign. She noted the provisions contained in the City’s Rental Code, stating that it would not be allowed for the tenants to only access a bedroom; they cannot be locked out of the common spaces, kitchen, etc. Ms. Parks stated her legal opinion that the Breckenridge model is for family living, rather than group living or a boarding house.

After there was no one else wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Betcher, to deny the request for rezoning of approximately 29 acres of land located at 601 State Avenue from “S-GA” (Government/Airport) to “RL” (Residential Low Density) and “FS-RL” (Floating Suburban Residential Low Density).

Council Member Nelson stated that he would prefer to vote on the applicant’s request to rezone to FS-RL. The Mayor noted that five votes to rezone as the applicant had requested would be needed due to a valid protest being filed. It was apparent that, by the previous motion, there would not be five votes in favor of rezoning 601 State Avenue as the applicant had requested.

Vote on Motion: 5-1. Voting aye: Betcher, Corrieri, Gartin, Goodman, Nelson. Voting nay: Orazem. Motion declared carried.

Director Diekmann advised that, with the motion to deny the application, the applicant may not submit a substantially similar zoning amendment request for 12 months, as prescribed by Section 29.1507 of the *Ames Municipal Code*.

DISCUSSION OF REZONING 601 STATE AVENUE TO RESIDENTIAL LOW DENSITY (RL):

Director Diekmann recalled that, at its September 9 meeting, the City Council directed staff to prepare a report explaining the process to rezone the entire 29 acres of 601 State Avenue to Residential Low (RL) density. It was explained by Mr. Diekmann that the site currently has two designations on the LUPP Map with a Residential Low designation north of College Creek and a Village/Suburban Residential designation represented south of College Creek. A Greenway designation also exists over the site in support of the natural areas of College Creek and the City’s multi-use path through the property.

According to Director Diekmann, the City’s process for rezoning is part of *Ames Municipal Code* Section 29.1507. In addition, Chapter 414.4 of the *Code of Iowa* describes the process and is incorporated by reference into the *City Code*. Mr. Diekmann advised that the City Council, on its own initiative, could amend or change the districts and Zoning Map. The process was explained. Mr. Diekmann emphasized that approval of a zoning amendment must be in the public’s interest of promoting health, safety, and general welfare. In addition, the *Code of Iowa* also requires a zoning decision to be consistent with a Comprehensive Plan. Mr. Diekmann also noted that, prior to pursuing a change in the zoning of the subject area to RL, the City Council must first decide whether

or not to amend the LUPP and Future Land Use Map because the boundaries of the Future Land Use Map are general in nature and not parcel-specific. Because of the general nature of the boundaries, the City Council would need to consider the goals, objectives, and text of the LUPP to determine if a zoning amendment is consistent with the LUPP. In this case, because of the neighboring existing single-family development, RL zoning could be interpreted to be consistent with the existing LUPP, and no minor amendment is needed to the LUPP Map. It could also be interpreted, however, to support the FS-RL zoning and could warrant consideration of a minor LUPP amendment prior to rezoning to RL.

Council Member Betcher said she has concerns about the number of Government/Airport zoning districts currently existing throughout the City and how many of them could conceivably come into question if they are sold. She believes that, if the boundaries are in question and this parcel is rezoned, the boundary would just be moved and the question still exists as to whether the overlay would result in the outcome that was expected by the community. Ms. Betcher sees this as related to the discussion Council wants to have regarding densities in neighborhoods and the need for single-family residences.

Council Member Orazem pointed out that one of the upcoming tasks for the staff and Council is an overall review of the LUPP. Ms. Betcher agreed, but reiterated that the issue is not just 601 State.

Moved by Orazem, seconded by Nelson, to direct staff to proceed with a map amendment to the LUPP along with rezoning of 601 State.

Council Member Goodman said that he does not want the discussion to pertain only to 601 State. He wants the actions to pertain to all government land. According to Mr. Goodman, the current zoning for New Lands does not yield the Council's desired result, which is having housing stock. He pointed out that if the Council does not think more broadly, this issue could occur in any of the government lands where there is FS-RL and could again have unintended and unanticipated consequences.

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

DISCUSSION OF CONCEPTS FOR 28E AGREEMENT WITH THE GOVERNMENT OF THE STUDENT BODY (GSB) TO ESTABLISH JOINT TASK FORCES: Management Analyst Brian

Phillips stated that the City and the GSB are looking at ways to make the Student Affairs Commission more effective. It appears that the Commission suffers from some structural problems, and after conversations were held with the Mayor and students, concepts for other alternatives have been suggested. One of the concepts would be to establish an agreement between the Government of the Student Body and the City. That agreement calls for ad hoc task forces to be established to develop issues of interest to both the City and the students.

Hillary Kletscher, 121 Beach Avenue, Ames, introduced herself as the current Student Body President at ISU. Ms. Kletscher advised that students want to partner with the City and its residents about the things that each is most passionate. Ms. Kletscher stated her support for the preparation of a 28E Agreement; however, is not in favor of repealing the current ordinance pertaining to the Student Affairs Commission. She believes that the option to repeal the Ordinance would still exist, but wants the Task Forces to be in place for a year to see if that model is more beneficial. Mayor Campbell pointed out that there has been difficulty in getting a quorum at the SAC. She inquired whether the Ordinance could remain on the books, but not necessarily enforced.

Ex officio Member Lissandra Villa said that one of the concerns of the GSB is that there is no guarantee that an Ordinance would be adopted again if the current Ordinance were repealed.

Mayor Campbell pointed out that the idea of a 28E Agreement surfaced from “brainstorming sessions” held among Ms. Kletscher, Lissandra Villa, Brian Phillips, and her.

Council Member Goodman said that he was in no way wanting to do away with the Student Affairs Commission. He suggested that the Ordinance that created the Student Affairs Commission be “tweaked” to perhaps lower the numbers of representatives serving on the Commission.

Council Member Orazem asked what the 28E Agreement would do that the Student Affairs Commission Ordinance does not. Management Analyst Phillips replied that it would allow for more flexibility than the current Student Affairs Commission Ordinance and would require a lower number of people to be involved.

City Manager Schainker said that a future discussion would have to occur on whether the Task Forces would be a body of the City itself; and therefore, subject to the Open Meetings Law.

Council Member Corrieri asked if a year was a long enough time frame to determine if the Task Forces were working. Ms. Kletscher replied that a year would allow for work to begin right away and have the same students involved for a year at a time.

Statistics were provided by Mr. Phillips as to the number of meetings when there was a quorum present. Given those statistics, Council Member Gartin asked if there was enough interest in even having a Student Affairs Commission. Mayor Campbell explained that she had had a very difficult time finding residents to serve on the Commission. Mr. Phillips pointed out that membership is very specifically defined, and finding people who meet the criteria and who are interested in serving on the Commission has been a challenge.

Moved by Goodman, seconded by Nelson, to direct staff to prepare a 28E Agreement outlining the four concepts proposed by the GSB and retain the Student Affairs Commission Ordinance in the *Municipal Code*. After one year under the 28E Agreement, City staff would bring back to the City Council a discussion about repealing or modifying the Student Affairs Commission Ordinance.

Council Member Gartin asked for direction from the Mayor as to what the Council members could do to make the Commission more viable.

Moved by Goodman, seconded by Nelson, to amend the motion to include direction to staff to explore ways to improve the Commission’s viability.

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

Vote on Motion, as amended: 6-0. Motion declared carried unanimously.

ECONOMIC DEVELOPMENT TAX EXEMPTION INCENTIVE AGREEMENT WITH WORKIVA: Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 14-514 approving the Economic Development Tax Exemption Incentive Agreement with Workiva.

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

ORDINANCE REZONING QUARRY ESTATES SUBDIVISION: Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance rezoning Quarry Estates Subdivision from

Agricultural (A) to Floating Suburban Residential Low-Density (FS-RL) and Floating Suburban Residential Medium-Density (FS-RM).

Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE AMENDING FLOOD PLAIN ZONING REGULATIONS: Moved by Corrieri, seconded by Goodman, to pass on second reading an ordinance amending the Flood Plain Zoning Regulations contained in *Municipal Code* Chapter 9.

Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE PERTAINING TO PARKING REGULATIONS ON NEW STREETS AND CORRECTIONS AT VARIOUS LOCATIONS: Moved by Nelson, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4194 pertaining to parking regulations on new streets and corrections at various locations.

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

ORDINANCE DESIGNATING PARKING RESTRICTIONS AND LOADING ZONE ON ASPEN ROAD: Moved by Goodman, seconded by Orazem, to pass on third reading and adopt ORDINANCE NO. 4195 designating parking restrictions and a loading zone on Aspen Road.

Roll Call Vote: 4-0-2. Voting aye: Betcher, Gartin, Goodman, Orazem. Voting nay: None. Abstaining due to conflicts of interest: Corrieri, Nelson. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Moved by Orazem, seconded by Goodman, to refer to staff for a memo the request for a text amendment pertaining to the height of a steeple from Pastor Abel of the Heartland Baptist Church.

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

City Manager Schainker brought the Council's attention to the memo from staff pertaining to the request of U-Haul for a LUPP Amendment to allow it to expand at 710 South Duff Avenue. Mr. Schainker noted that staff was still awaiting Council direction.

Moved by Goodman, seconded by Corrieri, to direct staff to respond to the requesting party U-Haul that the Council is not in favor of allowing General Industrial zoning on South Duff Avenue.

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

Ex officio Member Villa reminded the Mayor and City Council members of their Joint CC/GSB meeting, which will occur on October 8 at 7:00 p.m.

Council Member Goodman pointed out that the City is receiving more requests for RH zoning, but it currently has no lands zoned RH. He asked if discussion on that subject was going to be pulled into the discussion of the LUPP. Director Diekmann noted that the Council had given some direction on that when it set the priorities for the Planning and Housing Department. The question is about multi-family housing. Council Member Goodman did not believe that there would be any benefit to rushing discussions on RH requests unless the Council is ready to tell the applicant to wait six to nine months on its RH development until the Council has a discussion on it.

Moved by Goodman, seconded by Corrieri, to direct that staff put on a future City Council agenda a discussion on housing with an emphasis on RH pressure and LUPP changes that might come with that.

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

CLOSED SESSION: Moved by Gartin, seconded by Corrieri, to hold a Closed Session as provided by Section 21.5c, *Code of Iowa*, to discuss matters pending and in litigation.

Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting reconvened in Regular Session at 10:00 p.m.

ADJOURNMENT: Moved by Goodman, seconded by Corrieri, to adjourn the meeting at 10:01 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor