

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 26, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on August 26, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

Mayor Campbell announced that the Council members would be working from an Amended Agenda. Added under the Consent portion of the Agenda was approval of a new Class C Liquor License and B Wine Permit for Della Viti, 323 Main Street, #102. A change was also made to Item No. 18 to include approval of a waiver of the City's Purchasing Policy requirement for formal bidding procedures pertaining to inspection and assessment services of the GT1 Combustion Turbine.

PROCLAMATION FOR SCHOOL ATTENDANCE AWARENESS MONTH: Mayor Campbell proclaimed the month of September 2014 as School Attendance Awareness Month. Accepting the Proclamation were Ames Director of School, Community, and Media Relations Kathy Hanson and Lead Family Ambassador Colleen Kreide; Judy Dahlke, VISTA Volunteer for United Way; and Jean Kresse, Executive Director of United Way.

PRESENTATION OF AMES ECONOMIC DEVELOPMENT COMMISSION ANNUAL REPORT: Dan Culhane, Executive Director of the Ames Economic Development Commission (AEDC), presented its Annual Report. He also detailed its 2012-2016 Strategic Plan.

CONSENT AGENDA: Council Member Orazem asked to pull Item No. 10 pertaining to the Professional Services Agreement for the Grand Avenue Extension Location & Environmental Study for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of August 12, 2014
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for August 1-15, 2014
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, CY Stephens Auditorium
 - b. Class C Liquor & Outdoor Service Privilege – SMG Food & Beverage, Scheman Building
 - c. Special Class C Liquor – SMG Food & Beverage, Fisher Theater
 - d. Class E Liquor, C Beer, & B Wine – Hy-Vee Drugstore, 500 Main Street
 - e. Class C Liquor & Outdoor Service – Indian Delights, 127 Dotson Drive
 - f. Class C Liquor – Mandarin Restaurant of Ames, 415 Lincoln Way
 - g. Special Class C Liquor & Outdoor Service – Noodles & Company, 414 South Duff Avenue
 - h. Class C Liquor & Outdoor Service – Blue Owl Bar, 223 Welch Avenue
 - i. Class B Beer – Flame-N-Skewer, 2801 Grand Avenue
6. Motion approving new Class C Liquor License & B Wine Permit for Della Viti, 323 Main Street, #102; contingent on Criminal History Background Check and premises inspection
7. RESOLUTION NO. 14-456 approving revision to ASSET Policies and Procedures
8. RESOLUTION NO. 14-457 approving revision to ASSET 28E Agreement to add Central Iowa Community Services as a Funder

9. RESOLUTION NO. 14-459 authorizing extension of Engagement and Retainer Agreement with Ritts Law Group of Alexandria, Virginia, in an amount not to exceed \$100,000 for consulting services related to the Clean Air Act
 10. Requests from Octagon Center for the Arts for Art Festival on September 28, 2014:
 - a. Motion approving Blanket Temporary Obstruction Permit for the Central Business District
 - b. Motion approving Blanket Vending License
 - c. RESOLUTION NO. 14-460 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 14-461 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6 a.m. to 6 p.m. waiver of fee for usage of electricity; and waiver of fee for Blanket Vending License
 - e. RESOLUTION NO. 14-462 approving waiver of fee for usage of electricity
 11. RESOLUTION NO. 14-463 approving preliminary plans and specifications for Non-Asbestos Insulation and Related Services and Supplies for Power Plant; setting September 25, 2014, as bid due date and October 14, 2014, as date of public hearing
 12. RESOLUTION NO. 14-464 approving preliminary plans and specifications for Furnishing 69kV SF6 Circuit Breakers for Electric Services Department; setting September 10, 2014, as bid due date and September 23, 2014, as date of public hearing
 13. RESOLUTION NO. 14-465 approving preliminary plans and specifications for 2012/13 Storm Sewer Outlet Erosion Control; setting September 17, 2014, as bid due date and September 23, 2014, as date of public hearing
 14. RESOLUTION NO. 14-466 awarding contract to Power, Process & Industrial, LLC, of Marceline, Missouri, for purchase of Steel Riser Pipe for Power Plant Circulating Water System in the amount of \$47,100.14, with applicable sales taxes paid directly by the City to the State of Iowa
 15. RESOLUTION NO. 14-467 awarding contract to Power, Process & Industrial, LLC, of Marceline, Missouri, for purchase of Platforms and Roof Access Components for Power Plant in the amount of \$47,536.21, with applicable sales taxes paid directly by the City to the State of Iowa
 16. RESOLUTION NO. 14-468 waiving City's Purchasing Policy requirement for formal bidding procedures and awarding contract to Wood Group Pratt & Whitney of Bloomfield, Connecticut, to provide inspection and assessment services of GT1 Combustion Turbine
 17. RESOLUTION NO. 14-469 approving Change Order No. 3 for Vet Med Substation Feeder Extension
 18. RESOLUTION NO. 14-470 accepting completion of 2013/14 Specialized Wet/Dry Vacuum, Hydroblast, and Related Cleaning Services for Power Plant
 19. RESOLUTION NO. 14-471 approving Major Final Plat for Aspen Ridge Subdivision, 2nd Addition
 20. Resolution accepting completion of Ringgenberg Park Subdivision, 3rd Addition, and releasing security
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PROFESSIONAL SERVICES AGREEMENT FOR GRAND AVENUE EXTENSION LOCATION & ENVIRONMENTAL STUDY: Public Works Director John Joiner explained that the future project will extend Grand Avenue from South 3rd Street to South 16th Street and realign and extend South 5th Street between South Duff Avenue and Grand Avenue. Location and environmental studies must be performed for that corridor prior to transitioning into other phases of project development. The Study will include project management assistance, location alternatives, analysis of those alternatives, environmental assessments, public meetings, individual property owner meetings, documentation, and submittal of the information to the Federal Highway Administration. Mr. Joiner noted that the project study area includes a large portion of the floodway and fringe areas,

so there could be some wetland issues. The area is also heavily forested and bats might be found, which would entail proper management of their environment.

Director Joiner noted that the Capital Improvements Plan (CIP) will likely show the Phase II Environmental Impact, which will be the actual environmental assessment, and hopefully, indicate a finding of no significant impact. The environmental studies are valid for a ten-year period, so the City would be ready should it receive grant funding to begin the actual construction of various components of the Grand Avenue Extension. Council Member Orazem asked if another Location and Environmental Study would be necessary if construction were not to begin for ten years. Mr. Joiner replied that as information becomes available through the ten-year period, the Study would be updated and extended from each update.

According to Mr. Joiner, the Iowa Department of Transportation reviewed the Professional Services Agreement and Scope of Services for Phase I and has given concurrence to moving forward with the project and the selected consultant. The project would be funded by \$300,000 in General Obligation Bonds and approximately \$104,000 in Federal Demonstration Funds, which are included in the 2013/14 CIP.

City Manager Steve Schainker stated that the Grand Avenue Extension project had been delayed in the City's since the elimination of Congressionally directed funds (earmarks). That has made it difficult to finance this \$18 million project. Mr. Schainker noted that federal funding oftentimes has a requirement that projects be "shovel-ready." In order to take advantage of any federal funding that might become available and require that the projects be ready to go, staff feels it would be to the City's advantage to have all possible preparatory work completed. Mr. Schainker emphasized that this is a very important part of the City's Transportation Plan, and assuming that the citizens still want it, the City needs to do all the preparatory work and be ready.

Council Member Orazem inquired about the next steps after completion of the environmental assessment. Director Joiner advised that completion of the assessment would set the City up for moving forward with property acquisition. A conceptual design has been done for the project. Following property acquisition, the City would move forward with the preliminary and final design pending receipt of grants. The City will look for grants that include engineering and construction.

Moved by Orazem, seconded by Betcher, to adopt RESOLUTION NO. 14-458 approving the Professional Services Agreement with Howard R. Green, Inc., of Johnston, Iowa, for Grand Avenue Extension Location & Environmental Study in the amount of \$315,150.23.

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

PUBLIC FORUM: No one came forward to speak, and Mayor Campbell closed Public Forum.

HEARING ON REZONING WITH MASTER PLAN FOR 601 STATE AVENUE FROM SPECIAL GOVERNMENT/AIRPORT (S-GA) TO RESIDENTIAL LOW-DENSITY (RL) AND FLOATING SUBURBAN RESIDENTIAL LOW DENSITY (FS-RL) [Continued from August 12, 2014]: Mr. Diekmann reported that the Council, on August 12, 2014, continued the public hearing to this meeting to allow for the applicant and City staff to verify project information and formulate a Zoning Agreement. He reviewed the Council's motion to direct staff to prepare a Contract Rezoning Agreement signed by the developer that incorporated three items:

1. Master Plan to include an allowance for relocation of the bike path and easement subject to the approval by the City at the time of subdivision.
2. Density of development limited to a developable area of approximately 10-14 acres based on Code-allowed exceptions for constrained areas and with the bike path in its current location.
3. Off-site traffic improvements with an agreement that the City and developer agree to a proportional share of the cost of traffic improvements at the intersection of Mortensen Road and State Avenue.

According to Director Diekmann, City staff met with the developer and his representatives to discuss the direction of the Council. The meeting provided a further understanding of the applicant's proposed Master Plan dated August 11, 2014; proposed development intensity, and building types. The applicant did not support paying for the proportional cost of a potential roundabout improvement rather than signalization of the intersection due to higher costs and his feeling that signalization of the intersection would mitigate the project's impacts on intersection operations. A letter dated August 18, 2014, was later submitted to staff by the applicant's attorney Brian Torresi that clarified project details and confirmed agreements, as follows:

1. Developer agrees to relocation of the bike path subject to joint agreement of the location and design by the City and developer at the time of subdivision. This will also require approval of the School District for the realignment on the portion of the property owned by the District.
2. Developer agrees to pay a proportion of a signalized traffic improvement for the intersection of Mortensen Road and State Avenue.

According to Mr. Diekmann, the key element of the letter identified that, while it is still unknown at this time what the precise net acreage will be for the property, it does indicate inferred acreages of developable area of 15-17 acres intended for building development based upon assumption of maximum density of ten units per net acre. Mr. Torresi noted in the letter that those would be considered maximums of net acres and that a final determination of net acres and corresponding units would occur at the time of subdivision. The developer had already agreed to a maximum 172 units for the entire site, regardless of the zoning classification. The units are to be configured as two- and three-bedroom units, and in no event, will the number of bedrooms for the entire site exceed 450 bedrooms for the South Parcel.

Council Member Betcher shared her opinion that the letter received by the City dated August 18 contradicted the statement by the developer at the August 12, 2014, Council meeting when it was stated that the developer agreed to pay its proportional share of the off-site traffic improvements at the intersection of Mortensen Road and State Avenue. However, the August 18, 2014, letter stated that the developer did not support paying for the proportional cost of a possible roundabout improvement rather than signalization of the intersection. Ms. Betcher noted that the roundabout at Mortensen and State was a recommendation contained in the City's Long-Range Transportation Plan.

Mr. Diekmann advised that the intent is to get to a final dollar amount so the City Council will know what the commitment is prior to approving the Contract Rezoning and the third reading of the ordinance for FS-RL zoning.

It was pointed out by Director Diekmann that the terminology of a Zoning Agreement is within the

Ames Municipal Code. It is a document that the City of Ames uses to implement a graphic for a Master Plan; it is directive of the contents of what a Master Plan includes. A Contract Rezoning is a document that is authorized through Iowa Code. It is more of a mutually agreeable contract between a local government and an applicant to do things above and beyond what is in a Code-required situation. In summary, the Zoning Agreement deals with Code requirements and a Contract Rezoning deals with elements that are above and beyond the minimum expectations for a project. Both the Zoning Agreement and Contract Rezoning need to be in a final state and be signed before the third reading of the ordinance passes to actually effectuate the zoning request for the property. Mr. Diekmann told the Council members that staff had brought those two elements to them in this form because it was not comfortable with some of the elements. It was reiterated by Director Diekmann that staff had not yet worked through the final dollar amount for the traffic mitigation even though there is mutual agreement to do so.

Mr. Diekmann advised that staff is recommending approval of the project consistent with the requirements of the Municipal Code for rezoning with a Master Plan. It is also recommending approval considering that the terms of the Contract Rezoning would be in effect; that is a key element of staff support.

Director Diekmann noted that the requirements for a Master Plan state that the applicant must articulate what the estimated net acres would be for the project. It also requires the identification of building types and the range of units that might be built and the types of buildings associated with that, buildable area. Therefore, the graphic will probably not change much, but the text that supports the graphic will change to describe the allowances that are considered the maximum that could occur. The more-precise details of how net acres are calculated will come about at the time of subdivision when the Council reviews the lot lay-out and street system. At that time, the Council will be able to make an evaluation against the FS Zoning District, which has seven items that articulate what areas may be subtracted for net density calculations. Ms. Betcher noted that there was a statement about the number of units, but that was not connected explicitly to net acres. Mr. Diekmann pointed out that within the Master Plan criteria, a range of units (not the precise number) is requested. Staff believes that the estimate of net acres is appropriate at this time to decide if the amount of development proposed is feasible.

Council Member Betcher asked if there was a reason why the 10 to 14 net developable acres dropped out of the picture. Mr. Diekmann stated that those numbers would be determined during subdivision review. It was also questioned by Ms. Betcher if Council members were often left in the position where they have to infer what the net acreage is based on the number of units. According to Mr. Diekmann, when staff was meeting with the applicants, they asked what they should update, and staff told them that the final details could be provided via an amendment to the Plan when they signed the Zoning Agreement. Staff did not accomplish the Council's directive to come back with a signed Zoning Agreement, so staff did not ask the applicants to provide those details. Staff believes that the applicants have provided enough information to allow staff to determine the intent of the project. Director Diekmann advised that by the time of the third reading of the rezoning ordinance, the words "net acreage" will be reflected on the Plan.

Ms. Betcher asked if it were customary for the Council to move ordinances through first and second readings with a contingency of something occurring before the third reading. She stated that she was uncomfortable with approving anything without the specifics of the Master Plan Zoning Agreement and Contract Rezoning Agreement being known. Mr. Diekmann advised that there had been one recent case; however, staff would not recommend adoption of the rezoning ordinance if a Contract Rezoning Agreement had not been agreed to and signed by the developer.

Council Member Gartin asked staff to review the difference between RL and FS-RL in terms of the number of units and the number of beds. Director Diekmann replied that RL has a density range of 0 to 7.26 units, but the only prescribed item to deduct is public right-of-way. He said, however, that that comes back to subdivision; the Subdivision Code will prevail on consistency with the Land Use Policy Plan as well as the zoning regulations. For purposes of comparison, for 15 net acres, there would be approximately 105 units at the maximum under RL multiplied by three bedrooms; that would equate to 315 bedrooms. The applicant has stated that it would develop no more than 450 beds no matter what the net acreage is, so that is why bedrooms are in the Contract Rezoning component.

It was also asked by Mr. Gartin if the public would be able to tell the difference if the area were developed as RL as opposed to FS-RL. Director Diekmann said the difference would be noticeable because of the product type that may be built. Attached single-family may be built in FS-RL whereas only detached single-family houses may be built in RL; FS-RL does have an open space requirement, but that might not be noticeable from the street.

Council Member Nelson asked, for the purposes of discussion, if there was a difference between a bed and a bedroom. Director Diekmann stated that “bedroom” is the term used in the *Code*. He added that the Rental Code states how many occupants may be in one bedroom. City Attorney Parks clarified that three unrelated persons could occupy a two-bedroom house; however, minimum square footage requirements must be met.

At the request of Council Member Gartin, Director Diekmann explained the Conservation Area. That Area would be protected (be undevelopable) in both the RL and FS-RL scenarios. However, RL would go through its own process and the Council would need to request a Master Plan with that process. The Conservation Easement is part of the platting process, not the rezoning process. The Area may change for an RL Master Plan; the developer may not propose exactly what is shown on the FS-RL application.

Mr. Gartin also asked if the Conservation Easement shown on the FS-RL Master Plan was located where the City believed it should be located. Director Diekmann stated that staff did not feel that the Conservation Easement shown necessarily captured all the area or elements that should be protected. Council Member Goodman asked if there would be an opportunity in any zoning district to have a conversation for additional easements. Mr. Diekmann said that it was possible; a Contract Rezoning would allow for that. He added that that could also be addressed during the subdivision process.

Council Member Betcher referenced the FS establishment clause in Chapter 29. She noted that, Item (c) under Article III is a statement that the “existing infrastructure system to be utilized by the land proposed to be zoned FS has the capacity to support the development contemplated.” She interpreted that to be one of four standards that any project has to meet before it can be rezoned to FS and wondered how Council could ever approve anything that requires off-site improvements. Director Diekmann stated that Ames has not literally applied it to mean that all infrastructure must exist before a project may be approved. Historically, the City has used that language to require the applicant to pay its share of the off-site improvements where there will be an off-site impact.

Mr. Diekmann again noted that if the City Council approves the first reading of the rezoning ordinance with the Master Plan Zoning Agreement, a final Master Plan graphic will be included reflecting the terms spelled out in the Agreement for final approval of the City prior to a third reading of the rezoning ordinance. Director Diekmann recommended that no action be taken on the

Contract Rezoning Agreement until the third reading of the rezoning ordinance; that would allow staff to insert the cost estimate for off-site traffic improvements into Section III. The Council was told by Director Diekmann that the way the Agreement is structured, once the City agrees upon a dollar amount with the applicant for its proportion share, it doesn't matter what the improvement is; it is about the dollar amount rather than a specific improvement.

It was clarified by Director Diekmann that a Contract Rezone is a request that the applicant must agree to; it could happen within any zoning district. If Council members wanted to establish an easement, he directed them to the Subdivision Code where one of the approval standards is "appropriate preservation and integration of natural features within the subdivision." The easement is the formal means of protection because it precludes disturbance and has an ongoing obligation.

Council Member Betcher asked if the City would be setting a precedent if it agreed to establish a number of bedrooms as opposed to using net acreage calculations. Director Diekmann answered that he did not view it as in lieu of the application requirements.

Mayor Campbell asked if there was anyone wishing to provide new testimony on this matter.

Brian Torresi, Davis Brown Law Firm, Ames, outlined the requirements of the developer's application for FS-RL. He noted that the underlying zone for the property in question is Village Suburban Floating Zone. The three options under the LUPP designation are Village, Suburban, and Planned Residence District. The choice among those three options is up to the developer; the developer chose FS. Mr. Torresi also noted that, under the establishment clauses, one of the findings for the base zone is that the developer voluntarily chose it. In FS, there is RL or RM. The least-dense one is FS-RL; that is what the application is for. According to Attorney Torresi, RL is not a viable option for the South Parcel. He believes that the developer is requesting the least-intense zone based on the City's Comprehensive Plan. Mr. Torresi also noted that *Iowa Code* Chapter 414 does not require the developer to agree to many of the items that Breckenridge is willing to agree to in the Contract Rezoning Agreement.

Council Member Gartin asked to know what the advantages would be for the neighbors of a FS-RL development as opposed to a RL development. Mr. Torresi pointed out that there is more open space, more green space, and allows for a variety of housing types. It was stated by Mr. Torresi that the developer agreed to RL on the North and Middle Parcels, although they had originally wanted RM and RH on the North, but based on the Comprehensive Plan, the developer knew that the City had to give them RL. Addressing Mr. Gartin's question, Scott Renaud, FOX Engineering, concurred with Mr. Torresi that FS-RL allowed a variety of housing types, has more efficient lay-out and thus allows for a subsequent reduction of costs, which reflects on the total costs of the housing.

Council Member Orazem asked Mr. Renaud to address the net acreage element in RL and FS-RL. Mr. Renaud said that the calculation to take acreage out is usually to get to the minimum density, not the maximum. He believes the net acreage would be the same in RL and FS-RL; however, the number of units would be different.

Tony Ramey, 425 Hilltop Road, stated that for the purposes of revenue, the developer would like to have as many beds as possible; however, the neighborhood would like to see the number of beds be as few as possible. Mr. Ramey showed recent pictures of vandalism to and retrieved alcohol containers from his property. In his opinion, more beds would mean more people that could translate into more vandalism. Mr. Ramey requested that the City "hold out" for RL.

Sharon Guber, 2931 Northwestern Avenue, Ames, pointed out that net acres is defined in the subdivision regulations. There are seven elements. The neighbors want the development to fit in and look like the existing neighborhoods. Ms. Guber said the current neighborhood has an average of 3.7 units per net acre. The LUPP states that existing development should be “meshed” with new development. The Middle and North Parcels were rezoned to allow a maximum of 7.26 units. For the South Parcel, what the developer’s is proposing would be 17.2 units per net acre if ten acres were used. Again, if ten net acres were used, the maximum number of bedrooms as stated by the developer would be 450 for FS-RL; that would be 150 units. That can only be configured one way: 66 two-bedroom units and 106 three-bedroom units. The two-bedroom units have been advertised by Breckenridge as being large enough to have a roommate or a walk-in closet that is large enough that a person could use it as a bedroom to reduce the rental cost. That increases the number of people to 516. In contrast, the maximum number of bedrooms would be 216 for RL. The difference would mean 300 more people in FL-RL than RL. Ms. Guber also said that they do not want the bike path moved as it is now a safe path and if it were moved, there would be steep slopes and it would be in the floodway. She believes that the number of people is what makes the difference. The decision should not be about what the developer wants; it is about what the City wants. Ms. Guber asked the City Council to reject the proposed agreement and to consider RL zoning for the South Parcel.

Ken Platt, 3620 Woodland Street, Ames, is concerned that, if the project is allowed to move ahead, by the time of the third reading, it would be “almost a done deal.” At that point, he believes that the City will have lost its leverage. To him, the real issue is making money; it is not about preserving the quality of life or property values for existing residents. After reading the proposed Contract Rezoning Agreement, he believed that it is very loosely written. Until there is a well-written Agreement and Master Plan showing many more details, especially concerning the natural lands, Mr. Platt asked that the City Council deny the rezoning until Breckenridge shows how the development is going to blend with the existing neighborhoods.

Sharon Stewart, 437 Hilltop Road, Ames, corrected a statement that she had made at the August 12, 2014, City Council meeting when she said she had received a copy of the developer’s letter at 4:30 p.m.; she had actually received it at 9:30 a.m. Ms. Stewart stated her belief that what had been submitted by the developer did not comply with the *Code* as to what should be submitted on a Master Plan. She read excerpts from the Zoning Code indicating what is required. Ms. Stewart asked that the City Council make an amendment to the LUPP to make the South Parcel RL because it better suits the neighborhood. She pointed out that the bike path is located where it is currently due to the topography. In the opinion of Ms. Stewart, FS-RL should be denied and an amendment to the LUPP pursued to make the South Parcel RL.

Michael Petersen, 3302 Morningside Street, Ames, noted that the latest revised Master Plan submitted by Breckenridge shows relocation of the bike path. Mr. Petersen asked that the City Council not allow the bike path to be moved to where Breckenridge proposed and which would give Breckenridge more developable acres. Due to its proximity to the Creek, the steep slopes, and it being in the floodway, the location Breckenridge is proposing would be very unsafe. He believes that if the development in question were to occur, irreversible negative effects would be caused to the neighborhood, natural areas, and wildlife. Mr. Petersen urged the Council to approve the recommendation from the Planning and Zoning Commission and deny the request for rezoning of 601 State Avenue to FL-RL. He believes that the vote tonight will have far-reaching effects on future development in other neighborhoods. He noted that the City Council has a duty to protect all Ames citizens and urged it to vote for only RL on the South Parcel.

Sarah Cady, 2812 Arbor Street, Ames, believes that the Breckenridge project does not promote

stability of core neighborhoods, the project is going to have a significant negative impact on adjacent neighborhoods, and the project does not provide the owner-occupied housing that Ames desperately needs. Her major concerns are not about students in particular, but about the number of residents proposed for the South Parcel and traffic. It would mean approximately 750 new residents on the three parcels in a span of a year, rather than over several years like that of a traditional single-family subdivision. With the number of people that would ultimately be allowed to occupy the units, the number could push the potential number of renters to about 500 on the South Parcel. Across all three parcels, there then could be as many as 800 people. Ms. Cady quoted FOX Engineering's traffic analysis, pointing out that 90% of the 450 occupants on the South Parcel will have State Avenue as their only means of ingress and egress. She believes that the roads in the area are simply not capable of handling high-traffic volumes with ease or in a manner that is safe for the existing residents, pedestrians, or bicyclists. In addition, according to the traffic analysis, there would be a 80 to 90% increase in north/south traffic at the State/Mortensen intersection. The environment is also a concern of hers. The current proposal does not have a definitive Conservation Easement. Ms. Cady also has significant concerns about moving the bike directly adjacent to the Creek. She expressed her frustration that what is now being used is 15-17 acres when the previous estimate was 10 - 14. Ms. Cady said that until some of the issues could be hammered out, she urged the Council to reject Breckenridge's zoning application for FS-RL for the South Parcel or any other proposal that would have the potential for 500 additional people.

Rich Ketcham, 2923 Arbor Street, Ames, noted that to date, there has been no discussion on the clubhouse aspect of the development. None of his previous questions about how the clubhouse would be operated have been answered. In his opinion, FS-RL would still leave the door open for placement of a clubhouse on the South Parcel. Mr. Ketcham also noted that the LUPP has a goal of low-cost housing to buy rather than low-cost housing to build and then rent. In the proposal by the developer for the South parcel, this is a rental proposal; there is no intent to sell low-cost housing. He would like a discussion on the part of the Council as to what its options are if it gets to the second reading of the rezoning ordinance and it becomes clear that the developer is not going to sign the Contract Rezoning Agreement.

Joanne Pfeiffer, 3318 Morningside Street, Ames, said she could never imagine the City of nearly 65,000 allowing a proposal such as what is being requested by Breckenridge. She noted the disparity that would exist between the current neighborhood's density and that which is being proposed by the developer. Ms. Pfeiffer reminded the Council of its duty to protect its citizens' quality of life and referenced the five applicable statements contained in the LUPP that corroborate that duty. Ms. Pfeiffer believes that the Breckenridge proposal does not meet the elements of the City's Land Use Policy Plan. She believes that the most appropriate zoning for the South Parcel is RL.

The meeting recessed at 9:20 and reconvened at 9:26 p.m.

Mayor Campbell closed the public hearing.

Council Member Orazem noted that he was still puzzled as to the net acres and does not understand why the 10 - 14 net acres or 10 - 15 acres if one acre is part of the bike path would not give a reasonable range. He does not think that the Council should go back on that particular aspect of the agreement from the last meeting. It was stated by Mr. Orazem that he was uncomfortable with Alternative 1 from the Council Action Form that used 10 - 17 net acres when he cannot see where that number came from.

Moved by Orazem, seconded by Gartin, to approve the first reading of an ordinance for rezoning of approximately 1.63 acres north of College Creek from “S-GA” to “RL” and rezoning of approximately 27.37 acres of land south of College Creek from “S-GA” to “FS-RL”, all located at 601 State Avenue; and direct that staff prepare an Agreement where the net acres remain where the Council had set it.

It was clarified by Director Diekmann that the direction was for staff to prepare a Zoning Agreement where the net acres would not exceed 14 acres. He noted that it would be incumbent on the applicant to sign the Agreement and have the exhibits attached to it prior to approval of the third reading of the Rezoning Ordinance. If the applicant does not sign the Agreement, the Council would not be obligated to approve the rezoning request.

Council Member Betcher asked if the calculation of 10 - 14 acres originally came about because of the location of the bike path. Director Diekmann said there were a lot of factors. Staff looked at all of the potential items that could be deducted, the general lay of the land, and where the bike path was located. The 10 - 14 acres was the staff’s estimate. Ms. Betcher asked if the City had a means to protect the bike path if it were not to be relocated. It was stated by Mr. Diekmann that staff would look at the lay-out of the project, including the location of the bike path, at the subdivision stage. Staff would consider the crossings, the safety and how traffic would flow through the site if the path remained at its current location. They would also look at what measures could be taken to ensure the safety of the crossings.

Council Member Gartin asked City Attorney Parks to speak to any legal ramifications if the Council were to vote in favor of the RL designation. Ms. Parks stated that the LUPP does not support that particular designation for the South Parcel; that would be the first step to be initiated. Next, there would need to be an application for rezoning the South Parcel to RL, which the Council has the authority to do. The landowner does not currently support that designation, so one potential ramification would be litigation by the developer for reducing its rights to use its property. There would be a span of time during which the property owner could do nothing with its property.

Council Member Betcher again stated that she is really uncomfortable moving forward with so much uncertainty surrounding the Contract Rezoning Agreement. She acknowledged that the LUPP allows for FS-RL; however, the Long-Range Transportation Plan currently in place calls for construction of a roundabout at Mortensen and State. The developer has agreed to pay its proportionate share of off-site improvements, but has specified that that would only include signalization, which is not what it calls for in the Long-Range Transportation Plan.

Pertaining to the Traffic Study that had been performed, Director Diekmann clarified that staff had accepted the conclusions of the distribution of trips from the site and the order of magnitude of impact. He acknowledged that there are differences of opinion regarding some of the details; however, that doesn’t change the ultimate conclusions. Mr. Diekmann also stated that if staff thought the Study was completely flawed and the conclusions were wrong, it would not be supporting the rezoning to FS-RL. Council Member Betcher pointed out that in the Suburban Residential development principles, Item B is that there is a greater emphasis on vehicular mobility. There is no bus support on State. In Ms. Betcher’s opinion, if FS-RL is supposed to support a greater emphasis on vehicular mobility, it would amount to additional costs. She has not seen evidence that the infrastructure is going to support that increased vehicular traffic. Ms. Betcher reiterated that she has conflicting information on whether or not the developer is actually willing to pay for what the City decides is best for the intersection at State and Mortensen.

A huge concern of Council Member Betcher pertained to another one of the Suburban Residential development principles, i.e., that “a development pattern is compatible with surrounding neighborhoods and is consistent with the Goals and Objectives of the Land Use Policy Plan.” She agreed that the LUPP designates the area as FS-RL, but one of the underlying principles was that the City was trying to get more single-family homes for the Ames School District. The proposed development is not consistent with any other development that surrounds it. Ms. Betcher believes that the Council has asked for something simple - to be given a range of net acres and the units the developer wants to put on them, whether the developer will agree to paying a proportionate share of the off-site development costs - but mixed messages have been sent. She is unclear what will be agreed upon by the developer, and she is not in favor of moving through a first reading to a second reading and waiting until a third reading to get the final agreement.

Council Member Goodman emphasized that this is not to be construed as being anti-students. He noted that the Ames community depends on students for a lot of the energy in the City, and they help give Ames its unique character. The lack of support for this project is not directly related to liking or not liking students. The biggest piece is that certain areas in the community operate within their existing density. This development proposal would change the way the surrounding neighborhoods would operate. He believes that neighborhoods function best when there is a mixture of student- and owner-occupied housing, and this proposal does not have that. Mr. Goodman again stated that the lack of support for this project is not directly related to students. The proposal in question would greatly change the dynamics of the existing neighborhood.

Mayor Campbell noted that a valid Protest had been filed against any zoning designation other than RL; therefore, approval would need five votes.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher, Goodman. Motion failed due to a super majority requirement.

HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR 3299 EAST 13TH STREET (Continued from July 8, 2014): Director Diekmann announced that the applicant had withdrawn his application, and no Council action was needed.

HEARING ON AMENDMENTS TO MAJOR SITE DEVELOPMENT PLAN FOR 2205 GREEN HILLS DRIVE: Director Diekmann explained that the existing complex includes single-family homes, assisted living, and skilled nursing facilities. He summarized the proposed changes to the existing site plan to accommodate the next phases of development. This would include revision to the current health care center administrative area and main entrance to accommodate a proposed residential expansion; a four-story 32-unit addition on the east side of the existing high-rise building for a new independent senior living wing; a four-story 20-unit future addition to the independent living expansion on the east side of the existing high-rise building for a new independent senior living wing addition; a one-story addition and renovation on southeast side of existing tower for a new 6,500 square-foot commons area to include a theater, game room, auditorium, and library; an increase of 36 surface level parking spaces, and an increase of 52 new underground parking spaces for the independent living wing and future expansion; and a 67-space employee parking lot expansion of the north parking lot. The build-out of the entire project would take approximately ten years.

Rod Copple, 4938 Hemingway Drive, Ames, Executive Director of Green Hills, explained the resident ownership of Green Hills.

The hearing was opened by the Mayor. No one asked to speak, and the public hearing was closed.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-474 approving the Amended Major Site Development Plan for 2205 Green Hills Drive.

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

DISCUSSION OF PLANNING AND HOUSING GOALS/PRIORITIES: Director Diekmann updated the Council on ongoing Planning projects and referrals. He briefly reported on the accomplishments to date. The projects currently underway are:

1. Land Use Policy Plan Update
2. Campustown Facade Grant Pilot Program
3. Greek Fraternity and Sorority Parking Requirements Text Amendment
4. Chapter 31 Update Text Amendments for Historic Resources
5. Right-of-Way and Infrastructure Improvements Without Subdivision
6. Support Public Works with Long-Range Transportation Plan

Director Diekmann stated that, along with the normal current planning projects (development requests) and the six projects listed above, the Planning staff believes that they have the capacity to begin one additional major long-range planning project through December 2014.

City Manager Schainker said that the Land Use Policy Plan Update is a project in itself as there are five different sub-projects. Staff will need some clarification and direction on those tasks. The additional referrals made by the Council during “Council Comments” will need to be evaluated by staff and then prioritized.

Council Member Goodman raised his concern over the results of the most-recent project of Breckenridge that the Council thought was going to be a certain type of product with certain zoning; however, that is not occurring. When he reviewed the Zoning Map, all of the other FS-RL areas that he found in the Map did not produce the type of product that is going to be produced. Council Member Goodman believes that there is urgency if the City wants to control the housing stock to adjust the definitions in the Zoning Code. There is not a lot of new land coming on line and there is a lot of pressure on the market right now, so the Council could see something like what is occurring with Breckenridge again. In Mr. Goodman’s opinion, that gives this project more urgency than what others might have. He believed that the Council members who supported FS-RL or FS-RM anticipated owner-occupied on the property. That zoning, within the context of the market place, does not necessarily yield that result, and the Council needs to resolve that problem. Director Diekmann noted that that item is listed as Item No. 22 on the list of projects; it is called “Rental concentration standard for low-density residential zones.” His expectation is that that is a major project and would require its own separate discussion. It was actually formerly referred by Council Member Orazem. Council Member Goodman stated his opinion that the very intense conversations that have occurred were the result of a failure of the City’s Zoning Code to yield the Council’s anticipated results.

Moved by Goodman, seconded by Corrieri, to direct staff to move Item No. 22 (for a staff report describing methods used to limit the concentration of rental properties within zoning areas) to begin immediately.

Director Diekmann clarified that the direction to staff would be to Prioritize Item No. 22, which is

to evaluate low-density zoning and rental uses, as the next major project for the Planning and Housing Department. He stated the first step would be for staff to define the project. Mr. Diekmann clarified that he was not assuming that, if a specific zoning change were being pursued, they would be evaluating the impacts on housing supply across the City at the same time. To him, those are two difference projects.

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

CDBG DISASTER APPLICATION: Housing Coordinator Vanessa Baker-Latimer explained that HDG had informed the City on August 21, 2014, that after creating a pro forma for construction and operation of six affordable housing units, it was not able to demonstrate that it was a viable project with positive cash flow in the first ten years of the project. With that information, City staff and HDG concurred that was not appropriate to proceed with submitting a grant application for the CDBG-DR funding with HDG as a partner. Staff then reached out to an alternative group of Benjamin Design Collaborative/Story County Community Housing Corporation, which had previously indicated interest in the project. However, after considering the tight time limits of the process and its priorities as an organization, it also declined to assist in preparation of a grant application for the site. According to Ms. Baker-Latimer, staff will begin a process later this fall to solicit requests for proposals to consider what affordable housing development options are available to the site and have Council select a development partner.

Moved by Nelson, seconded by Goodman, to adopt RESOLUTION NO. 14-473 rescinding approval of Hatch Development Group as the preferred consultant/developer for City-owned properties in the 500 Block of 6th Street.

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

UPDATE ON CITY COUNCIL GOAL TO STRENGTHEN HUMAN SERVICES: Assistant City Manager Melissa Mundt advised that tomorrow afternoon, a meeting will occur with the agencies to discuss the budget process for FY 2015/16. During the first part of September, a meeting will occur with the volunteers at the Joint Funders' Meeting.

Ms. Mundt pointed out that one of the tasks under the Council's Objectives was to review the Story County Community Health Needs Assessment, which is conducted every five years. The meetings for the 2015 Assessment on September 24; that meeting will be held on the third floor of the YSS Building. Ms. Mundt said she would forward the email to the City Council members.

Council Member Gartin asked if there would be value in receiving input from the City Council members pertaining to the application form. Ms. Mundt advised that the form was already changed to request additional outcomes. Many of the questions have been made more specific. One of the questions that was added was whether the agency had turned anyone away who desired to participate in its program, and if so, why. They formerly had not tracked that information; however, this year, the information is being collected.

Council Member Goodman asked if data were being collected on how many Ames citizens were being served versus those who were referred from other communities. Ms. Mundt stated that ASSET is currently working with the Emergency Residence Project to get a system in place (ServicePoint) to track that information. There are other service agencies who also use that software.

Moved by Goodman, seconded by Corrieri, to direct staff to put a discussion of the report regarding

youth master planning on a future agenda.

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

GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2014: Finance Director Duane Pitcher introduced Suzanne Gerlach and Jon Burmeister of Public Financial Management (PFM). Ms. Gerlach stated that nine bids were received from 36 cities. The Report of Bids was distributed to the Council. The bidder with the lowest cost came in with a True Interest Cost (TIC) of 1.79. It was being recommended that the bonds be awarded to Stifel, Nicolaus & Co., Inc.

Moved by Gartin, seconded by Goodman, to adopt RESOLUTION NO. 14-475 approving the sale and issuance of General Obligation Corporate Purpose Bonds Series 2014 in the amount of \$9,985,000 to Stifel, Nicolaus & Co., Inc.

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

ORDINANCE PERTAINING TO PARKING REGULATIONS ON NEW STREETS AND CORRECTIONS FOR VARIOUS LOCATIONS: Moved by Goodman, seconded by Corrieri, to pass on first reading an ordinance pertaining to parking regulations on new streets and corrections at various locations.

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

ORDINANCE DESIGNATING PARKING RESTRICTIONS AND LOADING ZONE ON ASPEN ROAD: Moved by Goodman, seconded by Betcher, to pass on first reading an ordinance designating parking restrictions and loading zone on Aspen Road.

Roll Call Vote: 4-2. Voting aye: Betcher, Gartin, Goodman, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Corrieri, Nelson. Motion declared unanimously.

ORDINANCE REZONING 205 SOUTH WILMOTH AVENUE: Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance rezoning 205 South Wilmoth Avenue from Special Government/Airport (S-GA) to Residential Low Density (RL).

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

ORDINANCE REZONING 4710 MORTENSEN ROAD: Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4191 rezoning 4710 Mortensen Road from Community Commercial/Residential (CCR) to Floating Suburban Residential Medium-Density (FS-RM).

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

ORDINANCE REGARDING ACCESSORY STRUCTURES FOR INSTITUTIONAL USES IN RESIDENTIAL ZONING DISTRICTS: Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4192 ordinance making a zoning text amendment regarding accessory structures for institutional uses in residential zoning districts.

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

COUNCIL COMMENTS: Moved by Betcher, seconded by Orazem, to direct staff to take care of the dying sod along the edge of O'Neil Park.

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

Moved by Orazem, seconded by Goodman, to refer to staff for a memo addressing the concerns included in Monica Richards' email pertaining to pedestrian/biker safety analysis of Top-O-Hollow Road route to Ada Hayden.

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

Moved by Gartin, seconded by Goodman, to direct staff to reach out to other governmental and utility entities who have property in the City to see if they have a remediation plan to address the threat of the Emerald Ash Borer.

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

Ex officio Member Lissandra Villa thanked those who attended the Welcome Fest today.

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 10:46 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor