

**MINUTES OF THE REGULAR MEETING OF THE
AMES CONFERENCE BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JANUARY 12, 2016

REGULAR MEETING OF THE AMES CONFERENCE BOARD

The regular meeting of the Ames Conference Board was called to order by Chairman Ann Campbell at 5:30 p.m. on January 12, 2016. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. Story County Board of Supervisors present were Wayne Clinton and Rick Sanders. Representing the Ames School Board were Lewis Rosser and Bill Talbot. Gilbert Community School District and United School District were not represented.

MINUTES OF JULY 28, 2015, MEETING OF THE CONFERENCE BOARD: Moved by Sanders, seconded by Corrieri, to approve the minutes of the July 28, 2015, Meeting of the Ames Conference Board.

Vote on Motion: 3-0. Motion declared carried unanimously.

ASSESSOR'S BUDGET PROPOSALS: Ames City Assessor Greg Lynch highlighted information from the City Assessor's 2016/17 Annual Report.

It was noted by Mr. Lynch that two new appraisers, Don Wacker and Chris Malloy, were hired in December 2015. One position remains vacant, which is the Information Technology position.

Mr. Lynch also brought the Board's attention to Page 4 of the Report, which showed assessed and taxable values. According to Mr. Lynch, the 6.4% increase is the largest in the six years that he has been the Assessor. It means that there has been a lot of growth in the City.

The recommendation is for a 3% increase in staff salaries. Mr. Lynch publicly thanked his staff for their hard work in getting the assessment letters out. It was pointed out that in FY 2016/17, there will be 27 Pay Periods, instead of the normal 26 Periods. Supervisor Sanders noted that the percentage of change between the Proposed and Current Budget at 3.2% is a bit deceiving; it would be more like 1.7% without that 27th Pay Period. According to Mr. Lynch, there had been a significant increase in insurance costs.

Moved by Clinton, seconded by Rosser, to approve the recommendations of the Assessor's Report. Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Sanders, to receive the proposed budget (adoption of the budget will occur after the hearing is held).

Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Sanders, to set 5:30 p.m. on February 23, 2016, as the date of public hearing on the proposed FY 2016/17 City Assessor's budget.

Roll Call Vote: 3-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Rosser, seconded by Gartin, to adjourn the Ames Conference Board at 5:48 p.m.

Vote on Motion: 3-0. Motion declared carried unanimously.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 5:51 p.m. on February 12, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

Mayor Campbell announced that she was appointing Peter Orazem to serve as Mayor Pro-Tem for 2016.

CONSENT AGENDA: Moved by Gartin, 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 December 22, 2015
3. Motion approving Report of Contract Change Orders for December 16-31, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor & Outdoor Service – Oddfellows, 823 Wheeler Street
 - b. Class C Beer & B Native Wine – Casey’s General Store #2560, 3020 S. Duff Avenue
 - c. Special Class C Liquor – Vesuvius Wood-Fired Pizza, 1620 S. Kellogg Avenue
 - d. Class A Liquor – American Legion Post #37, 225 Main Street
 - e. Class C Liquor & Outdoor Service – Chipotle Mexican Grill, 435 S. Duff Avenue, #102
 - f. Class C Liquor – Café Beau, 2504 Lincoln Way
 - g. Class C Liquor - Hy-Vee Market Place, 3800 Lincoln Way
5. Motion approving 5-day (January 14-18) Class C Liquor License for Olde Main at CPMI Event Center, 2321 North Loop Drive
6. Motion approving 5-day (January 13-17) Special Class C Liquor License for Olde Main at Hansen Agriculture Student Learning Center, 2516 Mortensen Road
7. Motion approving 5-day (January 29-February 2) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
8. Motion approving Class C Liquor License for 1 Night Stand, 124 Welch Avenue
9. Motion approving Encroachment Permit for sign at 220 Main Street
10. RESOLUTION NO. 16-001 approving and adopting Supplement No. 2016-1 to *Municipal Code*
11. RESOLUTION NO. 16-002 approving Quarterly Investment Report for period ending December 31, 2015
12. RESOLUTION NO. 16-003 approving appointment of Council Member Beatty-Hansen to Ames Convention & Visitors Bureau Board of Directors
13. RESOLUTION NO. 16-004 approving application for procurement card for Council Member Beatty-Hansen and setting transaction limit
14. Title VI Compliance:
 - a. RESOLUTION NO. 16-005 approving Title VI Non-Discrimination Agreement with Iowa Department of Transportation (DOT)
 - b. RESOLUTION NO. 16-006 approving Standard DOT Title VI Assurances
 - c. RESOLUTION NO. 16-007 approving revisions to Ames Title VI Compliance Plan
15. RESOLUTION NO. 16-008 approving request from HIRTA to draw down FY 2014/15 Transportation Funds
16. Public Art Commission:
 - a. RESOLUTION NO. 16-009 approving 2014/15 Budget carry-over request
 - b. RESOLUTION NO. 16-010 authorizing Animal Control artwork acquisition
 - c. RESOLUTION NO. 16-011 approving “Art in the Parks” Request for Proposals for Tom Evans Plaza
17. RESOLUTION NO. 16-012 approving plans and specifications for Ames/ISU Ice Arena Flooring Project; setting February 16, 2016, as bid due date and February 23, 2016, as date of public hearing

18. RESOLUTION NO. 16-013 correcting amount of contract to Henderson Products, Inc., of Manchester, Iowa, for Medium-Duty Truck Upfitting Bid
 19. RESOLUTION NO. 16-014 approving contract and bond for Ames/ISU Ice Arena - 2015 Evaporative Condenser Replacement
 20. RESOLUTION NO. 16-015 approving actual amount of contract for final acceptance of 2014/15 Traffic Signal Program (Lincoln Way and Union Drive)
 21. RESOLUTION NO. 16-016 approving Plat of Survey for 101, 105, 107, and 205 South Wilmoth Avenue
 22. RESOLUTION NO. 16-017 accepting partial completion of public improvements and lessening security for Northridge Heights, 16th Addition
 23. RESOLUTION NO. 16-018 accepting partial completion of public improvements and lessening security for Northridge Heights, 17th Addition
 24. RESOLUTION NO. 16-019 accepting partial completion of public improvements and lessening security for Scenic Valley, 1st Addition
 25. RESOLUTION NO. 16-020 accepting final completion of public improvements for Ames Middle School, Plat 3
- 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: Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, said that he would be speaking on what he believes is the “woeful” way in which the public is notified on matters concerning the industrial area east of I-35. Mr. Pfannkuch clarified that he was not putting the blame on City staff; he believes it is the Council who is responsible. He read an excerpt of the Minutes referencing the meeting on the Capital Improvements Plan, wherein it did not show any discussion occurring at that meeting on the extension of utilities east of I-35. Mr. Pfannkuch asked who was going to go out to the industrial area east of I-35. He wanted to know what strategy has been developed for the Industrial Park. He shared that he was opposed to large corporations that try to figure out a way to avoid taxes. It was stated by Mr. Pfannkuch that he did not elect the Ames Economic Development Commission (AEDC), but the Council members are elected by Ames residents. He noted that the AEDC has not had a very good track record of supporting the items that Ames residents support. Mr. Pfannkuch advised that he wants no public money spent on the industrial area east of I-35 until the Council airs the whole thing publicly so that all residents know what might be going on there and what they are supposed to do.

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

LAND USE POLICY PLAN (LUPP) MINOR MAP AMENDMENT FOR 3535 S. 530TH AVENUE: City Planner Ray Anderson gave a brief presentation explaining the request by Hunziker Development Company for an amendment to the LUPP Future Land Use Map. He noted that the City Council, on August 25, 2015, had directed that a Minor Amendment process be followed for the amendment.

Mr. Anderson reported that the subject property includes approximately 20 acres. It was recently approved for voluntary annexation. It is currently designated as Village/Suburban Residential, as is the case with newly annexed land. The land is located west of University Boulevard (S. 530th Avenue) and the ISU Research Park and south of the Wessex development. The Wessex apartments were developed as a medium-density Planned Unit Development of approximately 12 units/net acre. The existing uses abutting the site are either open areas or large-lot rural residential homes.

According to Mr. Anderson, the applicant requests a change in the land use designation of approximately 50% of gross site area of the property from Village/Suburban Residential to High-Density Residential in order to ultimately rezone the site to Residential High-Density Residential for

multi-family housing. The remainder of the site would be Village/Suburban Residential with the intent of the development to seek RS-RM zoning. Cottonwood Road would extend through the north end of the site and connect to University Boulevard. An additional public street circulating to the south would also be planned for the property at the time of development.

Mr. Anderson stated that the developer wishes to have the option to construct apartment buildings in a variety of sizes, ranging from eight- to 12-unit structures in the Village/Suburban Residential portion of the site to 36-unit structures in the High Density Residential portion. The 36-unit buildings could only occur within a PRD zoning district with a Major Site Plan approval or under the desired RH zoning. The developer originally applied for 100% of the site as Residential High Density. Since the Planning and Zoning Commission meeting in November, the developer has revised their request for High-Density Residential to approximately 50% of the site. The developer is modifying their initial request in order to bring it more in line with staff's recommendation to the Planning and Zoning Commission. Staff previously had recommended that the entire site not be designated High-Density Residential and that a medium-density transition area was needed to the west for future compatibility with low-density development anticipated to the west. Staff did not anticipate that future low-density development would be proposed to the east as it was situated near the ISU Research Park and would warrant consideration of a high level of use. It was noted that the Planning and Zoning Commission, at its meeting in November 2015 recommended, by a vote of 4-2, to deny the request for High Density on any part of this property.

Council Member Gartin asked how many jobs are projected in the Research Park. Director Diekmann stated that it is projected there will be 2,000 - 3,000 new jobs created; with the expansion of the Park over many years, it is projected to be around 5,000.

It was also asked if the roads in the area have the capability to handle the transportation demands due to the proposed housing development. Director Diekmann replied that University Boulevard is being improved. In the long term, signalization at the major intersections will be improved. Shared use paths and sidewalks have been or will be improved. It is not possible to forecast any expansion in CyRide routes at this time.

At the question of Council Member Betcher, Mr. Diekmann explained some of the components of the conversation that had occurred by the Planning and Zoning Commission that led to its ultimately recommending no R-H zoning. He noted that the Commission Action Form information was slightly different than what was provided to the Council. At the time of the Planning and Zoning Commission meeting, staff was still advocating for a medium-density designation.

Kim Townsend, 2609 Timberland Road, Ames, asked Planning representatives if the City planned to use eminent domain against the consortium who bought the Christofferson Farm. Director Diekmann stated that that had never been discussed. Ms. Townsend stated that if that is not the case, the City doesn't really have an adequate east-west thoroughfare to get to all the apartments that the developer is proposing. She presented a Power Point to illustrate the lack of style and fit that the proposed development would have at the location being planned by the developer. She gave examples of the "massive" Village Co-Op, which is right across the street from her home, and the Laverne Apartments, which is approximately 15 feet from the Ames Christian School. Another issue is the increased density on Oakwood/University intersection that would occur with the proposed development. Ms. Townsend told the Council that the current residential property owners do not want any more apartments in the area.

Lora Larrance, 3549 - 530th Street, Ames, advised that her family just purchased their home last spring from Hunziker. Although Hunzikers have stated that all the neighbors were contacted, she was never contacted by them. Also, they were told that the area would be developed with a similar type of development as what was there, which also is not the case. Her main concern is increased density. They also don't know who is going to own the complexes. She was also told that there will be no transition or buffer on the east/southeast side next to current homes, which is a large concern for her. In her opinion, this area would be better served by single-family homes because she believes that is what will be desired by those working across the street at the Research Park. Ms. Larrance noted that the report did state that a traffic analysis would be done later, but it is evident to her at this point that, due to the number of units, a second access will be needed. She pointed out the actions taken by the Planning and Zoning Commission and asked the Council to deny the request as well.

Daniel Fuchs, 3581 - 530th Avenue, Ames, noted that he had sent some of his concerns to some of the Council members. He shared additional concerns that he has. The concept is no different than what was presented at the Planning and Zoning Commission. Mr. Fuchs advised that a Commission member who is a professor of Community and Regional Planning at Iowa State University (ISU) stated at the Planning and Zoning Commission meeting that RH on the fringe is not a good development policy. Mr. Fuchs pointed out that Mr. Winkleblack had stated that all property owners on the east side are okay with the proposed development. However, he had asked the property owners on the east side, and there is not one who is in favor of the proposal. Mr. Fuchs also noted that the application had asked the developer to demonstrate why the designation should be changed and why the site cannot be reasonably developed under the current designation. He indicated that the developer did not justify the reasons other than they wanted to build bigger buildings. Mr. Fuchs pointed out that at a workshop held by the Council, it was stated by staff that the City can meet all the future housing demands without any more high-density zoning. According to Mr. Fuchs, that was resolved prior to the property in question being purchased by Hunziker. It was requested by Mr. Fuchs that the Council uphold the vision of the Planning and Zoning Commission. In his opinion, the only option would be to approve Option 2, which is to deny the proposed LUPP amendment.

Justin Dodge, Hunziker Development, 105 S. 16th Street, Ames, said that the developer had looked at the location in question and felt it was the perfect fit for apartments and condos for those working at the Research Park. The Research Park will be a major employment center for the City; although it appears to be on the fringe, it will be a hub of activity. The developer had amended its request to match what was being recommended by City staff. According to Mr. Dodge, it was stated at the Planning and Zoning Commission meeting that Hunziker Development might sell off a parcel of land. Mr. Dodge noted that, even if that happens, Hunzikers will still have control over the development. He asked for the Council's support of Option 1, which is to approve the requested amendment to the LUPP Future Land use Map.

Council Member Gartin pointed out that some of the residents who had spoken at this meeting had alleged that Hunziker Development had not reached out to them. He asked the developer to address that allegation. Chuck Winkleblack, 105 S. 16th Street, Ames, representing Hunziker Development Co., said that he did meet with Dan Fuchs. In fact, he believed that Mr. Fuchs and his wife had come to his office. According to Mr. Winkleblack, Ms. Larrance did not own the property at that time, so he did not meet with her. Mr. Winkleblack commented that Hunziker Development Co., has a good track record of meeting with residents when development in their area will be proposed; not necessarily to get their support, but to inform them of what they are proposing so that the current residents are not surprised.

Ms. Townsend again spoke, showing what they were told by Friedrich in 2005 would be built and what they actually got. She said she no longer trusts developers. Ms. Townsend said that neighborhood

residents spent years and years “negotiating” with Friedrich over what would be built and now they are at this point.

Council Member Betcher read an excerpt from the Council Action Form under the City Manager’s Recommendation, stating that “Developing this property with apartments would meet a near-term need for multi-family housing options, but must be done in a manner that supports single-family development to the [west] of this property and would not be viewed as a negative towards development of single-family homes in the future. Ms. Betcher concurred that, in 2014, staff indicated that there was no further need for RH-zoned property. Director Diekmann advised that at the Council’s meeting held last September, staff attempted to capture the real numbers for single-family and apartment units. It was stated that the City had capacity for approximately four years of RH development. He pointed out that there is not a lot of “workforce housing” being built.

Ms. Larrance told the Council that an email had been sent to representatives of the Research Park about its planned work force with its expansion and the need for housing. Its response indicated that the City’s numbers are substantially higher than what they were forecasting.

Council Member Gartin offered that there are a lot of things that make this development very attractive. This is going to impact the housing to the east, but not in a negative way.

Council Member Orazem wanted it noted that if this area is not going to be developed, all of the traffic is going to come south on University and have to go through the roundabout. He feels this will be a transportation issue. Council Betcher pointed out that this is what she is worried about because not all the people living in the proposed development will work at the Research Park and will have to exit the area. She noted that apartments are still allowed under FS-RM zoning, just not as many.

Ms. Beatty-Hansen said that she had concerns that the developer’s letter did state that it had the support of the neighborhood residents; however, that appears not to be the case. She cautioned that that is misleading. Ms. Beatty-Hansen said she does not see why the developer cannot use the current zoning to create a very nice development.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-021 approving an amendment to the Land Use Policy Plan Future Land use Map to change the land use designation of approximately 50% of the gross site area for the property located at 3535 S. 530th Avenue from Village/Suburban Residential to High-Density Residential.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

DEMOTION REQUEST FOR 138 GRAY AVENUE (ACACIA FRATERNITY): City Planner Charlie Kuester informed the Council that Acacia Fraternity at 138 Gray Avenue is seeking approval to demolish its existing Greek house in order to construct a new fraternity. The current house was constructed in 1920 and has been a fraternity off and on since then. The zoning of the property is High Density Residential. In addition, it has the East University Impacted Area Overlay District, which requires City Council approval prior to demolition of any structure currently or formerly used by a Greek organization. The Acacia House currently accommodates 29 of its membership of 45 men. A larger number of its members wish to live in the House so the Corporate board of the Acacians seeks to demolish the structure and build another one to accommodate 42 members and improve the common and amenity space of the House. Mr. Kuester noted an error in the Council Action Form wherein it states “43 members;” it actually should state “42 members.”

Mr. Kuester explained what it would take to modernize the structure and add a floor. Remodeling and expansion (by adding another floor) of the existing structure would still not provide the capacity that the board desires. An expanded building would still not provide the amenity space (study areas, dining areas, project workspace, and storage areas). Additional parking to accommodate the new residents is not possible due to the orientation of the existing footprint of the building. A remodeled house would remain relatively energy-inefficient. A new structure would increase the capacity to 42 residents, provide study areas separate from sleeping areas, have a diningroom with a capacity of 50, allow an increase in parking spaces, and be more energy-efficient.

According to Mr. Kuester, staff is recommending that the fraternity get an approved site plan prior to any Demolition Permit being issued; that is not a requirement, however. The building is not registered on the Register of Historic Structures nor is there any indication that it would qualify for same.

Planner Kuester reported that the City has approved two Demolition Permits for Greek houses in the recent past; it has approved three total. Greek houses were re-built on two of the three sites.

Council Member Gartin said that there are not a lot of criteria or standards to assist the Council in making a decision on cases like this. He asked how an applicant proves that it will be deprived of a reasonable use of, or economic return on, the property. Director Diekmann pointed out the approach used by Delta Tau Delta to show the lack of a reasonable economic return.

Ex officio Member Sam Schulte believes that the Fraternity has met the finding of economic hardship. Director Diekmann explained the standard and said it was not about maximizing the use on the site.

Jeremy Davis, 711 Beach Avenue, Ames, representing Acacia Fraternity at 138 Gray Avenue introduced Mike Stott, principal architect chosen for this property; Don Jared, a member of the Chapter; and Ben Dirks, the current Chapter President. Mr. Davis gave a presentation explaining the Corporate Board of the Acacians, which is a not-for-profit corporation founded originally in 1909. He noted that the current Chapter House in its present state would likely not be able to sustain itself for the long-term (next to 50 75 years) viability of the undergraduate classes. With a 1920 building, energy efficiency is a concern, and those costs will continue to increase. Mr. Davis gave the advantages and the disadvantages of renovating and expanding the current structure. He also listed the advantages and disadvantages of tearing down the existing structure and replacing it with a new structure. The only disadvantage of building a new structure on the site was the higher construction cost. A feasibility study was conducted; the specific findings were given. Proposed interior and exterior design plans were shown.

Council Member Nelson asked about proposed contributors. Mr. Davis responded that 81% of Chapter alumni indicated a willingness to contribute towards a new structure, but only 50% would be willing to contribute towards renovation of the present building.

Ms. Betcher asked Mr. Davis if the Chapter Board had considered selling the property and purchasing another property. Mr. Davis stated that there are no properties in the Greek area currently available. They want to stay in the area of the City that is designated for Greek houses.

Council Member Betcher expressed her opinion that the reason that the Council is called into this process at all is because there is "something special" about the Greek area. She believes that the City Council should err on the side of caution. She does not see the financial hardship; the fraternity could continue to be used in its current capacity for right now. Ms. Betcher said that she does not see a reason for this Council to discuss this now if construction is eight to ten years down the road.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-022 approving the demolition request of the Greek residence at 138 Gray Avenue with the following conditions:

1. A Minor Site Development Plan is approved by the Director of Planning and Housing before a Demolition Permit is issued.
2. An application for a Building Permit consistent with the building elevations and floor plans submitted with the Minor Site Development Plan (as represented by Exhibit E) is submitted before a Demolition Permit is issued.
3. Approval of the demolition request is valid for the life of the Minor Site Development Plan Permit SDP-15-44 approval (for two years with a one year extension).
4. Proof of financing for the construction of the new structure submitted for review and acceptance by the Planning and Housing Director (e.g., a letter or loan document from a financial institution that is willing to make a loan on the construction of the project).

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

The meeting recessed at 8:06 p.m. and reconvened at 8:14 p.m.

CONSULTING SERVICES CONTRACT FOR LINCOLN WAY CORRIDOR PLAN: Director Diekmann recalled that the City Council had prioritized for the Planning Division the creation of a Lincoln Way Corridor Plan as an opportunity to study how the City can meet the potentially competing interests of select infill opportunities, maintaining core neighborhoods, mobility improvements, and streetscape enhancements. Council had directed staff to issue a Request for Proposals for a consultant to prepare a corridor plan for Lincoln Way.

The Council was told that the City had received a contract signed by the proposed consultant, Houseal Lavigne Associates of Chicago, Illinois. The Council's attention was brought to the Scope of Services contained in the contract. A summary was given of the key components of the contract by Mr. Diekmann.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-023 approving the Consulting Services Contract to Houseal Lavigne Associates of Chicago, Illinois, for the Lincoln Way Corridor Plan in the amount of \$86,140.

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

LEASE AGREEMENTS WITH IOWA STATE UNIVERSITY FOR PARKS: City Manager Steve Schainker told the Council that five of the park leases with Iowa State University expired on March 1, 2015; however, prior to that date, the City Council approved an amendment for each that extended the lease through January 31, 2016. The five parks involved are Brookside, Franklin, McDonald Woods, Stuart Smith, and Zumwalt Trail Railroad Park.

According to Mr. Schainker, staff met with Iowa State University representatives regarding renewing the leases for 50 years and both parties are in agreement. The lease agreements are generally the same; however, there are a few changes. One of those changes is that the lease term will go from 30 years to

50 years. The other minor changes were reviewed by Mr. Schainker.

Moved by Gartin, seconded by Nelson, to adopt the following:

1. RESOLUTION NO. 16-024 for Brookside Park
2. RESOLUTION NO. 16-025 for Franklin Park
3. RESOLUTION NO. 16-026 for McDonald Woods
4. RESOLUTION NO. 16-027 for Stuart Smith Park
5. RESOLUTION NO. 16-028 for Zumwalt Rail Road Park

which extends the Leases through January 31, 2066.

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

HEARING ON AMENDMENT TO CAMPUSTOWN URBAN REVITALIZATION PLAN (Continued from 12/08/2015): Director Diekmann provided a summary of what had occurred at the December 8, 2015, City Council meeting. The Council had requested additional information before making a decision on enacting an amendment to the Plan. Staff was directed to seek input from the Campustown Action Association (CAA) regarding the standards for Non-Formula Retail occupancy requirements and for staff to discuss with the City Assessor if tax abatement could be split for different assessment classifications on a single property. Mr. Diekmann advised that the CAA had provided a letter in support for the Non-Formula Retail percentage requirements and occupancy standards, as recommended by staff on December 8. Staff also visited with City Assessor Greg Lynch. Mr. Lynch believes that he is able to apply a property tax exemption to each individual classification on a property if Council were to approve an exemption for property and pass such a determination onto the Assessor, as required by statute. Mr. Diekmann emphasized that even with dual use classification on a property, it would still be important that an entire building be completed before the City Council determines if an individual use is qualifying real estate for tax abatement.

Mayor Campbell announced that this hearing had been continued to this date from the meeting of December 8, 2015, and as such, was still open.

Russell Broderick, Gilbane Development, 2311 Chamberlain, Ames, asked Council to also consider the project at 2311 Chamberlain when it considers the request for the 2320 Lincoln Way project. According to Mr. Broderick, on June 9, 2015, staff indicated to Gilbane that it would be able to apply for prior approval of the project at 2311 Chamberlain, which would allow the project to fall under the prior standards. On December 22, 2015, Gilbane filed its formal application and was told that the City Assessor said that the prior approval was invalid. Mr. Broderick asked that the new standards apply to those projects asking for abatement in 2017.

Council Member Gartin noted that the tax abatement appears to be contingent on the developer hitting certain targets for Non-Formula Retail usage. He asked if it would be possible to secure performance on the Non-Formula Retail on something other than tax abatement, e.g., Letter of Credit or Performance Bond; this would take the variable out for the lender. Mr. Broderick said he had not discussed it with the lender. He advised that the financing for this project has already been approved.

Ryan Jeffery, representing CAA, said that it is becoming increasingly important to members of the CAA that this section of the criteria have “some beef” to it.

At the inquiry of Council Member Betcher, Director Diekmann clarified that the alternatives in the current Council Action Form are the same as listed in the Council Action form on December 8, 2015.

Council Member Orazem reported that the purpose of tax abatement is to encourage people to take on the added costs of redevelopment in Campustown. To add the additional requirement that contracts be signed prior to occupancy jeopardizes abatement for the entire project. He suggested that the requirement be separated into two parts and apply part of the abatement to the residential space and part of it to the commercial space. The requirements would be the same, but would be prorated. Mr. Orazem said he does not understand why the requirement that there be tenancy would be a good thing because rents are going to go down if there is vacant retail space. If the idea of the abatement was to improve Campustown, part of the improvement would be to make it economically viable.

Council Member Betcher said that she is not sure that rents would go down. She thinks the desire is to maintain the character of Campustown, which would include those “mom and pop” type shops.

Mr. Orazem believes that, at the end of the day, there is still going to be more space for retail. If the rents are lower, it will allow for more Non-Formula Retail.

Council Member Nelson shared his opinion that if there is uncertainty in getting the abatement, developers are going to design their buildings in such a way as it will succeed without the tax abatement.

Council Member Gartin said that, to him, it is an issuance of reliance; to change the rules mid-stream is not fair to the developer.

Council Member Betcher said that she comes back to the question as to why the City offers the abatement. She believes that a purpose of abatement is to get what the community desires from the project; one of those items is to require Non-Formula Retail.

Moved by Orazem, seconded by Gartin, to direct staff to make different changes to the Urban Revitalization Plan criteria that would include bifurcating the commercial space from the residential space in the abatement.

Council Member Beatty-Hansen reiterated that that would take a lot of the “meat” out of the abatement. It would reduce the uniqueness of the Campustown area.

Vote on Motion: 3-3. Mayor Campbell voted nay to break the tie. Motion failed.

Mayor Campbell explained that she had voted nay because when the issue came back to Council for approval, it would require a Resolution; a Resolution requires four votes to be adopted, so it would ultimately fail.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 16-029 to amend the Campustown Urban Revitalization Plan with the criteria included in Attachment A of the Council Action Form.

Council Member Beatty-Hansen reiterated that she believes this will present more opportunities for the “mom and pop” type stores. Council Member Orazem said he believes that it will get exactly the opposite. Council Member Gartin agreed with Mr. Orazem.

Roll Call Vote: 3-3. Voting aye: Beatty-Hansen, Betcher, Corrieri. Voting nay: Gartin, Nelson, Orazem. Motion failed.

Director Diekmann pointed out that there are other amendments besides the one that pertained to Non-Formula Retail.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 16-029 to approve Attachment A except for Column C (pertaining to Non-Formula Retail).

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

HEARING ON REZONING PROPERTY AT 1110 DELAWARE AVENUE: The public hearing was opened by Mayor Campbell. No one came forward to speak, and the hearing was closed.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance rezoning property at 1110 Delaware Avenue from Residential Low-Density (RL) to Residential High-Density (RH).

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

HEARING ON REZONING PROPERTY WITH MASTER PLAN AT 5440 AND 5442 GRANT AVENUE: The Mayor opened the public hearing. There was no one asking to speak, and the Mayor closed the hearing.

Justin Dodge, Hunziker Development, said that this was the second phase of Hayden's Crossing. There has been a tremendous amount of interest in the first phase.

Moved by Beatty-Hansen, seconded by Orazem, to pass on first reading an ordinance rezoning property with a Master Plan at 5440 and 5442 Grant Avenue from Agricultural (A) to Suburban Residential Low-Density (FS-RL).

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

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 16-030 approving a Rezoning Agreement with conditions of Master Plan.

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

HEARING ON WATER POLLUTION CONTROL DECANT LINE REPLACEMENT PROJECT: The hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 16-030 approving final plans and specifications and awarding a contract to Weidner Construction, Inc., of Marshalltown, Iowa, in the amount of \$99,000.

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

HEARING ON ADA HAYDEN HERITAGE PARK WATER SERVICE LINE PROJECT: Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-031 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$45,500.

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

HEARING ON FURMAN AQUATIC CENTER POOL BASIN REPAINTING PROJECT: The public hearing was opened by the Mayor. She closed same when no one wanted to speak on this subject.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-032 approving final plans and specifications and awarding contract to Western Specialty Contractors of Des Moines, Iowa, in the amount of \$93,700.

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

HEARING ON ZONING TEXT AMENDMENT PERTAINING TO FENCES IN SETBACKS: Mayor Campbell opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance revising *Municipal Code* Section 29.408(2) pertaining to fences in setbacks.

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

HEARING ON ZONING TEXT AMENDMENT PERTAINING TO THE VISIBILITY TRIANGLE AT INTERSECTIONS: The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on first reading an ordinance revising *Municipal Code* Section 29.408(5) pertaining to visibility triangle at intersections.

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

ORDINANCE PERTAINING TO E-CIGARETTES: City Attorney Judy Parks explained a change to the Ordinance that had been made, which was to include the exemption for those stores that sell electronic smoking devices as their primary merchandise line. It will be subparagraph 4 under Section 1.

Council Member Nelson also noted a type under paragraph 3 (Definitions). It should state e-“pipe,” instead of e-“pip.” Assistant City Attorney Jessica Spoden said she would make that correction.

Speaking in favor of adopting an Ordinance banning the use of e-cigarettes in public spaces were William Crow, 2950 Monroe Drive, Ames, a member of the Mayor’s Youth Committee; Dr. Shane Hopkins, 3025 Bayberry Road, Ames, physician at Mary Greeley Medical Center; Nathan Davis, 1924 BelAir Drive, Ames, representing the Story County Policy and Prevention Board; Taylor Lynch, 2621 Knapp Street, Ames, a student at Iowa State University; Brian Vanderheyden, 1501 Illinois Avenue, Ames, representing Healthiest Ames; Randi Peters, 3127 Greenwood Road, Ames; Kiersten McGuire, 4912 Mortensen Road, Ames; and Spencer Cain, 232 S. Walnut Avenue, Ames, a member of the Iowa State Health Promotion

Moved by Corrieri, seconded by Gartin, to pass on first reading an ordinance prohibiting the use of electronic smoking devices in public places.

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

ORDINANCE REVISING MUNICIPAL CODE SECTION 1.6 PERTAINING TO PENALTY FOR MISDEMEANORS: Council Member Beatty-Hansen noted that the City had been out of compliance for over ten years, and she saw no reason to suspend the rules to pass the Ordinance at this meeting. Ms.

Spoden said that it would be helpful to the attorney who is representing the City to have it updated and be consistent with the State of Iowa.

Moved by Corrieri, seconded by Nelson, to pass on first reading an ordinance revising *Municipal Code* Section 1.6 pertaining to penalty for misdemeanors.

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

Moved by Corrieri, seconded by Betcher, to suspend the rules for the adoption of an ordinance.

Council Member Gartin offered that the public would not at all prejudiced by the suspension of rules for the adoption of an ordinance.

Roll Call Vote: 6-0. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Motion declared carried unanimously.

Moved by Nelson, seconded by Betcher, to pass on second and third readings and adopt ORDINANCE NO. 4243 revising *Municipal Code* Section 1.6 pertaining to penalty for misdemeanors.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

ORDINANCE REVISING MUNICIPAL CODE SECTION 26.39(1)(EE) PERTAINING TO SPEED LIMIT ON STANGE ROAD: Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance revising *Municipal Code* Section 26.39(1)(ee) pertaining to speed limit on Stange Road.

Moved by Nelson, seconded by Betcher, to suspend the rules for the adoption of an ordinance.

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

Moved by Corrieri, seconded by Betcher, to pass on second and third readings and adopt ORDINANCE NO. 4244 revising *Municipal Code* Section 26.39(1)(ee) pertaining to speed limit on Stange Road.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

ORDINANCE SETTING PARKING REGULATIONS FOR NEW AND/OR EXTENDED STREETS: Moved by Betcher, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4242 setting parking regulations for new (Aberdeen Drive, Aldrin Avenue, Allerton Drive, Bellflower Drive, Brighton Circle, and Cartier Avenue) and/or extended streets (Coy Street, Dotson Drive).

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

COUNCIL COMMENTS: Moved by Corrieri, seconded by Orazem, to refer to staff the request from B & G Productions (Rod Bodholdt) dated January 8, 2016, for authorization to conduct commercial UAS (drone) activities within five nautical miles of the Ames Airport.

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

Moved by Corrieri, seconded by Betcher, to refer to staff the request from ACCESS for the City to authorize the sale of its building and that it be allowed to use the proceeds of the sale towards the purchase of one of the planned emergency housing locations in Ames.

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

Moved by Betcher, seconded by Gartin, to refer to staff the request of the Planning and Housing Department for the Council to initiate a text amendment for religious institutions in the DSC Zoning District.

It was clarified that this request was being made after staff received a letter stating that the United Church of Christ, 217-6th Street, desired to enclose a walkway entering into the Church as part of a long-term master plan for its facility. The Church already greatly exceeds the maximum allowed Floor-to-Area Ratio (FAR) and cannot expand its existing structure.

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

Moved by Betcher, seconded by Gartin, to ask staff to revise Section 29.1110(2) of the Demolition Ordinance to clarify the criteria that are available to the Council.

Council Member Gartin asked if Ms. Betcher if she wished to prioritize this item in the workload of the Planning staff. Ms. Betcher said she would leave that up to staff.

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

Moved by Betcher, seconded by Beatty-Hansen, to ask staff to investigate adding criteria that address historic resource value and environmental impact for Greek Houses under the Demolition Ordinance.

Council Member Orazem asked if energy efficiency would be considered part of the environmental impact. Ms. Betcher believes that it would.

Vote on Motion: 4-2. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin. Voting nay: Nelson, Orazem. Motion declared carried.

Council Member Gartin expressed dismay over the comments made under Public Forum about the process by which the City has articulated its goals for the Industrial Area. Mr. Gartin believes that the process has always been very transparent. He would like to see a memo explaining what had been done.

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

Moved by Beatty-Hansen, seconded by Gartin, to hold a Closed Session, as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy; and, as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in litigation.

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

The meeting reconvened in Regular Session at 10:20 p.m.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 10:20 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor