

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

AMES, IOWA

APRIL 27, 2010

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on April 27, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha.

### **RECOGNITION OF AMES HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM:**

Mayor Campbell recognized Coach Vance Downs and the Ames High School Varsity Boys Basketball Team for being State Champions for the second consecutive year. Coach Downs introduced the players who were present: Austin Adkins, Kyle Anderson, Harrison Barnes, Darin Blum, Nathan Cruise, James Kohler, Monty Robinson, Malcolm Squire, and Michael Weber. The Mayor presented the players with Certificates of Recognition. Harrison Barnes thanked the community for its support. The Mayor provided a Key to the City to Coach Downs and the team members in honor of their bringing national recognition to the City of Ames.

**YEARS OF SERVICE RECOGNITION FOR VOLUNTEERS AT AMES ANIMAL CONTROL SHELTER:** Certificates of Appreciation were presented to Kris Mangels and Julie Waters for volunteering at the Ames Animal Shelter for 22 and 23 years, respectively. Animal Control Director Lorna Lavender presented Ms. Mangels and Ms. Waters with themed gifts thanking both for their dedication and service.

**PRESENTATION OF AMERICAN PUBLIC POWER ASSOCIATION AWARD:** The Mayor presented Electric Services Director Donald Kom with a plaque from the American Public Power Association for earning Reliable Public Power Provider (RP<sub>3</sub>) recognition. This award signifies that the utility has provided consumers with the highest degree of reliable and safe electric service. To be recognized as an RP<sub>3</sub>, utilities must demonstrate proficiency in four key disciplines: reliability, safety, training, and system improvements.

**PROCLAMATION FOR ARBOR DAY:** Mayor Campbell proclaimed April 30, 2010, as Arbor Day. Accepting the Proclamation were Bill LaGrange, Dave Brotherson, Bob Schumer, and Ray Bratsch-Prince.

**PROCLAMATION FOR OLDER AMERICANS MONTH:** Mayor Campbell advised that, at the request of the recipients, this Proclamation would not be read at this meeting. It will be placed on a future agenda.

**PROCLAMATION FOR NATIONAL PRESERVATION MONTH:** Mayor Campbell proclaimed May 2010 as National Preservation Month. Accepting the Proclamation was Gloria Betcher, Chairperson of the Ames Historic Preservation Commission (AHPC). Ms. Betcher read a list of the City's historic preservation-related accomplishments since 2003.

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

1. Motion approving payment of claims
2. Motion approving minutes of the Regular Meeting of April 13, 2010, and Special Meeting of April 20, 2010
3. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor & Outdoor Service - Perfect Games, Inc., 1320 Dickinson Avenue
4. Motion accepting report from the Utility Retirement Advisory Board
5. RESOLUTION NO. 10-152 approving Quarterly Investment Report for period ending March 31, 2010
6. RESOLUTION NO. 10-153 approving appointment of *ex officio* representative to the City Council
7. RESOLUTION NO. 10-154 confirming appointment of GSB representatives Kayla Pinegar and Byoungwoo Choi to the Transit Agency Board of Trustees
8. RESOLUTION NO. 10-155 removing F&M Bank and adding Great Western Bank from the list of approved depositories
9. RESOLUTION NO. 10-156 awarding contract for Engineering Services for Vet Med Substation Expansion to Dewild Grant Reckert & Associates Company of Rock Rapids, Iowa, in the amount of \$390,880.00
10. Sunset Ridge Subdivision, 4<sup>th</sup> Addition:
  - a. RESOLUTION NO. 10-157 approving Supplemental Development Agreement for Sunset Ridge, 4<sup>th</sup> Addition
  - b. RESOLUTION NO. 10-158 approving plans and specifications for paving Wilder Avenue within Sunset Ridge 4<sup>th</sup> Addition; setting May 19, 2010, as bid due date and May 25, 2010, as date of public hearing
11. RESOLUTION NO. 10-159 approving preliminary plans and specifications for 2008/09 Concrete Pavement Improvements; setting May 19, 2010, as bid due date and May 25, 2010, as date of public hearing
12. RESOLUTION NO. 10-160 awarding contract to Atlas Copco Compressors, LLC, of Tipton, Iowa, in the amount of \$64,808.83 for Compressor and Dryer for Power Plant
13. RESOLUTION NO. 10-161 awarding contract to AZCO, Inc., of Menasha, Wisconsin, in the amount of \$2,417,106.13 for Power Plant Unit No. 8 Waterwall Installation
14. RESOLUTION NO. 10-162 approving renewal of contract with Allied Valve, Inc., of Bettendorf, Iowa, for Valve Maintenance, Testing, Repair, Replacement, and Related Services and Supplies for Power Plant Boilers
15. RESOLUTION NO. 10-163 approving renewal of contract with Bodine Services of Clinton, Iowa, for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant
16. RESOLUTION NO. 10-164 approving renewal of contract with Waste Management of Ames, Iowa, for hauling of ferrous metals for Resource Recovery Plant
17. RESOLUTION NO. 10-165 approving renewal of contract with Waste Management of Ames, Iowa, for hauling and related services to the Boone County Landfill for Resource Recovery Plant
18. RESOLUTION NO. 10-166 approving contract and bond for 2007/08 Sanitary Sewer Rehabilitation Project - Contract No. 2

19. RESOLUTION NO. 10-167 accepting final completion of the Power Plant Roof Replacement project
20. RESOLUTION NO. 10-168 accepting partial completion of and release of retained funds for the Furman Aquatic Center
21. RESOLUTION NO. 10-169 accepting final completion of the 2009 WPC Clarifier Painting project
22. RESOLUTION NO. 10-170 approving Plat of Survey for property located at 520 and 528 South Duff Avenue

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

Matt England was seated at the dais as the newly appointed *ex officio* Council member.

**PUBLIC FORUM:** An individual came forward and said that it was included on the Agenda that persons were not allowed to use profane, obscene, or slanderous language during City Council meetings. Because of that, the person said that he would not give his name.

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

**CAMPUSTOWN REDEVELOPMENT PROJECT:** City Manager Steve Schainker recalled that one of the City Council members' top goals is to rejuvenate the Campustown Business District, and they had directed him to partner with Iowa State University (ISU) and others in the community on a project that would redevelop Campustown. He said that he had requested several members of the community to assist in this endeavor. Over the past five months, the committee developed a process that would result in the selection of a Master Developer for a catalyst redevelopment project in Campustown.

Committee members present identified themselves as Dean Morton and Cathy Brown from ISU Facilities Planning and Management, Dean Luis Gutierrez from the ISU College of Design, Dan Culhane from the Ames Chamber of Commerce, and Steve Osguthorpe from the City Planning and Housing Department.

Cathy Brown explained that the committee's first task was to develop a Request For Qualifications (RFQ) for this project. Eight companies submitted responses, which were reviewed by the committee based on the following criteria:

- Development team members
- Project experience (similar size and in college communities)
- In-house expertise/outsourced services
- Commitment to due diligence work
- Understanding of project scope
- Strategy for accomplishing Phase 1 and Phase 2 work

Five companies (Randall Corporation, Vermillion, Noddle, Lane 4, and Hunt) were then invited to Ames for follow-up interviews. After completing the on-site interviews, the Committee decided that the best possible alternative would be to see if the Lane 4 and the Randall Corporation would consider partnering on the project. A meeting with both groups was held in March to explore this concept. The committee received notification from the Randall Corporation in late March that it would like to withdraw from the proposed partnership.

On April 5, 2010, the Campustown Redevelopment Committee agreed unanimously to recommend to the City Council that Lane4 be selected as the Master Developer for the Campustown Revitalization Project.

Council Member Larson noted that the Council Action Form had contained a suggestion that entering into negotiations with the Lane4 group would give a time certain (180 days) when no other developers would enter into negotiations with the City or University related to the project. Mr. Larson asked the representatives from Lane4 to explain the logic behind that and how the community would have input into the process or get a status report on the process before that 180 days had elapsed. Cathy Brown reported that, in discussions with various groups over the past 18 months, 180 days was a fairly common time period for the developer to do due diligence and pull plans together. In most cases, public meetings are held to get feedback, and those processes take time. City Manager Schainker explained that, if the Council approves Lane4, a “developer-of-record” type of agreement will come back for approval. He reported that the development firm will be spending a considerable amount of time and funds to do due diligence, and it wants to be sure that the City is not negotiating with some other group. However, the City does not want to wait until the end of the 180 days to bring any problems to the developer’s attention. Council Member Larson wanted to make sure that there was a process in place to touch base before the 180 days had elapsed.

Council Member Wacha asked if there had been discussion with potential developers on how they would work with current tenants on relocation. Cathy Brown said that that was discussed during the interview process.

Council Member Davis asked if the committee had contacted other university towns where the groups had worked for reference checks. Ms. Brown said they had contacted the Chamber and Universities in Manhattan and Olathe, Kansas. Dan Culhane said that he had made the contacts, and the feedback received was very positive. It was asked by Council Member Goodman if both developers (Lane4 and Randall Corporation) could still be brought in since they have different strengths and weaknesses. City Manager Schainker reiterated that the committee had tried to get the two developers to partner on this project, but that failed. It would not be fair to get both developers to invest a lot of money in the project at this point since the City/University would not yet be obligated to move ahead with the project.

Representing Lane4 were Hunter Harris, Director of Development for Lane4 Property Group, and Attorney Korb Maxwell, Team Member from the Polsinelli Law Firm, who has assisted

Lane4 on similar projects. Mr. Harris explained the services offered by Lane4 and its areas of expertise. He added that Lane4 has been pursuing projects that allow for in-fill mixed-use development around legacy anchors, and the Campustown Redevelopment Project fits that description. Mr. Harris said they are just beginning the Project, working on some very conceptual site plans. They have developed the first step of a market research study to spell out the real demands, e.g., retail, housing, lodging, office, etc., for this area; that information was shared with the selection committee. That study confirmed beliefs that the area is under-retailed and in need of revitalization. It also showed that the area had a strong demand for lodging, and a hotel in that area may be considered as part of the concept.

According to Mr. Harris, the firm's next step will be to set up a series of workshops and focus groups within the community where they can work with specific constituencies to look at plans, gauge reaction, and build consensus with various members of the Campustown area and interested citizens. After they have real-world data from tenants and citizens who would like to be a part of this Project as well as market research, a charrette and visioning process will be completed. Concept plans will then be shared and cost estimates and proforma analysis will be done. Projects completed or currently being undertaken by Lane4 were highlighted by Mr. Harris. Mr. Harris stated that Lane4 plans to use a host of incentives, including New Market Tax Credits, to help make the project attractive and lower the burden on the City.

Council Member Larson asked the developers about the process, specifically about the 180 days timeframe. Attorney Maxwell welcomed the Council members to have open communication with the developer. He said that this was the University and City's process; Lane4 would be the facilitator of that process. Mr. Maxwell added that want it to truly be an open-door process. According to Mr. Harris, they will have formal check-ins with the Council; 90 days is completely appropriate.

Council Member Davis asked for information as to how they would identify members of the community to be involved in the process. Mr. Maxwell said that they would look to the committee and City and University staff to help guide them.

Moved by Mahayni, seconded by Davis, to select Lane4 as a Master Developer for the Campustown Revitalization project, which authorizes City staff to negotiate a Master Developer Agreement, and if later desired, a Developer Agreement.

Council Member Goodman identified himself as a Campustown investor. He said that it would be inappropriate for him to vote due to that conflict of interest, and he would be abstaining from voting on the issue.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: None. Abstaining: Goodman. Motion declared carried.

**LIQUOR LICENSES FOR AMES JAYCEES AT BANDSHELL PARK:** Moved by Goodman, seconded by Mahayni, to approve new 6-month Class B Beer, B Native Wine, and Outdoor Service for Ames Jaycees at Bandshell Park for Ames on the Half Shell event.

Council Member Wacha asked to know how the Jaycees plans to control access since alcohol will be available on the site. George Micalone, Chairman of the Ames on the Half Shell event, explained the measures that will be taken to prevent underage persons from consuming alcohol.

Council Member Goodman noted that as a vendor at these events, he should have abstained from voting. Motion withdrawn.

Moved by Orazem, seconded by Mahayni, to approve a new 6-month Class B Beer, B Native Wine, and Outdoor Service for Ames Jaycees at Bandshell Park for Ames on the Half Shell event. Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: None. Abstaining: Goodman. Motion declared carried.

**LIQUOR LICENSE FOR GATEWAY HOTEL & CONFERENCE CENTER:** Moved by Mahayni, seconded by Davis, to approve a 5-Day (May 12-16) 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.

**REQUESTS FROM AMES PATRIOTIC COUNCIL FOR MEMORIAL DAY PARADE ON MAY 31, 2010:** Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-171 approving the closure of the south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for staging parade.

Dan Divine, Ames Patriotic Council, stated that this was the same request that the organization has made in the past.

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

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-172 approving the closure of 5<sup>th</sup> Street from Grand Avenue to Clark Avenue from 9:30 a.m. until 11:00 a.m. for line-up and start of parade.

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

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-173 approving the closure of Pearle Avenue at 5<sup>th</sup> Street from 9:30 a.m. to 11:00 a.m.

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

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-174 approving the temporary closure of Clark Avenue (from 5<sup>th</sup> Street to 9<sup>th</sup> Street), 9<sup>th</sup> Street (from Clark to Maxwell), 6<sup>th</sup> Street (at Clark) and Duff Avenue (at 9<sup>th</sup> Street), as parade moves through intersections.

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

**AMES COLLABORATIVE ART FOR CAMPUSTOWN MURAL PROJECT:** Kristin Roach, Director and Founder of Ames Collaborative Art, explained how this project came about. Ms. Roach stated that this project is entirely volunteer-driven that is bringing together various groups of the community to paint the Campustown Mural on the north-facing wall of the T-Galaxy building. A picture of the proposed mural was shown.

According to Ms. Roach, surveys were provided to area businesses and residents regarding the anticipated closure of Chamberlain Lot Y. Out of 96 surveys collected, five persons indicated that the closure was unacceptable. Ms. Roach noted that they prefer to close the lot to ensure the safety of volunteers and to make sure that paint is not splattered on any vehicles. Also, with full access to the wall each day, the project could potentially finish the project sooner.

Ms. Roach recognized the businesses that had donated materials towards this project to date.

Assistant City Manager Sheila Lundt advised that liability insurance is being provided by Ames Collaborative Art. She stated that City staff is recommending that the entire Chamberlain Lot Y be closed.

Council Member Goodman asked about the durability of the mural. Ms. Roach stated that a fund has been established to maintain the murals that the Ames Collaborative Art volunteers paint. According to Ms. Roach, the paints to be used are very high quality and the protective coating is industrial strength.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-175 approving closure of Chamberlain Lot Y from 10:00 a.m. to 8:00 p.m., April 30 through May 16.

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 Wacha, to adopt RESOLUTION NO. 10-176 approving waiver of parking meter fees and enforcement for Chamberlain Lot Y from 10:00 a.m. to 8:00 p.m., April 30 through May 16.

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

**REQUESTS FROM MAIN STREET CULTURAL DISTRICT FOR “TUNE IN TO MAIN STREET” ACTIVITIES EVERY THURSDAY EVENING FROM MAY 27 - JULY 29, 2010:**

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-177 approving waiver of parking meter fees and enforcement in CBD from 3:00 p.m. to 6:00 p.m.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-178 approving closure of three parking spaces from 9:00 a.m. to 8:00 p.m. on Thursday, June 3 for food vendor.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-179 approving usage of and waiver of fee for electricity in and near Tom Evans Plaza.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Goodman, to approve a Blanket Temporary Obstruction Permit for Central Business District (CBD) sidewalks from 8:00 a.m. to 8:00 p.m.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Goodman, to approve a Blanket Vending Permit for the entire CBD.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-180 approving a waiver of the fee for a Blanket Vending Permit.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-181 approving closure of 24 parking spaces in CBD Lot X.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**REQUEST FROM IOWA STATE UNIVERSITY (ISU) FOR PLACEMENT OF WAY-FINDING SIGNS ON CITY RIGHT-OF-WAY:**

City Manager Schainker recalled that on June 23, 2009, the City received a letter from ISU regarding its project to establish way-finding signs on and surrounding the main campus area. City staff has met on several occasions with ISU staff to outline the purpose of the project and to detail what is being proposed. Cathy Brown, ISU Facilities Manager, stated that the Southwest Gateway structure was Phase I of the University Boulevard entryway beautification, and the placement of directional signage is Phase II.

Chris Strawhacker, ISU landscape designer, explained the components of a matrix that was established to identify the best way to help people find their way around the area.



Council Member Wacha asked what is being done on creating way-finding signage for the remainder of the community. Dan Culhane, Director of the Chamber of Commerce, explained what work is currently being done by the Chamber and local groups to create a system of way-finding signs. Mr. Wacha expressed his preference that the City's signage be similar in design to the University's.

*Ex officio* Member Matt England specifically requested that signage indicating the location of Greek housing be included in the plan.

Moved by Mahayni, seconded by Orazem, to adopt RESOLUTION NO. 10-182 approving the Agreement.

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

Moved by Mahayni, seconded by Orazem, to adopt RESOLUTION NO. 10-183 approving a waiver of the Encroachment Permit fee.

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

#### **HEARING ON REZONING PROPERTY AT 530 AND 900 SOUTHEAST 16<sup>TH</sup> STREET:**

Planning and Housing Director Steve Osguthorpe explained the complexities associated with this project. He advised that the applicant feels that the land can be utilized to the greatest extent if the zoning is changed to HOC.

The history behind the creation of the Highway-Oriented Commercial land use designation was given by Mr. Osguthorpe. He pointed out that the entire area is within the general floodplain of the Squaw Creek and the Skunk River, and in addition to land use designations, the City has floodplain zoning designations. Mr. Osguthorpe also stated that the existing Environmental Sensitive Lands designation remains for all of the property in question.

Council Member Larson pointed out that the floodway fringe and floodplain boundaries are determined by FEMA. Planner Jeff Benson advised that the boundaries were changed in 2008. Mr. Osguthorpe noted that rezoning of the properties from Agricultural to Highway-Oriented Commercial would not change the floodplain overlay zoning designations.

According to Director Osguthorpe, the LUPP Future Land Map shows two uses on the property at Parcel D; however, the applicant is requesting to rezone the entire parcel to HOC. Mr. Osguthorpe said that this requires an interpretation of the Future Land Use Map. One interpretation asserts that uses on the Future Land Use Map are not necessarily intended to follow existing property lines. Another interpretation is that each of the uses shown on the Future Land Use Map was placed there for good reasons, viewed from a long-range perspective, and it is unrealistic to expect at the time the Plan is created that the existing property lines and land ownership will align with the long-range future plans of the community. In most cases, the LUPP

designations do follow property lines, but when they do not, they typically follow defined conditions or natural site characteristics (topography, riparian corridors). Mr. Osguthorpe stated that staff believes the second interpretation applies to this case, particularly because the area in question is a floodway.

Upon being questioned, Mr. Osguthorpe said that the LUPP designates three interchanges in the southeast area of Ames as community entries: Interstate 35 and U. S. Highway 30; U. S. Highway 30 and Dayton Road; and U. S. Highway 30 and Duff Avenue. He noted that the LUPP states that any corridors associated with entries should be designed to reflect a continuation of the distinctive design characteristics of the associated interchange. Mr. Osguthorpe explained the options to incorporate policies for community entries with the requested rezoning.

Pertaining to Mr. Osguthorpe, public sidewalks are not yet installed along Southeast 16<sup>th</sup> Street. The developer is normally required to install this sidewalk on its property frontage when the property is subdivided. If the property was rezoned and required no subdivision, the property could be developed with no sidewalk. To ensure that commercial development included sidewalks, a rezoning agreement could be prepared requiring a sidewalk across the frontage of each parcel be built before approval of an Occupancy Permit for that parcel. The property owner would have to agree before the City Council takes action on the rezoning request.

Mr. Osguthorpe reported that the Planning and Zoning Commission recommended that the City Council approve the rezoning, with stipulations. It recommended that Parcel C and the southwest half of Parcel D be rezoned from Agricultural to Highway-Oriented Commercial, but the existing zoning of the northeast half of Parcel D be left unchanged. He said that the majority of the Commission's discussion concerned the potential impact of development on entryways to Ames.

It was noted by Mr. Osguthorpe that there is currently no legal description for the southwest half of Parcel D. If the City Council decides to rezone only the southwest half of Parcel D, that action would need to be deferred until a legal description is prepared.

The Mayor opened the public hearing.

Chuck Winkleblack, 105 S.16<sup>th</sup> Street, Ames, representing the applicant, addressed the creation of another overlay. He asked why the guidelines for the HOC District were not enough and if it were necessary to have multiple zones for every piece of property. Addressing a requirement for sidewalks, Mr. Winkleblack said he did not see the logic of installing a sidewalk now as it would not go anywhere on either side and it would be impossible to determine at this point what level it should be installed. According to Mr. Winkleblack, the sidewalk would end up being torn up when the rest of the area develops.

Mr. Winkleblack also said the main issue he has is that if the LUPP is intended to be a zoning map instead of a guide, a Zoning Map is not necessary. Pertaining to the Council's desire to increase the City's tax base, he asked why the City would give up land that can be zoned HOC.

The Mayor closed same after no one else asked to speak.

Council Member Goodman said that he does not feel that the Environmentally Sensitive designation is the best fit for a portion of the land in question. It makes sense to him to rezone the entire parcel.

Moved by Goodman, seconded by Larson, to approve the rezoning of Parcels C and D from Agricultural to Highway-Oriented Commercial as requested by the applicant.

Moved by Wacha, seconded by Mahayni, to amend the motion to request staff to work with the developer on an agreement that requires the installation of a sidewalk across the frontage of each parcel before approval of an Occupancy Permit for either parcel.

Motion withdrawn by Goodman.

Motion to amend withdrawn by Wacha.

Moved by Wacha, seconded by Mahayni, to request staff to work with the developer on an agreement to install a sidewalk across the frontage of each parcel before approval of an Occupancy Permit for either parcel.

Council Member Orazem asked why the Council would require a “sidewalk to nowhere.” Council Member Goodman explained that he is very committed to equal access to all members of the Ames community. Mr. Orazem said that if the City is that committed, it should be willing to put the sidewalks in, not wait for the development to occur. Council Member Wacha said that the opportunity has presented itself at this time. Mr. Orazem shared that it did not seem fair to him to require this developer to foot the entire bill for installation of a sidewalk that might get torn up in the future.

Chuck Winkleblack noted that if the adjacent properties are developed, but there was no subdivision of land, sidewalks would not be required. He pointed out that there is an existing shared-use path on the opposite side of the road that is already providing an excellent source for transportation. Also, when the adjacent properties are developed, sidewalks might not be appropriate based on the type of development that goes in there. He noted that sidewalks had never been discussed at the time of a rezoning request. To make a judgment on the installation of sidewalks at this level would harness the applicant with a \$60,000 - \$80,000 expense to put in a section of sidewalk that ends at this property.

Vote on Motion: 3-3. Voting aye: Goodman, Mahayni, Wacha. Voting nay: Davis, Larson, Orazem. Mayor Campbell voted aye to break the tie. Motion declared carried.

The meeting recessed at 9:25 p.m. and reconvened at 9:35.

**HEARING ON REZONING PROPERTY LOCATED NORTH OF THE INTERSECTION OF STANGE ROAD AND BLOOMINGTON ROAD:** The public hearing was opened by the Mayor and closed after no one came forward to speak.

Director Steve Osguthorpe brought the Council's attention to the findings of fact that were included with the staff report.

Moved by Goodman, seconded by Larson, to pass on first reading an ordinance rezoning property located north of the intersection of Stange Road and Bloomington Road from Convenience Commercial Node (CVCN) to Convenience General Service (CGS).

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

**HEARING ON 2009/10 CYRIDE ROUTE PAVEMENT IMPROVEMENTS (KNAPP STREET AND ASH AVENUE):** Mayor Campbell opened the public hearing and closed same when no one requested to speak.

Moved by Mahayni, seconded by Wacha, to adopt RESOLUTION NO. 10-184 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$431,778.10.

Council Member Larson noted that the Greek system had expressed some concerns that the work be finished prior to the first part of August. Municipal Engineer Tracy Warner said that staff had not heard back from Manatt's; however, the Contract contains a provision that work be done by August. She said that staff will apprise the Greek community as soon as word is received from Manatt's. Ms. Warner advised that a neighborhood meeting had been held where representatives of the Greek community had stated that it was important that pedestrian access be available. City Manager Schainker pointed out that construction completion is controlled by the weather.

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

**HEARING ON SHARED-USE PATH SYSTEM EXPANSION (CHRISTOPHER GARTNER PARK TO AMES MIDDLE SCHOOL):** The hearing was opened by the Mayor.

Keith Arneson, 4503 Twain Circle, Ames, stated that he will be putting in a sidewalk for this major connection to the Middle School even though two-thirds of it is outside his Subdivision.

No one else asked to speak, and the Mayor closed the public hearing.

City Manager Schainker noted that the developer has agreed to install or pay for all costs with the exception that the City will pay a set amount of \$14,000. This arrangement will enable the construction of this eastern segment to occur prior to the development of South Fork

Subdivision. The agreement calls for the developer to submit a Letter of Credit to secure the financing of construction, engineering, and construction inspection expenses.

Mr. Schainker further advised that funding for the City's share of this project was not included in the current year's budget and will have to come from the Local Option Sales Tax Fund available balance.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-185 approving a Supplemental Project Agreement with the developer of Estates of Nature's Crossing, contingent upon receipt of a Letter of Credit in the amount of \$64,500 by May 6, 2010.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-186 approving final plans and specifications and awarding a contract to Absolute Concrete of Slater, Iowa, in the amount of \$75,999.95, contingent upon receipt of a Letter of Credit in the amount of \$64,500 by May 6, 2010.

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

**HEARING ON 2010/11 WPC CLARIFIER PAINTING PROJECT:** The Mayor opened the public hearing. No one came forward to speak, and Mayor Campbell closed the hearing.

Moved by Mahayni, seconded by Larson, to accept the report of bids and delay award of the contract.

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

**SECTION 8 HOUSING PROGRAM:** City Manager Schainker noted that staff had indicated that they would bring Council updated information on the Section 8 Program's financial condition, as well as proposed changes to the Administrative Plan. However, due to the tenuous financial condition of the Program, the funding issue will be presented to Council first. Mr. Schainker emphasized that while this Program is currently administered by the City, HUD would assign another Public Housing Authority (PHA) if the City of Ames chose not to serve as the PHA.

Finance Director Duane Pitcher advised that the level of administrative funding provided by HUD for Section 8 is not adequate to cover the cost of administering the Program for the City of Ames to act as a stand-alone PHA. He presented financial estimates pertaining to Program administration only. Since June 2009, the Program has been staffed by the Housing Coordinator and one full-time support staff person, augmented with two to three temporary employees. With 3.5 FTEs (full staffing), the funding shortfall would equate to \$117, 229.

According to Mr. Pitcher, funding of the Section 8 Housing Program from HUD over the last several years has been in an unpredictable flux. Due to pressure from Congress, HUD has changed the formula and timing for funding Housing Authorities and has gone from a need-basis

to a budget-basis. Mr. Pitcher noted that the City has suspended accepting applications for the Program to prevent the number of pending applications from exceeding 400, which would have extended the wait time beyond five years. The City also stopped pulling names from the waiting list to fill openings, since it was spending approximately \$25,000 more per month in Housing Assistance Payments (HAP) than it was receiving from HUD.

City Manager Schainker said that there are a lot of issues pertaining to this Program. He told the Council members that they did not need to make a decision tonight; they could direct staff to provide different scenarios.

Council Member Goodman asked Housing Coordinator Vanessa Baker Latimer to provide the details of the City's decision in 2006 to discontinue administration of the Program. Ms. Baker Latimer explained that the City had opted to subcontract out the administration of the Program; that action was not required by HUD. However, the City received many complaints about the level of service being received. She felt that this was mainly due to the PHA operating under its own guidelines, not those set by the City of Ames. The City then voided the agreement with the other PHA and began administering the Program again.

Council Member Larson said that it is clear that the City cannot continue to operate this Program under its current level of service; however, he believes that the City should not relinquish control of the Program to another PHA.

Mayor Campbell emphasized that the Program will continue to exist in the community due to federal guidelines. It might be that the City of Ames will not administer it, but HUD would assign another PHA to take care of the administrative duties.

Council Member Davis asked that other comparable programs in Iowa be contacted to find out what their costs are for a similar number of vouchers with a similar level of service.

Council Member Orazem asked if there would be other non-profit community groups that might be able to assist with the administration of the Section 8 Program. He noted that the current contract means that each voucher costs approximately \$500. Mr. Orazem asked if there were any PHAs that have non-profit partners. Ms. Baker-Latimer said that some communities have two programs: Section 8 and Public Housing, which allows the two programs to share funds.

Moved by Larson, seconded by Goodman, to direct staff to come back with a plan that would keep control for administration responsibilities for the Section 8 Program here in Ames, but establish the budget at the level of funding that is received from the federal government.

Council Member Mahayni would like to see a report come back from staff first on comparable programs in Iowa.

Council Member Wacha said that he sees this Program as a type of under-funded federal mandate. He sees some benefits of keeping local control; however, if another PHA could administer the Program with a similar level of service, he feels that is what should be done.

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

**RINGGENBERG PARK SUBDIVISION:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-187 approving an amendment to the Development Agreement for Ringgenberg Park Subdivision to change the driveway access restriction affecting Lot 10.

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

**URBAN REVITALIZATION COMMERCIAL CRITERIA:** City Manager Schainker gave the history behind the creation of Urban Revitalization Areas. He recalled that no Urban Revitalization Area and/or Plan had ever been approved under the existing Commercial Criteria. After a study of this program in 2009, staff concluded that difficulties in defining eligibility for tax abatement might have been an unexpected result of the otherwise flexible criteria, in addition to criteria that were not realistic for commercial development in Ames. As a result of this finding, the City Council suspended the Urban Revitalization program for commercial properties and directed staff to provide recommendations for different criteria.

According to Mr. Schainker, the philosophy behind the previous Commercial Matrix was that developments should include certain improvements that were above those required by the Municipal Code in order to qualify for this tax abatement incentive. The new criteria are based on the assumption that redeveloping existing substandard properties that meet the proposed new criteria is an adequate objective for a program that provides tax abatement; it does not require a higher design standard than otherwise required by City codes. He pointed out that staff is presenting a more liberal approach to commercial revitalization, and the Council will need to decide if it is acceptable.

Director Steve Osguthorpe reported that the new criteria were based on the assumption that redeveloping existing substandard properties that meet the criteria is an adequate objective for a program that provides tax abatement and does not require a higher standard than otherwise required by City codes. He noted that only properties zoned Highway-Oriented Commercial would be eligible under the new criteria. Since most property with this zoning is already developed, this maintains the objective of incentivizing redevelopment. The new criteria are grouped under three broad goals: (1) Economic Development, (2) Aesthetic Improvement or Blight, and (3) Environmental Protection. Under this proposal, property would have to meet at least one criterion within two of the categories.

The Council's attention was brought to the draft Criteria Matrix. City Manager Schainker said that some of the criteria are quantifiable; however, others will require interpretations by the City Council.

Council Member Goodman said he was comfortable keeping “slum and blight;” otherwise, he thinks the City is just throwing money to commercial development.

Council Member Larson said that he has concerns over Standards a. through f. under the category of Aesthetic Improvement or Blight. He thinks it rewards people for not complying with the City’s standards or requirements.

Council Member Goodman said that focusing on major improvements under Slum and Blight or Environmental Protection is best; limiting it is best for tax payers. Council Member Larson said that he wants to see properties be put back on the tax roles and is in favor of Item No. 2 under the Economic Development category.

City Manager Schainker noted that there is a pending request from Steve Scott of Westown Associates LLC who is developing a four-acre site along S. 5<sup>th</sup> Street for a new Petco and other retail ventures. Mr. Scott has requested incentives from the City to help offset the higher costs involved in developing near the City’s well fields. Mr. Schainker asked if the City Council wanted staff to create the matrix specifically to make the requested development qualify for tax abatement.

Chuck Winkleblack, 105 SE 16<sup>th</sup> Street, Ames, noted that he had requested tax abatement prior to purchasing a slum-and-blighted property on West Lincoln Way. He wanted to make sure that it will still qualify under slum-and-blighted and underutilized even though the trailers have been removed.

City Manager Schainker advised that he felt he had enough information from the City Council to allow staff to revise the draft Criteria Matrix. It would be brought back to the Council for review.

**ORDINANCE PERTAINING TO REQUIRED NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR GROCERY STORES:** Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance making a zoning text amendment to reduce the minimum number of off-street parking spaces required for grocery stores.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE INCREASING WATER AND SEWER RATES:** Moved by Goodman, seconded by Orazem, to pass on second reading an ordinance increasing the rates for water and sewer.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE REZONING PROPERTY AT 615 AND 725 EAST LINCOLN WAY AND 725 AND 729 EAST LINCOLN WAY:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4033 rezoning property at 615 and 725 East Lincoln Way from General Industrial (GI) to Highway-Oriented Commercial (HOC) and property at 725 and 729 East Lincoln Way from Highway-Oriented Commercial (HOC) to General Industrial (GI).



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

**ORDINANCE PERTAINING TO GARAGE PARKING MAXIMUMS FOR SINGLE- AND TWO-FAMILY DWELLINGS:** Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4034 making a zoning text amendment pertaining to garage parking maximums for single- and two-family dwellings.

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

**ORDINANCE DEFINING BEDROOM AND LIVINGROOM FOR PURPOSES OF CALCULATING PARKING REQUIREMENTS:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4035 making a zoning text amendment to define bedroom and livingroom for purposes of calculating parking requirements.

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 Wacha, seconded by Mahayni, to refer a petition from Richard Grieve, resident of Jensen Avenue, and direct staff to contact the residents of Jensen Avenue between 20<sup>th</sup> and 24<sup>th</sup> Street to determine the feasibility of changing parking on that street to one side only.

Council Member Davis asked to read the letter prior to it being referred. Council Member Goodman explained the process normally followed by the City Council for referrals to staff.

Motion withdrawn.

Moved by Larson, seconded by Goodman, to refer to staff the email from Mark Klipse pertaining to the renovation of the former Varsity Theater.

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

Moved by Larson, seconded by Mahayni, to refer to staff the letter from Civil Design Advantage dated April 19, 2010, pertaining to Rose Prairie.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:54 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor