

## MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 12, 2016

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:02 p.m. on the 12th day of April, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem were present. *Ex officio* Member Sam Schulte was also in attendance.

Mayor Campbell announced that the City Council would be working from an Amended Agenda. An item was added under the Consent Agenda pertaining to the 161kV Electric Line Relocation Project.

**PROCLAMATION FOR “FAIR HOUSING MONTH:”** Mayor Campbell proclaimed the month of April 2016 as “Fair Housing Month.” She noted that this is the 48<sup>th</sup> anniversary of the Fair Housing Act. Housing Coordinator Vanessa Baker-Latimer introduced Steve Eggelson, Field Officer for Housing and Urban Development. He thanked the City of Ames for its participation in the Fair Housing efforts. Accepting the Proclamation were Kris Brend, representing the Central Iowa Board of Realtors; Cindy Jorgensen, representing Professional Property Management and the Ames Rental Property Managers Association; John Klaus, representing the Human Relations Commission; and Paula Shriver, representing Shriver Rentals and Ames Property Owners Association. Ms. Baker-Latimer highlighted the Fair Housing Month public awareness campaign for 2016. There will be a *Lunch & Learn* on “Islamophobia” to be held on April 26 from 11:30 a.m. to 1:00 p.m. at the Ames Public Library Farwell T. Brown Auditorium, 515 Douglas Avenue.

**PROCLAMATION FOR “WATER QUALITY WEEK:”** The week of April 17 - 23, 2016, was proclaimed by Mayor Campbell as “Water Quality Week.” Accepting the Proclamation on behalf of the City of Ames were Christina Murphy, Assistant Director of Water and Pollution Control, and Jim McElvogue, WPC Superintendent.

**PROCLAMATION FOR “ALL SPECIES, ONE EARTH DAY:”** April 23, 2016, was proclaimed as “All Species, One Earth Day” by Mayor Campbell. Jerri Heid, representing the Ames Public Library, and representatives of the Iowa Wildlife Center Marlene Ehresman and Mark Widriechner accepted the Proclamation. Ms. Ehresman highlighted events that will be held on April 23.

**CONSENT AGENDA:** Moved by Beatty-Hansen, 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 March 22, 2016, and Special Meeting of March 26, 2016
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for March 16-31, 2016
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Dangerous Curves, 111-5<sup>th</sup> Street
  - b. Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Road

- c. Class C Liquor & Outdoor Service – Cyclone Experience Network, Hilton Coliseum
- 6. Motion approving new Class C Liquor License & Catering Privilege for Los Altos Mexican Restaurant, 823 Wheeler Street, Ste. 5
- 7. Motion approving 5-day (April 30-May 4) Special Class C Liquor License for Olde Main at Reiman Gardens, 1407 University Boulevard
- 8. Motion approving 5-day (May 10-14) Special Class C Liquor License for Olde Main at Reiman Gardens, 1407 University Boulevard
- 9. Motion approving 5-day (April 23-27) Class C Liquor License for Christiani’s Events at the ISU Alumni Center, 420 Beach Avenue
- 10. Motion approving Outdoor Service Privilege for Tip Top Lounge, 201 E. Lincoln Way, for outdoor concerts on the following dates:
  - a. May 5-7, 2016
  - b. May 19-21, 2016
  - c. June 2-4, 2016
  - d. June 16-18, 2016
  - e. June 30-July 2, 2016
  - f. July 14-16, 2016
  - g. July 28-30, 2016
  - h. August 11-13, 2016
  - I. August 25-27, 2016
- 11. RESOLUTION NO. 16-152 updating named depositories for City of Ames
- 12. Corporate RESOLUTION NO. 16-153 designating authorization to conduct financial and banking business
- 13. RESOLUTION NO. 16-154 approving Quarterly Investment Report for period ending March 31, 2016
- 14. RESOLUTION NO. 16-155 approving request from Ames Bicycle Coalition for City Hall to serve as host site on May 16 to kick off Bike-to-Work Week
- 15. RESOLUTION NO. 16-156 approving contract with Tim Adams, Stoney Creek Landscapes, Webster City, Iowa, for Resonance chimes and strings artwork to be installed in Tom Evans Plaza in the amount of \$20,282.30 (Art in the Park)
- 16. RESOLUTION NO. 16-157 setting date of public hearing for April 26, 2016, for authorization to issue Hospital Revenue Refunding Bonds, Mary Greeley Medical Center Series 2016, in an amount not to exceed \$68,000,000
- 17. RESOLUTION NO. 16-158 setting date of public hearing for April 26, 2016, on vacation of Public Utility Easement at 108 South 5<sup>th</sup> Street
- 18. RESOLUTION NO. 16-159 setting date of public hearing for April 26, 2016, on vacation of Public Utility Easement at 1126 Florida Avenue
- 19. RESOLUTION NO. 16-160 approving Engineering Services Agreement with Dewild Grant Reckert & Associates Company of Rock Rapids, Iowa, for Ames Substation Improvements (Top-O-Hollow) in an amount not to exceed \$264,791
- 20. 161kV Electric Line Relocation Project for Iowa Department of Transportation (IDOT):
  - a. RESOLUTION NO. 16-183 approving reimbursement agreement with the IDOT
  - b. RESOLUTION NO. 16-186 waiving the City’s *Purchasing Policies* requirement for competitive proposals and approving Engineering Services Agreement with Dewild Grant Reckert & Associates Company of Rock Rapids, Iowa, for 161kV line relocation to in an

estimated total cost of \$58,000

21. RESOLUTION NO. 16-161 approving preliminary plans and specifications for 2015/16 Traffic Signal Program (University Boulevard and U.S. Highway 30 Westbound Off-Ramp); setting May 4, 2016, as bid due date and May 10, 2016, as date of public hearing
22. RESOLUTION NO. 16-162 approving preliminary plans and specifications for 2015/16 Downtown Street Pavement Improvements (Clark Avenue from Lincoln Way to Main Street); setting May 4, 2016, as bid due date and May 10, 2016, as date of public hearing
23. RESOLUTION NO. 16-163 approving preliminary plans and specifications for Electrical Maintenance Services for Power Plant; setting May 12, 2016, as bid due date and May 24, 2016, as date of public hearing
24. RESOLUTION NO. 16-164 awarding contract to Central Power Systems and Service of Wichita, Kansas, for purchase of trailer-mounted 200kW generator to provide back-up power for waste water lift stations in the amount of \$98,611
25. RESOLUTION NO. 16-165 awarding contract to Titan Machinery of Des Moines, Iowa, for purchase of one tractor-loader-backhoe for street maintenance in the amount of \$108,590, with extended hydraulic and power train warranty in the amount of \$4,492, and accept trade-in offer of \$16,800
26. RESOLUTION NO. 16-166 awarding contract to Chamness Technologies, Inc., of Blairsburg, Iowa, in the amount of \$32,700/year for Yard Waste Services for 2016-2019
27. RESOLUTION NO. 16-167 approving renewal of contract with Waste Management of Ames, Iowa, in the amount of \$.3694/mile/ton for FY 2016/17 Hauling and Related Services to Boone County Landfill
28. RESOLUTION NO. 16-168 approving renewal of contract for FY 2016/17 Custodial Services for City Hall/Community Center with Klean Rite of Ames, Iowa, in the amount of \$61,824.45/year, plus \$21.72/hour for emergency callback and additional work as authorized
29. RESOLUTION NO. 16-169 approving renewal of contract for FY 2016/17 Custodial Services for Ames Public Library with Nationwide Office Care in the amount of \$66,360.61
30. Valve Maintenance and Related Services and Supplies Contract for Power Plant:
  - a. RESOLUTION NO. 16-170 approving renewal of contract with Dowco Valve Company, Inc., of Hastings, Minnesota, in an amount not to exceed \$90,000
  - b. RESOLUTION NO. 16-171 approving contract and bond
31. Power Plant Maintenance Services Contract:
  - a. RESOLUTION NO. 16-172 approving renewal of contract with ProEnergy Services, LLC, of Sedalia, Missouri, in an amount not to exceed \$635,000
  - b. RESOLUTION NO. 16-173 approving contract and bond
32. Electric Services Underground Trenching Contracts:
  - a. RESOLUTION NO. 16-174 approving renewal of Primary Contract with Ames Trenching & Excavating, Inc., of Ames, Iowa, in an amount not to exceed \$233,750
  - b. RESOLUTION NO. 16-175 approving contract and bond with Ames Trenching & Excavating, Inc.
  - c. RESOLUTION NO. 16-176 approving renewal of Secondary Contract with Communication Technologies of Des Moines, Iowa, in an amount not to exceed \$41,250
  - d. RESOLUTION NO. 16-177 approving contract and bond with Communication Technologies
33. RESOLUTION NO. 16-178 approving contract and bond for City Hall Roof Improvements

Project

34. RESOLUTION NO. 16-179 approving contract and bond for WPC Facility Sludge Pumping Building Heat Recovery Unit Replacement
35. RESOLUTION NO. 16-180 approving contract and bond for 2015/16 Arterial Street Pavement Improvements (13<sup>th</sup> Street - Furman Aquatic Center to Union Pacific Railroad)
36. RESOLUTION NO. 16-181 approving Change Order No. 6 with Knutson Construction of Minneapolis, Minnesota, in the amount of \$22,624 for Water Treatment Plant - Contract No. 2
37. RESOLUTION NO. 16-182 approving completion of Emergency Storm Repair for Traffic Signal (South Duff Avenue and Airport Road)  
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:** Mayor Campbell opened Public Forum and closed same after no one requested to speak.

**POLICY FOR NAMING PARKS AND RECREATIONAL FACILITIES:** Mayor Campbell noted that the City Council members had received a number of emails from concerned citizens. She pointed out that tonight's meeting will not deal with any specific request for naming a particular park or recreational facility; only the policy will be addressed.

Parks and Recreation Department Director Keith Abraham recalled that, on July 28, 2015, the City Council had referred to staff a request to name the Skate Park in honor of Georgie Tsushima (Georgie), who passed away July 19, 2015. Mr. Abraham reported that there is an existing policy for naming City streets; however, the City does not have a policy or formal guidelines related to naming parks or recreational facilities. He noted that the Skate Park would be considered a recreational facility, not a park.

According to Director Abraham, the draft policy for naming parks and recreational facilities was brought before the Parks and Recreation Commission at its August 20, 2015 meeting. At that time, Commissioners asked whether an adopted naming policy should encompass all City facilities and not just parks or recreational facilities. Staff then discussed that question with the City Manager, and it was determined to just focus on parks and recreational facilities as it was felt that those are the items that have the greatest potential for naming opportunities. The Commission felt strongly that a policy was needed for direction when naming requests were brought before them. Staff was then directed to draft a policy to guide City officials in making a decision.

The Council was told that staff had researched multiple naming policies from other departments and entities throughout the country. Mr. Abraham reviewed the draft policy that was ultimately approved by the Commission at its March meeting. At that meeting, the Commission recommended that the City

Council approve the policy with a modification stating that preference would be given to a request in which the individual has a tie to the park being requested to be named.

It was explained by Director Abraham that a policy is developed to provide guidance to decision makers

and ensure a consistent process is being followed for those affected by the policy. This policy development is more difficult due to a specific naming request having been presented to City Council and referred to the Parks & Recreation Commission. Staff tried to draft the policy with a broad scope in mind and to not tailor it to the specific request for the Skate Park.

Mr. Abraham gave an overview of the five sections contained within the policy: Introduction; Definitions; Policy Statement, which defined the broad categories considered for naming parks and/or recreational facilities (a. Historic Events, People, and Places; b. Outstanding Individuals; and c. Major Donations); Guiding Principles, and Procedures.

Council Member Betcher expressed her opinion that there should be more definitive criteria as to what constitutes an Historic Event, People, or Place. It appears that there is an internal inconsistency among the categories. She also noted the ambiguousness of figuring out when the “shock” of a tragic event is over; the policy, as currently written, requires a minimum of three years after that.

Council Member Orazem does not see a reason why parks or facilities should not be named after people who are still alive. He gave several examples of facilities that had been named for people still living at the time of dedication. Mr. Orazem said he also did not understand why there should be a three-year waiting period after a person has passed away. According to Mr. Orazem, the process should identify the credentials of the person. Director Abraham quoted the policy as saying the three-year period is “encouraged,” not required; it was a guiding principle that could be waived at the Council’s direction.

Council Member Corrieri asked Mr. Abraham if the City had ever thought about “gifting policies,” which would address the issue of the person not being of good character or the gift not meeting the City’s policies. She also felt that the policy was missing an element that would address multiple donors to be recognized at different levels. Ms. Corrieri asked how onerous the application might be or the types of information that would be required for documentation. Mr. Abraham said that staff had not started creating the application yet because the policy had to be established first.

Council Member Beatty-Hansen agreed with other Council members that the three-year waiting period was arbitrary and felt it did not add anything to the policy. She also was concerned with the right to waive certain provisions; to her, that could mean a request after a large donation could be fast-tracked. Ms. Beatty-Hansen expressed her opinion that non-monetary contributions to the community should be valued the same as a monetary contribution.

Council Member Nelson offered his opinion that naming a park should be treated differently than naming a facility or an amenity. More justification should be required for naming a park. He also is not in favor of the three-year waiting period after a tragic event had occurred.

Council Member Betcher asked if a request had been filed and the three-year waiting period had begun, could a request accompanied by a large monetary contribution supersede the first request. Director Abraham stated that the request filed first would get resolved first.

Makenzie Heddens, 3814 Quebec Street, Ames, stated that the three-year waiting period is of concern to her. She believes that the requirements should be the same for outstanding individuals as for those making large monetary contributions. Ms. Heddens shared that she believed the policy should not require a person to be deceased before a park or facility could be named after him or her. She would like the Council to approve Option 2 and not require the three-year waiting period or that a person be deceased before something could be named after him or her. Ms. Heddens also asked the Council to move ahead with the request that had been made many months ago to name the Skate Park after Georgie Tsushima. She referenced a petition containing over 2,000 signatures in favor of naming the Skate Board after Mr. Tsushima. The Council was also told that the City had actually requested Georgie's assistance initially in developing the City's Skate Park.

Dakota Canning, 3917 Tripp Street, Ames, pointed out that he served on the Parks and Recreation Commission when the first request came in to name the Skate Park after Georgia Tsushima. He noted that he felt very uncomfortable naming a park or facility after anyone without clear guidelines. Mr. Canning urged that the City Council remove the three-year waiting period; it provides an unnecessary roadblock. He believes that checks and balances would be adequately provided by the Parks and Recreation Commission and the City Council. Mr. Canning would also like the Council to act on the request filed in July 2015 to name the Skate Park in honor of Georgie Tsushima.

Teresa Downing-Matibag, 1005 Jarrett Circle, Ames, advised that Georgie Tsushima is her son. In regards to the policy, she would like to allow naming opportunities for people while they are still alive. Ms. Downing-Matibag stated that she felt the draft policy contained discriminatory clauses when it came to those making large monetary contributions; no three-year waiting period was being required for those persons.

Linda Jansen, 528 Division Street, Jewell, Iowa, clarified that the Skate Park does not have a name, so it does not need to be renamed. She reported that she was the one who initially made the request to name the Skate Park after Georgie. Ms. Jansen wanted it known that when she made the request, she had never met Teresa Downing-Matibag, Georgie's mother. She added that she felt she had made a very simple request, but now it appears to have gotten so complicated that it is requiring the preparation of a five-page document.

Suhaib Tawil, 4714 Mortensen Road, Apt. 301, Ames, said that he documents the lives of significant people in the community, and he had interviewed Georgie the day before he died. He indicated that he definitely does not agree with the three-year waiting period. Mr. Tawil believes that the contributions made by Georgie were well-documented, and the Skate Park should be named in his memory.

Ms. Downing-Matibag provided pages of tributes to Georgie posted after his passing as an example of how someone's contributions during their life time can have lasting influence so many others.

Council Member Orazem offered his opinion that the real emphasis should be on the nomination process. The Commission and the City Council would then judge whether the nomination had merit.

Mr. Orazem wants there to be a requirement for certification letters or signatures on a petition. He also wants the policy to consider people who are still alive as well as those who are deceased. In addition, Mr. Orazem wants to strike the three-day waiting period.

Moved by Orazem, seconded by Beatty-Hansen, to refer the draft policy back to the Parks and Recreation Commission for assessment of the recommendations: specifically, that the policy consider naming parks and recreational facilities after people who are still alive as well as those who are deceased; that there not be a required waiting period; that the focus be on the procedures in Part V of the Policy and let the Parks and Recreation Commission judge the merits of the nomination; and to require supporting documents.

Moved by Beatty-Hansen, seconded by Betcher, to amend the motion to refer the draft policy to staff (instead of to the Parks and Recreation Commission).

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

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

Council Member Gartin said that he is fine to allow naming to occur during a person's lifetime; however, he would still like to see a one-year waiting period after a person's death.

Council Member Betcher said she definitely does not want any discrepancy between a person making a large monetary contribution versus a person making a non-monetary contribution.

Council Member Corrieri indicated that she wants the policy to include the provisions for large capital campaigns with multiple donors. She also wants the issue of not allowing corporate names to be addressed. Mr. Abraham clarified how the draft policy addresses that issue.

Options available to the Council were explained by Mr. Abraham. He told the Council members that staff was looking for direction from them tonight.

Moved by Corrieri, seconded by Orazem, to request, in regards to 4C: "Naming/Renaming for Major Donations," that staff look at the contribution thresholds and incorporate capital campaigns as part of that process and provide additional information regarding corporation names, especially when the corporation name is also the name of an individual.

Council Member Betcher asked how the donor component has been handled in the past without a policy in effect. Director Abraham advised that when the naming request has come in, it has been

discussed with the City Manager and then it has been brought before the City Council. Mayor Campbell also added that discussions have occurred with the donor.

Motion withdrawn.

Moved by Corrieri, seconded by Orazem, to direct staff to look at creating more flexibility in the policy in relation to donors and keep it at more of a staff/Council review and also have the possibility of corporate naming.

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

The meeting recessed at 8:02 p.m. and reconvened at 8:10 p.m.

**HEARING ON TRANSFER OF PROPERTY AND GRANTING EASEMENTS TO IOWA DEPARTMENT OF TRANSPORTATION FOR I-35 IMPROVEMENTS:** Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Christina Murphy, Assistant Director of Water and Pollution Control, stated that it had been discovered that Electric Services has an outstanding issue with the Iowa Department of Transportation (IDOT). The City has electric poles that exist on the property that is proposed to be sold to the IDOT. If the City were to proceed with the sale, it could create an issue for the City.

Donald Kom, Director of Electric Services, advised that the transmission poles currently exist on the City's own property. Because of that, no easements were necessary before the poles were installed. However, when the property is sold without those easements, the new owner can charge the City for easements rights for the poles. Mr. Kom noted that the IDOT has agreed to reimburse the City for moving the poles, no agreement is in place. In order to ensure that the cost for moving the poles is borne by the IDOT, Mr. Kom is recommending that this hearing be postponed until those details are worked out.

Moved by Orazem, seconded by Nelson, to continue the hearing to a date uncertain.

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

**HEARING ON ZONING TEXT AMENDMENT PERTAINING TO THE ENVIRONMENTALLY SENSITIVE AREA OVERLAY DISTRICT (O-E) AND ITS APPLICABILITY TO ACTIVITIES WITHIN THE FLOODWAY:** Planning and Housing Director Kelly Diekmann recalled that, on November 11, 2015, the City Council had initiated potential map and text amendments for adding a discretionary review process to activities within the FEMA-designated Floodway. On March 22, 2016, staff had provided an update of its work on crafting language for further regulation of the Floodway beyond current requirements. City Council then directed staff to prepare zoning amendments to implement a broad discretionary review process for development activities in the Floodway.

Mr. Diekmann reported that the Zoning Ordinance specifies that such overlays are to be mapped based on a scientific study that concludes the area is "especially sensitive to adverse public impact from development due to unique environmental concerns." The Ordinance notes that flood plains, designated natural resource areas, parks and open spaces, greenways, and areas adjacent to aquifers are eligible based on existing scientific evidence (FEMA Flood Insurance Study, Norris Study of 1994, etc.). The O-E does not contain specific regulatory requirements, such as use limitations, but it does require the applicant to prepare an Environmental Assessment Report on how the development will address, obviate, or mitigate the environmental issues that led to the designation.



According to Director Diekmann, the major regulatory tool within the O-E is the requirement for the City Council to approve a Major Site Development Plan or Preliminary Plat for development within the Overlay. O-E standards require a developer or property owner to identify measures to reduce the expected impacts of development in the Floodway, such as increase in runoff from impervious surfaces or significant alteration of natural features. This approach would not entirely prohibit development in the Floodway, but it would require the project to demonstrate how its impacts will be mitigated. The City Council could impose conditions on a project to mitigate possible negative effects of the development on area within the O-E. The City Council could also seek changes to the development to better mitigate negative impacts or, if mitigation were not possible, to deny the proposed development. The City Council would review a project through the criteria of a Major Site Development Plan or Preliminary Plat. The most relevant criteria for a Major Site Development Plan would be the Post-Construction Storm Water Ordinance (Chapter 5B of the *Ames Municipal Code*), which was approved in April, 2014. The Ordinance includes storm water design standards that limit post-development surface runoff to a rate and volume not to exceed pre-development runoff and also requires the capture and cleansing of the first 1.25” of rainwater prior to release. Chapter 5B includes a comprehensive approach to storm water management of first completing a site assessment of soils and vegetation, and then incorporating best management practices into a project to meet the quantity and quality standards.

Mr. Diekmann advised that the Ordinance also includes design requirements, inspections, management plans with maintenance obligations, and initial bonding for security of the improvements for the first three years after the improvements are established. Standards of Chapter 5B specifically identify areas adjacent to waterways for limitations on encroachment; it requires buffers of varying sizes depending upon the significance of the waterway. Smaller streams in Ames may be a 1st or 2nd order stream, such as College Creek, Worle Creek, or Clear Creek. These streams require a buffer of 100 feet on each side of the stream. Larger or higher order streams, such as Skunk River, Squaw Creek, and Onion Creek require specific studies to determine the adequate buffer width. The buffer is measured from the mean level of the waterway, which is a level that is within the top of the bank of a stream. Buffers create areas that must be managed in accordance with an approved management plan and an easement granted to the City. Also, natural vegetation must be maintained or restored. It is possible to be granted a waiver from the buffer requirements, but the applicant must show how site conditions would make it difficult to implement the best management practices for storm water. The Municipal Engineer may require alternative detention or treatment methods if a partial waiver is granted.

Director Diekmann noted that the requirements of Chapter 5B clearly complement the requirements of the Environmentally Sensitive Overlay with its site assessment requirements and direction to promote native vegetation and protection of riparian areas. However, there are differences in its effect on a site and how the objectives are principally about controlling storm water runoff. Chapter 5B addresses the impacts of development, but does not control how development is located or shaped on a site, with the potential exception of the buffers.

Additionally, according to Mr. Diekmann, if improvements, such as parking, are allowed in the

Floodway, the treatment of parking areas would need to be located at or below the elevation of the improvements. While the performance standards of Chapter 5B are comprehensive, adding the O-E overlay would add a broader application of criteria to development within the Floodway beyond management of storm water. Adding the O-E will not change the Chapter 5B requirements for storm water management, but will change the approval process as the stormwater management plan relationship to the site plan will be subject to the discretionary review process. Additionally, due to the requirement for City Council approval of development activities that will include most types of grading, pre-development grading permits would no longer be possible within the O-E.

The Council was advised that the proposed amendments to the O-E District address the applicability of the overlay to activities within the Floodway. The amendments address the process for seeking approvals for a project within the overlay. There are in excess of 400 properties in the City in which at least a portion of the property lies within the Floodway. Most also include a portion of the property within the Floodway Fringe. The intent of the O-E is to ensure that the review occurs only if development uses occur in the Floodway. If development activities are limited to only the Floodway Fringe, the procedural requirements of Section 29.1103(4) would not apply. If, however, development is proposed in the Floodway, those procedures (the preparation of an Environmental Assessment Review and Major Site Development Plan) would apply to the entire development. The intent for subdivisions is that a review of the environmental constraints would occur with the Preliminary and Final Plats and that the resulting individual home lots would not be subject to a Major Site Development Plan. Non-single-family development in the Floodway still would be subject to review even if a had been approved. Non-development uses would not be subject to a Major Site Development Plan process, but would require administrative approval of a flood plain development permit by staff.

The public hearing was opened by Mayor Campbell.

Council Member Gartin asked if staff had received any input from the public on this issue. Director Diekmann advised that Scott Renaud, a Civil Engineer with FOX Engineering, had spoken against the proposal, stating that the provisions of other City ordinances, such as the Flood Plain regulations and the City's storm water ordinances, already accomplish the desires of the City. He also believed that including storm water facilities in the requirement for a major site development plan would result in uncertainty of approval for what should be a routine staff approval. Also, according to Mr. Diekmann, members of the Planning and Zoning Commission believed the amendments were

unnecessary and excessive and created a layer of review that was not needed for environmental protection.

No one wished to speak, and the Mayor closed the hearing.

Council Member Nelson said he does not support the amendments; he feels that it just adds another layer or review. Council Member Orazem disagreed, stating that going through a public process was valuable.

Moved by Orazem, seconded by Beatty-Hansen, to pass on first reading an ordinance adopting the proposed changes to the language of the O-E district.

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

**HEARING ON ZONING MAP AMENDMENT TO ADD ENVIRONMENTALLY SENSITIVE AREA OVERLAY TO PROPERTIES WITH A FEMA-DESIGNATED FLOODWAY:**

Director Diekmann stated that the City wants to apply an Environmentally Sensitive Area Overlay” (Section 29.1103) to properties throughout the City that have a Floodway designation by the Federal Emergency Management Agency (FEMA). The Overlay does not change the base zoning for allowed principal use, but changes the permitting process for activities within the Overlay. It also does not change the location or designation of the Floodway.

Mr. Diekmann said that staff believes the overlay should apply to all FEMA floodways within the City with two exceptions. Staff recommends that the O-E rezoning not apply to areas mapped as the General Flood Plain. These are very limited areas of the City and are designated as such by FEMA because a detailed study delineating base flood elevations and defining the Floodway has not been done. The General Flood Plain is treated as if it were the Floodway for development purposes until a detailed study is completed. It was noted by Director Diekmann that the regional commercial site on East 13<sup>th</sup> Street is already governed by a Major Site Development Plan requiring City Council approval and would not benefit from the addition of the Overlay. The Rose Prairie development area will be governed by a Preliminary Plat and is in an area that will be defined as a conservation area within the Subdivision. The third area is within the boundaries of the Ames Municipal Airport. No development activity is expected in the General Flood Plain at the Airport, and if it were to occur, it would be subject to City Council approval of the project. The second exception is to exclude a small number of properties of a mapped Floodway in South Ames (an area bounded by South Duff Avenue, Crystal Street, Opal Drive, and Jewel Drive) in which the drainage way was placed in a culvert several decades prior and development has already occurred above it. FEMA maps have not been updated and still designate it as Floodway, but staff believes there is no environmentally sensitive area to be concerned with that should be subject to the O-E Overlay. The designation of the Floodway would not change at this time and it would still be subject to the administrative review requirements and standards of Chapter 9.

Currently, the City restricts the types of uses allowed in the Floodway and Floodway Fringe through standards in Chapter 9 of the Ames Municipal Code. Chapter 9 includes restrictions on types of uses as well as performance standards for uses that are allowed. According to Director Diekmann, there is a fundamental difference in Chapter 9 between Floodways and Floodway Fringe areas. The approach for Floodways is to restrict activities that impact flood events while in the Floodway Fringe, the intent is to ensure actives are protected during a 100-year flood event. The minimum standard for an activity that would be permitted in a Floodway is to ensure there is no rise in the 100-year flood level. Improvement activities within the Floodway generally necessitate approval of a Conditional Use Permit by the Zoning Board of Adjustment based on criteria found in Chapter 9. Within the Floodway Fringe, the City requires protection of property and improvements through

either flood-proofing or a standard of elevating improvements to three feet above the base flood elevation. If the O-E rezoning is approved, it is proposed to only affect activities within the overlay area and not to the whole of the property. This means that with the O-E applied to properties within a Floodway, development in the Floodway Fringe can occur as it does today. It will continue to follow the same process and standards and be unaffected by the overlay. However, any activity within the Floodway will require City Council approval of a Major Site Development Plan following a recommendation by the Planning and Zoning Commission. If a project is proposed within both the Floodway and the Fringe, the whole plan will be subject to the Major Site Development Plan process.

Mr. Diekmann said staff had identified all properties for which at least part of the property was covered by the Floodway designation by FEMA. There are in excess of 400 properties with either a floodway or general flood plain designation. Staff has notified 300 property owners of the proposed rezoning action (some property owners control multiple properties).

Mayor Campbell opened the public hearing. She closed same when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Betcher, to pass a first reading an Ordinance to place the Environmentally Sensitive Area Overlay (O-E) on the Floodway as part of the City's Official Zoning Map.

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

**HEARING ON ZONING MAP AMENDMENT TO ADD ENVIRONMENTALLY SENSITIVE AREA OVERLAY TO PROPERTIES WITH A FEMA-DESIGNATED FLOODWAY:** Director Diekmann stated that the City wants to apply an Environmentally Sensitive Area Overlay" (Section 29.1103) to properties throughout the City that have a Floodway designation by the Federal Emergency Management Agency (FEMA). The Overlay does not change the base zoning for allowed principal use, but changes the permitting process for activities within the Overlay. It also does not change the location or designation of the Floodway.

According to Director Diekmann, the Environmentally Sensitive Overlay (O-E) Zone is intended to supplement the City's flood plain regulations and to protect designated natural resource areas by using the natural resources inventory to identify and preserve natural resources and by establishing parks and open space areas.

Mr. Diekmann said that staff believes the overlay should apply to all FEMA floodways within the City with two exceptions. Staff recommends that the O-E rezoning not apply to areas mapped as the General Flood Plain. These are very limited areas of the City and are designated as such by FEMA because a detailed study delineating base flood elevations and defining the Floodway has not been done. The General Flood Plain is treated as if it were the Floodway for development purposes until a detailed study is completed.

Mr. Diekmann said staff had identified all properties for which at least part of the property was covered by the Floodway designation by FEMA. There are in excess of 400 properties with either a floodway or general flood plain designation. Staff has notified 300 property owners of the proposed rezoning action (some property owners control multiple properties).

Mayor Campbell opened the public hearing. She closed same when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Betcher, to pass a first reading an Ordinance to place the Environmentally Sensitive Area Overlay (O-E) on the Floodway as part of the City's Official Zoning Map with the exceptions as noted by staff.

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

**HEARING ON ZONING TEXT AMENDMENT PERTAINING TO ALLOWED ACTIVITIES AND PROCESS FOR SEEKING APPROVALS FOR DEVELOPMENT IN FLOOD PLAIN CONTAINED IN MUNICIPAL CODE CHAPTER 9 (FLOOD PLAIN ZONING REGULATIONS):** Director Diekmann stated that, in anticipation of the mapping of the Environmentally Sensitive Area Overlay District over the Floodway and the changes to the language of the District, staff was recommending changes to Chapter 9. Most of the changes reflect the requirements of the O-E Overlay and the procedures for approval. Others are required by the Iowa Department of Natural Resources or are minor housekeeping changes. The proposed amendments were explained.

The public hearing was opened by the Mayor. She closed the hearing after no one asked to speak.

Council Member Gartin asked if staff had received any comments from the development community on this possible amendment. Director Diekmann again answered that Scott Renaud of FOX Engineering had spoken against the proposal as well, stating that the provisions of other City ordinances, such as the Flood Plain regulations and the City's storm water ordinances, already accomplish the desires of the City and it was an unnecessary layer of regulatory process.

At the inquiry of Council Member Betcher, Mr. Diekmann stated that although the Commission voted to approve the rezoning, it later recommended not adopting the accompanying text amendments, and by those recommendations indicated that the rezoning should not occur as they are necessary to administer the O-E effectively.

Moved by Betcher, seconded by Orazem, to pass on first reading an ordinance including the complete proposed changes to Chapter 9, Flood Plain Zoning Regulations, that re-categorize uses as Permitted or Development uses and include the IDNR flood-proofing requirements.

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

**HEARING ON WPC FACILITY THREE-YEAR BIOSOLIDS DISPOSAL OPERATION:** The Mayor opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 16-184 approving final plans and specifications and awarding FY 2016/17 contract to Nutri-Ject Systems, Inc., of Hudson, Iowa, in the total amount not to exceed \$60,406.25.

Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON SKATE PARK RENOVATION PROJECT:** The public hearing was opened by the Mayor. It was closed as no one asked to speak.

Moved by Nelson, seconded by Betcher, to accept the report of bids.

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

**HEARING ON 2015/16 AIRPORT IMPROVEMENTS TAXIWAY REHABILITATION (RUNWAY 01/19):** Mayor Campbell opened the public hearing and closed same after no one requested to speak.

Moved by Orazem, seconded by Gartin, to adopt RESOLUTION NO. 16-185 Resolution approving final plans and specifications and awarding contract to Absolute Concrete of Slater, Iowa, in the amount of \$196,221.25.

Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON REZONING, WITH MASTER PLAN, OF PROPERTY AT 896 SOUTH 500<sup>th</sup> AVENUE:** Director Diekmann advised that the City is in the process of conducting an evaluation of its sanitary sewer model from the consultant. He explained the request of the property owners, GW Land Holdings, LLC, to rezone 52.36 acres addressed as 896 S. 500<sup>th</sup> Avenue from Agricultural to Suburban Residential Low Density and Suburban Residential Medium Density.

Mr. Diekmann advised that the property owners are seeking rezoning in order to develop the site for a residential subdivision that will include an extension of Mortensen Road, single-family detached and single-family attached homes north of Mortensen Road, and medium-density apartments located south of the Mortensen Road extension. The developer's Master Plan indicates a net developable acreage of 14.15 acres for FS-RL and 22.44 acres for FS-RM, as well as approximately 3.5 acres of open space. The project site is within the Southwest 1 Incentivized Growth Area where the City Council may consider financial assistance for oversizing of public facilities.

According to Director Diekmann, development of the site will ultimately require approval of a Major Subdivision for creation of the lots and layout of streets and Major Site Development Plans for the proposed apartments. The developer desires to start construction this summer on the multi-year phased project and projects a three- to five-year build-out of the full site. A key component of the apartment proposal is the diversity in apartment unit types with a mix of bedrooms and amenities that will meet a broad market need for rental housing options that are not focused on student housing based floor plans in the first phase of development.

At the request of Council Member Orazem, Municipal Engineer Tracy Warner stated that there is some uncertainty related to sanitary sewer capacity. Public Works staff wants to verify that appropriate sewer capacity exists. Director Diekmann recommended that the Council continue the hearing until April 26, 2016, to allow for the City to make a determination on the capacity of the existing sanitary sewer system prior to the first reading of a rezoning ordinance for the proposed project.

According to Mr. Diekmann, the developers are aware of the potential delay and has indicated a likelihood that they would request waiving the second and third readings and adopt the ordinance at the time of hearing to allow the project to stay on track with their time line once the sewer issue is resolved.

At the inquiry of Council Member Gartin, Mr. Diekmann explained the differences between Alternatives 1 and 2. Alternative 1 will defer passage of the first reading of the Ordinance until the sanitary sewer issue is resolved. Alternative 2 would approve the request for rezoning with the Master Plan that would contain several stipulations that would be incorporated into a Zoning Agreement that would accompany the Master Plan.

Council Member Gartin asked if there will be shared use paths required with this project. Mr. Diekmann answered that Mortensen will have the shared use path extended on the south side. The north side will have a normal sidewalk.

The hearing was opened by Mayor Campbell.

Keith Arneson, 4114 Cochrane Parkway, Ames, stated that there is a natural separation south of Mortensen Road between single-family and multi-family uses. He noted that the land uses are consistent down Highway 30. Mr. Arneson showed a drawing of what the proposed apartment complexes would look like. He believes that the proposed mix of development with a split of multi-family and single-family housing fits the market demand. Mr. Arneson noted some of the amenities that will be included in the multi-family units.

In answer to a question posed by Council Member Gartin, Mr. Arneson advised that the lots will start at \$68,000 - \$75,000.

Mr. Arneson said that he has met with CyRide representatives, and a neighborhood meeting was held. The property in question is in the Ames School District.

According to Mr. Arneson, there is a certain sense of urgency due to the need to break ground by October.

Alex Galyon, 121 North Russell, said he was speaking on behalf of GW Land Holdings, owners of the subject property. Mr. Galyon pointed out that the property in question is in the Southwest Allowable Growth Area, which is the prime area for single-family residential development. He reiterated that the 50 to 60 lots would be in the Ames School District. According to Mr. Galyon, after discussions with the Council, the owners changed their request to medium-density from high-

density and have incorporated many of the changes recommended by City staff. He asked that the Council move to pass the rezoning on first reading at this meeting as an indication of its support for the project, rather than continue the hearing and wait two weeks. It is understood that the project would not move forward if the sanitary sewer is not sufficient.

Doug MacCrea, 913 Tennyson Avenue, Ames, said his property abuts the property in question. He pointed out that the developer is requesting that the City Council move the project forward when there is not a firm understanding of whether the infrastructure can support it. Mr. MacCrea noted that there are many homes already in place, and the City needs to ensure that the infrastructure is adequate to support those and the proposed development. Mr. MacCrea sees this as the developer trying to circumvent the process to speed things along.

Mayor Campbell noted that it was understood that, even if the Ordinance was passed on first reading, the project would not move forward if it was determined that the sanitary sewer is not sufficient.

Council Member Betcher stated that she has concerns about the process. She would rather speed up the end of the process, rather than move ahead without adequate information about the sanitary sewer.

Moved by Betcher, seconded by Orazem, to continue the hearing to April 26, 2016.

Council Member Gartin said that he is very excited about the proposed development. He said that if he had any concerns about jeopardizing the City if it moved forward with first reading of the ordinance at this meeting, that option would be off the table. Ms. Betcher said that that would be going against the principle that the Council had gone with in its past votes. The Council has committed to data-driven decisions, and it needs more information in this case before a decision is made.

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

**SOUTH DUFF AVENUE LAND USE POLICY PLAN (LUPP) REQUEST [3115, 3413, AND 3409 SOUTH DUFF AVENUE]:** Director Kelly Diekmann provided an update on the South Duff Avenue Land Use Policy Plan request of Dickson Jensen initially for 57 acres (now reduced to 44 acres). The amendment to the LUPP is to allow for high-density residential development while retaining a portion of the site for commercial use. In January 2015, the Council considered this request as a Major LUPP Amendment due to the type of change and the size of the request. Mr. Diekmann reported that the Major Amendment process includes public workshops and initial assessments by the Planning and Zoning Commission and the City Council before holding formal public hearings to make decisions on the request.

Director Diekmann updated the Council on the status of the review of the Major Amendment, described the direction with which staff was moving forward, and advised that there will be public hearings anticipated in May.



The Council was told that the developer's proposal involves approximately 57 acres, which includes 13 acres to the north of the current area having access to Kitty Hawk Drive. At a public meeting held in February, two main issues were raised: the impacts of the development on traffic on U. S. 69 and storm water runoff through the South Ames neighborhood.

According to Mr. Diekmann, staff believes the studies have been completed for the site demonstrate how the site could accommodate a high-density residential land use designation. Staff further believes that the most viable option, compared to keeping Highway-Oriented Commercial for the whole site, is to keep an area reserved for smaller scale commercial uses at Crystal Street in combination with the High-Density Residential. Mr. Diekmann advised that, unless the City Council had an alternative preference, staff would move forward to set May 4, 2016, as the date of public hearing for the Planning and Zoning Commission on May 24, 2016, as the date of public hearing for the City Council on the Major Land Use Policy Plan Amendment.

Dickson Jensen, 4611 Mortensen Road, Ames, told the Council that he purchased the subject property 18 months ago for approximately \$2.5 million. A sanitary sewer and traffic study have been done. He expressed his frustration with how long the process is taking. According to Mr. Jensen, there have been public meetings with the neighbors. Director Diekmann said that the public hearings tentatively scheduled for May and June are the formal hearings that are required, not neighborhood meetings. Mr. Jensen said that he would like to hear input from the Council tonight.

Council Member Gartin stated that he understands that Mr. Jensen is very frustrated with the process. He would hope that Mr. Jensen might be a willing participant to make the process better in the future.

**ROSE PRAIRIE DEVELOPMENT AGREEMENT:** Director Diekmann advised that the owners of the 170-acre site at Grant Avenue and 190<sup>th</sup> Street (Rose Prairie) request that the City consider initiating changes to its Development Agreement that was originally approved on July 22, 2010. The current owner of the property in question first requested amendments on August 11, 2015. The City Council had provided direction to include an east/west street connection in any future project. There were other pending issues at that time, but the developers left the meeting to reconsider their plans before staff explained those issues. The developers have now modified their request and are seeking direction from the City Council to draft a revised Development Agreement that would allow them to seek rezoning and propose a Preliminary Plat for development of the property.

Mr. Diekmann provided a brief history of the property, which was annexed to the City in 2010. The development of the site did not progress initially after its annexation. The property has gone through a series of ownership changes. The current owner of the property, Rose Prairie LLC, acquired the property in 2014 and is now represented by TerShe Development.

According to Director Diekmann, TerShe has identified five issues from the original agreement and two new issues that it would like to have addressed in an amendment to the current agreement. The five issues were briefly explained, as follows:

1. Exceeding the 292 single-family homes and townhome plan for development of the site with up to 739 total housing units mixed between detached and attached single-family and small medium-density apartments and adding convenience commercial at the corner of 190<sup>th</sup> and Grant Avenue
2. Moving the shared use path from the railroad side of the project to Grant Avenue
3. Changing the full repayment terms for the water and sanitary sewer connection districts from 2020 to a later year
4. Clarify the requirement to extend a sanitary sewer connection to the west and north
5. Eliminate the fire sprinkler requirement for single-family homes

Additional issues that the developers desire to have addressed in a revised Agreement include terms for the City's acquisition of a neighborhood park, as well as assignment of obligations to successor interests when selling off parts of the overall development to individual developers. The last request means that full pay-off requirements for the connection district would not be required until individual lot subdivisions occur.

In summary, Director Diekmann said that the current developer is pursuing a different concept with up to eight acres of commercial area and development of a single-family detached, single-family attached, and medium-density apartments that require different zoning districts than FS-RL. Mr. Diekmann noted that the developer's concept plan does include an east/west road connection as directed by the City Council last August.

Council Member Gartin noted that the main stumbling block for him is the density issue. He wants to understand the impact to the Ada Hayden Watershed, not just with Rose Prairie, but with all the properties that feed into Ada Hayden. Mr. Gartin is concerned about doing something in the short-term that will have unintended consequences. Director Diekmann showed a map of the North Growth Area, specifically noting all the property that feeds into the Ada Hayden Watershed. Municipal Engineer Warner explained that those concerns led to the Conservation Subdivision Ordinance. She explained some of the components of the Ordinance that address both water quality and water quantity. Ms. Warner reported that, at this point, City staff has not yet seen a Storm Water Management Plan from the developers.

Casey Schafbuch, McClure Engineering, Clive, Iowa, stated that he is the engineer for the project. Mr. Schafbuch stated that quality and quantity standards have been required by multiple municipalities, not just the City of Ames, where they have had projects. According to Mr. Schafbuch, the developers will do what they need to do to meet the standards. He is confident that they will come back with a proposal that will work for both the City and the developers.

Jim Pease, 3240 Stagecoach Road, Ames, said that he had been involved with Ada Hayden since its creation. The idea of putting in the wetlands was to try to protect the waters of the lake. The wetlands were sized expecting some development; however, the amount of impermeable surface was not anticipated. Any time the density is increased – over two and a half times the density of people – there have to be more streets. Mr. Pease said he would like to believe the developers that they will be putting in innovative methods, such as permeable pavement, retention ponds that allow for the water to slowly pass into the system, and buffers to reduce the runoff. The Friends of Ada Hayden are very concerned about the amount of density being proposed by the developer. They ask the Council to consider the development very carefully. Two other issues – the neighborhood park and selling parcels to other developers - also need to be addressed. The latter poses greater concerns for Mr. Pease. Other developers may not be aware of the requirements of a Conservation Subdivision.

Justin Dodge, 105 South 16<sup>th</sup> Street, Ames, noted that seven years ago, Rose Prairie was proposed as a rural subdivision. Now 292 lots on 170 acres are being requested, which is considerably fewer than initially proposed. Other developments have occurred. Mr. Dodge pointed out that it doesn't matter how many lots are being proposed, all development has to meet the storm water standards. He believes that with the current standards, this development will be better for Ada Hayden than it ever was before, and for that reason, Mr. Dodge indicated that he was in favor for increasing the density for the current owner. Mr. Dodge said that Hunziker & Company only asks that it be treated the same as the developers of Rose Prairie.

Council Member Gartin again raised the issue of density impacting the Ada Hayden Watershed. Municipal Engineer Warner noted that Ames has one of the most progressive storm water ordinances in the state, and in addition, there are other controls contained in the Conservation Subdivision.

Council Member Beatty-Hansen asked if other types of pollution, e.g., noise, light, would also be regulated. Municipal Engineer Warner noted the major components of the City's Storm Water Ordinance and the Conservation Subdivision Ordinance.

Director Diekmann pointed out that staff is not saying at this point that 739 units will be allowed in the Rose Prairie Subdivision; that is the request of the owner at this time.

Council Member Betcher asked if having multiple owners if the developers do sell off parcels causes additional issues for staff. Director Diekmann indicated that it should not; the standards would be the same.

City Manager Schainker told the Council that staff was not asking it to approve any of the amendments being suggested by the developers at this meeting. Staff was looking for an indication by Council as to whether it should proceed with specific amendments. If the direction given is to proceed, the developers will make applications for rezoning and a Preliminary Plat. The revised Pre-Annexation Agreement will be considered at the same time the rezoning request is brought back to the Council.

Council Member Betcher stated that she did not have enough information to tell if there will be negative impacts because she does not know the density that will actually be involved. She pointed out that density means other things besides storm water run-off; it means noise pollution, light pollution, and traffic.

Council Member Gartin asked if he should make a motion to direct staff to pursue with the next phases of negotiations. Director Diekmann stated that the seven issues had been presented. Council could direct staff to proceed through those issues. Not all the issues can be dealt with at the rezoning stage. City Manager Schainker pointed out that if the Council wants staff to deal with noise and light pollution and those types of concerns, it should provide direction to staff to deal with those.

Mayor Campbell noted that staff had made recommendations on most of the seven issues. Council Member Betcher said that she would like to split out the issues.

Moved by Gartin, seconded by Orazem, with respect to Issue 1: to direct staff to consider a Master Plan and zoning districts that are different than the one that was approved by the previous owner in the existing Pre-Annexation Agreement.

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

Moved by Nelson, seconded by Betcher, to approve staff recommendations on Issues 2 through 7. Vote on Motion: 6-0. Motion declared carried.

**LANDSCAPE ORDINANCE PROVISIONS:** Due to the lateness of the hour, Mayor Campbell recommended that this item be postponed until the next meeting.

Moved by Gartin, seconded by Corrieri, to postpone this item until the April 26, 2016, City Council meeting.

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

**GRANT AGREEMENT FOR LOW-HEAD DAM IMPROVEMENTS IN NORTH RIVER VALLEY PARK:** Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 16-187 approving the Grant Agreement with Iowa Department of Natural Resources for improvements to low-head dam in North River Valley Park in the amount of \$85,000.

Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PURCHASE OF POLICE PATROL VEHICLES:** Nick Johnson, 427 Aspen Ridge Road, Ames, asked the Council to approve a re-bid for this project. Mr. Johnson said that Ames Ford Lincoln had submitted its electronic bid via email on Tuesday, March 29, to the attention of Mike Adair in the Purchasing Division. He followed up with Mr. Adair and was informed that the bid never came through under Wednesday, March 30. Ames Ford Lincoln confirmed that the bids were sent, but discovered an issue with the Internet service. Mr. Johnson stated that Ames Ford Lincoln has never

missed a bid deadline and felt that the bid was electronically submitted within the time frame required. According to Mr. Johnson, the bottom of the bid sheets showed that they were date-stamped as “3/29/16.”

Council Member Betcher noted that another issue raised by Ames Ford Lincoln was that the City had listed the incorrect code for the Power Train on the bid and asked City Attorney Judy Parks if that should also be addressed. Ms. Parks said that she had not been made aware of that issue.

Council Member Gartin noted that the bid was not received by the required bid due date. He did not feel there was anything that could be done at this point.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 16-188 awarding a contract to Stiver’s Ford Lincoln of Waukee, Iowa, for purchase of two police utility patrol vehicles in the amount of \$53,576.

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

**REVISIONS TO PURCHASING POLICIES AND PROCEDURES:** Moved by Orazem, seconded by Betcher, to approve the revisions to the City’s *Purchasing Policies and Procedures* (includes Local Consideration Policy).

Council Member Gartin indicated his dislike for the local consideration policy.

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

**ORDINANCE PERTAINING TO MINIMUM FLOOR AREA RATIO AND BUILDING HEIGHT FOR INSTITUTIONAL USES:** Moved by Gartin, seconded by Orazem, to pass on second reading an ordinance pertaining to minimum floor area ratio and building height for institutional uses requiring Special Use Permits in Downtown Service Center and Campustown Service Center Zoning Districts.

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

**ORDINANCE TO ADD FUNERAL HOMES AS AN INSTITUTIONAL USE ALLOWED IN DOWNTOWN SERVICE CENTER ZONING DISTRICT:** Moved by Nelson, seconded by Gartin, to pass on second reading an ordinance to add funeral homes as an institutional use allowed in Downtown Service Center Zoning District.

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

**ORDINANCE ESTABLISHING 3505 AND 3515 LINCOLN WAY URBAN REVITALIZATION AREA:** Moved by Betcher, seconded by Corriern, to pass on second reading an establishing 3505 and 3515 Lincoln Way Urban Revitalization Area.

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

**ORDINANCE CORRECTING AN IOWA CODE REFERENCE IN SECTION 23.308 PERTAINING TO REVIEW PROCEDURES FOR PLATS OF SURVEY:** Moved by Gartin,

seconded by Betcher, to pass on second reading an ordinance correcting an *Iowa Code* reference in Section 23.308 pertaining to review procedures for Plats of Survey.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE REZONING PROPERTIES AT 1405, 1415, 1425, 1502, 1509, 1510, 1511, AND 1519 BALTIMORE DRIVE AND 1428, 1429, 1506, 1514, AND 1522 BOSTON AVENUE:** Moved by Gartin, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4251 rezoning properties at 1405, 1415, 1425, 1502, 1509, 1510, 1511, and 1519 Baltimore Drive and 1428, 1429, 1506, 1514, and 1522 Boston Avenue from Community Commercial Node (CCN) to Highway-Oriented Commercial (HOC).  
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**COUNCIL COMMENTS:** Council Member Gartin said that he had invited the Story County Attorney's Office to speak to the City Council on criminal justice in Ames.

Moved by Gartin, seconded by Orazem, to direct City Attorney Parks to initiate a conversation with Story County Attorney's Office and the Ames Police Department to come to a City Council meeting to speak on criminal justice in Ames.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin to refer to staff the Campustown Square proposal.

Council Member Corrieri noted a goal that was established by the Council at its recent goal update session. She believes that the City Council had established that task for itself and should follow through with that. Ms. Corrieri indicated that she would not be in favor of Mr. Gartin's motion.

Council Member Orazem noted that he had recommended that the group work with Campustown Action Association and with property owners, but that has not happened.

Motion withdrawn.

Moved by Gartin, seconded by Orazem, to refer to staff for further investigation the request of Trinitas for a LUPP map change for 530 and 900 SE 16<sup>th</sup> Street from Highway Oriented Commercial to High- and Medium-Density Residential.

City Manager Schainker noted that the request would mean a radical change to the LUPP. He asked if the Council saw a need to do that at this time. Council Member Gartin said that he has apprehensions about the proposal, but would like to hear Director Diekmann's perspective as to whether it is a viable request.

Vote on Motion: 3-3. Voting aye: Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher, Corrieri. Mayor Campbell voted nay to break the tie. Motion failed.

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

Moved by Gartin, seconded by Orazem, to hold a Closed Session, as provided by Section 21.5c, *Code of Iowa*, to discuss strategy with counsel for matters in litigation.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting reconvened in Regular Session at 11:25 p.m.

Moved by Gartin, seconded by Orazem, to direct that staff move forward in accordance with what was discussed in Closed Session and approve the Consent Decree.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Gartin to adjourn the meeting at 11:26 p.m.

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Ann H. Campbell, Mayor

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Diane R. Voss, City Clerk