

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 14, 2011

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 5:30 p.m. on June 14, 2011, 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. Also present was *ex officio* Member Tor Finseth.

VISIONING PRESENTATION: Mayor Campbell welcomed members of the Steering Committee present: Jeff Johnson, Jean Kresse, John Klaus, Debbie Lee, Steve Malchow, and Catherine Scott. The Mayor announced that this was the time for the presentation to be made by Brand Endeavor, and as such, no public input on the City's visioning project would occur at this meeting. Likewise, no action would be taken by the City Council on this issue tonight. The visioning project will be placed on a future Council Agenda, and public input would be taken at that time.

Susan Gwiasda, City Public Information Officer, introduced Christie Harper, President of Brand Endeavor. Ms. Harper reviewed the visioning project's scope and objectives. She described the steps that had been taken to reach those objectives and reported on the findings of the survey, interviews, and group meetings that had occurred as part of this process.

The Council was reminded that a vision is a promise that must be delivered upon consistently with every interaction. Ms. Harper then defined actions necessary to deliver on the promise: (1) review innovative solutions, (2) stand for collaboration, and (3) be decisive. She listed three adjectives to define how Ames residents would like people to describe the City five years from now: smart, open-minded, and confident. Ms. Harper told the Council that vision concepts are expressed in a strategic platform: who we're for (core stakeholders), what we do (City definition/description), why we do it (value proposition, why we matter), how we do it (behaviors), and who we are (personality).

In summary, according to Ms. Harper, Ames citizens want to retain cultural opportunities and want economic opportunities, but don't know how to get both. There is a sense of current complacency and untapped potential. Ames' peers are Midwestern college towns, and that field is crowded with "small town, big city" positionings; Ames' potential lies in claiming its place on the leading edge of the Midwest's important issues. Ames' residents want a small town with big city opportunities. They are comfortable with where Ames is at, but realize there is untapped potential. The ideal would be for Ames to be a place where everyone can thrive. In addition to small-town feel, Ames' leadership in ag and animal health stood out as a unique point; that edge extends to other tech businesses and to many more areas of the community.

Ms. Harper announced the following vision statement was being recommended: "Ames is the Heartland's leading edge. As a city, we are committed to fostering creativity and innovation at the forefront of the world's important issues that the Midwest is uniquely positioned to address, including agriculture, veterinary medicine, sustainability, development, diversity, education and health care."

Council Member Orazem said that he liked everything that had been presented except that any emphasis on "technology" was lost. Ms. Harper said it was inadvertently not included; it should have been included as that component is very important to Ames' future. Council

Member Larson related that he was very pleased with the vision including “leading edge,” as it applies to many different areas.

Ms. Harper shared feedback from community meetings held after the vision was first shared. She gave a summary of the identity recommendations, in priority order:

1. Tagline (creative expression of the promise). The recommendation was that Ames’ tag line should be “The Heartland’s Leading Edge” to be used by the City, Chamber of Commerce, ACVB, and AEDC.
2. Logo (communicate the promise visually). Ames’ current logo was described as “neutral at best.” It is weaker in the areas of simplicity, timelessness, and appropriateness to the new promise. The recommendation was to consider developing a new logo that more strongly communicates the promise.
3. Visual System. A visual system is the strategic and systematic use of color, typography, photography, and graphics to create a consistent image that reflects the promise. It should be applied to all communications materials including collateral, Web, ads, and stationery. The recommendation was to consider developing a new visual system that strongly communicates the promise with color, typography, photography style, and graphics.

According to Ms. Harper, once a new logo and visual system are created, the entities should consider rolling them out at a unified launch.

Ms. Harper then outlined the Communications recommendations:

1. Create and empower a “brag team.”
2. Roll out the vision to community sectors in a series of meetings.
3. Inventory and communicate “leading edge” proof points.
4. Establish Ames’ thought leadership in the region.
5. Ensure that the vision idea and language are infused into City communications.
6. Create visual reminders of the vision to encourage adoption and accountability.

The Action recommendations were given as:

1. Assess and close the gaps between promise and delivery.
2. Determine a process for evaluating whether key initiatives align with the vision.
3. Encourage personal responsibility and recognize those who embody the vision (every citizen).

Ms. Harper advised that the next step will be for to perform minor refinements based on Council members’ feedback and deliver final documents to City staff next week.

The meeting recessed at 6:55 p.m. and reconvened at 7:12 p.m.

Mayor Campbell announced that Item No. 39, a staff report on the proposed approach to Flood Study and Mitigation, had been pulled by staff from the Agenda and will be presented at the Council’s June 28 meeting.

CONSENT AGENDA: Council Member Wacha requested to pull Item No. 26 (Midnight Madness activities) for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of May 17, 2011, and June 6, 2011, and Regular Meeting of May 24, 2011
3. Motion approving Report of Contract Change Orders for May 16-31, 2011
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class A Liquor w/Outdoor Service – Green Hills Residents’ Association, 2200 Hamilton Drive, #100
 - b. Class E Liquor – MMDG Spirits, 126A Welch Avenue
 - c. Class E Liquor, C Beer, and B Wine – AJ’s Liquor, 4518 Mortensen Road, #109
 - d. Special Class C Liquor – Hickory Park, 1404 South Duff Avenue
6. Motion authorizing submission of grant application to Department of Justice Bulletproof Vest Partnership Program
7. RESOLUTION NO. 11-263 approving the annual Ames International Partner Cities Association (AIPCA) contract
8. RESOLUTION NO. 11-264 approving 2011/12 Human Service Contract with Childserve
9. RESOLUTION NO. 11-265 approving 2011/12 Human Service Contract with Heartland Senior Services
10. RESOLUTION NO. 11-266 approving termination and release of Restrictive Covenants at Bloomington and Stange Commercial Node
11. RESOLUTION NO. 11-267 approving preliminary plans and specifications for WPC Switchgear Maintenance; setting July 14, 2011, as bid due date and July 26, 2011, as date of public hearing
12. RESOLUTION NO. 11-268 awarding contract to Independent Salt Co., of Kanopolis, KS, in the amount of \$63.64/ton for purchase of Rock Salt for 2011/12 Ice Control Program
13. RESOLUTION NO. 11-269 awarding contract to KA Steel, Inc., of Lemont, IL, in the amount of \$.75/gallon for purchase of Liquid Sodium Hypochlorite for Water Treatment and Power Plant
14. RESOLUTION NO. 11-270 awarding contract to Diamond Oil Company of Des Moines, Iowa, in an amount not to exceed \$1,250,000 for Electric Services Fuel Supply
15. Contract awards for Level Detection Systems for Power Plant:
 - a. RESOLUTION NO. 11-271 awarding contract for Radio Frequency Point Level Detection System to Venture Measurement of Minnetonka, Minnesota, in the amount of \$21,613.76, plus applicable sales taxes and shipping costs
 - b. RESOLUTION NO. 11-272 awarding contract for Microwave Point Level Detection System to L & J Technologies, of Hillside, Illinois, in the amount of \$19,645.18, plus applicable sales taxes and shipping costs
 - c. RESOLUTION NO. 11-273 awarding contract for Tilt Switch Level Detection System to Electro-Sensors, Inc., of Minnetonka, Minnesota, in the amount of \$4,685.00, plus applicable sales taxes and shipping costs
16. RESOLUTION NO. 11-274 awarding contract to Western Lime Corp., of West Bend, WI, in the amount of \$133/ton for purchase of Pebble Lime

17. RESOLUTION NO. 11-275 awarding contract to Barr Engineering Company in an amount not to exceed \$50,505 for Construction Inspection Services for WPC SCADA Phase II Project
 18. RESOLUTION NO. 11-276 approving renewal of contract for purchase of Water Meters and Related Parts and Service
 19. RESOLUTION NO. 11-277 approving increase in Purchase Order amount for waste disposal at Boone County Landfill
 20. RESOLUTION NO. 11-278 approving contract and bond for East 13th Street Improvements (I-35 Ramps to 570th Street)
 21. RESOLUTION NO. 11-279 approving contract and bond for WPC Facility SCADA Phase II Project
 22. RESOLUTION NO. 11-280 approving Change Order to Engineering Services Agreement for Grand Avenue (South 16th Street north)
 23. RESOLUTION NO. 11-281 approving completion of Year 4 of Water Treatment Plant 5-Year Well Rehabilitation Project
 24. RESOLUTION NO. 11-282 awarding contract to Northway Well & Pump Company of Waukee, IA, in the amount of \$54,460 for Year 5 of Water Treatment Plant 5-Year Well Rehabilitation Project
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

MIDNIGHT MADNESS ACTIVITIES: Council Member Wacha noted that the proposed route is using Sixth Street, which is under construction. He asked if there was a Plan B in case that road construction was not finished by July 9. Assistant City Manager Sheila Lundt advised that there are two projects occurring on Sixth Street, one is the City's (from Grand to Northwestern) and one is the University's (from just left of the road into Brookside Park to University Boulevard). According to Ms. Lundt, the City's project, whether finished or not, will not affect Midnight Madness. The University's project should take a total of two weeks; it is scheduled to be finished by July 1. If it would be dry for two or three days, the base can be compacted and rock will be brought in. It will take approximately two to three days to pour the concrete, but it has to be dry enough to compact the base. Ms. Lundt advised that the event organizer and City will review other possibilities if needed. Another meeting is planned for next Thursday to assess the schedule.

Moved by Wacha, seconded by Goodman, to adopt the following:

- a. RESOLUTION NO. 11-283 approving closure of certain streets and parking lots on July 9 and 10, 2011
- b. RESOLUTION NO. 11-284 approving suspension of parking regulations and enforcement from 6:00 p.m. to 11:00 p.m.
- c. Motion approving 5-day Class B Beer Permit and Outdoor Service Area in City Hall Parking Lot N
- d. Motion approving tapping of up to seven kegs at once during post-race party with maximum of 20 kegs total during the evening
- e. Resolution approving waiver of fee for use of electricity in Parking Lot N and in Main Street Cultural District (MSCD)

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

PUBLIC FORUM: Sam Pritchard, 912 Kellogg Avenue, Ames, asked the Council to request City staff to report on how much property tax dollars for properties located within Ames' corporate limits goes to the Gilbert School District. He referenced the Rose Prairie Subdivision and also asked to have staff project the amount of property tax that will go to the Gilbert School District when that proposed Subdivision is built out in 15 to 20 years. Mr. Pritchard felt that it was important for the public to know those numbers. Mayor Campbell pointed out that the requested information is available on the City Assessor's web site.

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

NEW CLASS E LIQUOR, C BEER, AND B WINE LICENSES: Moved by Davis, seconded by Mahayni, to approve new Class E Liquor, C Beer, and B Wine licenses for:

- a. Kum & Go #200, 4510 Mortensen Road
- b. Kum & Go #214, 111 Duff Avenue
- c. Kum & Go #215, 4506 Lincoln Way
- d. Kum & Go #216, 203 Welch Avenue

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

5-DAY LIQUOR LICENSES FOR OLDE MAIN BREWING CO.: Moved by Mahayni, seconded by Davis, to approve new 5-Day Class C Liquor Licenses for Olde Main Brewing Co., at Reiman Gardens, 1407 University Boulevard, and at ISU Alumni Center, 420 Beach Avenue, respectively.

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

MCFARLAND CLINIC EXPANSION: Mayor Campbell noted that a hearing was not necessary for a Land Use Policy Plan (LUPP) change; however, is required for a rezoning. The Mayor announced that City Planning staff would be making its presentation followed by a presentation by the applicant. Testimony would then be heard on both applications, i.e., the LUPP and rezoning.

Planning and Housing Department Director Steve Osguthorpe advised that McFarland Clinic had requested a Zoning Map amendment for various properties west of Carroll Avenue between 11th Street and 13th Street as well as a Land Use Policy Plan (LUPP) Future Land Use Map amendment to change the land use designation from One- and Two-Family Medium-Density Residential to Medical. Both applications were filed on April 13, 2011.

Planner Jeff Benson stated that the requests pertain to eight parcels totaling 1.38 acres. The Clinic Building Company owns six of the parcels and Brenda Bowers and James H. Moore each own one parcel. McFarland Clinic proposed that the Zoning Map be amended to change the zoning designation of the property in question from Urban Core Residential Medium-Density (UCRM) to Hospital-Medical. McFarland Clinic has implied in the application materials that the proposed use will be offices for support operations for its clinics on the east side of Duff Avenue and one block west. However, the application includes only property for which McFarland Clinic can control the future use. The S-HM Zoning will ultimately control the future uses of the property. The uses permitted under that zoning designation were listed.

Representing McFarland Clinic were Steve Koger, CEO, and Roger Kluesner, COO. Mr. Koger summarized the Clinic's request to revise the LUPP and zoning to Medical for

properties that it owns or for which it has pending Purchasing Agreements. According to Mr. Koger, the Clinic proposes to construct a 20,000-square-foot building on property that it owns that would house the Clinic's Information Technology (IT) Departments and other business-support uses within 200 feet away from the main Clinic building.

Mr. Koger said that they deeply regret the legitimate concerns that have been expressed and/or will be expressed by neighbors. He pointed out that McFarland Clinic needs to be able to grow in order to continue to be a viable medical center because it is competing with substantial power houses of medical care as close as Des Moines and Iowa City and as far away as Rochester, Minnesota. At this time, it cannot be determined what the future holds as far as future growth. It is the Clinic's desire to be involved in future discussions with the neighborhood to attempt to develop a longer-term picture of land use policies, zoning, and medical needs. That is expected to take a great deal of time to develop; however, they have problems that need solutions now.

Information was provided by Mr. Koger on the properties that had been in disrepair and subsequently acquired by the Clinic. According to Mr. Koger, the main McFarland Clinic campus at 1215 Duff needs to be reserved and devoted to providing medical services. He gave an historical perspective, stating that the Clinic began operations in 1946 and has been operating with integrity and fierce compassion for 65 years. It is a facility privately owned by physicians.

Mr. Koger said that McFarland Clinic feels a strong responsibility to protect the rights of its staff and the needs of its patients. He stated that McFarland Clinic does not grow because it wants to; it grows when it feels it has to. Mr. Koger presented information on the Clinic's staffing transitions, stating that the key to its success lies with the 1,000+ people that work for McFarland, over half of which work in Ames and most of whom live in Ames. He said they take very seriously that they are "Iowans taking care of Iowans." It takes millions of investment dollars in order to participate in the healthcare field. McFarland Clinic is a viable regional medical center. Mr. Koger emphasized that it is important to locate the IT services in proximity to clinical staff.

Council Member Goodman asked Mr. Koger if McFarland Clinic would be comfortable with Alternative 2, which would allow the zoning change, but involve contract zoning. Mr. Koger said the Clinic was not comfortable with contract zoning; it prefers Alternative 1.

Council Member Wacha noted that the building being proposed would equate to 20,000 square feet, but asked Mr. Koger how many stories were planned. Mr. Koger advised that they don't have a plan or schematics because it was not known whether approval would be given to construct the building at the site being requested.

Mayor Campbell opened the hearing on the rezoning of properties between 11th Street and 13th Street (from Duff Avenue to Carroll Avenue) from Urban Core Residential Medium-Density to Hospital-Medical. She referenced the many phone calls, e-mails, and letters that had been received by the City Council. According to the Mayor, she and all Council members had read the Minutes of the Planning & Zoning Commission. The Mayor asked those providing public input to be as succinct as possible; each speaker would be given a maximum of five minutes.

Dustin Evermore, 1120 Carroll Avenue, Ames, said that allowing a business to engage in land speculation in residential neighborhoods, purchasing houses and then using demolition-by-neglect to rid them would become a template for further use of that tactic by others. He reported that many of the Commission members had stated that they could trust McFarland Clinic to be a good neighbor and do what is best for the City. Mr. Evermore asked the Council to disregard the Commission's recommendation because some of the members failed to make their own choice. He pointed out inconsistencies to show why the Council should simply not trust a company to do the right thing for the City. Mr. Evermore believes that Clinic personnel were telling different audiences whatever they thought they wanted to hear. He alleged that most of the properties acquired by the Clinic once had houses on them, were habitable, and in use before McFarland purchased them. According to Mr. Evermore, McFarland allowed the homes to fall into disrepair until they had to be demolished. He believes that, unless the City Council tells them no, they have no reason not to continue to acquire land in the same manner and wait "for the next round of elections to try again." Mr. Evermore told the Council that it has the authority to keep his neighborhood strong and viable.

Craig Riecken, 1006 Stafford, Ames, said that homes are the biggest investment most people ever make. He pointed to the Council's goal to "strengthen and protect" Ames neighborhoods. Mr. Riecken contended that the Council would cause irreparable damage to this neighborhood if it approves McFarland's requests. He believes that office functions, such as record-keeping and technical services, can be performed equally efficiently in a range of locations; they do not require placing them in the immediately adjacent neighborhoods.

Cathy Shonkwiler, 1217 Carroll Avenue, Ames, said her family has lived in their home for 35 years. She said that they will be directly impacted by the actions being requested by the Clinic. Ms. Shonkwiler concurred that the residential properties purchased by the Clinic were habitable. She proposed that the Clinic purchase the Willson-Beadshear School, which is only two blocks from the main Clinic campus. She questioned whether the pictures that had been shown of the properties purchased by the Clinic were taken when they were purchased or just before they were demolished; the houses were allowed to deteriorate. According to Ms. Shonkwiler, the Clinic had made an agreement in the 1990's that if they needed to expand, that could and would be done at the current location with the possible addition of a parking ramp. However, the houses along Carroll were purchased in 2000, after that agreement was made. Ms. Shonkwiler suggested that the City subsidize the construction of a parking ramp at its 1215 Duff location. She believes that there are other "win-win" options, again suggesting that the Clinic remodel the former Willson-Beadshear School for its proposed teaching and IT building. According to Ms. Shonkwiler, other solutions could be explored that would not involve losing more affordable homes; however, McFarland Clinic is unwilling to entertain any other compromises except to rezone the current residential area to HM. Addressing the physicians at McFarland Clinic, Ms. Shonkwiler alleged that their business is doing harm to her neighborhood. She asked the doctors to honor their vow to do no harm. Ms. Shonkwiler urged the City Council members to vote no on the rezoning issue.

Sheila Condon, 1016 Carroll Avenue, Ames, said that in the last few years, there were two other properties near her home that were in disrepair. However, persons who wanted to live in that neighborhood bought the properties, razed them, and built new beautiful brick homes on the lots. According to Ms. Condon, "every few years" McFarland Clinic requests a zoning change for property on the east side of Duff Avenue. Likewise, residents of the

neighborhood appear before the Planning and Zoning Commission and City Council appealing to have their neighborhood saved from future commercial encroachment. She noted that several years ago, McFarland Clinic was told by the City Council that there would be no more rezoning of property on the east side of Duff. Residents then invested time and money in their homes; however, McFarland Clinic continued to speculate and purchased property on the east side of Duff. Ms. Condon alleged that if the Council approves McFarland Clinic's requests, no neighborhood would be safe from commercial infringement. According to Ms. Condon, the City Council has control over what McFarland does with the residential property it purchases. That decision not only determines how McFarland is able to use its property, but also influences how the residents may use their properties; e.g., competing for parking spaces in front of their own homes. Ms. Condon asked the Council to be "bold enough to hold the line."

Peggy Willson-Riecken, 1006 Stafford, Ames, said that she and her husband raised four children in the last 25 years in the neighborhood being directly impacted. She reported that their neighborhood is a socially diverse intimate neighborhood. While she supports McFarland Clinic's need for vitality as a medical care provider, and she is not in opposition to its growth; however she believes that the Clinic should build in the already established Hospital-Medical zone. Ms. Willson-Riecken said the boundary is clearly drawn, and she strongly opposes McFarland Clinic's proposed expansion into her neighborhood.

Kay Wall, 1004 Kellogg, Ames, questioned why it is proposed to construct the needed building two blocks away if it is so important for the IT department to be close to the main Clinic. If that is the case, then it would appear that the Clinic buildings in West Ames and North Ames are inferior; however, she does not believe that is true.

Paula Weidner, 903 Kellogg Avenue, Ames, said that she has lived in her home for 31 years. She said that she attended five years' worth of meetings in the 1990s when a similar issue was being debated. She told the Council that neighborhood residents work very hard to keep the existing boundaries where they are for the predictability of their surroundings and asked the Council to vote no and hold "McFarland's feet to the fire."

Catherine Scott, 1510 Roosevelt, Ames, said the issue is not why McFarland Clinic needs to expand; the issue is where McFarland Clinic should expand. She asked to know the Clinic's long-term plans. Ms. Scott asked additional questions: (1) Should agreements and boundaries set in the past for the Hospital-Medical Zone be honored, (2) Is there a compelling reason why they can not be (3) What can be done to give neighborhood residents the confidence to invest in their properties to maintain and improve them, (4) How can McFarland Clinic be given the confidence to invest in Ames where they will have the support of the entire community, (5) How can Ames maintain its stock of affordable housing, (6) What about parking, and (7) What are the alternatives. Ms. Scott pointed out that McFarland has clinics all over Central Iowa and deal with the needed technology from remote locations. She recalled that she had asked the Council to hold a broader discussion to learn some of those answers prior to getting to this point, but since that did not occur, she urged the Council to vote no and encourage McFarland Clinic to build elsewhere.

Joe Rippetoe, 419 Pearson Avenue, Ames, recalled that he had previously suggested in a *Tribune* essay that the Clinic locate its operations on the south end of North Grand Mall. He believes that a strong locally owned regionally commercial business, which is what

McFarland is, is the City's best hope for redeveloping some of the deteriorating commercial space. The Council should consider alternate uses and work to make something happen. According to Mr. Rippetoe, McFarland Clinic has the ability to help the Ames community by beginning to revitalize that commercial area similar to the way it stabilized the commercial area on West Lincoln Way. Mr. Rippetoe alleged that the way the City handles requests for LUPP changes is fundamentally flawed, especially when there is only one idea on the table. He suggested that City staff note that the request is clearly inconsistent with the LUPP and look to find alternative solutions. A staff person should assist the applicant in finding an appropriate site; however, there is no such person. An additional problem is that there has not been a community discussion on the Hospital-Medical Zone. That "talk" is necessary before permanent changes are made. Neither the Council nor the community has a clear vision of the Hospital-Medical Zone that can prevent this situation from recurring.

Lisa Ladd, 612 Carroll Avenue, Ames, asked the Council "when does no not mean no." She referenced the other times when the Clinic has infringed on the neighborhood, and the Willson-Beardshear Neighborhood residents were fighting to keep its boundaries. Ms. Ladd said that she is not against McFarland Clinic's care; however, where it proposes to construct its new building is in a residential neighborhood. Ms. Ladd expressed that she does not view McFarland Clinic as a good neighbor; a good neighbor does not buy neighborhood homes on speculation for commercial purposes. According to Ms. Ladd, if the rezoning is allowed, there would be a lot of tangible things that cannot be replaced, e.g., the social fabric (neighbors, relationships), stability, affordable housing stock, and historic architectural styles. Ms. Ladd alleged that IT can be put anywhere. Increased traffic is also a concern. Ms. Ladd is against the requested LUPP change and rezoning because once a neighborhood is destroyed, it can't be replaced.

Jolene Randall, 496 W. Riverside Road, Ames, said she was speaking as a user of McFarland Clinic and Mary Greeley Medical Center. She believes that Ames is very fortunate to have a physicians' clinic with such high-quality doctors next to a great hospital. Ms. Randall urged the Council to vote for a change to the land use and rezoning being requested by the Clinic. If approved, the City will experience job growth. Those employees will purchase homes in Ames, shop in Ames, have children born in Ames, and pay taxes to Ames, which will spur more economic activity – that helps schools and other local businesses to flourish. Ms. Randall thinks that it is important for the Clinic to expand in close proximity to Mary Greeley Medical Center. That is the smart thing to do economically because, by helping the cost of services down, not only the Clinic, but all users of the medical services will benefit. According to Ms. Randall, this is necessary to help keep the Clinic and the Hospital on the "leading edge."

Sam Pritchard, 912 Kellogg Avenue, Ames, said that he had promised his wife that he would not be arrested for civil disobedience by refusing to leave. He said, however, that was what it was going to take because he was so deeply offended by the way the Mayor and the City Council members treat the citizens of Ames. Mr. Pritchard told the Council members that they should be ashamed. He asked if this was the best that could be done referring to McFarland having "to sing a poverty song, a hardship song." Mr. Pritchard said he would like to see some of the median salaries of the doctors. He asked if they were paying the nurses less than anyone else and asked again if this was a "hardship case." Noting that there were no subsidies from the City or the County, Mr. Pritchard asked if there were subsidies from the federal government from the Stimulus Plan and if that was the reason for the hurry. He then asked how much money Mary Greeley was "sitting on." Mr. Pritchard told the

Council if he offends them, they offend him. According to Mr. Pritchard, the issue is not the quality of healthcare, but what is Ames going to do “that is right for once.” He presented the Mayor and Council with a toothbrush and a bar of soap, stating that they can either wash their hands or “if they don’t care to tell the truth as his mother used to say,” then wash their mouths out with soap. Mr. Pritchard said they were gifts to the Council from him.

Debbie Lee, 214 South Maple Avenue, Ames, stated that she was speaking on her own behalf. She said that she is not fundamentally opposed to office buildings in residential neighborhoods; however, there are two aspects of this request that concern her: (1) The purpose of the LUPP is to allow people a chance to prepare. The residents make decisions based on the expectations that they have derived from the Plan. The City currently lacks a formal process for regular review of its LUPP as a community, and as such, it has not allowed for a community forum. As a result, the onus has been on the residents to bring their concerns to a meeting where there is a specific project in a particular neighborhood, rather than a broader discussion of community values and needs. (2) The nature of the Hospital-Medical Zone. It was her understanding that the control of zoning is the final opportunity to set the criteria for the property use. Ms. Lee pointed out that the Hospital-Medical Zone allows for a wide variety of building types and sizes. She is uncomfortable with having zoning approved that would permit a self-interested property owner to construct a building from that range of sizes and types so close to residential homes. Ms. Lee asked the Council members, if they were going to approve the request, to consider Alternative 2, which would defer action on the rezoning request until Council has amended the development standards in the Zoning Ordinance or created a Contract Zoning Agreement that addresses the compatibility issues.

Peter Hallock, 114 Eighth Street, Ames, identified himself as the President of the Old Town Neighborhood Association. According to Mr. Hallock, the Old Town Neighborhood Association Board voted to stand with the Willson-Beardshear Neighborhood Association in opposing the rezoning along Carroll Avenue. The Board believes that there is a lack of affordable housing in Ames, and the requested action would make that situation worse. The City should first address the issue of affordable housing. Mr. Hallock asked the Council to consider that there has been no verification that there is a lack of space within the Hospital-Medical Zone to accommodate the proposed facility. He said that he does not oppose the facility, but does not believe that it should be built in a residential neighborhood. Mr. Hallock urged the City Council to deny the requests and asked that the City work with McFarland to find an acceptable location for the facility.

Bob Shaffer, 1712 E. Lincoln Way, Ames, said that members of his family have lived in the affected neighborhood for 65+ years. He commented that he came as a “friend of McFarland Clinic and Mary Greeley Medical Center. Mr. Shaffer asked the City to make a comprehensive plan on what it wants its medical complex to be, i.e., how big should it get – do they want them to be like Mayo Clinic, Iowa City, Des Moines? He asked if the City would really never allow McFarland Clinic and Mary Greeley Medical Center to expand. Referencing earlier allegations of broken promises, he told the Council members that they did not “break anybody’s promises.” Mr. Shaffer suggested that the City Council not make a decision on this issue tonight, but begin the process to create a comprehensive plan including input from the medical providers, residents, and the City.

Mike Gammon, 1121 Stafford, Ames, said he and his wife moved back to Ames in 1993. He grew up in the Willson-Beardshear neighborhood. Mr. Gammon described the changes that he has seen to the neighborhood since the Willson-Beardshear School closed. Mr. Gammon said that McFarland Clinic needs to give the neighbors more details on what it is proposing to build. He also would like the Clinic to look at other options, e.g., re-using Willson-Beardshear School or North Grand Mall.

Kurt Kuta, 3333 Sedwick Street, Ames, said he was representing the Ames Economic Development Commission as its Chairman and also speaking for himself. He expressed personal support as well as the support of the AEDC for McFarland Clinic's proposed expansion. He explained how Ames would benefit from the expansion: economically, efficiencies and security gained, jobs that will stay in Ames, it is quality driven for care, building results and aesthetics from McFarland Clinic operations. It also helps Ames to attract and retain high-quality physicians and healthcare providers. If it is not approved, McFarland Clinic could opt to build outside of Ames or even in Ames, but outside of the Ames School District. Mr. Kuta urged the Council to approve the LUPP and rezoning requests.

Laura Schinnow, 1115 Stafford, Ames, advised that her family has lived in the neighborhood for nearly 26 years. Ms. Schinnow acknowledged that McFarland Clinic providers have saved many lives. She believes that the citizens owe them their trust, respect, and their thanks, but they do not owe them their homes. Ms. Schinnow said she believes McFarland should honor its promises, and the City should honor its LUPP.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, expressed his dismay that the Mayor had stated that she and the Council members had read their e-mails and asked them not to be redundant. He believes that the Council has a blind spot as far as what this means to the affected neighborhood; it is their lives. Mr. Pfannkuch contrasted the request of Mary Greeley to the request of McFarland for expansion. Mary Greeley is requesting to build on its existing property, which is consistent with the existing LUPP for the Hospital-Medical area. Mary Greeley was also required to build a parking ramp as part of its expansion in the 1990's. McFarland Clinic is asking for a change to the LUPP and a zoning change to allow it to expand horizontally, which is inconsistent with the LUPP. In addition, McFarland Clinic committed to building a parking ramp over 20 years ago, but has not done so. It is Mr. Pfannkuch's opinion that McFarland's request involves much more than just a change to the LUPP and zoning in the Carroll Avenue neighborhood; it is counter to the decisions made by four previous Councils. He gave a chronological history of the development since 1990. He alleged that, in return for public land purchased by McFarland Clinic in 1990, it promised to build a parking ramp should it ever expand again west of Duff. Mr. Pfannkuch noted that the parking ramp agreement would not apply to the current request; however, it should be viewed as an acknowledgment by McFarland that continuing to take land for surface expansion was no longer acceptable. In Mr. Pfannkuch's opinion, McFarland Clinic's behavior is disgusting; it tries to do anything if it thinks it can get by with it. There is no doubt in Mr. Pfannkuch's mind that it would be better for McFarland to have support services nearby, but if that proximity is essential, McFarland should be willing to build up on its own property. He respectfully requested that the Council say no to the requests of McFarland Clinic. The repercussions of a "yes" vote for McFarland would impact the Carroll Avenue residents for the rest of their lives.

Fred Bradner, 1111 Stafford Avenue, Ames, referenced the *Appearance of Fairness Doctrine*, which he described as a rule of law that requires government decision-makers to conduct non-court hearings in a way that is fair and unbiased in both appearance and fact. It was developed as a method of ensuring that due process protections that normally appear in courtroom settings extend to other hearings, “such as rezones of specific properties.” The Doctrine attempts to bolster public confidence in fair and unbiased decision-making by making sure that parties receive equal treatment. According to Mr. Bradner, the Doctrine also requires that public hearings that are quasi-judicial in nature meet two requirements: (1) A hearing must be procedurally fair and (2) must appear to be conducted by impartial decision-makers. Mr. Bradner alleged that there have been perceptions of the lack of impartiality on the part of City Council members by comments previously made by them dealing with this issue, e.g., “not wanting to slow the process down.” Mr. Bradner also quoted a definition of speculation: “Engagement in business transactions involving considerable risk, but offering the chance of large gains.” According to Mr. Bradner, at a previous meeting, there were comments that a firm line needed to be drawn. He pointed out that anything but a “no” vote at this meeting does not draw a firm line. Contrary to former comments, Mr. Bradner contended that nothing to date has changed: McFarland is back requesting to infringe farther into the neighborhood. Mr. Bradner believes that the Council would literally “trash” the Land Use Policy Plan if McFarland’s request, which is totally inconsistent with the Plan’s goals and objectives, if it approves the request. He asked the Council to vote no.

Linda Feldman, 1111 Stafford Avenue, Ames, said that she was speaking as a private citizen as well as a member of the Willson-Beardshear Neighborhood Committee. She shared comments that she had recently heard comments, which were very disconcerting to her; in summary, that the Council members had already made up their minds on this issue and that going to a meeting would not do any good as they are not listening. Ms. Feldman said she still believes that the issue is not decided until the Council has heard from all who have something to say about the issue. She wants to believe that the Council is listening and is thinking carefully about how its decision will impact the entire community of Ames, not just the Willson-Beardshear Neighborhood. Ms. Feldman strongly suggested that this issue needed to be discussed during a comprehensive review of the LUPP. According to Ms. Feldman, people all over the City have opinions about the issue at hand. Ms. Feldman said that they support McFarland Clinic, but where it should expand is the issue. She said that she has lots of good ideas on how this could be a win-win solution. Several were offered: building a six-story building next to its current building, which would accommodate growth well into the future; however it would require the construction of a parking ramp. She said she would be the first to volunteer her time to help with a fund-raiser to build such a ramp if McFarland’s Board would pursue that. In her opinion, the current proposal is McFarland’s attempt to avoid an agreement made with the City to build a parking ramp on the west side of Duff. Ms. Feldman asked the Council to stop saying that it is considering the greater good of the City without first holding a community-wide discussion. For the greater good of the community, the Council should ask McFarland Clinic to intensify west of Duff on the two blocks that are already zoned for this type of growth. After that occurs, citizens will be willing to discuss where any further expansion needs to take place. Also very disconcerting to her is that she was recently told that McFarland Clinic is planning to construct a new building in Carroll, Iowa, that is supposedly costing in excess of \$5 million, yet it alleges it does not have the money to build a parking ramp and expand at its current site. Ms. Feldman stated that McFarland Clinic has not provide the City or the residents with enough

information; they do not know how many new jobs will be created, what the master plan is, or what the space needs are; all of those things need to be known before a decision is made on this issue.

Anne Kinzel, 720 Duff Avenue, Ames, pointed out that this is a difficult issue because of the conflicting sides: McFarland Clinic needs to stay competitive and has a need to expand yet people living in neighborhoods need to have stability. Ms. Kinzel said that she does not see the urgency in pushing the decision on this issue. If there is a compelling reason, McFarland Clinic needs to advise what that is. She asked that the Council vote no on the requests before them until it has had time to study the issues more carefully. However, if it decides to vote yes, she urged the Council to choose Alternative 2, which would put in place standards that would protect the affected neighborhood and allow it to be strong and vibrant even with the presence of McFarland Clinic.

There being no one else who came forward to speak, the Mayor closed the hearing

Council Member Davis thanked all for their input and stated that he understands the concerns of the neighborhood residents. He acknowledged that this is a very sensitive issue. Mr. Davis said that he understands the Neighborhood's concerns. He advised that he had received many comments from others throughout the community who strongly support the requests.

Council Member Orazem pointed out that the Land Use Policy Plan does not mention McFarland Clinic. McFarland Clinic and Mary Greeley are the third and fourth largest employers in Ames, respectively. The health providers account for seven percent of the City's economy. Mr. Orazem said that he is puzzled how a Land Use Policy Plan could be prepared without acknowledging the importance of that sector. It is well known that in order to succeed, those two medical entities would need to expand regionally; however, there is no mention of medical services as one of the elements of a regional economy. Mr. Orazem also noted that the current language of the LUPP does not allow McFarland Clinic to expand or intensify at its existing site. He is skeptical that the LUPP ever seriously considered the medical entities. According to Mr. Orazem, McFarland Clinic moved to its current site in 1962 with 22 physicians. That site (1215 Duff) now has 141 doctors and a total of 518 employees. McFarland Clinic has expanded in various locations since then. According to Mr. Orazem, every physician at the 1215 Duff site has privileges at Mary Greeley; they need to be adjacent to one another so they can move easily between the two. He acknowledged the very legitimate concerns of the neighborhood as well as the very legitimate need for the community to have a viable medical center.

Council Member Mahayni gave an historic perspective from the early 1990's when expansion of Mary Greeley Medical Center was being discussed by the Planning and Housing Commission, of which he was a member. He stated that medical facilities were very much in the forefront; therefore, they have long been discussed as part of the LUPP. Expert testimony was given during that time that McFarland Clinic is a regional medical center that is very specialized and attracts patients regionally. If it were not so, the facilities could be scattered. Primary care that serves Ames residents could be decentralized; this is what has been happening. Mr. Mahayni said he was saddened by this discussion because it is not a good reflection on Ames. Approaching the issue emotionally, dictating on either side what the other should do, and alleging that Council members had already made up their minds on this issue is upsetting to him.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 11-292 approving a Land Use Policy Plan Map amendment for properties located on west side of Carroll Avenue between 11th Street and 13th Street from One- and Two-Family Medium-Density Residential to Medical.

Council Member Larson pointed out that Ames had just had a report from the visioning presentation on the fact that Ames wants to be on the leading edge. He noted that the 20+ people speaking tonight fear what might be built by McFarland Clinic; however, he is very confident that McFarland Clinic will do a good job at developing the site as they have done in the past.

Council Member Goodman said that the members around the dais believe that they are doing the best thing for the community as do the citizens of the impacted residential neighborhood and the Ames Economic Development Commission. He believes that the decision on this issue comes down to people and the issue is representative of a “classic government predicament: Can government keep its commitment to the interests of its most vulnerable constituents in the face of pressure from its most powerful.” Mr. Goodman said that, just as government values job creation, it was his hope that government values the lives of its citizens and the stability of the lives that take those jobs. He feels that the Willson-Beardshear Neighborhood will be weakened by the proposed LUPP change and other neighborhoods could be weakened by a Council acquiescing to residential property acquisition. It is his belief that all members of the Ames community deserve the opportunity for a stable and strong neighborhood.

Council Member Wacha referenced the seven goals of the City Council, which guide him to make decisions. He noted that those goals sometimes are at odds with each other, and he specifically cited the goals to promote economic development while protecting and strengthening neighborhoods. On one hand, the services provided by McFarland Clinic are a major component to the economic vitality of Ames. On the other hand, Willson-Beardshear Neighborhood is filled with residents who take pride in their neighborhood. Mr. Wacha commented that he takes the goal of strengthening neighborhoods very seriously and he is troubled by anything that would promote the reduction of single-family homes. He said this was the most difficult decision he has had to make since being elected to the City Council.

Mr. Wacha said he strongly believes that, while he was elected by the voters of the 1st Ward to represent them, he is obligated to make decisions for the community as a whole; to do anything less would be irresponsible and potentially damaging. No one can argue that McFarland Clinic could build the requested facility elsewhere and that it is a matter of preference that they wish to build it on Carroll. However, they do own the land, it is H-M zoned property on multiple sides, and it allows them to capitalize on the many benefits that proximity to the main campus brings. Mr. Wacha advised that he does not believe McFarland Clinic had any ill-intent or acted with any type of dishonesty when they purchased the four properties. He believes that those properties were purchased from willing sellers and the properties were in a neglected state. It is also Mr. Wacha’s belief that the finished product will be complimentary to the neighborhood. This project will change the Neighborhood for the benefit of the entire community, but it will not destroy the Willson-Beardshear neighborhood as it is much too strong to let that happen. Council Member Wacha advised that he will support the motion, but will insist that, after holding a roundtable discussion, the City expedite the gathering of input and that a firm Hospital-Medical boundary be drawn in

order to prevent the loss of any more single-family homes in the area in question. He did acknowledge, however, that any action taken by this Council can not bind future Councils; but, he hopes that it will provide guidance for future decisions.

Council Member Mahayni again stated that if the building would be housing primary care, he would not be voting for it. However, it is a centralized function that is serving the heart of McFarland. Mr. Mahayni believes that he is responsive to listening to all viewpoints and he is obligated to make decisions for the community as a whole.

Council Member Orazem asked the other Council members who had experience with previous requests for expansion to advise what concerns would exist if Option 2, which would allow for additional protection for neighbors in the area, were chosen. Council Member Wacha said his main concern deals with building height. That is an item on this Agenda, so as long as it passes, his concern would be eliminated. Planning and Housing Director Osguthorpe noted that if the site plan comes in in compliance with all City regulations, staff would be compelled to approve it. City Attorney Marek advised that the zoning text will apply as of the date the plan is filed. Currently, no plan has been filed. If the height amendment is approved (after three readings), and the site plan is filed after that, the height requirement would apply.

Council Member Larson said that he has a genuine feel that the Clinic wants to integrate the building into the neighborhood. Council Member Goodman pointed out that Alternative 2 is the only option that gives the neighborhood residents a voice.

Roll Call Vote: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Mahayni, seconded by Davis, to pass on first reading an ordinance rezoning properties between 11th Street and 13th Street (from Duff Avenue to Carroll Avenue) from Urban Core Residential Medium-Density to Hospital-Medical.

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

The meeting recessed at 9:48 p.m. and reconvened at 10:00 p.m.

MARY GREELEY MEDICAL CENTER (MGMC) EXPANSION: Brian Dieter, President and CEO of Mary Greeley Medical Center, advised that he would be assisted in his presentation of the Master Facilities and Site Plan by Lynn Whisler, Vice-President of Operations; Gary VanDyke, Principal Architect with Shive-Hattery; and Steve Proeschel and John Henningsgard, Managing Directors with Piper Jaffray.

Mr. Dieter gave a presentation highlighting MGMC's plan for its proposed expansion project, specifically showing what it will look like and how it will be financed. Background information on the need for the expansion was also given. He noted the Plan's priorities as: (1) a new power plant, (2) improvements to the size and functionality of inpatient rooms; (3) enlargement of and improvements to the Emergency Department, (4) improvements to the patient, visitor, and staff safety at the main entrance, and (5) its efforts to be sustainable and environmentally responsible.

Mr. Dieter advised that MGMC held neighborhood meetings to apprise its neighbors of its conceptual plans and worked closely with City staff to develop a site plan and building that complimented the neighborhood. It was noted that the proposed building expansion will not extend beyond the current boundaries of the Hospital-Medical Zone.

Mr. VanDyke showed plans of the proposed expansion and described the changes planned for current structures and patient rooms. He explained the three phases of the project: (I) New Patient Tower and Support Services Building. The groundbreaking is anticipated to occur in Late Fall/Early Winter 2011, with construction being completed by Spring 2014. (II) New Main Entrance. Construction should be completed by Fall/Winter 2014. (III) Expanded ED. Construction should be completed by Summer 2015. According to Mr. VanDyke, the cost of the expansion should be approximately \$128,740,000.

At the inquiry of Council Member Davis, Ms. Whisler advised that MGMC is licensed for 220 beds; however, due to space needed for other reasons, only approximately 185 beds are able to be utilized. With the proposed expansion, the Medical Center should be able to utilize all 220 beds if need be.

Mr. Proeschel explained the financing plan: \$60 million will come from a bond issue, \$60 million will be paid from MGMC Operations, and there will be a Foundation funding campaign. He advised that the City's role will be that of issuer for Mary Greeley's tax-exempt bonds, as required under IRS Code. The City will not be obligated in any way for repayment of MGMC's bonds; the bonds shall never constitute indebtedness for the City or be a liability for it. Mr. Henningsgard talked about Mary Greeley's capability to afford the project. He showed information on a comparison of MGMC to select "A"-rated hospitals.

City Manager Schainker advised that if MGMC defaults on the bonds, it would have an impact on future bond issues for the City of Ames. In the past, the City has required insurance from MGMC to reduce the risk; however, that market is no longer cost-effective. Mr. Proeschel stated that financial analyses have been performed, and the MGMC is favorably positioned to enter into the debt.

For the record, Mr. Dieter advised that MGMC is committed to working with City staff on determining fair market value for any property that is vacated. He also noted that MGMC has sufficient revenue capacity and is financially stable and responsible. This project will reinforce MGMC's regional presence, but will, more importantly, improve patient care.

Planner Kuester described the requests before the Council.

City Manager Schainker noted that a policy decision will need to be made on whether or not to seek remuneration for the public property that is being transferred for the exclusive use of MGMC.

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

Moved by Mahayni, seconded by Davis, to pass on first reading an ordinance vacating the un-vacated portion of 11th Street between Kellogg Avenue and Douglas Avenue and northern 181 Feet of alley that lies south of 11th Street between Kellogg Avenue and Douglas Avenue.

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

Planner Kuester recalled that the City Council, on April 12, 2011, referred a letter from Shive-Hattery requesting an amendment to the height limits of principal buildings in the Hospital-Medical (S-HM) Zoning District. In order to accommodate the appropriate floor-to-ceiling heights and the necessary utility, mechanical, and specialized hospital gear between the ceiling and floor, the proposed height would exceed the 80-foot maximum. Mr. Kuester reviewed the City's current development standards. According to Mr. Kuester, Shive-Hattery has proposed a change in the height limit to allow up to 100 feet while retaining the maximum of six stories with increased setbacks. The proposal would reduce the allowed height limit from 80 feet to 50 feet when the building abuts a residentially zoned property, but allow a height up to 100 feet with greater setbacks. According to Mr. Kuester, that actually represents a trade-off between greater protection for the neighborhood and increased intensity of development.

Mayor Campbell opened the hearing on the request for a zoning text amendment pertaining to height limits for principal structures in the Hospital-Medical Zoning District.

Peter Hallock, 114 Eighth Street, Ames, again speaking as President of the Old Town Neighborhood Association, advised that the Old Town Neighborhood was in support of the proposed amendment.

There being no one else who wished to speak, the public hearing was closed.

Moved by Goodman, seconded by Davis, to pass on first reading an ordinance amending Table 29.1001(3) of the Municipal Code to regulate the maximum height of principal buildings in the S-HM Zoning District.

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

Planner Kuester briefed the Council on the rezoning request being made by MGMC. According to Mr. Kuester, the four subject parcels were acquired by the hospital from 1986 through 1990. One parcel contains no structures, but there are homes, used mostly for offices and storage, on three parcels adjacent to 11th Street. Mr. Kuester stated that the proposed rezoning of the subject site would bring the site into conformance with the LUPP designation.

Director Osguthorpe reported that there is one thing that the site currently does not comply with is the coverage requirement. There is a maximum coverage on the site; it exceeds that. However, the City does not require it to be brought into conformance as long as it doesn't make it any worse. The additional site will allow them to take out what is currently landscaped area and compensate for it in that area. At the inquiry of Council Member Orazem, Mr. Osguthorpe clarified that it pertained to total site coverage; it is not just a landscaping requirement. Currently, with buildings, asphalt, pavement, etc., it exceeds that. Basically what they will be doing is to swap existing green space for new green space.

Council Member Wacha asked Mr. Dieter what the plan was for the properties if they are rezoned. Mr. Dieter advised that, in the next five or six years, they do not foresee any change in use. He stated that MGMC had made a commitment to the neighbors that they would have dialogue with them before they put any plans forward.

The public hearing concerning rezoning properties at 1010 and 1018 Kellogg Avenue and 220 - and 222-11th Street was opened by Mayor Campbell.

Peter Hallock 114 Eighth Street, Ames, representing the Old Town Neighborhood Association, reported on the discussions held between MGMC and Old Town Neighborhood Association concerning rezoning the fourth parcel. According to Mr. Hallock, Mr. Dieter had indicated to the neighborhood that MGMC will discuss any future proposed use of that lot with the neighborhood. Based on that commitment, Mr. Hallock stated that the Old Town Neighborhood Association supported the rezoning.

Jeff Johnson, 3037 Evergreen Circle, Ames, questioned whether the green roof counted towards increasing the coverage. Mr. Osguthorpe said that it did not; it is only building coverage.

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

Moved by Goodman, seconded by Mahayni, to pass on first reading an ordinance rezoning properties at 1010 and 1018 Kellogg Avenue and 220 and 222 11th Street from Medium-Density Residential to S-HM Hospital-Medical.

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

HEARING ON AMENDMENT TO DOWNTOWN URBAN REVITALIZATION PLAN:

Director Osguthorpe recalled that on April 12, 2011, the City Council had established Downtown Service Center zoning for most properties on Kellogg Avenue south of the Union Pacific Railroad and made that area eligible for the Downtown Facade Grant Program. At that time, the Council also directed staff to change the boundary of the Downtown Urban Revitalization Area to maintain consistency with the Downtown Facade Grant Program.

Mayor Campbell opened the hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-286 approving the amended Downtown Urban Revitalization Area boundary.

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

HEARING ON SUBSTATION CONTROL PANEL INSTALLATIONS: The public hearing was opened by Mayor Campbell. Since no one asked to speak, the Mayor closed the hearing.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 11-287 approving final plans and specifications and awarding a contract to Electrical Power Products, Inc., of Des Moines, Iowa, in the amount of \$119,623.19.

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

HEARING ON ANIMAL SHELTER IMPROVEMENTS: Police Chief Cychosz relayed that one bid had been received from R. H. Grabau Construction, Inc. It exceeded the architect's estimate and available funding by such a large amount that the project can not proceed at this time. According to Chief Cychosz, due to the grant timelines, delaying the project would

mean foregoing \$12,750 in grant funds. City staff had contacted the Office of Energy Improvement (OEI) to discuss possible options. Representatives of OEI indicated that if the City were to identify an acceptable alternative project, any unused grant funds could be put towards that project. Chief Cychosz said that staff is now in the process of determining what feasible projects might exist in other City facilities and will report back to Council for approval on an alternate plan for the grant funds at a later date.

Council Member Wacha asked if the reason why only one bid was received was known. According to Chief Cychosz, said that he believed there were competing projects that looked more attractive to potential bidders. This project would also be complicated by the need to comply with numerous state and federal requirements that are tied to the grant.

The Mayor opened the hearing. No one came forward to speak, and the hearing was closed.

Moved by Goodman, seconded by Mahayni, to reject the bid from R. H. Grabau Construction, Inc., and delay the Animal Shelter renovation project to a later time.

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

HEARING ON 2009/10 AND 2010/11 ASPHALT PAVEMENT IMPROVEMENTS

PROJECT: The hearing was opened by Mayor Campbell. She closed same as no one requested to speak.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 11-288 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$840,069.95.

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

HEARING ON 2011/12 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC FACILITIES NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENTS (NORTH HAZEL AVENUE):

The public hearing was opened and closed by Mayor Campbell after no one came forward to speak.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 11-289 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$287,993.17.

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

HEARING ON 2011/12 COLLECTOR STREET PAVEMENT IMPROVEMENTS PROGRAM (HAYES AVENUE):

Mayor Campbell opened the hearing and closed same after there was no one who asked to speak.

Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO. 11-290 approving final plans final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$427,102.33.

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

HIPRA, USA, LCC: Kurt Kuta, 3333 Sedwick, Ames, again representing the AEDC, urged the Council to endorse HIPRA's application for financial assistance.

According to Mr. Kuta, HIPRA is a preventative vet medicine company based in Spain that has chosen to come to Ames as its first location in North America. It was a highly competitive process that came down to Ames or Kansas City as the preferred location; Ames was ultimately selected due in part to the collaboration among the AEDC, City, and the partnership that exists with Iowa State University. The company, a family-owned business, will initially create 75 jobs with salaries averaging around \$50,000/year. This will result initially in \$96 million in investment. It is anticipated that more jobs will be created as well.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 11-291 endorsing an Iowa Department of Economic Development (IDED) application for financial assistance for HIPRA, USA, LLC, with local match in form of \$148,500 Forgivable Loan (\$74,250 from City and \$74,250 from Ames Economic Development Commission).

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

STAFF REPORT ON PROPOSED APPROACH TO FLOOD STUDY AND MITIGATION: This item was pulled from this Agenda and will be presented at the June 28, 2011, Council meeting.

ORDINANCE REZONING PROPERTY AT 1820 SOUTH DAYTON PLACE: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance rezoning property at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 1010 SOUTH DUFF AVENUE: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance rezoning property at 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REGARDING TOWING OF VEHICLES FROM PRIVATE PROPERTY:
Moved by Goodman, seconded by Davis, to pass on second reading an ordinance regarding towing of vehicles from private property.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE TO PERMIT WINE TASTING AT FARMERS MARKETS: Moved by Goodman, seconded by Davis, to adopt ORDINANCE NO. 4068 to permit wine tasting at farmers' markets.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE MAKING REVISIONS TO CHAPTER 12, *THE CITY HOSPITAL*: Moved by Goodman, seconded by Davis, to adopt ORDINANCE NO. 4069 making revisions to Chapter 12, *The City Hospital*.
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 Goodman, seconded by Davis, to refer to staff the letter dated June 10, 2011, from David Blakeley and Joel Paulsen requesting a change to the Neighborhood Commercial Zoning District regulations that allow no more than three unrelated persons in rental property.

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

Moved by Goodman, seconded by , to refer to staff letter dated June 8, 2011, from Civil Design Advantage, on behalf of Crystal Cove, LLC, requesting a text amendment to allow remote parking for residential uses.

Council Member Wacha explained his reluctance to cause staff to spend any time on this request since he believes that they have taken advantage of a loophole received by condominiums. He noted that Crystal Cove, LLC, is saving approximately \$12,000 annually in taxes that should be being paid to the City of Ames.

Council Member Goodman defended the referral by saying that he might not agree to granting the request, but wanted to learn more about the reasons for the request, i.e., why they are making the request and what the request, if granted, would accomplish. Mr. Wacha said he would agree with the motion only to get more information.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 11:25 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor