

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 27, 2009

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on October 27, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Keppy was absent.

**PRESENTATION OF UNITED AMES YOUTH LOGO & MOTTO COMPETITION AWARD TO KYLE EMERY:** Mayor Campbell presented the *United Ames Youth Logo & Motto Competition Award* to Kyle Emery. Adam Cotton, a VISTA worker assigned to Ames, explained that Ames youth (K - 12 age group) were asked to design a logo and motto to describe what *United Ames* means. Mr. Emery's image and phrase, "If we're not United, we're not Ames," was chosen as the winning entry.

**PROCLAMATION FOR NATIONAL ADOPTION DAY:** November 21, 2009, was proclaimed by Mayor Campbell as *National Adoption Day*. Accepting the Proclamation were Terri Johanson, Director of Youth & Shelter Services (YSS) Rosedale Shelter, and three area families who have finalized or will finalize adoptions on National Adoption Day.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of October 13, 2009
3. Motion approving Report of Contract Change Orders for October 1-15, 2009
4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
  - a. Class E Liquor, C Beer & B Wine - Target Store T-1170, 320 S. Duff Avenue
  - b. Class C Liquor - Legends American Grill, 119 Stanton Avenue, Ste. 700
5. Motion directing City Attorney to draft ordinance setting speed limits for south end of Dayton Place
6. RESOLUTION NO. 09-503 approving appointment of Campustown Business Representative Tim Gleason to the Student Affairs Commission
7. RESOLUTION NO. 09-504 approving Investment Report for quarter ending September 30, 2009
8. RESOLUTION NO. 09-505 approving renewal of flexible spending account administration with Wellmark for 2010
9. RESOLUTION NO. 09-506 approving preliminary plans and specifications for Power Plant Distributive Communication Control System Upgrade; setting December 9, 2009, as bid due date and December 22, 2009, as date of public hearing
10. RESOLUTION NO. 09-507 approving Change Order in the amount of \$1,883.50 to Terracon Consultants, Inc., for additional materials testing at Furman Aquatic Center
11. RESOLUTION NO. 09-508 approving Change Order No. 2 for Unit No. 8 Steam Generator Waterwall Panels Project for Power Plant
12. RESOLUTION NO. 09-509 accepting final completion of 2008/09 U.S. Hwy. 69 Intersection Improvements (13<sup>th</sup> Street/Grand Avenue Traffic Signal Replacement)
13. RESOLUTION NO. 09-510 accepting final completion of on-site and off-site public improvements and releasing security for Northridge Heights, 12<sup>th</sup> Addition
14. RESOLUTION NO. 09-511 approving Plat of Survey for 400-412-414 South Duff Avenue  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** Richard Deyo, 505 Eighth Street, Apartment #2, Ames, requested that the City write to President Obama to congratulate him for winning the Nobel Peace Prize. Mr. Deyo read a poem that he had written regarding the Nobel Peace Prize.

**SPECIAL CLASS C LIQUOR LICENSE FOR GATEWAY HOTEL & CONFERENCE CENTER:** Moved by Mahayni, seconded by Popken, to approve a new 5-Day (November 10-14) Special Class C Liquor License for Gateway Hotel & Conference Center at the ISU Alumni Center, 420 Beach Avenue.

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

**CLASS C BEER AND CLASS B NATIVE WINE PERMIT FOR SNAPPYS DELIVERS.COM:** Moved by Mahayni, seconded by Doll, to approve a new Class C Beer and Class B Native Wine Permit for SnappysDelivers.com, 200 Stanton Avenue, #103.

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

**CLASS C LIQUOR LICENSE FOR PROJECT 20/20:** Moved by Popken, seconded by Mahayni, to approve a new Class C Liquor License for Project 20/20, 2424 Lincoln Way.

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

**MAIN STREET CULTURAL DISTRICT'S REQUESTS FOR HOLIDAY LIGHTING AND OPEN HOUSE ACTIVITIES:** Moved by Goodman, seconded by Popken, to adopt RESOLUTION NO. 09-512 approving suspension of parking enforcement for the Central Business District on weekdays from 5:00-6:00 p.m. beginning November 23, all day on November 20, and all Saturdays beginning November 21 through December 26, 2009.

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 Popken, to adopt RESOLUTION NO. 09-513 approving waiver of fees for electricity for holiday activities from November 20 through December 31, 2009.

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 Popken, to adopt RESOLUTION NO. 09-514 approving closure of Burnett Avenue, from Main Street to 5<sup>th</sup> Street, from 3:30-9:00 p.m. on November 20, 2009, for Santa's Village.

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 Popken, to approve a Blanket Vending License for the Central Business District on November 20, 2009, from 3:30-9:00 p.m.

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

**NEIGHBORHOOD STREET ART:** Assistant City Manager Bob Kindred advised that the Public Art Commission (PAC) had recommended that Council follow the Portland, Oregon, model where the Traffic Engineer approves proposals for street art based upon content criteria. Staff recommended that text be included among the impermissible types of content. It was felt that drivers' eyes would naturally be drawn to wording, which could distract them from the roadway. Excluding text also would eliminate discretionary decisions as to what types of wording would be offensive, disruptive, or disturbing. It was noted that the "hold harmless" requirement had also been included in the Ames Ordinance, which was in deference to the success of Portland's approach.

Council Member Larson pointed out that the Ordinance references an applicant, but he is not sure who that would be. Mr. Kindred advised that it could be a neighborhood resident, neighborhood

group, or neighborhood association. City Attorney Marek added that it would be the responsibility of the applicant to obtain signatures on the petition requesting the street art, to meet with the Traffic Engineer, and to sign the hold-harmless agreement. Mr. Larson asked how the City would enforce a hold harmless agreement under that scenario. Mr. Marek explained that the City would file a claim against the applicant for any damages.

Mr. Larson advised that he had some philosophical problems with turning public streets into a display of art. He said that he did see some positives about the program, but had concerns about maintenance. If the painting is not maintained, he questioned whether the City then would have to sand-blast the paint. Mr. Kindred pointed out that the paint would probably have to wear off. Council Member Larson also stated that he did not agree with placing the sole responsibility for approving proposals on the City's Traffic Engineer.

Council Member Goodman asked if there were other neighborhood programs that require a hold-harmless agreement. Mr. Kindred stated that block parties and other similar events do not presently require such an agreement. He added that since this issue had come up, the City's Risk Manager had been considering whether a hold-harmless agreement should be required for other neighborhood programs.

Mr. Goodman endorsed the street-painting program. He stated his opinion that there would be benefits realized simply from opportunities for neighborhood residents to get together to accomplish a project.

Richard Deyo, 505 Eighth Street, Apartment #2, Ames, endorsed the street-painting program, stating that concrete was ugly. He would, however, prefer that text be allowed.

Moved by Goodman, seconded by Rice, to pass on first reading a Street Painting Program Ordinance.

Roll Call Vote: 5-1. Voting aye: Doll, Goodman, Mahayni, Popken, Rice. Voting nay: Larson. Motion declared carried.

**REPORT ON NORTHWEST GROWTH PRIORITY AREA SANITARY SEWER CONCEPT STUDY:** Municipal Engineer Tracy Warner noted that the Study was purely a concept of how the Northwest Growth Area would be served with sanitary sewer. Ms. Warner introduced Corey Mellies, Public Works Civil Engineer.

Mr. Mellies reminded the Council that it had, on August 28, 2009, directed staff to develop a design concept for a sanitary sewer through the Northwest Growth Priority Area. He gave a brief history of the events that had led to the Council's approval of an Engineering Agreement with Stanley Consultants to conduct the Sanitary Sewer Study. Jon Garton and Ed Slattery, engineers with Stanley Consultants, were introduced.

Mr. Garton gave the results of the environmental review, including faunal, floral, wetlands, archeological, and streambank assessment. He also presented three sewer concepts, as follows:

**Concept 1.**        No action. This option does not cause any environmental disturbance, but also does not bring sanitary sewer service to the area in question, does not satisfy the requirements of the Land Use Policy Plan (LUPP), and does not acknowledge the recommendation of the Citizen's Advisory Committee.

- Concept 2.**        Gravity sewer truck along the Onion Creek Corridor. The gravity sewer option has an estimated cost of \$4.3 million; however, the ongoing operational costs are less than the lift station option.
- Concept 3.**        Sewage lift stations to pump the flow up and around the sensitive areas. As many as four lift stations would be required for full development of the growth area. The cost of the system is estimated at \$3.7 million for primary trunk sewers and pump stations. The total estimated developable land is 1,178 acres, which amounts to \$3,100/acre.

Based on the Study's environmental review and Committee feedback, staff recommended that the lift station alternative be supported as a conceptual plan for sewer construction as development occurs in the Northwest Growth Priority Area. Mr. Mellies also advised that the Citizen's Advisory Committee wanted the City to consider that, with future development, there would be an opportunity to protect the environmental resources. The Committee asked the City to consider options, e.g., special zoning classification or a required buffer. Information was presented by Mr. Mellies indicating that environmental experts recommend a 100- to 200-foot buffer to protect and enhance the sensitive areas. For every 100 feet of buffer that is required, the developable acres would decrease by approximately 100 acres, which would cause an increase in the developable cost-per-acre for sanitary sewer service.

Council Member Larson asked if the buffer would run from the centerline of the stream. Mr. Mellies advised that it would run from the edge of existing wooded areas or street slope area, but staff would work with the developer as to the best way to achieve that buffering. Council Member Goodman asked if buffering meant that prairie grasses would be planted. Ms. Warner said that it basically means that a house would not be allowed to be built right up to the 100-foot area. She explained that there were a lot of migratory birds that came into the corridor while the study was being conducted.

City Manager Schainker noted that this issue began after developers filed an annexation request for the Fieldstone development (located in the Northwest Growth Priority Area). He noted that the next item on the agenda was to discuss the City's Targeted Growth Strategy. Mr. Schainker told the Council that, at the very least, it needed to accept the Sanitary Sewer Study. If the Council wanted to go on record as stating that the City should continue to pursue growth in the Northwest, it would approve the Study as a guide.

Moved by Goodman, seconded by Mahayni, to receive the report on the Northwest Growth Priority Area Sanitary Sewer Study.

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

Kurt Friedrich, 100 Sixth Street, Ames, advised that he had been part of the Citizens' Advisory Committee. He said that he just learned from reading the Summary of the Study about the possibility of a buffer being required. In the discussions held by the Committee, it was believed that it would be best to provide for one- to three-acre-size lots in the areas adjacent to the greenbelt. Mr. Friedrich expressed his view that the 100- to 200-foot buffer could be incorporated into the lots in that corridor. He said this would be similar to The Reserve Subdivision, where a preservation area was established. According to Mr. Friedrich, there was consensus from the neighbors that were a part of the Committee that larger lots should be incorporated into those naturally sensitive areas. Mr. Friedrich advised that he was not totally in agreement with the requirement for a 100- to 200-foot buffer because he was not sure where the buffer would begin.

**TARGETED GROWTH ALTERNATIVES STUDY:** Staff Planner Charlie Kuester reminded the City Council that at its September 29, 2009, meeting, discussion on annexing land adjacent to Grant Avenue was held in response to a request to develop the proposed Rose Prairie Subdivision. He advised that staff had been charged with reviewing the former Targeted Growth Study to see how the Northwest Growth Priority Area would be impacted if the North Area was included. He defined the North Area as the area around Rose Prairie, west of Ada Hayden Park.

Planner Kuester stated that staff had developed three possible alternatives involving annexation to the North and its possible impact on the Northwest. He told the Council that, in arriving at the concepts, staff considered the City's Land Use Policy Plan (LUPP) as well as good planning practices.

Population projections were given by Mr. Kuester. He also reviewed the City's Capital Investment Strategy, which includes policies for the City to incentivize desired growth by paying the oversize costs. Mr. Kuester advised that currently, development in North B (the Rose Prairie project) may occur, but without incentives and without annexation. It would still have to meet Ames standards through the City's subdivision review. According to Mr. Kuester, under the current policy, the oversize costs for providing infrastructure to all of the Northwest Area and all of the Southwest Area would cost approximately \$6.3 million. Other possible costs, under the current policy, could include a new fire station and new CyRide buses to serve the Areas. Those costs are estimated at approximately \$4 million.

Alternatives were presented by Mr. Kuester. He added that none of the transportation improvements, such as an overpass, were included in any of the cost estimates.

**Alternative 1:** Allow annexation and development in Southwest A, B, C, and D; Northwest A and B; and North B.

Incentivize annexation and development in Southwest A and B and Northwest A only. Development in the Southwest C and DD, Northwest B, and North B areas could occur, but without incentives and only after annexation.

In terms of the Fringe Area Plan, the North B designation would be changed to Urban Services Area; the other designations would remain unchanged.

Changes to the Capital Investment Strategy would be made by reducing the area for which the City would provide incentives. Oversize infrastructure investment by the City would apply only to the Southwest A and B (rather than the entire Southwest area) and Northwest A (rather than the entire Northwest).

According to Mr. Kuester, this alternative would add 1,922 net developable acres with a projected population of 22,107. The cost to the City for oversizing would be approximately \$4 million. Additional costs would be the construction of a new fire station to serve the North with its annual operating costs, relocation of Fire Station II to serve the Northwest and/or the Southwest, and the purchase of CyRide buses to serve the areas. Capital costs would equate to approximately \$7,355,000 with \$1,338,374 in annual operating costs.

**Alternative 2:** Allow annexation and development in Southwest A, B, C, and D; Northwest A and B; and North B.

Incentivize annexation and development in Southwest A and B only.

In terms of the Fringe Area Plan, the designation of North B would be changed to Urban Services, while the other designations would remain unchanged.

Changes to the Capital Investment Strategy would be made by reducing the area for which the City would provide incentives to only the Southwest A and B (rather than both the entire Southwest and Northwest Areas).

Development in the Southwest C and D, Northwest A and B, and North B Areas could occur, but without incentives and only after annexation.

Mr. Kuester pointed out that because the same area is identified for development and annexation, the population projection of the area is the same (22,107). Because the oversize costs are only to the Southwest A and B Areas, the City's investment would be approximately \$2.5 million. The annual operating costs for the fire station and CyRide service would be the same as Alternative 1.

**Alternative 3: Allow annexation and development in Southwest A, B, C, and D; and North B.**

The Northwest Area would be removed in its entirety. Annexation could occur in the Northwest Area, but it would be outside of the city limits.

Incentivize annexation and development in Southwest A and B only.

In terms of the Fringe Area Plan, the designation for North B would be changed to Urban Services, while Northwest A and B would be changed to Rural Transition Residential.

Changes to the Capital Investment Strategy would be made by reducing the area for which the City would provide incentives to only the Southwest A and B (rather than the entire Southwest and Northwest Areas).

Development in the Southwest C and D, and North B Areas could occur, but without incentives and only after annexation. Northwest A and B would be allowed to development outside of the City.

The population project of this area (only Southwest and North B Areas) would be an additional 13,000. The infrastructure incentives would cost same as Alternative 2 (\$2.5 million). The other capital costs and operating costs would be similar to Alternative 2.

Mr. Kuester briefly spoke on transportation costs contained in the report. They were based on the 2005 Long-Range Transportation Plan. A number of transportation improvements would be required as the City builds out. According to Mr. Kuester, an argument could be made that if the City doesn't grow to the Northwest, the overpass on North Dakota Avenue would not be needed. Development could still occur there, and there could still be traffic delays and congestion without it. The overpass would not be needed to meet fire response times if the area were not annexed and developed to City standards.

City Manager Schainker pointed out that any change to the City's Targeted Growth Strategy would require a change to the Urban Fringe Plan. According to Mr. Kuester, including the North B Area

or removing the Northwest A and B Areas would require changes to the Land Use Policy Plan as well as the Urban Fringe Plan and the City's Capital Investment Strategy.

Mr. Schainker reminded the City Council members that they had previously directed staff to continue negotiations with developers to bring the North B Area into the city limits. There was also indication by the Council that a decision to do so might impact its decision to keep the Northwest A and B Areas. It was Mr. Schainker's understanding that the Council wanted to know how the City's policy on Northwest A and B Areas would be impacted in terms of targeted growth strategy if the North B Area were included.

Council Member Larson suggested that the City Council look first at removing the Southwest Priority Growth Area before removing the Northwest A and B Areas. He pointed out that there are willing owners in the Northwest A and North B Areas, but there had been no interest by any developer in the Southwest Area. Mr. Larson also noted that oversizing costs in Northwest A, where there is an anxious developer, would equate to \$1.5 million versus nearly \$2.5 million in Southwest A and B, where there is currently not a willing developer. He also reported that fire issues were being discussed, but new construction might require residential sprinkling; fire response time would change equally as much in the Northwest as it would in the North. Council Member Larson questioned why growth in the Southwest continues to be forced when there is no interest by anyone except the City Council to grow in that direction.

Council Member Doll concurred that there are known willing developers in Northwest A and North B. He asked if anyone had come forward with plans for development in Southwest A thru D. Council Member Rice said that nothing had come before the City Council, but there had been discussion about development there. He noted that the Southwest Area had been incentivized by the City for ten years, but apparently the market had not warranted development. According to Mr. Rice, it was not up to the City Council to decide that. Council Member Larson disagreed, stating that it should be up to the City Council; if it is not able to accomplish previously set goals and entice a developer in that area, it has to look where there is land available with a willing developer. Council Member Rice said that the incentive program is apparently not working, and perhaps the City should look at a "disincentive" program. Mr. Larson surmised that what was first thought to be the most expensive direction to grow was becoming one of the most attractive places to grow because the incentives would not be allowed there.

Council Member Goodman pointed out that the roads (Bloomington Road Extension at \$18 million; Bloomington Road East Extension at \$25 million, and Dakota Avenue Overpass at \$5 million), if Ames grows to the North and the Northwest, will push \$50 million worth of new capital expenditures. Mr. Larson offered his opinion that growth will occur to the North and Northwest whether or not the land is annexed into the city limits of Ames. It is his belief that eventually the transportation system will still have to happen because there will be people living there, and the only question will be whether those residents are paying taxes to the City of Ames or to Story County. Council Member Goodman disagreed, stating that he doesn't think that will eventually occur.

Council Member Mahayni recalled that when the LUPP was studied, the two major variables were sewer lines and transportation. At that time, growth to the Southwest proved to be the most cost-efficient. He also noted that the City had made major investments based on that, specifically the construction of a new fire station on Duff Avenue and exit ramps on Highway 30. Council Member Mahayni cited his belief that the transportation costs must be included in the decision.

Council Member Larson pointed out that the sewer study that was just completed showed that gravity-based sewer was not less expensive, even on a life-cycle present-value costing method; a forced main lift was cheaper. He said he was not convinced that the former decisions made regarding the Southwest Area and how the sewer should be run were correct.

Council Member Goodman reiterated his belief that the majority of \$50 million in traffic improvements would only be necessary if land to the North was allowed to be annexed.

Council Member Larson noted that the only option, other than current policy, that keeps the Northwest with any incentives would be Alternative 1. That concerns him as there were developers who made decisions to get projects going over three years ago, and to now take back those incentives would be bad policy on the part of the City.

Council Member Popken expressed his frustration that flexibility in the LUPP was desired, but it appeared to him that the flexibility was only in one direction, i.e., when it was geared to growing to the North. The flexibility to withdraw is lost, however, when things change. He believes that things have changed for the City, and there should be flexibility to adapt to changes in the Southwest Area as well.

Council Member Rice doesn't want the City to change its targeted growth plan merely because someone owns a piece of land to the North. He again suggested that there be disincentives put in place for growing in a direction not recommended by the City. Council Member Larson said that the target apparently needs to be changed if there is not desire to develop in the present targeted area. Council Member Goodman believes it is a matter of what the target is; he believes it is to defend the taxpayer and keep development costs low.

Council Member Doll asked what the costs to the taxpayers are for the developments that are cropping up in the Ames fringe areas when those residents use its services, but pay nothing for them. Council Member Goodman disagreed, stating that the costs of improvements caused by annexation would be far more than the taxes that would be received.

Council Member Mahayni reiterated his opinion that the other costs associated (transportation, fire station, etc.) with each alternative needed to be included to reflect the total picture. Council Member Doll offered that, with that logic, the costs already paid by the City for improvements in the Southwest Area should also be included in the totals.

Council Member Popken asked if staff had considered other land use designations for the Northwest, e.g., Priority Transitional. City Manager Schainker stated that staff had considered other designations: Priority Transitional, Urban Services, Rural Urban Transitional Residential. He noted that standards for those types of development in the fringe area are not in place yet, which frustrates potential developers and landowners.

Mr. Schainker noted that public discussion on the Long-Range Transportation Plan (LRTP) Update will begin at a meeting to be held on October 29. Planner Kuester pointed out that the Transportation Plan must react to the growth priorities set by the City Council. Public Works Director John Joiner noted that the current Transportation Plan is based on the current Land Use Policy Plan. He advised that the Urban Fringe Area would be included in the parameters of the updated Long-Range Transportation Plan. Council Member Mahayni noted that the growth priorities will determine the LUPP and the Long-Range Transportation Plan. City Manager Schainker said that staff has concurred, as far as the Long Range Transportation Plan, if growth



occurs in Northwest A and B and the Southwest, the large transportation projects, e.g., an overpass, will be necessitated. However, what has not been determined is whether those large projects would still be needed if Northwest A and B were eliminated. Council Member Popken asked that staff be able to include “what-ifs” with the transportation model in its review of the Long-Range Transportation Plan to determine other scenarios and ascertain costs. Planner Kuester advised that the scope of the contract with the consultants did not request modeling with the Northwest A and B removed; it asked for phased growth between now and 2035. Public Works Director Joiner advised that the current model uses the current LUPP (Northwest and Southwest) as the basis for the long-term growth. The Urban Transitional Areas have been added (North Growth Area) as part of the contract for the LRTP’s review to see what impacts that has to the model compared to the current one.

Kurt Friedrich, 100 Sixth Street, Ames, noted that this is a significant issue that will affect Ames for a long, long time. He offered his suggestion that it might be best to have this decision made by a new Council that is not as divided as the present one. Mr. Friedrich reminded the Council that his company made a significant investment to purchase land (Fieldstone) over four years ago knowing that it was located in the City’s Northwest Priority Growth Area. They relied on the promised development incentives when making that decision. In the opinion of Mr. Friedrich, growth can successfully happen simultaneously in different areas. He thinks that the Council made a bad decision about a year ago when it did not add North B as a growth priority area; however, to remove the Northwest Area now would be another wrong decision, and two wrongs do not make a right. To do that would cause significant damage to those who have invested significantly in land purchases in the Northwest Growth Priority Area based on the direction of growth dictated by the City Council. Mr. Friedrich asked to go on record as being very opposed to staff’s Alternative No. 2. He preferred that the City Council approve Alternative 1; however, if that does not happen, he would prefer Alternative No. 3. Alternative No. 3 deletes Northwest A and B, removes the Urban Services designation, and re-designates it as Rural Transitional Residential. It would then be allowed to be developed within the County, and they could move forward. Mr. Friedrich reiterated that they had purchased the Fieldstone property over four years ago, and they thought they would be developing now; they need to move forward now. He noted that Fieldstone consists of highly contoured land with steep slopes, which is not conducive for high-density development. Also, after four years of meetings with the neighborhood, it has become very clear that larger lots (of one to three acres) are desirable and should be allowed to continue. Large lots are not permitted in the City or surrounding the City; this would fill a market need.

Catherine Scott, 1510 Roosevelt, Ames, expressed her disappointment that the City kept changing its targeted growth areas. She believes that developers cannot rely on those policies, but there might be willing developers in the Southwest if the City would just keep a plan that they can trust.

Joe Lynch, 3700 Onion Creek Lane, Ames, took issue with Mr. Friedrich’s comment about Fieldstone being comprised of steep slopes and environmentally sensitive areas. He categorized the land as cropland. Mr. Lynch also contended that there is no consensus among the current residents surrounding Fieldstone as to what type of development they would like to see in the area.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, informed the City Council again that the City’s residential inventory continues to dwindle. He noted that, historically, 125 to 150 houses had been built per year; however, if something is not done soon, there will be no lots available. Within the next two years, there will be possibly two choices of locations to build homes, and he sees that as an embarrassment. Those people are able to find housing choices in Ankeny and other nearby cities. Mr. Winkleblack noted that 70% of the houses had been built in the past 25 years in the north of 24<sup>th</sup>

Street. It was pointed out that the City Council wants industrial growth with new jobs; however, there won't be places for those people to live within the City.

Mr. Winkleblack alleged that the City is no closer to having any kind of agreement with Gilbert and Story County in 2009 than it was in 1999. In his opinion, annexation clears all those problems. It was noted by Mr. Winkleblack that the City had incentivized development in the Southwest for years, but development has not occurred. Mr. Winkleblack also questioned and disagreed with staff's statement that Bloomington Road east and west is inevitable because of development in the North B Area.

Holly Fuchs, 806 Brookridge, Ames, asked to know the cost of adding new lands and new houses and what it does to current residents' property taxes.

City Manager Schainker reminded the City Council that it had directed City staff to continue negotiations with the developers towards annexation of North B. If the Council members do not direct them otherwise, those negotiations will continue.

Council Member Goodman asked if cities ever send out Requests for Proposals (RFP) for development. He suggested that the City work with an owner to send out an RFP to see if anyone wanted to develop that land. Mr. Schainker pointed out that it would be highly unusual, especially in terms of residential development. He noted that oftentimes land is not owned by a developer. Council Member Goodman asked what harm would be done by getting together with a property owner to send out an RFP to create residential lots in a Targeted Growth Priority Area.

The meeting recessed at 9:10 p.m. and reconvened at 9:17 p.m.

**DOWNTOWN FACADE GRANT FOR 230-234 MAIN STREET:** Planning & Housing Director Steve Osguthorpe reported that the building in question is significant historically and architecturally. He noted that this would be the third grant for this building, but it encompasses three store fronts. According to Mr. Osguthorpe, it is in line with the standards, and staff is recommending approval of the grant.

Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 09-515 approving the request for a grant for \$15,000 from the Downtown Facade Grant Fund for the property located at 230-234 Main Street, with the following conditions:

1. Shop drawings for the storefront system, including entrances, be submitted and concluded by staff that the proportions of the glass windows, framing, and doors match as closely as possible the 1913 photographs.
2. Building plans and an application for a Building Permit for the structural interior work are submitted to and approved by the Inspections Division.
3. Any necessary Encroachment Permits and Temporary Obstruction Permits are issued by the City.

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

**COMPREHENSIVE HISTORIC PRESERVATION PLAN:** Staff Planner Ray Anderson reminded the Council that it had approved the Action Steps for the proposed Ames Comprehensive Historic Preservation Plan. At that meeting, it had also directed that input be received from the Historic Preservation Commission on suggestions received from the State Historical Society of Iowa. Mr. Anderson reviewed the six suggestions by the State Historical Society and the modifications being recommended by City staff.

Gloria Betcher, 531 Hayward Avenue, Ames, spoke as Chairperson of the Ames Historic Preservation Commission. She said that the Commission had reviewed the suggestions from the State Historical Society and had recommended that the objectives and action steps, as modified by City staff, be included in the Historic Preservation Plan.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-516 directing that the proposed changes and additions suggested by the State Historical Society to "Objectives" and "Action Steps," as modified by staff, and "Objective C" and two "Action Steps" for Objective C under "Goal #5," be included in the final version of the Ames Comprehensive Historic Preservation Plan.

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

**REPLACEMENT OF FIRE ENGINE 2:** Fire Chief Clint Petersen stated that the City's current Capital Improvements Plan shows Engine 2 being replaced on its 15<sup>th</sup> year of use in Fiscal Year (FY) 2010/11. In preparation for the upcoming budget, staff contacted vendors to obtain an updated estimate for replacement of Engine 2. Manufacturers expressed concerns about the new diesel emission standards and how they would work for fire trucks. According to Chief Petersen, the 2010 standards will cause a substantial increase in costs, and there is also significant concern regarding the effect of the new engine modifications on the reliability of emergency response vehicles. He explained that the current approaches to the new emission standards were designed for over-the-road vehicles with hot engines.

Council Member Goodman acknowledged that the need to Engine 2 was coming at a time when new emissions control technology was being brought to market. Since fire trucks are retained for so many years, it would seem best, even though it appears to go against the City's "green" goals, to avoid purchasing a new technology that is still questionable.

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-517 waiving Purchasing Policies and authorizing staff to seek bids for replacement of Fire Engine 2 with a 2009 apparatus that does not meet the 2010 diesel emissions standards.

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

**HEARING ON ISSUANCE OF DEBT FOR WATER TREATMENT PLANT PROJECT:** Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Mahayni, seconded by Goodman, to authorize submittal of a Loan and Disbursement Application to the Iowa Finance Authority to fund planning and design for a new water treatment plant in a principal amount not to exceed \$6,249,000.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-518 approving entering into an Agreement with the Iowa Finance Authority.

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

**COMPOSTING ORDINANCE:** Moved by Goodman, seconded by Popken, to pass on first reading an ordinance revising composting regulations.

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

**ORDINANCE REVISING ENFORCEMENT PROVISIONS FOR PARKING VIOLATIONS:**

Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance revising enforcement provisions for parking violations.

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

**ORDINANCE ESTABLISHING SPEED LIMIT REGULATIONS FROM SOUTH DAYTON AVENUE TO SOUTH DAYTON PLACE ON SOUTH 16<sup>TH</sup> STREET:** Moved by Goodman,

seconded by Doll, to pass on second reading an ordinance establishing speed limit regulations from South Dayton Avenue to South Dayton Place on South 16<sup>th</sup> Street.

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

**ORDINANCE PERTAINING TO SOLAR ENERGY SYSTEMS:** Moved by Goodman, seconded by Popken, to pass on second reading an ordinance pertaining to solar energy systems and allowing such systems as accessory uses in all zones.

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

**COMMENTS:** Moved by Popken, seconded by Goodman, directing staff to report on the staff's capability and costs to perform "what-if" scenarios with the transportation model.

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

Moved by Popken, seconded by Goodman, to direct staff to place on a future workshop agenda the issue of how the City is going to address sustainability, e.g., commission, independent expert.

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

Moved by Larson, seconded by Goodman, to refer to City Attorney (for a written response back to Council) the letter from Cahill Law Offices dated October 20, 2009, pertaining to Council's action taken on the Preliminary Plat for Northwood Heights Subdivision, 4th Addition.

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

Council Member Larson referenced a Press Release issued by Ralph Rosenberg, Director of the Iowa Civil Rights Commission, indicating the results of its recent assessment of compliance with fair housing law under the Iowa and United States Codes. The testing did not disclose discrimination against families with children. Local policy makers were asked to inform the public, and Mr. Larson offered a copy of the Press Release to the local press for further publication.

Council Member Rice asked if there were any plans to move forward with suggestions made by Gene Takle regarding sustainability. City Manager Schainker said that the workshop with Professor Takle had been scheduled per direction given by the City Council at its most-recent goal update under its "green initiatives." Council Member Rice said that the City needed to plan how it will adapt to a changing world.

Moved by Rice, seconded by Goodman, to direct that Professor Takle be asked to work with City staff on ways Ames can further adapt to climate changes.

Council Member Popken offered that he sees it as a matter of adaptation to the changes that will occur over the next 20 years. He would like to see an exploratory meeting occur between staff and climate experts (possibly from Iowa State University) to see if there are ways to better adapt to climate changes. Council Member Mahayni said that he sees this topic as falling under sustainability. Council Member Goodman thought discussion would be beneficial specifically regarding rain events.

Vote on Motion: 4-2. Voting aye: Doll, Goodman, Popken, Rice. Voting nay: Larson, Mahayni. Motion declared carried.

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:56 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor