

**MINUTES OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY (AAMPO) COMMITTEE AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**OCTOBER 11, 2016**

**MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor Pro-Tem and voting member Peter Orazem at 6:00 p.m. on the 11th day of October, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames, Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Chris Nelson, City of Ames; Wayne Clinton, Story County; and Cole Staudt, Ames Transit Agency. Representing the AAMPO were City of Ames Transportation Planner Tony Filippini and Transit Director Sheri Kyras.

**HEARING ON AMENDMENT TO AAMPO 2015 PASSENGER TRANSPORTATION PLAN (PTP) AND HEARING ON AMENDMENT TO FY 2017-2020 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** City of Ames Transportation Planner Tony Filippini explained that both items that are the topics for this hearing came before the Transportation Policy Committee on September 27, 2016. The projects proposed to be added to the PTP were reviewed with the Story County Human Service Council at its September 22, 2016, meeting, and it recommended that the AAMPO amend the PTP to include them. On September 20, 2016, a public input session was held on the proposed amendments to the PTP and the FY 2017-2020 TIP. During the three-week public comment period, no comments were made concerning either the Plan or the Program.

Mr. Orazem opened the public hearings. He closed same after no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to approve the Amendment to the AAMPO 2015 Passenger Transportation Plan.

Vote on Motion: 8-0. Motion declared carried unanimously.

Moved by Clinton, seconded by Beatty-Hansen, to approve the Amendment to the FY 2017-2020 Transportation Improvement Program.

Vote on Motion: 8-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Staudt to adjourn the AAMPO Transportation Policy Committee Meeting at 6:04 p.m.

Vote on Motion: 8-0. Motion declared carried unanimously.

**REGULAR CITY COUNCIL MEETING**

Mayor Pro-Tem Orazem noted that the Council would be operating from an Amended Agenda. Under the Consent portion of the Agenda, No. 13 (Final Tax Abatement for 2311 Chamberlain Street) had been stricken and placed under the Planning & Housing heading. Also under Consent, an item to approve Change Order No. 1 for Bernels & Hotel Electric Vault Lid Replacements had been added. Change Order No. 1 with Integrated Global Services, Inc., for Boiler Tube Spray Coating and Related Services and Supplies had been added under the Electric Department heading.

**CONSENT AGENDA:** Moved by Corrieri, seconded by Gartin, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims

2. Motion approving Minutes of Regular Meeting of September 27, 2016, and Special Meeting of October 5, 2016
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for September 16 - 30, 2016
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class E Liquor, B Wine, & C Beer – Target Store T-1170, 320 South Duff Avenue
  - b. Class C Beer - Joy’s Iowan-Asian Foods, Inc. (JIA Foods), 118 Hayward Avenue, Ste. 5
  - c. Class B Wine & C Beer - Aldi, Inc., 1301 Buckeye Avenue
  - d. Class C Liquor - London Underground, 212 Main Street
  - e. Special Class C Liquor, B Wine, & C Beer - Creative Spirits, 4820 Mortensen
  - f. Class C Liquor - The Other Place, 631 Lincoln Way
  - g. Class E Liquor, B Wine, & C Beer - CVS Pharmacy #10452, 2420 Lincoln Way
6. Motion approving new Class C Liquor License - Arcadia Café, 116 Welch Avenue, pending Certificate of Occupancy
7. Motion approving ownership change for a Class B Liquor License - Pizza Ranch, 1404 Boston
8. RESOLUTION NO. 16-582 approving and adopting Supplement No. 2016-4 to *Ames Municipal Code*
9. RESOLUTION NO. 16-583 approving appointment of Victoria Knight to fill vacancy on Human Relations Commission
10. RESOLUTION NO. 16-584 approving Cooperative Agreement with Iowa Civil Rights Commission for processing and investigation of civil rights complaints
11. RESOLUTION NO. 16-585 approving Encroachment Permit for 116 Welch Avenue for multiple encroachments
12. RESOLUTION NO. 16-586 waiving Purchasing Policies and Procedures and awarding sole source contract to Mid-American Signal, Inc., of Kansas City, Kansas, for Wavetronix Traffic Data Collectors (Phase II) in the amount of \$133,953.56
13. RESOLUTION NO. 16-587 approving contract and bond for Ames Plant to N.E. Ankeny 161-kV Transmission Line Relocation
14. RESOLUTION NO. 16-588 approving contract and bond for Water Treatment Plant Five-Year Well Rehabilitation Project (Year 5)
15. RESOLUTION NO. 16-589 approving contract and bond for 2007/08 Shared Use Path System Expansion (Oakwood Road)
16. RESOLUTION NO. 16-590 approving contract and bond for Water Pollution Control Facility Trickling Filter Pumping Station Pipe Recoating Project
17. RESOLUTION NO. 16-591 approving Change Order No. 11 for Power Plant Fuel Conversion - Mechanical Installation General Work Contract
18. RESOLUTION NO. 16-613 approving Change Order No. 1 for Bernels & Hotel Electric Vault Lid Replacements
19. RESOLUTION NO. 16-592 accepting completion of 2014/15 CyRide Route Pavement Improvements (24<sup>th</sup> Street and Bloomington Road)
20. RESOLUTION NO. 16-593 accepting completion of 2015/16 Storm Sewer Improvement Program - Various Locations
21. RESOLUTION NO. 16-594 accepting completion of Bid No. 2 Turbine Steam Seal System
22. RESOLUTION NO. 16-595 approving partial completion of public improvements and reducing security requirement for Sunset Ridge Subdivision, 5<sup>th</sup> Addition
23. RESOLUTION NO. 16-596 accepting partial completion of public improvements and reducing security requirement for Northridge Heights Subdivision, 18<sup>th</sup> Addition
24. RESOLUTION NO. 16-597 approving partial completion of public improvements and reducing security requirement for Scenic Valley Subdivision, 1<sup>st</sup> Addition
25. RESOLUTION NO. 16-598 approving partial completion of public improvements and reducing

- security requirement for Hayden's Crossing Subdivision, 1<sup>st</sup> Addition
26. RESOLUTION NO. 16-599 approving partial completion of public improvements and reducing security requirement for Dotson Drive Subdivision
  27. RESOLUTION NO. 16-600 approving partial completion of public improvements and reducing security requirement for Crane Farm Subdivision
  28. RESOLUTION NO. 16-601 accepting completion of public improvements and releasing security for Northridge Heights Subdivision, 16<sup>th</sup> Addition
  29. RESOLUTION NO. 16-602 accepting completion of public improvements and releasing security for Northridge Heights Subdivision, 17<sup>th</sup> Addition
  30. RESOLUTION NO. 16-603 approving Plat of Survey for 313 Lynn Avenue
- 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 Pro-Tem Orazem opened Public Forum. Richard Deyo, 505 - 8<sup>th</sup> Street, #2, Ames, recalled that when the City Council was discussing allowing street painting, he had suggested that the Airport runway be painted. Referencing the Lincoln Way Corridor Study that is being conducted, he suggested a street painting project be done for the length of Lincoln Way. No one else requested to speak, and Public Forum was closed.

**HEARING ON REZONING, WITH REVISED MASTER PLAN, 5571 GRANT AVENUE (NOW KNOWN AS HYDE AVENUE) [ROSE PRAIRIE]:** City Planner Charlie Kuester stated that this property was last before the Council in July 2016 when the applicant had requested a rezone with Master Plan. On July 26, 2016, the City Council denied, with a 3-3 vote, the previous rezoning request with a Master Plan for 746 dwelling units. Since that time, the applicant has submitted a new Master Plan with the same zoning boundaries of FS-RL, FS-RM, and CGS, with generally the same layout, street and trail connections, and open spaces. The difference between then and now is that the maximum number of dwelling units is limited to 620 dwelling units in the proposed Master Plan. The revised Plan now shows density ranging from 3.75 to 6.56. Connection into the site would be from Hyde Avenue. The five-acre park will remain, and the overall green space is approximately 30%. This proposed development will be subject to the Conservation Subdivision Ordinance and Chapter 5B (Stormwater Ordinance).

According to Mr. Kuester, during the July 2016 meeting, several questions were raised. Mr. Kuester summarized the questions and provided answers to same, including the history of the project, underground storage tanks, and a comparison of net density to other developments in the area. According to Planner Kuester, this development is comparable to Northridge Heights Subdivision in North Ames.

Representing Rose Prairie, Caleb Smith, 1360 NW 121<sup>st</sup> Street, Clive, Iowa, advised that they had been working back and forth with the staff on this. This step back (lowering density) was a big challenge: the developers have to take more risk with the new proposal, but they feel strongly about their project. According to Mr. Smith, the price point of the lots will be higher due to the density being lower.

Mayor Pro-Tem Orazem opened the public hearing. The hearing was closed after no one asked to speak on this subject.

Council Member Betcher expressed her appreciation of the fact that fewer units were now being proposed. She also noted that the report from staff with comparables to other developments helped her be more comfortable with the development. Council Member Corrieri commented that the comparables had also helped her realize the scope of this project.

Council Member Beatty-Hansen stated that she wanted to make the lots more affordable. She is still concerned about the underground gas tank being directly upstream from Ada Hayden. Council Member Gartin said that also had been a concern of his; however, he is now comfortable allowing the tank for a gas station after receiving the opinion of the City's engineer and the Department of Natural Resources.

Moved by Nelson, seconded by Corrieri, to pass on first reading an Ordinance rezoning, with Revised Master Plan, 5571 Grant Avenue (now known as Hyde Avenue) [Rose Prairie] from Agricultural (A) to Suburban Residential Low Density (FS-RL), Suburban Residential Medium Density (FS-RM), and Convenience General Service (CGS).

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

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-604 approving the Addendum to the Pre-Annexation Agreement.

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 MASTER PLAN FOR 2617 BOBCAT DRIVE:** City Planner Justin Moore stated that the design and layout of the approximate 16.14-acre site had been the subject of a number of proposals for apartment development in response to neighborhood concerns regarding density, access, buffering, and the appearance of the buildings. The proposed amendment to the Master Plan is focused on the 1-45 acres of Outlot A at the center of the site. The proposed project requests approval of an amended Master Plan to allow for the subsequent platting of Outlot A as a buildable lot, reallocation of open space, and a Major Site Development Plan for the construction of 13 three-bedroom single-family attached houses accessed from Bobcat Drive. As part of the 2013 Master Plan, 1.8 acres of greenspace (as Outlot A and Outlot B) were part of the original project approval to meet the ten percent open space requirement. However, Outlot A was also noted as possibly being used for future development with an amendment to the Plan. In 2013, it was believed that the Outlot could, at some point, be developed in combination with the remnant Ringgenberg homestead abutting the site to the north along Oakwood Drive. The Ringgenberg homestead is approximately two acres in size and zoned RL.

According to Planner Moore, there are two primary policy issues related to the Master Plan: (1) the request to meet open space requirements with the off-site common open space of the Ringgenberg Subdivision to the south and (2) to allow for development internal to a site along a proposed private street within the current FS-RM zoning that was not originally approved as a street. The developer proposes that, with approved participation in the Ringgenberg Planned Residential Development Homeowners' Association to the south, the residents of the Bobcat site have access to additional open space that would exceed the FS zoning standard of 10%. The developer asks that the 10% required be applied as a requirement to the original overall Ringgenberg area rather than as an individual Floating Suburban zoning district requirement.

At the inquiry of Council Member Betcher, Planning Director Kelly Diekmann advised that the original Ringgenberg homestead would remain low-density Residential (RL). Ms. Betcher noted that that RL zone would then be surrounded by RM zoning. She also noted that the Outlot is currently used as part of the greenspace requirement. Director Diekmann advised that the open space requirement is different between the current FS-RM zoning of the Bobcat Apartment area and the single-family home area to the south that is zoned F-PRD. The F-PRD area must achieve a 40% open space area requirement. The F-PRD was approved with a combination of private rear-yard areas for each lot and common open spaces for bike paths, stormwater, and a playground along Cedar Lane. The PRD was approved in May 2012 with 11.24 acres of open space on private lots and 17.74 acres of common open space for a total of approximately 53% of the overall 53-acre site as open space. If 10% of the Bobcat Apartment area -

1.6 acres - was subtracted from common space in the PRD was an allocation to the FS-RM area, the remaining open space percentage would be 50.4% for the PRD.

Mr. Diekmann told the Council that for the Outlot to be developable, it must meet the City's street frontage requirements. At the time of platting of Outlot A, it was made an outlot because it did not meet lot standards as a public buildable lot and needed to qualify as common open space. Outlot A was platted with 20 feet of frontage along Oakwood Road and the same shared access easement over its south property line as the other properties in the Bobcat development. In this case, the developer does not have 35 feet of frontage along a public street and proposes that Bobcat Drive become a recognized private street for the purpose of meeting frontage requirements.

Council Member Orazem asked who would be responsible for snow removal if this were to be approved. Director Diekmann advised that it would be the property owners along that street. At the inquiry of Council Member Betcher, Mr. Diekmann answered that there would not be street lights along the street, and its width would only be 26 feet. Mr. Diekmann advised that if the Council were to grant the developer's request, it would have to grant a Waiver to street improvement requirements within the subdivision process as a substitute for the public street.

Council Member Betcher asked how many developments in Ames have added units to a street that was not intended to serve as a public street. Director Diekmann said he could not think of any others; this would be unique. Council Member Gartin noted that private streets do not have a recognized standard by the City and are considered on a case-by-case basis. From a planning perspective, he is not in favor of private streets. He commented that he did not want this to set a precedent; however, he believes that this is a unique situation.

Council Member Betcher expressed her concerns over private streets and believes that it is problematic if too many developments have private streets that might eventually fall out from under homeowner associations' responsibility. Director Diekmann told the Council that when the site was initially laid out, it stressed the external interface to Oakwood Road as well as the Ringgenberg piece, not the internal layout.

The public hearing was opened by the Mayor Pro-Tem.

Kurt Friedrich, 100 Sixth Street, Ames, identified himself as the developer for the proposed project. He said that 100% of the structures that have been built are occupied. According to Mr. Friedrich, it is very unusual to find an area for infill development with infrastructure in place that is readily available for the development of reasonably priced family homes in proximity to the Research Park. Mr. Friedrich said that he would be providing legal documentation of the protocol for being part of the Homeowners Association. All owners pay into the Ringgenberg Homeowners Association for the continued use and enjoyment of the open space. Mr. Friedrich presented the drawing of what the 13 attached houses would look like. He noted that they had originally proposed 22 townhome units; however, had now reduced that to 13 single-family attached units.

After no one else came forward to speak, Mayor Pro-Tem Orazem closed the hearing.

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 16-605 approving the Amendment to the Master Plan for Ringgenberg Park Subdivision Bobcat Drive Apartments Outlot A. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON REZONING, WITH MASTER PLAN, 3115, 3119, 3301, 3325, 3409, AND 3413 SOUTH DUFF AVENUE (Continued from September 27, 2016):** Planner Kuester provided background information on the request of the property owners, Dickson and Luann Jensen, to rezone six parcels comprising a total of 45.92 gross acres along South Duff Avenue. Two of the properties (3301 and 3325) are currently zoned Agriculture (A) and the remaining four are zoned Highway-Oriented Commercial (HOC). This site was recently the subject of a Land Use Policy Plan Amendment designating much of the area for high-density residential development, which retaining a portion of South Duff Avenue frontage as HOC.

The applicant has submitted a rezoning request for 41.30 acres as High-Density Residential (RH) with 4.62 acres remaining as HOC. The developer intends to construct a mix of one- and two-bedroom apartments with a maximum of 700 units. The Rezoning Agreement would allow for up to ten percent of the constructed units to have three bedrooms; the rest of the units must be one- and two-bedroom units. The proposed density of dwelling units is between 11.63 and 17.50 dwelling units per acre.

According to Mr. Kuester, the proposed rezoning includes a contract to address terms of needed public improvements in the area and for limitations on use of the site. In order to facilitate the installation of the needed infrastructure to meet existing needs, future needs, and needs brought on by this specific development, the City and the developer have prepared Contract Rezoning Agreement to identify specific improvements must take place and the party responsible for paying for those projects. It was noted that staff and the developer have negotiated obligations for stormwater costs assigned to the developer and street improvement costs assigned to the City.

Council Member Gartin shared that he had had concerns expressed over the drainage issues for South Duff Avenue, especially in light of the Southdale drainage issues experienced in the past, and how continued development along South Duff would not make those issues worse. Planner Kuester referenced the Teagarden Drainage Study that had made recommendations for water detention. He noted that the Study had identified the need to hold back water draining from the site. Municipal Engineer Tracy Warner advised how the current Stormwater Management Ordinance addresses those issues. She described the requirements imposed on the developer per Chapter 5B and stated that, as the development progresses, it will go through the creation of a Stormwater Management Plan. Ms. Warner also referenced a public meeting about improvements in this area that was held last week. She felt the information was very well-received; 43 people had attended, and the residents indicated that they are looking forward to the improvements.

Noting that this development will be in proximity to the Ames Municipal Airport, Council Member Orazem asked if the Federal Aviation Administration (FAA) had to sign off as well. Traffic Engineer Damion Pregitzer advised that the FAA sets the regulations that Ames must follow; it is incumbent on City staff to meet the FAA standards. As long as that happens, the FAA does not provide any other input. Discussion ensued about the noise levels emanating from the Airport.

Council Member Betcher asked about traffic accommodation from Garden to KenMaril. Traffic Engineer Pregitzer acknowledged that there is a lot of commuter traffic along that section. He explained the safety and traffic flow benefits that would be gained by extending the third lane section from Garden Road to KenMaril. It is hoped that the City will received Iowa DOT grants to help offset the \$1.976 improvement.

City Manager Schainker requested Director Diekmann to review the details of the Contract Rezoning Agreement. The City is counting on receiving grants from the Iowa DOT, so there is some risk for the City. Mr. Diekmann noted that the Contract Rezoning Agreement references the widening of the lane to KenMaril, which the City would be obligated to do; that is absorbed into the \$1.976 million

improvement and that the City is counting on receiving Iowa DOT grants. The City will also be obligated to a shared use path extension on the east side of Duff Avenue all the way to Ken Maril. A Traffic signal needs to occur at Crystal; that would be the City's obligation. The developer is going to build the larger stormwater detention pond, which will benefit residents of the area.

Director Diekmann summarized the results of the Traffic Study that had been conducted. He also detailed the obligations for the developer and the City that are included in the Contract Rezoning Agreement. The Agreement must be approved prior to the third reading of the Rezoning Ordinance. Mr. Diekmann explained the provisions of the Agreement on which the City and the developer agree. Director Diekmann advised, however, that staff and the developer are at an impasse on the possible Ames Electric relocation costs for lines that exist on the east side of South Duff from approximately Crystal to Ken Maril Road. City staff believes relocation is unlikely, but since a final design has not been approved by the Iowa Department of Transportation (Iowa DOT), staff has attempted to negotiate with the developer and an equal share in the risk of this cost that is estimated at \$750,000 with a 50/50 split of the cost and a cap on the developer's share at \$375,000.

The Agreement being proposed by the City includes the following elements:

1. City to widen South Duff Avenue (City's cost)
2. City to install traffic signal at Crystal Street intersection (City's cost)
3. City to install shared-use path along east side of South Duff Avenue (City's cost)
4. Developer to construct stormwater improvements as identified in Teagarden Drainage Study, in addition to developer's own stormwater needs (Developer's cost)
5. Developer to install five-foot sidewalk along developer's drontage as well as along cemetery frontage (Developer's cost)
6. Intensity of use limited to 750 dwelling units configured as one- and two-bedrooms apartment dwellings with up to 10% allowed as three-bedroom apartments. The project design shall incorporate brick materials and on-site amenities commensurate with phasing of residential development.
7. In the event that electric poles require relocations on the east side of South Duff, a split of the costs at 50/50 not to exceed \$375,000 for the developer

Council Member Gartin asked if the process of finding the answer to whether the electric poles will need to be relocated could be done any faster. He wanted to know if engineers could be hired to only figure that out, as he sees that as a very large variable in this case.

City Manager Schainker noted that City's portion of this would have to be included as part of next year's CIP. Council Member Pregitzer noted that engineering costs normally cost 20% of the construction cost for the design fees; to get that level of detail at this point would amount to or be approximately \$200,000. City Manager Schainker described what direction would be needed from the Council if it wanted to accelerate that portion of this project. He cautioned that there are many other variables associated with this project: there are no design documents for the roadway (street widening and the bike path), and it is unknown whether the City will receive the three grants from the Iowa DOT. Mr. Gartin noted that relocation of electric poles is estimated at approximately \$750,000, of which one-half (\$375,000) would be the obligation of the developer. He believes that the answer to that question needs to be expedited. Mr. Pregitzer noted that if the Council wants to accelerate the design, first staff would have to find funding and waive Purchasing Policies to hire a consultant without it being included in the CIP.

Council Member Orazem noted that in order to truly reduce the congestion on Duff, the City needs to address commuting from the south into Ames; there needs to be more than one avenue from the south.

At the inquiry of Council Member Betcher, Mr. Pregitzer confirmed that the widening of South Duff was included in the Long-Range Transportation Plan as a mid-term project. However, with this development, it would have to be accelerated.

Mr. Diekmann advised that the developer is in agreement with six of the seven elements of the Contract Rezoning Agreement; however, not with one of the Contract elements. The developer believes that the City should complete any needed electric pole relocation at its cost.

Mayor Pro-Tem Orazem noted that the hearing had been continued from a previous meeting and asked if there was anyone who wished to speak to this matter.

Dinah Kerksieck, 621 Garden Road, Ames, cited the occurrence of a bad three-car accident that had happened yesterday at the intersection of South Duff and Garden Road, which demonstrated the real need for the center turn lane. According to Ms. Kerksieck, according to the Iowa DOT standards, the proposed development will contribute 3,000 and 5,000 additional vehicle trips/day, and she is concerned that the turn lane was not going to be adequate. A second concern of Ms. Kerksieck is with the drainage system that goes through the development and empties out on farmland to the east. Although it sounds like staff is addressing that, she wants to ensure that that is adequate.

Luke Jensen, 2519 Chamberlain, Ames, stated that he was one member of the development team. He showed the design concept for the one-, two-, and three-bedroom units that have been created. Mr. Jensen said that the possible relocation of the electric poles really caught the developer off guard. The developer thought that the City would take care of the off-site obligations and the developer would take care of the on-site obligations. Answering Council Member Gartin's question as to why that caught the developer off guard, Dickson Jensen, 4611 Mortensen Road, Ames, said the developer felt they had a general understanding that the City would take care of the off-site improvements and the developer would take care of the on-site improvements; however, two days prior to the Council meeting, he received the Agreement that included the possible relocation of electric poles. The electric poles are not located on his property, so that was a shock to him. Personally, Mr. Jensen said he does not believe the pole relocation will even be needed. He believes a good engineer can find a way to construct the third lane without needing to relocate the electric poles. According to Mr. Jensen, it would cost approximately \$900,000 and seven acres of land would be needed to manage the storage of water that would occur on his land. In addition, the amount of fringe area he owns amounts to 20%, not 50%. He wants the project to move forward and, worse case scenario, he would be willing to agree to pay one-fourth of the cost of relocating the electric poles with the City paying three-fourths. According to Mr. Jensen, property taxes will equate to over \$3 million/year on this project; the City is losing over \$300,000/month in property taxes for every month that the development does not move forward.

Council Member Gartin asked how the level of risk can be weighed; right now, the relocation of the poles is an element of speculation. Council Member Orazem believes that there is less risk than what it appears because of an opportunity for several good things that the City has tried to get accomplished for some time, i.e., moving traffic through South Duff Avenue and water storage, will occur as a result of this project.

There being no one else wishing to speak, the hearing was closed.

Moved by Beatty-Hansen to approve the request for contract rezoning from Agriculture and Highway-Oriented Commercial to High-Density Residential and Highway-Oriented Commercial with a Master Plan that includes the developer splitting 50/50 with the City (not to exceed \$375,000 for the developer) for the electric pole relocation. Motion died for lack of a second.



Council Member Gartin commented that every time the Council makes decisions on these types of issues, it sets a precedent for another developer.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 16-606 approving the Contract Rezoning Agreement with the counter-proposal of the developer that he will assume a quarter of the cost of relocating the electric poles, if needed.

Council Member Betcher noted that the widening of Duff had been included in the Long-Range Transportation Plan, so, without this development, the City would be on the hook for the entire cost.

Director Diekmann asked for clarification regarding the cap. Council Member Orazem pointed out that 25% of \$750,000 would be \$187,500 if there was a cap. Dickson Jensen clarified that his counter-proposal would be 25% with a cap; so the cap would be \$187,500.

Council Member Betcher noted that her motion was to accept the counter-proposal of the developer.

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

Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance rezoning, with Master Plan, of 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue from Highway-Oriented Commercial (HOC) and Agricultural (A) to Residential High Density (RH) and Highway-Oriented Commercial (HOC).

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

The meeting recessed at 8:31 p.m. and reconvened at 8:39 p.m.

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT REGARDING PERMITTED USES AND MIXED-USE DEVELOPMENT STANDARDS IN CAMPUSTOWN SERVICE CENTER:** Director Diekmann provided the history behind this text amendment. He said that the developer of the 1.8-acre site within the 2700 Block of Lincoln Way requested that the City Council initiate a text amendment to allow for a mixed-use development to be constructed in a manner similar to mixed-use developments in Campustown Service Center zoning, but to allow for some household living residential uses on the ground floor. At its June 14, 2016, meeting, the Council consented to initiating the text gave direction on the approach for the text amendment at its August 9, 2016, meeting.

Mr. Diekmann described the changes that pertained to (1) Household Living Use Category, (2) Maximum Building Coverage, (3) Windows, (4) Building Materials, and (5) Entrances. Pertaining to Entrances, Director Diekmann emphasized that a lobby is required for a hotel. The entrance to a hotel was must face the street.

The public hearing was opened and closed after no one requested to speak.

Moved by Corrieri, seconded by Gartin, to pass on first reading an ordinance regarding permitted uses and Mixed-Use Development Standards in Campustown Service Center.

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENTS TO CREATE MINOR AMENDMENT PROCESS FOR MAJOR SITE DEVELOPMENT PLANS AND SPECIAL USE PERMITS:** Julie Gould, City Planner, stated that on July 12, 2016, the Council initiated a Zoning Text Amendment in response to a request to create a Minor Amendment Process for Major Site Development

Plans and Special Use Permits that would be the same process as allowed for Planned Residential Developments.

Mayor Pro-Tem Orazem opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Council Member Gartin asked what kind of interaction staff has had with developers. Director Diekmann answered that information had been sent out about the proposed changes, but staff has heard no comments. Mr. Gartin said he would like staff to follow up with developers to get feedback as to whether this is working for them.

Moved by Corrieri, seconded by Nelson, to pass on first reading an ordinance creating a Minor Amendment Process for Major Site Development Plans and Special Use Permits.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**HEARING ON 2015/16 WATER SYSTEM IMPROVEMENTS PROGRAM #2 - WATER MAIN REPLACEMENT (SOUTH DUFF AVENUE):** Municipal Engineer Warner explained bids had come in over-budget. Staff was recommending that the project be delayed and re-bid at a future date.

The public hearing was opened and closed by Mayor Pro-Tem Orazem after no one came forward to speak.

Council Member Gartin questioned if there were changes that could be made to the program to reduce the costs. Ms. Warner stated that staff had evaluated the project. She noted that there are certain things that can be changed, but others that staff cannot change.

Moved by Nelson, seconded by Betcher, to reject bids and direct staff to delay the project.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**CHANGE ORDER NO. 1 WITH INTEGRATED GLOBAL SERVICES, INC., FOR BOILER TUBE SPRAY COATING AND RELATED SERVICES AND SUPPLIES:** Electric Services Director Donald Kom provided the background of the Boiler Tube Spray Coating project, for which the contract renewal was approved on June 14, 2016, in an amount not-to-exceed \$225,000. Once the work began, the contractor found that 1,400 square feet of tube, not 500 square feet, needed to have new coating. It was determined that a Change Order was needed in an amount of \$255,000.

Mr. Kom spoke about the quandries that this situation had caused for Electric, City Manager's Office, and the Legal Department. He explained how the City's Purchasing Policies and Procedures address "emergency" repairs or "rapid need" purchases. The City's Policies and Procedures have a cap for "rapid need" of \$25,000 and a cap for "emergency" of \$50,000. The "emergency" procedures were used in that an opinion was received from a certified engineer that the work indeed qualify as an emergency. Mr. Kom believes that the language at the City level and the state level needs to be reviewed. He further explained that the continuation of service, e.g., burning of Refuse-Derived Fuel (RDF), was not possible since shortly after Unit No. 8 was taken out of service for this maintenance, Unit No. 7 had a leak and could not be put into service to burn RDF. Garbage haulers then were picking up garbage, but couldn't bring it to the Resource Recovery Plant, so the garbage had to be deferred.

Council Member Gartin commented that he did not see how this expense constituted of an emergency.

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 16-614 approving Change Order No. 1 with Integrated Global Services, Inc., for Boiler Tube Spray Coating and Related Services and

Supplies.

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

**PRELIMINARY PLAT FOR 5871 ONTARIO STREET:** Planner Moore explained that D & R Furman, LLC, is the property owner of 5871 and is requesting approval of a Preliminary Plat for a Major Subdivision of a 33.57-acre site. It was noted that the City Council had approved a rezoning request from Agricultural zoning to Suburban Residential Low Density with a Master Plan on July 26, 2016. The proposed Preliminary Plat is a layout of 74 single-family home lots. It includes three outlots for open space. The design includes the construction of six public streets, four of them as extensions of existing public streets from the east and two new public streets traversing the site from north to south. The frontage of Ontario Street must be improved as part of the Subdivision frontage of the project and this includes extension of the existing sidewalk, street, and utilities.

According to Mr. Moore, the developer has requested that the City Council approve a waiver of street improvements for the partial extension of Ontario Street. He said that the Council would have to find that the requirement poses an extraordinary hardship or proves to be inconsistent with the purpose of the regulations due to topography or other conditions. Mr. Moore said that staff does not believe there is evidence to make the waiver finding as the extension of the street is a required improvement consistent with purpose of Code to extend infrastructure at the time of development and to match existing patterns and meet the future needs of the City. The developer also desires to enter into a Development Agreement for cost-sharing on the extension of the current 16-inch water main that is within Ontario Street. It was noted that the site is within Southwest I Allowable Growth Area and the developer may request the City Council to agree to pay for the costs of oversizing of a standard eight-inch main to the required 16-inch main; such an agreement would be entered into at the time of Final Plat approval.

Rich Fitch, 2607 Northridge Parkway, Ames, spoke on the request for a waiver. He stated that he believes that using a transition taper on the south end of the Subdivision from Oregon Avenue to the westernmost edge of the Subdivision is the best way to do it since there is no plan to develop any land farther to the west because it is in the floodplain. At the inquiry of Council Member Gartin, Director Diekmann stated that part of the property to the west is in the floodplain,

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 16-607 approving the Preliminary Plat for 5871 Ontario Street, with the following conditions:

1. Modify the improvement plans to have the water line extension transition from within the paved area of Ontario to the parking area of the right-of-way, rather than below the paving of the Ontario extension.
2. Prior Final Plat of the final addition of the Subdivision, provide to the City cash-in-escrow for the costs of the water line extension from the termination of the line at Oregon Avenue. The costs for the extension shall be to the specifications of the City and as estimated by the Public Works Director.
3. Direct staff to prepare a Development Agreement for City Council consideration at the time of Final Plat approval that identifies the financial obligation for the City to pay for the cost of oversizing the 8" water line to a 16" water line from Oregon Avenue to the west property.
4. Deny the request for a waiver of the Ontario Street extension to the west property line of the Subdivision.

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

**MAJOR FINAL PLAT FOR SCENIC POINT SUBDIVISION:** City Planner Julie Gould described the specifics of the Major Final Plat for this Subdivision.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-608 approving the Major Final Plat for Scenic Point Subdivision.

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

**FINAL TAX ABATEMENT FOR 2311 CHAMBERLAIN STREET (THE EDGE):** Director Diekmann explained that the Gilbane Development Company was seeking final approval of its mixed-use project at 2311 Chamberlain earlier than the City's customary annual approval cycle in February. He noted that staff did not typically bring individual requests to the Council before February; however, the developer is requesting that be done now to assist in setting up the long-term financing of the project this fall.

According to Director Diekmann, staff has completed an on-site inspection of the improvements constructed and finds that the work completed conforms to the Campustown Urban Revitalization Area criteria.

Concerns were expressed by Council Member Beatty-Hansen and Gartin about this individual request for tax abatement being brought to the Council now, when the annual approval cycle that is followed for all the others is in February. Ms. Beatty-Hansen said she felt that it could "open up a can of worms." Council Member Betcher suggested that perhaps the tax abatement requests should be brought to Council a couple times per year. Director Diekmann expressed that that would require more staff time and preferred that not happen. He suggested the Council referral process be followed in the future for these types of requests.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-609 finding that the work completed conforms to the Campustown Urban Revitalization Area criteria and approving the request for approval of tax exemption for the mixed-use project located at 2311 Chamberlain Street (The Edge). Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**13<sup>TH</sup> STREET AND KELLOGG AVENUE TRAFFIC SIGNAL REQUEST:** Traffic Engineer Damion Pregitzer presented a staff report on the 13<sup>th</sup> Street and Kellogg Avenue Traffic Signal Request. He explained that, as part of Phase II of the hospital expansion project, a temporary traffic signal was installed at the 13<sup>th</sup> Street and Kellogg Avenue intersection to assist in the management of traffic while vehicles from the hospital were rerouted towards Kellogg Avenue. The temporary signal has been in operation since September 12, 2014. Recently, the hospital project has progressed to the point that full access was restored to Duff Avenue and the removal of the temporary signal was scheduled along with other traffic control measures throughout the neighborhood along Kellogg Avenue. After being informed that the signal was going to be removed, neighborhood representatives contacted the City requesting that the signal remain on a permanent basis to primarily facilitate the crossing of school-age pedestrians north and south across 13<sup>th</sup> Street. Staff was then asked to study the intersection to see if the traffic signal was warranted. Mr. Pregitzer advised that in the opinion of staff, it is unlikely the traffic signal is warranted now that traffic patterns have been restored to the existing signal at 11<sup>th</sup> Street and Duff Avenue.

Mr. Pregitzer noted that there is a signalized pedestrian crossing in front of Fire Station No. 1, which is approximately 220 feet east of the temporary signal at 13<sup>th</sup> and Kellogg. He also told the Council that the 13<sup>th</sup> and Kellogg intersection has not been identified for signalization in any planning process.

Per Mr. Pregitzer, another consideration for a signal is whether there are significant safety issues at the intersection that can be mitigated by a traffic signal. Staff conducted a preliminary review of the accidents using the current statewide database (2006 to September 2016) and found that there were 13 accidents in the eight-year period (average of 1.5/year) operating as a two-way stop and seven crashes in the two-year period (average of 3.5/year) in which the temporary signal was in place; that represents more than double the yearly accident rate while the signal has been in place.

City Manager Schainker referenced discussions with the Hospital-Medical Group, which represents five neighborhood associations, and advised that they are not requesting a study be conducted, but rather for the temporary signal to remain.

Peter Hallock, 114-8th Street, Ames, said he was speaking on behalf of the Old Town Neighborhood Association, which is a member of the Hospital-Medical Group. Mr. Hallock shared that the neighborhoods participating in that Group had agreed that there had been quite a bit of benefit from the temporary traffic signal besides accommodating the exiting traffic from Mary Greeley onto Kellogg. It was felt that the signal provided safety for school children and that the signal located at an intersection worked better than the one located mid-block on 13<sup>th</sup> Street (in front of the Fire Station). Mr. Hallock said he took issue with the thought that traffic accidents increased because of the signal. He felt that it was more due to the volume of traffic that had increased by 4,000 to 5,000 when traffic was detoured to Kellogg. There is a lot more to consider than just the traffic on Kellogg Avenue.

Chris White, 1421 Carroll Avenue, Ames, stated that she had also participated in the Hospital-Medical Group and also would like the temporary signal at 13<sup>th</sup>/Kellogg be retained. She provided several points as to why she was asking the Council to direct staff to conduct a traffic signal warrant study with the temporary signal in place. One of the suggestions made by Ms. White was that the traffic signal in front of Fire Station No. 1 could function only to allow emergency fire vehicles to access/egress the Fire Station. She also feels that the speeds of traffic on 13<sup>th</sup> Street are a concern, and the signal is needed to assist pedestrians to cross the Street. Ms. White also read emails sent by Molly Helmers, also a member of the Hospital-Medical Group. In that email, Ms. Helmers stated her belief that the signal provides a safe way for pedestrians/bikers to cross 13<sup>th</sup> Street.

Addressing a question from *ex officio* Member Schulte, Mr. Pregitzer said that he was not saying that he knew for sure what had caused the increase in crashes at the 13<sup>th</sup>/Kellogg intersection. He only had two years of data, and he normally would have three to five years.

Council Member Betcher suggested moving the signal to Clark Avenue instead of having only 220 feet between the Fire Station signal and the temporary one at 13<sup>th</sup>/Kellogg. Mr. Pregitzer said that the standard is to place signals a certain distance apart; however, that would be short of the standard distance.

Moved by Betcher, seconded by Beatty-Hansen, to direct staff to conduct a traffic signal warrant study with the temporary signal in place.

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

**2015/16 AIRPORT IMPROVEMENTS (TERMINAL BUILDING):** Traffic Engineer Pregitzer reminded the Council that, on September 7, 2016, bids were received from ten bidders. On September 13, 2016, the Council accepted the report of bids and approved the final plans and specifications for the

project while delaying award of the contract to allow staff to explore options for bringing the overall project within the budgeted amount of \$3,310,000. The low bid for the terminal construction came in \$117,000 over budget. Staff then created a detailed cost summary for the technology bid and the furniture/equipment bid, which were to be handled separately from the construction contract.

City Manager Schainker pointed out that the overall project estimate is within the available budget after accounting for the site work, site and terminal design, furniture, and technology costs. He cautioned, however, that only \$31,220 would be available as contingency for any change orders that might be needed during construction of the Terminal building. He presented three alternatives for the Council's consideration.

Mr. Schainker said that, given the fact that the private sector had already raised funds to build the Itinerant Hangar that will be valued in excess of \$1,000,000 and will be contributing an additional \$250,000 towards the Terminal project, and that ISU is already guaranteeing the debt service for over \$913,000 and an additional \$250,000 for the Terminal building, it could be argued that the City's two partners have already made appropriate levels of contribution towards the City's Airport improvements. If the Council is in agreement, and the contract is awarded to Jensen Buildings LTD, it would require the City to assume the total financial responsibility for any change orders that would be needed in excess of \$31,220.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-610 awarding the 2015/16 Airport Improvements (Terminal Building) to Jensen Buildings LTD of Des Moines, Iowa, in the amount of \$1,973,900 (for base bid with no alternates).

Council Member Beatty-Hansen expressed her apprehensions over the small amount that would be left as a contingency for any change orders that might be needed during construction. She stated that she would prefer to step back and look at the scope of the project. Mr. Pregitzer brought the Council's attention that over \$400,000 had been spent in design fees to date, and if Council were to want to look at the scope, more expenses would be incurred. City Manager Schainker said that that would also result in it going into another construction season and the building being much smaller. Council Member Nelson noted that the site work is done, and that is sometimes where they run into problems, which can be costly.

Council Member Betcher said she did not have a recommendation to make on this. She said that she is frustrated with the way that this project has been expanded and with the way that the FBO selection has narrowed.

Council Member Orazem noted that the City is not obligated to have an airport, but if it does have one, it is obligated by the FAA to have a terminal building. He noted the participation by a lot of community groups and felt that the City is obligated to hold up its end.

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.

**AMES AIRPORT FIXED BASE OPERATOR MANAGEMENT CONTRACT:** Traffic Engineer Pregitzer provided a summary of the negotiations with Classic Aviation and North Iowa Air Service. He recalled that an agreement could not be successfully negotiated with Classic Aviation, which ultimately withdrew from the selection process due to personal issues that would prevent fulfilling the terms of the Agreement. Staff then negotiated with north Iowa Air Service, reaching an agreement to operate the Airport beginning April 1, 2017, through June 30, 2022.

Mr. Pregitzer noted that something unique to North Iowa Air Service's proposal is that it is willing, at no cost to the City, to perform all the labor necessary for the winter and summer maintenance at the Airport, provided that the City supply the equipment and fuel for these activities.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-611 awarding the 2017-2022 Contract to Charles City Aeronautics, Inc., d/b/a Central Iowa Air Service.

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

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-612 setting the termination date for Hap's Air Service as March 31, 2017.

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

**FUNDING AGREEMENT WITH IOWA STATE UNIVERSITY (ISU) FOR PUBLIC IMPROVEMENTS AT AMES MUNICIPAL AIRPORT:** City Manager Schainker reviewed the provisions of the Airport Improvements Funding Contract with ISU entered into on February 10, 2015. In summary, the University agreed to pay to the City any shortfall as required under Section VII of the Agreement. Mr. Schainker said that, because of a premium payment made to the City by the purchaser of the bonds, the City was required to issue only \$915,000 in order to facilitate the site work for the itinerant hangar and new terminal and the construction of the new terminal building over a 20-year term. It was expected that the contract with the new FBO would be completed shortly thereafter. Unfortunately, it has taken significantly longer than expected to complete the FBO selection process, and the effective date for the new FBO to assume responsibilities at the Airport will not begin until April 2017. Because of that delay, the additional revenue expected from a new FBO agreement will not be generated until FY 2017/18. The City did not think it was fair to the University to be required to pay for the shortfall in revenues since the Terminal building has not yet been constructed.

Moved by Gartin, seconded by Betcher, to direct the City Attorney to draft an amendment to the Funding Agreement with Iowa State University for Public Improvements at Ames Municipal Airport. Vote on Motion: 6-0. Motion declared carried unanimously.

**ORDINANCE REZONING 2718 LINCOLN WAY, 112 AND 114 SOUTH HYLAND AVENUE, AND 115 SOUTH SHELDON AVENUE:** Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance rezoning 2728 Lincoln Way, 112 and 114 South Hyland Avenue, and 115 South Sheldon Avenue from Residential High Density (RH) and University West Impact Overlay (O-UIW) to Campustown Service Center (CSC).

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

**COUNCIL COMMENTS:** Moved by Gartin, seconded by Beatty-Hansen, to refer to staff for placement on future Agenda the Gail Goodwin request for an adjustment to her utility account.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 10:55 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor