

**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE  
AND REGULAR MEETING OF THE AMES CITY COUNCIL  
COUNCIL CHAMBERS - CITY HALL**

AMES, IOWA

AUGUST 13, 2013

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 13th day of August, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Ann Campbell, Wayne Clinton, Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. City of Ames Transportation Planner Rudy Koester and Public Works Director John Joiner were also present. Voting Members Chet Hollingshead, Boone County Supervisor; Jonathan Popp, Gilbert City Council representative; and Dan Rediske, Transit Board representative, were absent.

**PROPOSED FISCAL YEAR (FY) 2014 TRANSPORTATION IMPROVEMENT PROGRAM**

**(TIP) AMENDMENT:** Public Works Director John Joiner explained that the proposed amendment involves adding three projects to the Fiscal Year 2014 TIP that were incorrectly programmed in the Central Iowa Regional Transportation and Planning Alliance (CIRTPA) FY 2014 TIP. Due to the recent change to the AAMPO's Metropolitan Planning Area (MPA) boundary, which reflects the results of the 2010 Census, the project sponsors were unaware that the projects were now within the AAMPO's MPA boundary. The three projects were named by Transportation Planner Rudy Koester as:

1. North Dakota Avenue over Onion Creek - Bridge Replacement (sponsored by Story County Secondary Roads Department)
2. I-35/U.S. 30 Interchange in Ames - New Bridge Construction, Grading, Right-of-Way (sponsored by Iowa Department of Transportation District 1)
3. Gilbert to Ames Trail - Trail and Bike Lanes Along Grant Avenue Between 190<sup>th</sup> Street and Gilbert City Limits (sponsored by Story County Conservation Board)

Moved by Goodman, seconded by Clinton, to approve the proposed FY 2014-17 TIP Amendment, as described above, and set the date of public hearing for September 10, 2013.

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

**ADJOURNMENT:** Moved by Davis to adjourn the AAMPO Transportation Policy Committee meeting at 7:04 p.m.

**MINUTES OF THE REGULAR CITY COUNCIL MEETING**

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:05 p.m. with Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha present. *Ex officio* Member Alexandria Harvey was also present.

It was announced by Mayor Campbell that Item No. 29 pertaining to an Encroachment Permit for 400 Main Street had been pulled by the applicant. She also advised that Agenda Item No. 34 (pertaining to Xenia Rural Water) would follow Item No. 37 (a request to change to the LUPP for property on S. 16<sup>th</sup> Street).

**PRESENTATION OF PLATINUM PEAK PERFORMANCE AWARD:** Mayor Campbell presented the Platinum Peak Performance Award to the Water Pollution Control facility from the National Association of Clean Water Agencies. Water and Pollution Control Director John Dunn explained that the Award recognizes more than 27,000 individual permit limits that have been met without a violation for over 23 years. It extends back to the date when the facility came on line in November 1989. Mr. Dunn noted that the Award is indicative of the skills and expertise of the engineer who designed the facility, to the support of the City Manager and City Council over the life of the facility, but most of all, to the front-line operators and the maintenance staff at the facility who, for 23 consecutive years, have demonstrated such a high level of excellence. Receiving the Award on behalf of the Water Pollution Control facility was Randy Pohl, Plant Operator. Mr. Pohl has been at the current facility for the entire 23 years of compliance.

**CONSENT AGENDA:** Council Member Wacha asked to pull Item No. 10, preliminary plans and specifications for the CDBG Public Facilities Neighborhood Infrastructure Program, for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of July 16, 2013, and August 6, 2013, and Regular Meeting of July 23, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for July 16 - 31, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – Es Tas Stanton, 216 Stanton Avenue
  - b. Class C Liquor – El Azteca, 1520 South Dayton Avenue
  - c. Class C Liquor – Okoboji Grill, 118 South Duff Avenue
  - d. Class C Beer & B Wine – Hy-Vee Gas #5013, 4018 Lincoln Way
  - e. Class C Liquor – Deano’s, 119 Main Street
  - f. Class B Beer – Flame-N-Skewer, 2801 Grand Avenue
  - g. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, CY Stephens Auditorium
  - h. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, Scheman Building
  - i. Special Class C Liquor – SMG Food & Beverage, Fisher Theater
6. RESOLUTION NO. 13-357 approving renewal of lease for Information Technology office space at 428-5th Street
7. RESOLUTION NO. 13-358 approving Addendum to Lease Agreement with Iowa State University for Veenker Golf Course Maintenance Building in Moore Memorial Park
8. RESOLUTION NO. 13-359 approving Neighborhood Improvement Program grant to Bloomington Heights Townhome Neighborhood Association (Pond Landscaping) and South Ridgewood Neighborhood Association (Lee Street Painting Project)
9. RESOLUTION NO. 13-361 approving preliminary plans and specifications for Water Pollution Control Trickling Filter Check Valve Replacement; setting September 4, 2013, as bid due date and September 10, 2013, as date of public hearing
10. RESOLUTION NO. 13-362 approving preliminary plans and specifications for Ames Plant Substation Improvements; setting September 11, 2013, as bid due date and September 24, 2013, as date of public hearing
11. RESOLUTION NO. 13-363 approving preliminary plans and specifications for Electric Control Panels; setting August 28, 2013, as bid due date and September 10, 2013, as date of public hearing

12. RESOLUTION NO. 13-364 approving preliminary plans and specifications for 2013/14 Water System Improvements - Water Main Replacement (Sheldon Avenue); setting September 11, 2013, as bid due date and September 24, 2013 as date of public hearing
13. RESOLUTION NO. 13-365 approving preliminary plans and specifications for Asphalt/Seal Coat Street Rehabilitation and 2013/14 Water System Improvements - Water Main Replacement (Tripp Street, South Franklin Avenue, Village Drive); setting September 11, 2013, as bid due date and September 24, 2013, as date of public hearing
14. 2013 Softball Field Fencing and Lighting for South River Valley Park:
  - a. RESOLUTION NO. 13-366 awarding contract to Des Moines Steel of Des Moines, Iowa, for Fencing in the amount of \$51,660
  - b. RESOLUTION NO. 13-367 awarding contract to VanMaanen Electric, Inc., of Newton, Iowa, for Lighting in the amount of \$172,800
15. RESOLUTION NO. 13-368 awarding contract to WESCO Distribution of Des Moines, Iowa, for purchase of Electric Cable and Wire in the amount of \$103,790
16. RESOLUTION NO. 13-369 awarding contract to Mid-Iowa Solid Waste Equipment Company of Johnston, Iowa, for upgrade to Pipe Inspection Video System in the amount of \$78,996
17. RESOLUTION NO. 13-370 approving contract and bond for 2012/13 Water System Improvements - Water Main Replacement No. 3 (Center Avenue)
18. RESOLUTION NO. 13-371 approving contract and bond for Furnishing of SF6 Circuit Breakers
19. RESOLUTION NO. 13-372 approving contract and bond for Substation Electrical Materials—Bid No. 2 (Instrument Transformers)
20. RESOLUTION NO. 13-373 approving contract and bond for Substation Electrical Materials—Bid No. 3 (Lightning Arresters)
21. RESOLUTION NO. 13-374 approving contract and bond for Power Plant Maintenance Services
22. RESOLUTION NO. 13-375 accepting completion of FY 2012/13 Power Plant Boiler Maintenance and Repair Services
23. RESOLUTION NO. 13-376 accepting completion of 2013/14 Water Pollution Control Biosolids Operations Contract
24. RESOLUTION NO. 13-377 approving Plat of Survey for 921-9<sup>th</sup> Street (former Roosevelt School building)
25. RESOLUTION NO. 13-378 approving Final Plat for Somerset Subdivision, 25<sup>th</sup> Addition  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**2013/14 CDBG PUBLIC FACILITIES NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENTS PROGRAM (SOUTH MAPLE AVENUE):** Council Member Wacha explained

that he had received a phone call from one of the residents of the neighborhood who questioned why the City is installing such a wide sidewalk by O’Neil Park. There is currently no sidewalk at that location, and the caller was concerned about the additional impervious surface contributing to the flooding problems, which they had experienced in the past. Public Works Director Joiner reported that new sidewalk would be installed on the east side of South Maple along O’Neil Park. He explained the reasons for the sidewalk installation: (1) The City received a request to make Americans with Disabilities Act (ADA) accommodation from a mobility-impaired resident who desires to access the Park. (2) The infill sidewalk is a requirement of the CDBG Program, which is partially funding this project. The sidewalk needs to be located closer to the curb to avoid the numerous trees along the right-of-way. Also, a two-foot safety distance between the edge of the sidewalk and the back of the curb is required. Instead of having a two-foot strip of grass that would be very difficult to maintain, a six-foot-wide sidewalk will be installed that will be adjacent to the back of the curb and much easier to maintain.

In relation to the stormwater, Director Joiner reported that the City is upsizing the storm sewer in the area, so any additional runoff, which will be slight, will be readily handled.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 13-360 approving preliminary plans and specifications for the 2013/14 CDBG Public Facilities Neighborhood Infrastructure Improvements Program (South Maple Avenue); setting August 21, 2013, as bid due date and August 27, 2013, as date of public hearing.

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

**PUBLIC FORUM:** Ryan Allen, 818 Carroll Avenue, Ames, Iowa, thanked the Council members for their service. He stated that he had been an Ames resident for ten years and had seen a lot of growth, which he thought was good for the community. Mr. Allen identified himself as a small-scale landlord and as a member of the Ames Rental Association (ARA). He brought the Council's attention to a letter that had been sent by the ARA and requested that the Council direct staff to review Chapter 13 and update the sections that need to be; e.g., referencing the correct versions of the International Codes that have been adopted and putting information in the correct sections.

No one else requested to speak, and the Mayor closed Public Forum.

**ENCROACHMENT PERMIT FOR FLAG POLES AND FLAGS AT MISS MEYER'S CLOTHING CONSIGNMENT, 432 5<sup>TH</sup> STREET:** Moved by Goodman, seconded by Davis, to approve an Encroachment Permit for flag poles and flags at Miss Meyer's Clothing Consignment, 432 - 5<sup>th</sup> Street.

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

**ENCROACHMENT PERMIT FOR 400 MAIN STREET:** This item had been pulled by the applicant.

**CLASS C LIQUOR AND B NATIVE WINE PERMIT FOR THE MUCKY DUCK PUB:** Moved by Davis, seconded by Goodman, to approve a Class C Liquor and B Native Wine Permit for The Mucky Duck Pub, 3100 South Duff Avenue.

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

**5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY:** Moved by Davis, seconded by Larson, to approve the following 5-Day Licenses for Olde Main Brewing Company:

- a. Class C Liquor (August 24-29) at CPMI Event Center, 2321 North Loop Drive
- b. Special Class C Liquor (August 31-September 4) at ISU Alumni Center, 420 Beach Avenue

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

**MUSIC WALK ON SEPTEMBER 12, 2013:** Cari Hague, Executive Director of Main Street Cultural District (MSCD), and Terry Stark, President of the MSCD, were present. Ms. Hague advised that the event would be much the same as it had been in past years with the exception of the addition of a beer garden in the 100 block of Main Street.

Moved by Davis, seconded by Szopinski, to approve the following:

- a. Outdoor Service Area for Corner Pocket/DG's Taphouse for 100 block of Main Street

- b. Blanket Temporary Obstruction Permit and Blanket Vending License for MSCD from 3:00 p.m. to 10:00 p.m.
- c. RESOLUTION NO. 13-379 approving waiver of fees for electricity usage, waiver of parking meter fees in the MSCD from 3:00 to 6:00 p.m., use of six parking spaces along Main Street for food vendors, closure of 100 block of Main Street, and waiver of the fee for Blanket Vending License.

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

**ALL-AMERICAN WEEKEND CAR SHOW ON AUGUST 31, 2013:** Moved by Davis, seconded by Wacha, to approve a Blanket Temporary Obstruction Permit and Blanket Vending License. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-380 approving closure of portions of Main Street and Kellogg Avenue from 7:00 a.m. to 4:00 p.m.; waiver of fee for electricity costs; waiver of parking meter fees in the MSCD; and waiver of fee for Blanket Vending License.

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

**RESIDENTIAL DEVELOPMENT STANDARDS:** The Council was advised by Planning and Housing Director Kelly Diekmann that a single amendment to the Zoning Code that eliminates the option for multiple one- and two-family structures on a single lot is the simplest method to differentiate among uses within zoning districts and to provide for traditional standard subdivision requirements. This type of zoning text amendment would not require substantial Code changes within the Zoning Ordinance for each zoning district and/or changes within the Subdivision chapter, and at the same time would ensure traditional development patterns for all use types within the zoning districts.

Council Member Larson asked if that meant that the City would not require subdivision of land occur on lots over one acre unless there is a request to build a second structure. Director Diekmann said that was correct. He advised that the way the Code is currently written, there must be one structure per lot; however, there are exceptions that allow multiple commercial and industrial institution buildings, multiple apartment buildings, and multiple single-family or two-family dwellings if the minimum lot size is one acre. If that provision is stricken, only one principal structure could be on a single lot. If more than one structure was being requested, the developer would have to subdivide.

Council Member Orazem inquired as to how structures are defined in the Code. Mr. Diekmann advised that it would be specific to one- and two-family dwellings. He further clarified that, currently, the general development standards found in Section 29.401(5)c of the *Municipal Code* allow for development with an unlimited number of single- and two-family buildings on a lot that is greater than one acre provided it is with the required density range. This exception applies to all zoning districts where the use is allowed. That type of development pattern on a large scale is not customarily found in low-density residential areas and does not fit with the purpose and principles identified for the low-density zones.

Council Member Wacha questioned if the exception section dealt specifically with any zone, e.g., Residential High, Low, or Medium. Director Diekmann said that was correct. Mr. Wacha then asked how apartment dwelling is defined so that developers could still build multiple apartment buildings in a high- or medium-density zone. Mr. Diekmann responded that an apartment building is three or more attached units, so the base zoning district still must allow the use and then the development standards are considered. What staff is proposing is an exception to development standards, not an exception for use.

At the request of Council Member Wacha, City Attorney Parks provided information on how the exception section got added in the Code. She said the current section was added to the Code in 2000.

Moved by Szopinski, seconded by Goodman, to direct staff to prepare a draft zoning text amendment to eliminate the provision for more than one single-family or two-family structure on a lot greater than one acre for all zoning districts.

Council Member Goodman advised that his main reason to support the motion is that it will be less cost-prohibitive when buildings need to be replaced.

City Attorney Parks stated that the request for an ordinance change will be presented to the Planning & Zoning Commission for recommendation at its next meeting. The ordinance will then come before the City Council for a public hearing and the required three readings.

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

Director Diekmann clarified that this would require residential properties larger than one acre to be subdivided into individual lots prior to development. This would provide a process that has each home on its own lot with frontage on a street, access, public utilities, sidewalks, yard area, and off-street parking.

**DOWNTOWN FACADE GRANT APPLICATIONS:** City Planner Jeff Benson noted that the City Council annually budgets \$50,000 Local Option Sales Tax revenue for the Downtown Façade Improvement Grants program. One application is accepted per building location and there is one round of review per year with the option of a second round of review if there are available funds. Because of unused funds from the previous fiscal year, the City has \$67,550 available for the 2013-2014 program. According to Mr. Benson, four property owners have submitted a total of five applications totaling \$72,000. The maximum grant amount is up to \$15,000 for façade work plus an additional \$1,000 if an applicant chooses to use an architect in preparing a design. Mr. Benson reported that three Main Street Cultural District representatives and two City staff members had evaluated the grant applications based on the City Council adopted 2011 Scoring Criteria and Guidelines.

Project summaries were presented by Planner Benson, and a location map and project design illustrations were shown. The applications received were as follows:

1. Town Center (West Building), 330 Main Street
2. Town Center (East Building), 328 Main Street
3. The Spice Restaurant, 402 Main Street
4. Lee's Computers & More, 122 Main Street
5. Vacant (Burnett Avenue Façade), 323 - 5<sup>th</sup> Street.

According to Planner Benson, the total estimated cost of the itemized façade improvements is in all cases at least twice the amount requested and in most cases exceeds that minimum required amount.

Regarding 330 and 328 Main, Mr. Benson stated that the intent is to return as much of the buildings as possible to their appearance of the 1940s and 1950s before the white metal panels were added to the front of the buildings. However, until the metal panels are removed, it is not possible to be certain of the extent of improvements that are possible. Staff is recommending that award of these two façade grants be conditional on final plans being prepared after the metal panels are removed and those plans being approved by staff as being consistent with the scope of façade improvements required by the grant criteria and the Downtown Design Guidelines in terms of the types of materials and design details relating to the windows and storefront design.

The Council was reminded by Mr. Benson that the general policy of the Council has been to not allow a second grant for the same building in the first round of grant solicitation. However, this request is similar to the 203/205 Main (Antique Ames) where two separate grants were awarded for two separate store fronts in what was built as one building. In order to award the grant to 402 Main, the Council will have to concur with staff's conclusion that this request is similar to 203/205 Main.

Planner Benson described the project at 323-5th Street (formerly Mathison Ford). He pointed out that the former vehicle service shop bays face Burnett. The project would consist of replacing the overhead doors with commercial entrances and replacing the windows to prepare the building for office use. The improvements are not intended to comply with the historical design guidelines, but rather to comply with the separate commercial guidelines for other downtown buildings. According to Mr. Benson, while the conceptual improvements would be beneficial to the site, it did not rank well compared to the other applications as it did not provide a great deal of visual or economic impact due to the location and building type and has minimal detail on its proposed commercial improvements other than replacement of non-compliant overhead doors. Mr. Benson said that, if the City Council has interest in the site at this time, staff would request the opportunity to work with the owner and architect to see if the project could provide additional details and conform to more of the elements of the design guidelines. Staff was also recommending that the applicant look to remove the driveway aprons and curb cuts serving the overhead doors. A more detailed application could then be presented to City Council for consideration at a subsequent meeting.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 13-381 approving the first four projects listed above: 330, 328, 402 and 122 Main, with the grants for 328 and 330 Main conditional on final plans to be approved by staff as consistent with the Downtown Design Guidelines and grant criteria after the metal panels are removed.

The Mayor noted that the motion rejects the application for 323-5th Street and approves four grants totaling \$56,000 from the Downtown Facade Grant fund.

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

## **LAND USE POLICY PLAN FUTURE LAND USE MAP AMENDMENT FOR 601 SOUTH 16<sup>TH</sup>**

**STREET:** City Planner Ray Anderson advised that, on June 17, 2013, the Randall Corporation had submitted an application for a Land Use Policy Plan (LUPP) Future Land Use Map Change for property located at 601 S. 16<sup>th</sup> Street. This was in response to a determination by the City Council on May 14, 2013, that the proposed Map Amendment would be processed as a Minor LUPP Amendment. The proposed change in the land use designation would be from Medium-Density Residential and Highway-Oriented Commercial to High-Density Residential.

Mr. Anderson stated that the land area for this proposal includes approximately eight acres located on the north side of S. 16<sup>th</sup> Street, east of South Grand Avenue, south of Coldwater Golf Links, and west of Aspen Ridge. Planner Anderson showed maps of the subject property, the proposed uses, current zoning, and proposed zoning. The Council was advised that the map change would eliminate the Medium-Density Residential designation from the property and would reduce the amount of land designated as Highway-Oriented Commercial (HOC) from approximately five acres to about three acres and would designate the remaining five acres of land as High-Density Residential. With the creation of the High Density Residential area, the applicant has proposed to follow-up with a rezoning to RH High Density Residential. The RH zoning would allow the development of a senior living complex (The Village Cooperative) on the southern portion adjacent to S. 16<sup>th</sup> Street and an apartment building on the northern portion adjacent to the golf course. The zoning of the remaining area to the west would remain as HOC to support future commercial development on the corner of S. Grand Avenue and S. 16<sup>th</sup> Street. According to Planner Anderson, the Highway Oriented Commercial area would be reduced in area by about two acres and the Medium-Density Residential would be reduced by about three acres. He noted that the reduction of the Medium Density area would not allow for the future expansion of the Aspen Ridge Townhomes as originally envisioned by that Planned Residence Development (PRD) Plan.

Steve Johns, 417 Aspen Ridge Road, Ames, shared concerns that he and his neighbors have regarding the rezoning proposal. He asked that the Council weigh the significance of what a change in zoning would mean for the area located very near the Aspen Ridge Townhome Complex and Cold Water Golf Course. Mr. Johns told the Council about the assurances given pertaining to future development by Scott Randall, the developer and selling agent, to him and every person purchasing townhome property in Aspen Ridge. Mr. Johns provided some history of the area. The property was initially rezoned to Medium-Density Residential. However, the City Council then granted Scott Randall's request and rezoned the land west of the Townhome Complex to High-Density Residential and allowed The Grove, which consists of 586 rooms, and The Laverne Apartments, which consists of 72 units, to be built. Mr. Johns alleged that those developments placed between 1,400 and 1,600 people on a few acres of land, which contributes to very high traffic volumes on South 16<sup>th</sup> Street. Mr. Johns also advised that residents of the townhome complex just learned that the Randall Corporation had sold more land across the street for The Copper Beach complex, which will consist of 109 units and add another 300 people entering onto South 16<sup>th</sup> Street. In addition, they have been told that Scott Randall is planning to develop the north side into more apartments. Mr. Johns said that the proposal in question is for high-density, four-story housing to be built within 66 feet of the balconies of people owning townhomes on the west side. Their only view outside their balcony will be three floors the The Village Cooperative. According to Mr. Johns, Scott Randall has broken his promises numerous times to the Aspen Ridge residents, who invested a large part of ir life savings into his promise of a luxury golf course community. Mr. Johns urged the City Council members to deny the request for an LUPP change and not allow more high-density housing.



Bob Brinton, 425 Aspen Ridge Road, Ames, advised that he and his wife moved to Ames in Fall 2012 after an extensive search as to where they would purchase a home after retirement. He explained what had made the Aspen Ridge neighborhood so special to them. He brought the Council's attention to *Code* Section 29.102 and 29.702, which is what he felt protected their property from high-density development. Mr. Brinton advised that if the property in question is allowed to be rezoned to high-density, South 16<sup>th</sup> will be congested during all months of the year. Mr. Brinton contended that when the City rezoned the property in question to Medium-Density Residential, it made a covenant to land owners and Ames citizens that growth would be regulated. Mr. Brinton sees it as a matter of integrity on the part of the City.

James Sogard, 1517 Golden Aspen Drive, Ames, told the Council that, when he and his wife purchased their home, it was with the understanding and commitment that the area would become a beautiful townhome community on a golf course. Mr. Sogard referenced the commitment made by the developer, Planning and Zoning Commission, and City Council to the property owners when they rezoned the area to Medium-Density Residential. He showed a picture as a depiction of what he would see from his home should the proposed three-story structure be allowed to be built. Mr. Sogard said that he believes The Village Cooperative is a very good concept and is needed in Ames; however, the proposed building would come as close as ten feet from his property line. After hearing testimony at the Planning and Zoning Commission that the neighbors of a cooperative-type development built in Mason City had been skeptical, but now love the facility, Mr. Sogard said he visited the area. He showed pictures of the facility and pointed out the vast differences in that the neighbors to the facility only are on one side across a road and are approximately 500 feet away. Mr. Sogard said he is uncertain what the developer is planning for the property directly north of the proposed Cooperative because all he has been able to find out is that it will be a multi-story high-density building. He asked if the citizens of Ames should be able to rely on the commitments and integrity of its city leaders when it comes to zoning and long-range planning. Mr. Sogard stated that he and others had invested thousands and thousands of dollars in their homes believing that the city leaders would stand by zoning commitments that they had made.

Paul Twedt, 1516 Golden Aspen Drive, Ames, questioned why a portion of the development where persons had invested in their homes would be allowed to be rezoned from Medium-Density Residential to High-Density Residential. The current home owners were told that they were purchasing properties in the first phase of a luxury townhome development and that the second phase would consist of additional townhomes. Mr. Twedt said that there is land available west of the current townhome development, and he felt that that would be a great location for the proposed cooperative housing complex. He stated that he and other residents would welcome The Village Cooperative at that location. The City Council was asked by Mr. Twedt to very carefully consider the purpose of the request of the developer as it impacts many others besides him.

Donna Sogard, 1517 Golden Aspen Drive, Ames, told the Council that her home was one of the ones that would be affected the most by the proposed Cooperative and the increased traffic along South 16<sup>th</sup> Street. She explained how her and her husband's search for a townhome on a golf course had led them to Aspen Ridge. Ms. Sogard referenced the promise of the developer of more townhomes to be constructed, which never came to fruition. It saddens her that the view outside her home could be a three-story building. The building would be 90 feet from her home at the most. Ms. Sogard asked the Council to retain the zoning as Medium-Density as was promised when she and her husband purchased their home.

Nina Rasmussen, 417 Aspen Ridge Road, Ames, explained her many concerns with the proposal. She referenced a conflict between what the letter stated that was sent by the City to residents, which she received on July 30, 2013, and the information presented at the Planning and Zoning Commission meeting. Ms. Rasmussen explained that the letter stated that the proposal was to change the land use designation from Highway-Oriented Commercial to High-Density Residential and from Medium-Density Residential to High-Density Residential. However, at the meeting, staff stated that the proposal was to change Medium-Density Residential to High-Density Residential, but that the Highway-Oriented Commercial would remain. According to Ms. Rasmussen, the purchasers of the Aspen Ridge Townhomes were told by the developer that they were buying into a luxury townhome golf course community. She said that the townhome owners were also told by the developer that the townhome complex would be built in three phases. Townhomes were to be built all the way to Grand Avenue and residential would be on the other side. Three years ago, the zoning was changed. West of Grand Avenue, apartment buildings were constructed in a very short period of time. Because the townhome residents did not live within 300' of those buildings, they were not informed that the changes were taking place. Nothing that has been done in the recent past was what they were promised by the developer prior to them purchasing their townhome. Ms. Rasmussen said that she is not opposed to a retirement complex being built; however, her main concern of The Village Cooperation is the height of the building and the setbacks for the complex. An additional concern is that South 16<sup>th</sup> Street, a two-lane roadway, could not withstand the additional traffic. She had been told that the roadway is an institutional road, and it would be the responsibility of Iowa State University (ISU) to expand it to four lanes. Ms. Rasmussen said that she had also been told that ISU did not have the money in its budget to expand South 16<sup>th</sup> Street to four lanes. She asked that the City Council honor its promise to the residents who have purchased property that the area would remain a residential area.

Shane Wright, 1400 Corporate Center Curve, Suite 100, Eagen, Minnesota, spoke as a representative of the residential housing development company planning the construction of The Village Cooperative. Mr. Wright said that his company carefully selected the City of Ames as the place to build The Village Cooperative as the community has a retirement home deficit. He advised that the location is ideal for a retirement community due to its access to the University and South Duff commercial area. Mr. Wright advised that since his company began marketing the Cooperative, 35 out of the 50 units have been reserved. Mr. Wright purported that The Village Cooperative would be a very good neighbor; all units are owner-occupied. Mr. Wright showed a drawing depicting the elevations for The Village Cooperative compared to the Sogard townhome. He also showed a map indicating the buffers between The Cooperative and the Aspen Ridge Townhomes.

Ken Janssen, 3006 Grove Avenue, Ames, identified himself as one of the subscribers to become a resident of the proposed Village Cooperative. He has lived in Ames for over 40 years and is a retired civil engineer and land surveyor. Mr. Janssen noted that all patios are at grade. He also showed a schematic of the traffic pattern for The Cooperative. Mr. Janssen reported that he had reviewed the landscaping plan and found it to be very acceptable; however, none of the plans had been submitted to the City; they are strictly preliminary. According to Mr. Janssen, all of the traffic in and out of the Cooperative would be at one point on South 16<sup>th</sup> Street. He pointed out that it would be way out of people's way to exit the area of The Cooperative by going through the townhome area. He said that the setback on the building is actually 66' on the east end. Mr. Janssen asked the Council to support the developer's request.

Nancy Janssen, 3006 Grove Avenue, Ames, identified herself as a potential resident of the proposed Village Cooperative. At her request, the other potential residents of the proposed development stood. She noted that she and those persons all support the request for a LUPP change and believe that The Village Cooperative is a good fit for the area and for Ames. Ms. Janssen addressed some of the concerns of the owners of Aspen Ridge Townhomes. The residents of The Cooperative are basically all retired and would be avoiding rush-hour traffic. A good percentage of those people would be gone for most of the winter months. Ms. Janssen agreed that the possible apartment complex plans to the north of the proposed Village Cooperative may have some effect on the values of the Aspen Townhome properties. However, she disagreed that the construction of The Village Cooperative would de-value the Aspen Ridge Townhomes. She purported that The Cooperative would be comprised of a different type of people, i.e., age 55 and older and not coming and going during all hours of the day and night. Ms. Janssen contended that The Village Cooperative building would actually buffer some of the noise emanating from the large apartment complexes on the west. She pointed out that the side-yard setback requirements are 12' feet, and the plans show The Village Cooperative building would be 66'. It was the opinion of Ms. Janssen that The Village Cooperative plan would be an upgrade from conventional apartments, which is what might be built there. Ms. Janssen stated that Ames needs more retirement housing for those who wish to down-size.

David Grant, 832 L Avenue, Boone, advised that he and his wife explored many communities before selecting Ames and the proposed Village Cooperative. He believes that it would be hard to argue that the proposal goes against the greater good for the citizens of Ames. It will provide 50 units of first-class affordable housing for those 55 years old and older. The building design is very attractive and traffic will be kept self-contained. When prospective residents down-size from their current homes, the homes they vacate will be available for other residents. Mr. Grant urged the Council to follow the recommendation of the Planning and Zoning Commission.

Donald Baer, 431 Aspen Ridge Road, Ames, alleged that, without the next phase of townhomes, several things will be lost. He expects that property values will go down. Mr. Baer is extremely concerned about what type of building will be allowed on the north side if the zoning is changed to allow The Village Cooperative. He said that he purchased a home in the medium-density zone and asked the Council to preserve that density.

Pam Brinton, 427 Aspen Ridge Road, Ames, relayed that the Townhome owners are not opposed to the prospective residents moving into their neighborhood. She said that she is very concerned that a zoning change would provide the right to the developer to do whatever he wants; in particular, build more apartment complexes for college students. Ms. Brinton urged the Council to retain the Medium-Density Residential zoning designation.

Mayor Campbell requested that property owner Matt Randall address the Council concerning the promises that were made to the purchasers of townhomes pertaining to future land use and the changes that have been made.

Matt Randall, as representative for the developer, said that the word "promise" would mean that the developer is breaking its promise; however, for the developer to assume in 2004 that everything would be the same as it is today would be incorrect and highly unlikely. Mr. Randall reported that the developer had hoped and intended for the property in question to be developed as a professional, high-quality project. He contended that, so far, that had been done. According to Mr. Randall, the economy had changed in the Ames community and the world, and the

potential projects that had been envisioned were no longer feasible. He said that developing \$400,000 townhomes at the time they were built worked out well, but the developer no longer foresees that to be a long-term project. Mr. Randall reported that the developer had been approached by representatives for numerous other projects over the years, and many had been turned down. The developer now believes that a comparable product has been found to match the high standards that have been developed at Aspen Ridge, Cold Water Golf Links, and the Aspen Business Park. Mr. Randall said that he lived in Aspen Ridge and was extremely happy there. He only moved from there because he now has three children and needed a larger yard. According to Mr. Randall, the developer has a high-quality product being proposed. From an aesthetics standpoint, the developer has worked diligently to produce a high-quality product and feels that it will blend in very well. Mr. Randall said that sometimes things change; however, when a change is needed, the developer needs to make sure that the change is the best change possible. The developer believes that the project in question is going to be a great neighbor for Aspen Ridge.

Council Member Larson referenced a suggestion of Mr. Twedt, who would like consideration to be given for moving The Village Cooperative farther to the west where Lots 1, 2, and 3 are planned to give more buffer space. Mr. Larson said he did not want to create a situation similar to what had occurred with the LaVerne Apartments and the Ames Christian School. Mr. Randall guaranteed that that situation would not happen again. He alleged that the Laverne Apartments project was the result of the City of Ames' requirements in that they do not allow parking to be constructed in front of the building; the location was dictated by those requirements. Relating to the project in question, Mr. Randall said that the developers chose the best location; however, it probably could be moved to the west. Mr. Randall stated that they have no specific plans for the property to the north of the townhomes.

Council Member Szopinski referenced the promises that were made to the current owners of the townhomes and promises made to potential landowners of The Village Cooperative that they will have a golf course view. She asked if there were any contractual agreements implied when Phase I of the townhome development was approved. City Attorney Parks said that she had not heard of any contractual agreements made with the first phase of the development.

Council Member Larson said that the development was taken to an additional level of approval in that the zoning change to Medium-Residential was approved with a Planned Residential Development (PRD) overlay. Planning Director Diekmann explained that the base zone would be Medium-Residential, which sets the density, with the PRD being approved as the design standard.

Moved by Larson, seconded by Szopinski, to deny the proposed amendment to the LUPP Future Land Use Map to change the land use designation of land located at 601 S. 16<sup>th</sup> Street and to encourage the owner of the property to come back with an alternative location to the west for The Village Cooperative.

Council Member Goodman noted that the City Council many times gets pressure from people to make changes that ultimately affect a lot more people in the future. He noted that the land in question was formerly zoned Highway-Oriented Commercial and then rezoned for residential. The property is located on a busy roadway, which is not conducive to retirement living.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

The meeting recessed at 9:17 p.m. and reconvened at 9:26 p.m.

**UPDATE ON XENIA RURAL WATER ISSUE:** Assistant City Manager Bob Kindred indicated that staff had worked extensively since the Council's last discussion on Xenia Rural Water and growth to the north to find the history needed to help facilitate a Council decision. He reminded the Council that it had, on June 25, 2013, directed staff to continue to work with Xenia to attempt to negotiate an agreement to buy out the right to provide water service to the areas that are proposed for annexation and to Rose Prairie development that had already been annexed. Staff had also been directed to work with Xenia's creditors in an attempt to accelerate negotiations. In addition, the Council had requested staff to provide a map to the Council showing the surrounding area (in a two-mile limit) that would be in Xenia's service territory. A number of legal issues had also been raised.

Mr. Kindred told the Council that the research into the history behind the City's dealings with Xenia is extensive, and staff will need a couple more weeks to complete that work. In addition, the City Attorney needs to review all the documents.

City Attorney Parks reported on various legal issues. She advised that the City had selected Dorsey & Whitney as outside counsel to represent the City in its negotiations with Xenia. Ms. Parks stated that it is crucial to know what the facts are; however, currently, there is an absence of documentation of past practices between the City and Xenia. Addressing a past referral to staff from the City Council, i.e., the Constitutional provision of the Iowa Constitution that indicates "the state shall never assume or be responsible for the debts or liabilities of any association or corporation," Ms. Parks said that, in the context of this situation, as long as the City does not become liable as a surety for the debt, it can pay Xenia for the right to provide water service. She provided the definition of surety. Another question raised was whether a monthly surcharge could be imposed on the portion of residents who would be served by Xenia. In response, Ms. Parks advised that neither she nor Dorsey & Whitney had found a clear answer to that question. It is clear, however, that connection fees could be set up as a financing option. Even assuming that a surcharge may be imposed legally, the ability of the current Council to mandate or obligate future Councils to continue that surcharge is questionable since generally one Council may not require a later Council to impose or continue a charge related to a governmental function such as a water utility. The third question pertained to installing infrastructure in the absence of a buy-out. It has not yet been proven that the 1996 Agreement between the City and Xenia is valid; however, if so, there would be considerable risk of subjecting the City to legal action if it moved ahead and installed infrastructure and began serving the area.

Assistant City Manager Kindred advised that, since June 25, staff had met with Xenia's two major creditors regarding how the current negotiations might be affected by their debt restructuring agreements with Xenia. On August 5, staff met with Bill Menner, State Director of the USDA's Rural Development program. The information gleaned at the meeting with USDA was summarized by Mr. Kindred. The Council was told that, on August 6, staff spoke with representatives of Assured Guaranty Municipal Corporation's New York office (Assured). Assured is a large public finance firm that holds and guarantees a substantial portion of Xenia's debt and which recently reached a "forbearance agreement" that allowed Xenia to restructure its debt and avoid going into receivership. Mr. Kindred reported on the highlights of that meeting. Both the USDA and Assured would require their review and approval of any agreement entered into between the City and Xenia. Water and Pollution Control Director John Dunn explained that

representatives of the USDA and Assured Guaranty Municipal Corporation indicated that their review of any signed agreement could occur concurrently.

Regarding the financial condition of Xenia Rural Water, Finance Director Duane Pitcher summarized the review of its audit reports. He reported that, for the past year ending December 31, 2012, Xenia did have some improvement in its financial condition related to the debt restructuring and forbearance agreements, which lowered its interest rate and extended the time of the payments. Mr. Pitcher provided additional information related to the Auditor's opinion that significant uncertainties remain regarding Xenia's ability to continue its operations and to satisfy its obligations to its creditors on a timely basis..

Mr. Kindred reported on the progress of negotiations with Xenia concerning a buy-out option. Xenia officials had indicated that its Board's Finance Committee had directed them to prepare an evaluation of the income potential under a series of different scenarios. City representatives were told that none of the scenarios contained repayment of any of Xenia's current debt. Based on that analysis, Xenia's position was for the City to pay a monthly fee of \$17.92/customer, which would be inflated 2% annually, over the next 28 years. That would equate to \$31.30/month/customer by the end of the agreement. Each of the four proposals offered by the City were reviewed by Mr. Kindred:

1. The City would pay a \$3.98/month/customer fee with no annual inflation adjustment over 28 years.
2. There would be a connection fee of \$486/new customer with no annual inflation adjustment over 28 years.
3. Four scenarios that were based on the Council's June 25 motions:
  - a. A payment reflecting a proration of the Ames land area (less than one square mile) compared to Xenia's total land area stretching over 13 counties.
  - b. A proration of the projected number of Ames customers (1,000) compared to Xenia's total customers (currently 9,400).
  - c. A per-acre payment amount equivalent to what Barilla paid the Central Iowa Water Association in 1997. An equivalent payment to Xenia for the proposed annexation areas (including Rose Prairie) would be 459.22 acres x \$75.23 = \$34,550. Inflation could be added to that amount.
  - d. An equivalent to the amount per-acre paid by the Northridge Heights developers in 2000 when they negotiated a buy-out of that territory from Xenia. An equivalent payment to Xenia for the proposed annexation areas, including Rose Prairie, would be 459.22 acres x \$700/acre = \$321,500. Inflation could bring the amount up to \$437,000.
4. A one-time \$3,762 fee charged when the customer is connected to City water service.

Xenia staff indicated that they could recommend No. 4 to their Board.

Council members were told by Mr. Kindred that, given the significant monthly and/or up-front costs future Ames citizens would have to incur, they might want to consider whether it would be acceptable to allow Xenia to retain the annexed service territory. According to Xenia officials, it would still impose an up-front charge estimated at \$1,000/customer that each homeowner would pay to help cover the cost of Xenia's new infrastructure in the area. City Manager

Schainker emphasized that the charge to each customer would be \$3,762 to connect to the system, \$1,000/customer up-front charge, the ongoing monthly charges to cover Xenia's system availability charge, which is currently \$17.92, plus the actual cost of water purchased by each customer from Ames.

Mr. Kindred noted that if that option is pursued, the City would impose additional terms to be confirmed in an agreement approved by both governing bodies, which would include:

1. Xenia would provide an urban level of water service, which would include building and maintaining its infrastructure to City standards and making its hydrants and water available to the City for fire fighting.
2. Xenia would serve the area with Ames water.
3. The City would inspect Xenia's water main construction and maintain Xenia's distribution system within the City.
4. The City would handle billing and collections for Xenia's water service.
5. A rate formula would be specified that confirms the basis for rates charged to Xenia customers living in Ames.
6. Should Xenia fail to perform any of its responsibilities under the agreement, the annexed territory and infrastructure would revert to City control. Xenia would be compensated for the depreciated value of infrastructure that it had paid to install to serve the area.

Lastly, Mr. Kindred summarized key findings of the report, which were to be taken into consideration by the City Council when making a decision. If the Council decides to proceed, staff would recommend that the City pursue a buy-out option with a one-time non-inflating connection fee with no monthly customer charge. The downside to that approach is that the \$3,762 fee imposes a significant additional cost to the price of housing in Ames and sets an unwelcome precedent for other cities that are experiencing the same type of interaction with rural water. However, if the City Council feels that the buy-out option is still too costly, staff could be directed to communicate that to Xenia and to present additional buy-out offers.

Council Member Larson said that the first thing that must be determined is if Xenia legally has jurisdiction.

Mr. Kindred gave an update on the role legislators play concerning rural water issues. He stated that there continue to be discussions with affected cities and the Iowa League of Cities.

Moved by Wacha, seconded by Goodman, to accept the staff report.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, noted that no one from the development community was consulted about or agreed to the 1996 Agreement between the City and Xenia. He alleged that the Agreement was ambiguous at best. Mr. Winkleblack pointed out that the Council should not be referring to what the developer should or should not do or have done because the development community was never consulted. He advised that this construction season has already been lost and urged that the City move as rapidly as possible to resolve this issue as there is an imminent need for more buildable lots.

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

Moved by Szopinski, seconded by Wacha, to direct staff, after the maps are received delineating the boundaries of water rights, to consider looking at other annexation opportunities within the two-mile fringe.

Council Member Davis disagreed with the motion, stating his belief that it is not the City's responsibility to negotiate with landowners. Council Member Larson concurred, stating the developers usually have a keen sense of what land might become available. City Manager Schainker noted that, in 2009, he was directed by the Council to be proactive and began contacting land owners. Ultimately, it was determined that that was not the best practice.

Motion withdrawn.

**URBAN DEER MANAGEMENT:** Police Chief Chuck Cychosz recalled that the Task Force recommendations to the City Council included an annual survey of deer population, a ban on deer feeding, public education efforts, and limited urban bow hunting of deer. He advised an aerial count in January identified 380 deer in the survey area as compared with 276 deer in the same areas last year. This increase from the previous survey is likely to reflect fluctuations in winter weather. Deer densities met or exceeded 30 deer/square mile in seven of the eleven areas surveyed. According to Chief Cychosz, densities exceeding 30 deer/square mile are generally thought to be the most likely to have human-deer conflict at a level where intervention is warranted. During 2012, there were 32 tags purchased and ten deer were harvested.

According to Chief Cychosz, the Urban Deer Task Force met to consider the deer count as well as other data collected about whitetail deer within the City. Following the Task Force meeting, seven items were circulated to the Task Force members for a vote. Comments from Task Force members illustrated the broad range of public attitudes toward deer and deer hunting. One perspective supported bowhunting of deer as a safe intervention that allows property owners in specific neighborhoods or locations to address a problem with deer concentration. Others felt that deer hunting is unnecessary and fails to control the population of deer causing problems within the City. Mr. Cychosz informed the Council of the recommendations and votes of the Task Force members. Summarizing, he advised that a majority of the Task Force members supported the continuation of hunting in designated City locations. He noted that dates for those locations are recommended by the Parks and Recreation staff. Chief Cychosz noted that, in addition to the votes, the feedback included commentary, both pro and con, regarding the benefit of urban bowhunting. Even after lengthy discussions on this topic, the Task Force was not unanimous in its view. Comments in opposition to the recommendations were shared by Chief Cychosz.

The Council was reminded by Chief Cychosz that the Iowa Department of Natural Resources (DNR) establishes legal hunting hours and dates for the City of Ames. However, the City may modify those as long as they fall within the overall DNR timeline.

The staff recommendations were presented by Chief Cychosz pertaining to the locations, dates, and times for deer hunting. He noted that all dates are subject to adjustment by the Ames Police Department, and hunting may be temporarily suspended by the Ames Police Department in any location for safety-related reasons.

Mr. Cychosz stated that, in addition, the Urban Deer Task recommended continuation of the process that allows private property or other non-city public property to be enrolled as urban deer



hunting locations. He noted that the process of establishing eligibility requires the owner or lawful agent in control of the property to submit a written request for participation to the Police Department and requests must include owner/agent permission for at least three contiguous properties.

Moved by Goodman, seconded by Davis, to approve bow hunting within the park system, City property, and other eligible property as detailed in the Urban Deer Management ordinance and rules.

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

**LIBRARY RENOVATION AND EXPANSION PROJECT:** Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 13-383 approving revised Change Order No. 4 with A&P/Samuels Group for a reduction of \$22,714.

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

Moved by Goodman, seconded by Szopinski, to adopt RESOLUTION NO. 13-384 approving Change Order No. 5 with A&P/Samuels Group for an increase of \$79,082.

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

**HEARING ON AMES PUBLIC LIBRARY WOOD WINDOW RESTORATION PROJECT:**

Mayor Campbell opened the public hearing. There being no one else wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-385 approving final plans and specifications and awarding a contract to Scott Petersen Construction, Inc., of Tyler, Minnesota, in the amount of \$125,860.

At the inquiry of Council Member Larson, Construction Manager Brad Heemstra advised that the wooden windows will result in approximately \$50,000 additional cost.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-386 approving the contract and bond.

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

**WATER METERS AND RELATED PARTS:** Moved by Davis, seconded by Szopinski, to direct staff to prepare an amendment to Appendix Q of the Municipal Code to adopt new meter fees.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-387 awarding a contract to Badger Meter of Milwaukee, Wisconsin, to furnish water meters and related parts at an estimated annual cost of \$263,000.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-388 approving contract renewal with Elster AMCO of Ocala, Florida, to furnish water meters and related parts at an estimated annual cost of \$15,000.

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

**DESIGN FEES FOR NEW WATER TREATMENT PLANT:** Water and Pollution Control Director Dunn reminded the Council that it had, on August 28, 2012, approved a Professional Services Agreement with Fox Engineering for the final detailed design of the new water treatment plant, including bidding and construction phase services. He noted that, as the design process evolved, the estimated cost of the project had increased. The design process for the project included a value engineering (VE) session that was to be conducted at the 80% complete stage. However, after receiving the most-recent cost estimate at the 40% completion stage, staff determined that it was necessary to begin a comprehensive re-evaluation of the design immediately in order to look for ways to reduce costs without sacrificing the fundamental mission of the facility.

According to Mr. Dunn, the VE review is still in process; however, staff had already decided to adopt two changes to reduce the construction costs:

1. Reduce the size of the clearwell and backwash recovery basin.
2. Eliminate the at-grade vehicle entrance into the west end of the pipe gallery.

Director Dunn said that staff will bring the results of the completed evaluation back to the City Council. Staff is anticipating a total construction cost savings in excess of \$3,000,000 and anticipates that the total redesign cost will be approximately \$500,000. To keep the design process on schedule, staff recommended that the Council authorize an additional \$71,300 in design fees to Fox Engineering for redesign of the two specific above-listed elements.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-389 approving an increase of \$71,300 to FOX Engineering for additional design fees for new Water Treatment Plant.

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

**ORDINANCE REZONING PROPERTY AT 4130 LINCOLN SWING:** Moved by Davis, seconded by Larson, to pass on second reading an ordinance rezoning property located at 4130 Lincoln Swing from Residential Low Density “RL” to Residential High Density “RH.”

Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: Szopinski. Motion declared carried.

**ORDINANCE REVISING PARKING REGULATIONS ON BURNHAM DRIVE:** Moved by Goodman, seconded by Davis, to pass on second reading an ordinance revising parking regulations on Burnham Drive.

Roll Call Vote: 4-0. Motion declared carried unanimously.

**ORDINANCE TO CORRECT TABLE 29.808(2) PERTAINING TO USES IN THE DOWNTOWN SERVICE CENTER:** Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4156 correcting Table 29.808(2) pertaining to uses in the Downtown Service Center zone.

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 Orazem recognized that the Council had received a letter from the Ames Rental Association (ARA) asking that it direct staff to review Chapter 13 of the *Municipal Code*. Noting that the Council had held many meetings reviewing Chapter 13 in the recent past and made several changes to the *Code*, Mr. Orazem requested a brief staff report on where “some of the sticking points had been” given that it had been approximately 18 months since that review. He specified that he did not want an entire review, however.

City Manager Schainker asked for clarification of the request, asking if he were directing staff to meet with the ARA. Council Member Larson said that he would not want staff to attempt to “second-guess” the entire Chapter.

Moved by Orazem, seconded by Goodman, directing staff to meet with representatives of the Ames Rental Association to determine where the issues are and report back to the Council via a memo.

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

Moved by Davis, seconded by Goodman, to refer to staff the request of Jason Cantonwine regarding a Habitat for Humanity build on Duff Avenue south of 9<sup>th</sup> Street.

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

Moved by Szopinski, seconded by Wacha, to direct staff, after further information has been received regarding Xenia service territory maps and agreements, to overlay those maps on the fringe to investigate other developable land opportunities within the two-mile fringe.

Council Member Davis offered that he could only support the motion if the Council could see the maps of the Xenia service territory prior to directing staff to do anything.

Council Member Larson stated that he would not be supporting the motion because he believes negotiating for land development is a private-sector function. He would rather have the staff devote its time to resolving the issues with Xenia.

Council Member Goodman said that having the information available provides more options for the City. He believes that having alternatives only strengthens the City’s position.

City Manager Schainker asked if the Council was asking staff to talk to property owners or only to overlay the map on the fringe area. Ms. Szopinski clarified that the motion was for staff to overlay the map over the two-mile fringe area. Mr. Larson pointed out that there are other areas that might be available, e.g., School District property, Christofferson property, old Middle School property.

Vote on Motion: 4-2. Voting aye: Goodman, Orazem, Szopinski, Wacha. Voting nay: Davis, Larson. Motion declared carried.

Moved by Szopinski, seconded by Goodman, to refer to staff for a memo as to whether the City would consider the request of residents in the Garfield/Ross Road/Quebec area for the City to acquire a portion of 1105 Garfield for use as a community garden.

Ms. Szopinski advised that this proposal was just brought to her attention by neighbors of the property. She said it was time-sensitive since the property was now for sale.

Citing the Council's policy on referrals, Council Member Davis said the request needed to be provided to the Council members for review first. He was not willing to refer it to staff without first seeing the proposal.

Council Member Larson said he would prefer that the request come through the budgeting process in the fall. There are many issues, i.e., zoning, subdividing. He would like the request to come first before the Parks & Recreation Commission.

Vote on Motion: 2-4. Voting aye: Goodman, Szopinski. Voting aye: Davis, Larson, Orazem, Wacha. Motion failed.

*Ex officio* Member Alexandria Harvey referenced a e-mail memo that she had sent on August 9, 2013, to the Mayor and City Council pertaining to the Council workshop on rental inspections of Greek houses currently scheduled to occur on August 20. She had talked to several student representatives, and they are not available on August 20, 2013. Ms. Harvey asked that the workshop be moved to a date in September so that more students from the Greek Community to participate in the discussion.

Moved by Goodman, seconded by Wacha, to direct that staff to set September 17, 2013, to hold the workshop concerning rental inspections of the Greek houses.

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

Ms. Harvey advised that she had received an e-mail from ISU student William Richard, who lives in the Fountainview Apartments on Mortensen Road. In the e-mail, Mr. Richard had expressed concern for the safety of bicyclists and pedestrians at night and requested that the City look into placing lights between Hayward and Seagrave. Ms. Harvey acknowledged that a segment of Mortensen Road is an institutional road, Mr. Madden had responded to her indicating that the Ames School District and the City share responsibility for that road. Since the area is rapidly developing, Ms. Harvey feels it is an urgent issue. She requested that the Council direct staff to meet with Iowa State and pertinent stakeholders to address the safety concern.

Moved by Goodman, seconded by Szopinski, to direct staff to meet with relevant stakeholders about visibility and safety on the section of Mortensen Road from the Towers to the Middle School.

City Manager Schainker asked Mr. Goodman to be more specific as to what stakeholders were to be invited. Council Member Wacha answered that he felt it would be representatives of Iowa State and the School District.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 11:00 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor