

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

AMES, IOWA

AUGUST 3, 2021

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 3<sup>rd</sup> day of August, 2021. Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, David Martin and *Ex officio* Member Trevor Poundstone were present.

Mayor Haila opened Public Forum.

**PUBLIC FORUM:** Grant Thompson, 407 Pearson Avenue, Ames, asked Council for consideration for a Text Amendment to Sec. 29.408(7) to allow him to tear down an existing deteriorating garage and rebuild it.

Robert Goodwin, 2211 Philadelphia Street, Ames, explained that he was the attorney for the Cacklers. He mentioned the request by the property owner was to amend the Ames Urban Fringe Land Use Map to reclassify portions of the property currently classified as Natural Use. The Cackler's property is currently designated as Natural Area. The house they wish to build is within two miles of the current City boundaries and subject to the policies of the Ames Urban Fringe Plan and accompanying 28-E agreement. The Cacklers have no issues with land designated within the two-mile radius remaining as natural area. Their request is to enlarge the two lots to accommodate the new homes through a boundary line adjustment within the County.

Tom Cackler, 4909 W 190<sup>th</sup> Street, Ames, stated the property was purchased before Ames Urban Fringe Plan was put into place. They have worked hard implementing features that are 100% consistent with what the City is trying to accomplish with the Ames Urban Fringe Land Use Plan and have established natural prairies, riparian buffers, have not used herbicides and are trying to remove invasive species on their property. He does not feel there would be any negative impact to the City of Ames if boundary lines are redrawn. He has requested a line change to the parcel boundaries.

The Mayor closed Public Forum after no one else came forward to speak.

**CONSENT AGENDA:** Moved by Beatty Hansen, seconded by Betcher, to approve the following items on the Consent Agenda.

1. Motion approving Minutes of Special City Council meeting held July 20, 2021
1. Motion certifying Civil Service candidates

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

**DISCUSSION OF CORRECTION TO INFORMATION PROVIDED PREVIOUSLY REGARDING NUMBER OF SIGNATURES NEEDED FOR REVERSE REFERENDUM PERTAINING TO THE INDOOR AQUATIC CENTER BONDS:** City Manager Steve Schinker stated the number of signatures needed was incorrectly given at the July 13<sup>th</sup> and the July 27<sup>th</sup> City Council Meetings. Recognizing the importance of transparency with the community, it was important that this issue be placed back on a City Council agenda to correct this information. Based on additional review with the City's outside Bond Attorney, City Attorney, and information provided

on the County Auditor's website, 477 signatures of eligible Ames voters would be required on a petition to demand a reverse referendum pertaining to the Aquatic Center bonds. At the City Council meeting to be held on August 24<sup>th</sup> Council will have an agenda item to discuss setting a date of public hearing on the bonds.

**PARTIAL REPAYMENT TO IOWA DEPARTMENT OF TRANSPORTATION FOR A PORTION OF THE RISE GRANT AWARDED TO THE CITY OF AMES TO HELP FUND ROADWAY AND UTILITY IMPROVEMENTS ASSOCIATED WITH THE ISU RESEARCH PARK:** City Manager Schainker reported that the previous ISU President, Steven Leath, was able to secure a special \$15 million appropriation from the Iowa Legislature to fund the new Hub Building at the Iowa State University Research Park. This new facility was intended to consolidate all of the various economic development related support offices that had traditionally been scattered throughout the Campus into one location. By locating this building at the southern end of the Research Park, City infrastructure was required to service this new building. In addition, this new infrastructure would also open up other lots in the Park for development. In keeping with the City's past practice, the University requested that the City build the infrastructure through a Tax Increment Financing strategy with an agreement that the properties in the Research Park would remain subject to paying property taxes.

In order to mitigate the amount of City money needed to accomplish the required infrastructure improvements, the City sought funding through a Revitalize Iowa's Sound Economy (RISE) grant from the Iowa Department of Transportation (IDOT). On April 8, 2014, the IDOT awarded a RISE grant to the City of Ames for up to \$4,010,728 to help fund the roadway and other utility improvements associated with the ISU Research Park Phase III development. This phase included the extension of University Boulevard south to Collaboration Place with the addition of three roundabouts. The financial award was based on 80% State funding, with a 20% local match requirement from the City.

The RISE grant award was conditioned on the creation of an additional 365 jobs projected in Workiva's growth strategy, with a weighted average wage of \$18.34/hour. In accordance with the RISE program rules, if the job creation is not met, the maximum grant reverts to the 50% State funding, and the difference up to the 80% of the State award must be refunded by the recipient (City of Ames).

It should be noted that a standard RISE grant without a commitment to job creation is funded at 50% State and 50% local match with no requirement for repayment. In order to maximize non-City funding for this phase, a decision was made to pursue the 80% funding tied to job creation. The City's financial exposure related to this strategy was reduced substantially as a result of a separate agreement with the Iowa State Research Park that required them to share equally, if the City were to be required to make any payments to IDOT due to non-attainment of jobs.

Compliance with the job requirement is measured by reviewing and calculating a weighted average number of jobs created using payrolls from the beginning and end of any six-month period from the time funding was awarded (4/8/2014) to three years after the RISE improvement was complete and open to traffic (6/24/2019) to document the existence of the jobs along with a baseline payroll at the time the project was awarded. The final count of jobs created by Workiva during this reporting period was 138, which was 227 jobs shy of the 365 required.

Iowa DOT staff has been very helpful in identifying options to assist the City with the job creation and repayment requirements. The IDOT Commission recently adopted a new program, specifically for Research Parks (RPs) that provides 70% state funding without any job creation requirements. This policy was relied upon for our most recent phase in the Research Park where the remainder of Collaboration Place and S. Riverside Road was constructed. At its July meeting, the IDOT Commission agreed to apply the new 70% Research Park policy retroactively as the baseline for repayment rather than the 50% that was in place at the time of the agreement. They also agreed to allow partial credit for the 138 jobs that were created by Workiva. The IDOT Commission will make its final decision regarding the repayment settlement at its August monthly meeting.

The total estimated amount to be repaid to IDOT with credit for created jobs:  $\$448,746 \times 62\% = \$278,223$ . This repayment would be split equally between the City and Iowa State University, approximately \$139,111.50 each.

In addition, the IDOT has offered the following options for the repayment:

- Repayment in one lump sum
- Repayment in installments for up to five years with an interest rate of the Prime Rate minus 3% (As of 6/30/21 the Prime Rate was 3.25%)

The City Council can decide to accept the recommendation of the IDOT staff and repay the State approximately \$278,223 plus an interest charge equal to the Prime Rate minus 3% over a five-year period, with the reimbursement from the ISU Research Park for 50% of this repayment, with a stipulation from Finance Director that if Prime changes and it is not in the City's favor, Council will meet again this week.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO 21-432 approving partial repayment to the Iowa Department of Transportation for a portion of the RISE Grant awarded to the City of Ames to help fund roadway and utility improvements associated with the ISU Research Park

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

**MOTION DIRECTING STAFF REGARDING POLICY ISSUE CHANGES PERTAINING TO THE AMES 2040 PLAN:** Planning & Housing Director Kelly Diekmann outlined topics to be

reviewed. He indicated he would be reviewing the Plan chapter-by-chapter and have the Council discuss what staff is saying are the Principles and the Actions. A stated Vision leads each chapter; the principles are defined as what is important within the topic and the actions are to support those principles. Some are specific, i.e., need to be done to reach the principle, others might be suggestive, and others might lead you to further implementation requirements either through City projects or changing ordinances or anything in between.

Director Diekmann stated the goal was to determine if there is any ambiguity about a principle or action, or if there is something that is not mandatory enough or too mandatory. Staff wants to be as clear as possible about the intent of the Council. After tonight, staff will take Council's edits, finish proofreading and typographical review, update the graphics, and incorporate the Council's policy changes. Then, as directed by Council, bring the final draft back to them on August 24<sup>th</sup> so they can say this works as the final draft for public review. Staff can then start an outreach process in the fall. Mr. Diekmann advised that tonight staff was looking to Council for direction on the Principles and Actions at this meeting.

Director Diekmann said the City had a vision for the community that guided drafting of the Plan. The Plan elements are what Council will use to administer it over time.

Director Diekmann reviewed the chapters of the proposed Plan. Council raised several concerns/issues:

Council Member Martin brought up the following concerns:

- Question regarding sustainable growth principle "Minimum population housing" Director Diekmann explained it was about minimum development to be efficient and cost-effective.
- G13 - "Include higher density nodes for commercial and housing that are easily accessible from all parts of growth areas." Mr. Diekmann showed the City of Ames Future Land Use map to address Mr. Martin's concerns. He said the if Councils sees it on the map, do they believe it fits that policy or is it relative to its own growth area. Mayor Haila asked for staff to make it clear on their intent with this bullet so it does not have to be interpreted by future Council members.
- G8 - There was a sentence fragment, "Ames assets ad regional position," which did not belong there. Director Diekmann said that was an error and would be removed.
- G19 - "Does the project have to complete the connections or just consider them, and does the developer do it or the City" Mr. Diekmann stated this Plan should not be getting to that level of detail. He noted that the City is trying to get infrastructure in the City when redevelopment happens not just new infrastructure at the edge of the City.

Council Member Beatty-Hanson asked why - "Scale" was bolded on G18. Director Diekmann stated it was meant to draw attention to the text box explaining scale.

Mayor Haila asked for a correction to be made at G30 - where it said "continue Ames tradition of inviting community participation at planning commission." Mr. Diekmann stated it should be "Planning and Zoning Commission."

Council Member Martin brought up the following:

- "using technology innovatively", asking if the word "innovatively" was needed. Director Diekmann advised innovatively will be removed.

- asked if Page 47 was informational or prescriptive - Mr. Diekmann stated they are supposed to be informational. This page is not regulatory.

Mayor Haila pointed out that on page 37, “Understanding Intensity and Density”, medium density and high density text was reversed. Director Diekmann said that will be corrected. The Mayor also commented that perhaps it should say medium density “residential”.

The need for clarification on units-per-acre was discussed. Director Diekmann advised that the graph is supposed to communicate what neighborhoods look like when measuring density. The pictures are not meant to guide someone’s decision, but supposed to help understand how built projects in the City can calculate out in reference to the density standards discussed to the left on Page 37. They will rework the page because it is not supposed to be regulatory, it is informational only.

Council Member Betcher asked - where there are descriptions of the infill or overlay categories, why the Medical Overlay on Page 48, which, in her opinion, is likely the most contentious overlay in the City because it was very heavily discussed in the LUPP. She questioned if that overlay should have more detail in the 2040 Comprehensive Plan as she is getting many questions about it. Planning Director Diekmann said nothing is changing to the zoning that is established. He asked for a motion so Council’s intent is clear for everyone.

Moved by Betcher to have a page added that discusses the Medical overlay just as the Urban Corridor Overlay, the Redirection Overlay and all the other things that are bolded on this page are discussed. Motion died for lack of second.

Moved by Betcher that the wording of the current overlay discussion in the LUPP for the Hospital-Medical Overlay be maintained. Motion withdrawn by Betcher.

Moved by Betcher, seconded by Beatty-Hansen, to add a page that describes the Hospital-Medical Overlay in a similar way to the pages for the other overlay zones.

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

Council Member Martin noted the following areas that he felt needed correction or clarification.

- Page 50 - Development Policies. Public actions are intended to identify potential initiatives for the City that relate to broad City goals and the vision of the Plan. It was brought to the attention that “actions” might not be the best word to use. Director Diekmann mentioned the tone of the Plan is advisory and not a lot on implementation or mandatory elements. It is to advise Council on what to take an interest in, in the future. Director Diekmann will review this section in detail.
- Page 51 - agribusiness facilities - he said we need to add limiting agribusiness facilities - Director Diekmann agreed.
- Development Guidelines - “Integrate pedestrian connectivity including path systems into development designs”. Mr. Martin asked if it was saying an aspect of rural character is to include path systems into development design. Director Diekmann said staff would rephrase it to say “participating in longer-range types of connections.” Mayor Haila suggested staff should leave it in and see what public comments are received.

- Page 55 - “Public Actions: Review and modify zoning and subdivision regulations to address intended range of uses and design standards.” Mr. Martin asked if there was something in mind that staff is trying to address. Director Diekmann stated there are items that are not currently in zoning or subdivision codes. Mr. Martin suggested it would be helpful to the reader if staff would put in some examples. Council Member Gartin stated he did not want to infer we are extending CyRide much beyond its current footprint, unless the City makes significant changes to CyRide itself. Mr. Diekmann stated they had discussed this before, the City wants to plan for it, but it is not known if funding will be there to support it. The City has not committed to it, but wants it noted that, as the City expands we should contemplate transit growth.
- Page 64 - Redirection Overlay - Council Member Martin clarified that this bullet meant, “If the University sells land it has to be zoned residential, unless the City wants it to be something else”.
- Page 66 - Mr. Martin asked to have clarified what is meant by “developing clear edges and transitional standards” Mr. Martin asked staff to reword that for clarification. Mr. Martin also pointed out “removing the overlay district in certain areas” and asked if the wording meant the comprehensive overlay district or zoning. Mr. Diekmann stated it was for zoning overlays. Staff will revise to make it clear it is for the zoning overlay and not the Near Campus Overlay..

Director Diekmann recommended leaving compatibility issues in the Plan and receive public comment on those. He also said reserve areas are meant to guide fringe plan policies; they are not a land use designation. The Land Use Map was shown. Mr. Diekmann stated the gray areas (UR) should be removed from the Map and put on their own fringe map. Council Member Betcher asked how the maps would be shown to the public. Director Diekmann said they will be stand-alone PDFs.

Mayor Haila recessed the meeting at 8:04 p.m. and reconvened it at 8:09 p.m.

Council Member Martin asked for a title change on Page 86 - E4 to: “Apply Climate Change Policies.”

Council Member Betcher asked for a title change on Page 86 regarding the climate action initiatives paragraph. It currently says complete a climate action plan. Change to “we have the development of a climate action plan underway.”

Council Member Martin raised an issue about Item 6 on Page 88. for example, when homes or businesses relocate away from flood plain the land should be returned to its natural state rather than redeveloped - that seems like a substantial policy change. Mayor Haila asked if Council was OK with deleting that sentence and Council agreed.

Council Member Betcher noted that she had observed on the Vision pages that some of the sentences are complete and some are fragments. She asked if the Plan should be comprised of complete sentences or telescoped versions. Director Diekmann said at one point they all said “Ames will do something” and staff removed those. Ms. Betcher pointed out that the style should be consistent throughout the document. Mr. Diekmann stated that staff will change all Vision statements to remove “will” so they are consistent.

Director Diekmann advised, in regards to the Mobility chapter, the City is not replacing Forward 45. Forward 45 augments the long-range planning. This Chapter sets a base line expectation about how the

City thinks about operational facilities, character of road and streets, and connectivity for bicycles and pedestrians improvements. This is where the level of service is set.

Council Member Junck asked that the Plan specifically call out the Climate Action Plan.

Council Member Martin asked for clarity on Page 118 - HD4 where it says “evaluate city programs and development standards for diversifying housing types, tenure and price points within developments of a certain size”. Director Diekmann stated Council will need to define that in the future.

Mayor Haila referred to page 115 - “Projected housing demand by tenure and price point”, and asked how the City can get there. Mr. Diekmann stated the City would not be able to get there, without an immense amount of public subsidy. He explained the chart is trying to show that you can’t expect the market to produce that; the idea is you are going to have to filter through existing housing stock to provide those homes. The other thing to consider is this information gets outdated really fast. The chart is from 2018-2019, but it might not be applicable in another year considering what the real estate market has done in the last couple years. Mayor Haila asked if it was worth commenting on these categories since they are likely un-achievable. Director Diekmann stated the chart is trying to put data in front of the public that is not in the current Land Use Policy Plan. He believes it should be included as it shows the need. Mayor Haila had concerns with including the chart. Mr. Diekmann said this chart should not be stagnant in the Plan for 20 years; when this is reviewed again, Council should update the data to reflect the trends. This information has a five-year shelf life at best. Council Member Betcher said she did not mind the chart as it shows the public the need for more affordable housing.

Council Member Betcher noted in the section, on page 118 (HD11) where it refers to the Hospital Medical Zone. She wants the title of the area to be consistent throughout the Plan.

Mayor Haila asked “make equity housing more attainable”, what was meant by equity housing shown on Page 117 (HD1). Director Diekmann said that means ownership housing, having equity in your home. We want to have ownership housing in the city, right now, the City has a 60% rental and 40% ownership. We want to be conscience of our land resources and add ownership housing options to our City, but also not forget about the rental needs. Both are needed, but want to have some emphasis toward single-family over rental because of the disproportionate stock that already exists. Mayor Haila asked if there was any merit to clarifying rental needs are really for non college students. Mr. Diekmann said that the text on Page 112 does discourage niche housing.

Council Member Junck pointed out that at HD3 - the Plan interchangeably uses auxiliary and accessory. She wants the Plan to settle on one way to define those. Director Diekmann stated we will proceed with accessory.

Mayor Haila asked to know the next steps. Planning & Housing Director Diekmann said he would get a perfected draft back to Council by August 17, 2021, to review before it is opened up to public. If Staff cannot meet that deadline, they will let Council know.

Council Member Betcher brought up the land acknowledgment. Director Diekmann showed Page 5; he used the wording provided by Iowa State University for its land acknowledgment. Mr. Diekmann

asked Council if that was their intent and whether they wanted to include the second paragraph. Council Member Betcher pointed out the dates in the second paragraph seem off by a year. She mentioned she does not think Paragraph 2 belongs with Paragraph 1. Council liked Paragraph 1 and also believed Iowa State University should receive credit as the originator of that language. Iowa State University should get a footnote so Council asked to revise Paragraph 2.

Moved by Martin, seconded by Junck, directing staff to accept the policy issue changes discussed by Council pertaining to the Ames 2040 Plan.

Motion declared carried unanimously.

**DISPOSITIONS OF COMMUNICATIONS TO COUNCIL:** Mayor Haila noted that the Council's July 30, 2021, Non-Agenda Packet had included the following:

1. Memo from Planning and Housing Director Kelly Diekmann regarding request from Natalie Curran, SB&A Architects, to initiate a Land Use Policy Plan Amendment for property located at 1621 Wilson Avenue (Former ACSO Maintenance Shop)

Moved by Beatty-Hansen, seconded by Martin to adopt Option A, which was the applicant should hold a meeting with surrounding neighbours in order to get feedback about the property and on the project concept before being allowed to move forward with an LUPP amendment application.

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

2. Memo from Planning & Housing Director Kelly Diekmann regarding request for Text Amendment to Section 29.408(7) - Requirements for Private Garages and Other Accessory Buildings

Moved by Betcher, seconded by Corrieri, to place the request for a Text Amendment to Section 29.408(7) - Requirements for private garages and other accessory buildings on a future Agenda

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

3. Memo from Planning and Housing Director Kelly Diekmann regarding parking requirements for auditoriums and theatres.

Moved by Beatty-Hansen, seconded by Junck, to initiate a text amendment eliminating all parking requirements for theatres within Downtown and Campus Town zoning.

Vote on Motion: 4-1-1. Voting Aye; Beatty-Hansen, Corrieri, Junck, Martin. Voting Nay: Betcher. Abstaining due to conflict of interest: Gartin. Motion declared carried.

4. Memo from Planning & Housing Director Kelly Diekmann regarding request by Zoning Board of Adjustment to define "temporary" in the Zoning Ordinance

Moved by Betcher, seconded by Corrieri, for this issue to come back as a staff report based on the memo presented tonight to review late fall and then Council can give direction.

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

5. Memo from Planning and Housing Director Kelly Diekmann regarding request by the property owner (Cackler) at 4909 W. 190<sup>th</sup> Street in Story County to amend the Ames Urban Fringe Land Use Map to reclassify portions of the property currently classified as Natural Area

Moved by Gartin, seconded by Corrieri, to put the request to amend the Ames Urban Fringe Land Use Map for the property at 4909 W. 190<sup>th</sup> Street in Story County to amend the Ames Urban Fringe Land Use Map on a future agenda.

Council Member Martin said he did not think the request should be placed on a future agenda. Discussion ensued as to which part of the Fringe Plan Policy applies or does not apply.

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

**COUNCIL COMMENTS:** Council Member Betcher mentioned Rummage RAMPage, which would be going on at the Intermodal Facility on July 30<sup>th</sup> through August 7<sup>th</sup> at 129 Hayward. All profit goes to local non-profits that are providing volunteers for the event.

**ADJOURNMENT:** Moved by Junck: to adjourn the meeting at 8:50 p.m.

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Renee Hall, Deputy City Clerk

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John A. Haila, Mayor

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Diane Voss, City Clerk