

**MINUTES OF THE MEETING OF THE
AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JUNE 28, 2011

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 28th day of June, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Campbell, Clinton, Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. Also present were AAMPO Administrator John Joiner, and Rudy Koester, City of Ames Transportation Planner. Voting Member O'Brien was absent. The Transit Agency appointee has not yet been named.

PUBLIC HEARING ON PROPOSED 2012-2015 TRANSPORTATION IMPROVEMENT

PLAN (TIP): Public Works Director John Joiner explained that the proposed FY 2012-2015 TIP provides for projects for street improvements, CyRide improvements, and trail projects. According to Mr. Joiner, a public input session was held on April 26, 2011, to receive comments on the 2012-15 TIP. No revisions were requested by the public. Rudy Koester, Transportation Planner reported that the deadline for submission of the TIP is July 15, 2011.

Ms. Campbell opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Davis, seconded by Mahayni, to approve the FY 2012-2015 Transportation Improvement Plan.

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

ADJOURNMENT: Moved by Davis, seconded by Goodman, to adjourn the meeting at 7:05 p.m.

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

REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:06 p.m. on June 28, 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. *Ex officio* Member Finseth was also present.

RECOGNITION: Mayor Campbell recognized the Ames High School Girls and Boys Tennis Teams and their coaches, Len Thiede and Miriam Skrade, respectively, for earning state championships early this month. The Mayor distributed Certificates of Recognition to the players present. Highlights of the season were given by Coaches Thiede and Skrade.

PRESENTATION OF RESOURCE RECOVERY PLANT (RRP) AWARD: Public Works Director John Joiner, Resource Recovery Plant Superintendent John Pohlmann, and Assistant Resource Recovery Plant Superintendent Gary Freel presented the *Material Recovery Facility of the Year* Award to Mayor Campbell. Mr. Pohlmann reported that the Award had been initially presented at an international conference in Lancaster, Pennsylvania, by the American Society of

Mechanical Engineers, Materials and Energy Recovery Division. Comments made about the Ames RRP at the conference presentation were quoted by Mr. Pohlmann. He also commended the staff at the RRP for earning the Award.

PRESENTATION ON REDISTRICTING BY STORY COUNTY AUDITOR: Story County Auditor Lucy Martin distributed instructions from the Secretary of State to the Mayor and City Council regarding redistricting. Matt Boeck, GIS Coordinator for Story County, showed the preliminary map of the proposed ward and precinct boundaries for Ames. Also present was Dani Dunham, Deputy Auditor of Elections.

Ms. Martin reported that September 1, 2011, is the City's deadline for adoption of the new boundaries. The boundaries must follow the Census blocks. Ward 2 has grown in population; it will be geographically smaller than it is at present. Legislative boundaries have been reconfigured; Wards 2 and 4 will be in District 46, and Wards 1 and 3 will be in District 45. Ms. Martin stated that individual precincts are "still a work in progress."

According to Ms. Martin, the current boundaries for the wards and precincts will be followed for the election of November 8, 2011. The new boundaries will go into effect on January 15, 2012. Ms. Martin noted that Wards 2 and 4 and the at-large position will be on the November 8, 2011, ballot. She reported that if any Council member is re-districted out of his or her ward, that seat would go up again in 2013 for a two-year term. Ms. Martin explained that, statutorily, the lines may not be drawn based on the residences of incumbents. The lines are drawn so that they follow firm boundaries (major roads). Story County will adopt its ordinance on October 15, 2011, to accept all the cities' ordinances and the precincts in the County. New voter cards will be mailed out in 2012.

Upon the inquiry of Mayor Campbell, Ms. Martin explained that the ideal population for a ward in Ames is 14,741. A deviation of ten percent is allowed. Precincts may not cross legislative boundaries.

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 Regular Meeting of June 14, 2011
3. Motion approving Report of Contract Change Orders for June 1-15, 2011
4. Motion approving certification of civil service applicants
5. RESOLUTION NO. 11-293 approving and adopting Supplement No. 2011-3 to *Municipal Code*
6. RESOLUTION NO. 11-294 approving appointment of Council Member Jami Larson to Ames Economic Development Commission
7. RESOLUTION NO. 11-295 approving 2011/12 Pay Plan
8. RESOLUTION NO. 11-296 approving Title VI of the *1964 Civil Rights Act Compliance Plan*
9. RESOLUTION NO. 11-297 approving 2011/12 Human Service Contract with Big Brothers/Big Sisters of Central Iowa, Inc.
10. RESOLUTION NO. 11-298 approving 2011/12 Human Service Contract with American Red Cross, Lincoln Way Chapter
11. RESOLUTION NO. 11-299 approving renewal of lease for office space at 428 - 5th Street (Information Technology)
12. RESOLUTION NO. 11-300 approving Contract for Arts Funding for Fall 2011

13. RESOLUTION NO. 11-301 approving preliminary plans and specifications for Grand Avenue Extension (from South 16th Street north approximately 400 feet); setting July 19, 2011, as bid due date and July 26, 2011, as date of public hearing
 14. RESOLUTION NO. 11-302 waiving formal bidding requirements and awarding a contract to sole provider Sungard Public Sector at an estimated cost of \$84,369
 15. RESOLUTION NO. 11-303 awarding contract to DB Acoustics of Marion, IA, in the amount of \$62,060 for Auditorium Sound System
 16. RESOLUTION NO. 11-304 awarding contract to Milsoft Utility Solutions of Abilene, Texas, in the amount of \$223,294.71 for Outage Management System and Data Conversion for Electric Services
 17. RESOLUTION NO. 11-305 awarding contract to Con-Struct, Inc., of Ames, IA, in the amount of \$55,000 for Homewood Golf Course Storm Sewer Repair
 18. RESOLUTION NO. 11-306 approving contract and bond for Water Treatment Plant Well Rehabilitation Project (Year 5)
 19. RESOLUTION NO. 11-307 approving contract and bond for 2009/10 and 2010/11 Asphalt Pavement Improvements Project
 20. RESOLUTION NO. 11-308 approving contract and bond for 2011/12 Collector Street Pavement Improvements Project (Hayes Avenue)
 21. RESOLUTION NO. 11-309 approving Change Order for Power Plant Oil Ignitor System Study
 22. RESOLUTION NO. 11-310 accepting completion of ISU Vet Med Substation 15 k-V Metalclad Switchgear
 23. RESOLUTION NO. 11-311 accepting completion of ISU Vet Med Substation Power Transformers
 24. RESOLUTION NO. 11-312 approving Plat of Survey for 2721-2723 West Street, 208 Hyland Avenue, and part of 221 Sheldon Avenue
 25. RESOLUTION NO. 11-313 approving Final Plat for Carney & Sons' Subdivision, First Addition
 26. RESOLUTION NO. 11-314 approving partial completion of public improvements and lessening security for Sunset Ridge Subdivision, 4th Addition
 27. RESOLUTION NO. 11-315 approving partial completion of public improvements and lessening security for Northridge Heights Subdivision, 10th Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Pat Thiel, 818 Clark Avenue, Ames, filed a petition with the City Clerk on behalf of 53 home owners of properties within the Historic Old Town District in regards to revisions to Chapter 31 of the *Ames Municipal Code* that had been initiated by the City Council. Specifically, the petitioners asked that the City Council act in such a way that: (1) No new restrictions would be placed on their properties. Specific opposition was directed to any restrictions to garages or to landscape design or maintenance. (2) Modern building materials would be allowed, e.g., wood-like composites to repair/replace wooden siding and steel as a fencing material.

Ms. Thiel advised that the signatures were obtained via door-to-door canvassing. Only owner residents were allowed to sign the petition. The 53 signatures represent 42 homes, which, according to Ms. Thiel represents approximately one-half of the number of homes in the District.

SHRINE BOWL PARADE ON JULY 23, 2011: Moved by Goodman, seconded by Mahayni, to adopt the following:

- a. RESOLUTION NO. 11-316 approving closure of portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Pearle Avenue, and Clark Avenue from 8:00 a.m. to Noon for parade scheduled at 9:30 a.m.
- b. RESOLUTION NO. 11-317 approving closure of Parking Lot MM and south portion of Lot M (west of City Hall) for parade staging between 6:00 a.m. and Noon
- c. RESOLUTION NO. 11-318 approving waiver of fee for electricity usage in Tom Evans Plaza.

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

DOWNTOWN FARMERS' MARKET ON JULY 23, 2011: Moved by Mahayni, seconded by Wacha, to approve the requests of the Main Street Cultural District and adopt:

- a. RESOLUTION NO. 11-319 approving usage and waiver of fee for electricity in Tom Evans Plaza from 6:00 a.m. to 2:00 p.m.
- b. Motion approving Blanket Temporary Obstruction Permit for Central Business District (CBD) from 8:00 a.m. to 6:00 p.m.
- c. Motion approving Blanket Vending Permit for CBD from 8:00 a.m. to 6:00 p.m.
- d. RESOLUTION NO. 11-320 approving waiver of fee for Blanket Vending Permit

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: None. Abstaining: Goodman. Resolutions declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

FIREWORKS: Moved by Davis, seconded by Wacha, to approve a permit to shoot fireworks from Greenbriar Park on July 4, 2011, at approximately 10:00 p.m., with rain dates of July 3 and July 9, 2011.

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

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING CO.: Moved by Davis, seconded by Mahayni, to approve a 5-Day Class C Liquor License for Olde Main Brewing Co., at the ISU Alumni Center, 420 Beach Avenue.

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

HEARING ON REZONING PROPERTY AT 3409-3413 SOUTH DUFF AVENUE: Planning and Housing Director Steve Osguthorpe explained that the subject property consists of two parcels totaling 16.32 acres. The location is just east of the airport near the southern city limits on South Duff Avenue. The subject property is zoned Agricultural (A). The proposal is to rezone the subject property from Agricultural to Highway Oriented Commercial (HOC) The property is designated HOC on the Future Land Use Map. According to the rezoning application, the subject property will be developed for uses consistent with HOC zoning.

According to Mr. Osguthorpe, the request is consistent with the goals of the LUPP for infill development of areas already in the City and served by City infrastructure. The proposed rezoning would allow infill development to occur on a major thoroughfare, which is consistent with the goals of the LUPP.

Mr. Osguthorpe reported that several nearby residents attended the Planning and Zoning Commission meeting on June 1, 2011, and expressed concerns about storm water drainage. He said that Municipal Engineer Tracy Warner had attended that meeting and explained that any new development in the area proposed for rezoning would have to comply with the *Municipal Code* regarding storm water management.

According to Mr. Osguthorpe, because the property is served by U. S. Highway 69, any new driveways would require approval by the Iowa Department of Transportation (DOT). Ames Public Works staff has determined that development at the site in question would not create the need for additional roadway improvements. Staff also believes that the impact of typical HOC development at this site would not increase the demand on City utility services that have not already been anticipated.

Mr. Osguthorpe advised that the property may be developed with no further platting. There are no immediate plans for sidewalks in this location, but other properties along South Duff (e.g., Carpet One, Jordan Motors) that have developed in this area have been required to ensure completion of sidewalk at the appropriate time, e.g., when the roadway was widened or during corridor beautification. Those properties had existing Sidewalk Agreements as part of subdivision plat approvals; however, at the time of site development plan approval, the topography was not practical for sidewalk installation and financial security was required. Planning staff has discussed this area with the Iowa Department of Transportation and found out that there are no pending plans for road projects at this time; however, the Ames Metropolitan Planning Organization's 2035 Long Range Transportation Plan does include a widening project for this section of South Duff Avenue. There is a future possibility to widen the road to a 5-lane section. Mr. Osguthorpe reported that, because of these two factors, it does not make sense to put the sidewalk in at this point; however, as these properties develop over time, it will likely be a community priority for the sidewalks to be completed.

Mr. Osguthorpe also apprised the Council that the property is within an area that the Federal Aviation Administration recommends protection measures for airports. One of the LUPP goals is to protect the airport approach areas; however, the City does not have any zoning controls that would reduce building heights or limit land uses beyond what already exists in the HOC standards. According to Mr. Osguthorpe, it would be appropriate for an easement to be required that would allow the City to work with a developer to ensure that there is no land use or building height conflicts. The FAA recommendations would not prevent the typical commercial development which has occurred on other portions of South Duff Avenue to the north.

Representing the developer, Chuck Winkleblack reported that the applicant has offered to sell the City the rear portion of the property since it is adjacent to the airport. The offer to sell was considered by Public Works, and it has been determined that the City has no interest in acquiring the rear portion of the property at this time. City Manager Steve Schainker explained that the existence of a cemetery in front would limit the likelihood of this area to be commercially developed in the typical HOC pattern.

Mayor Campbell opened the public hearing.

Dave Folkmann, 3514 South Duff, Ames, advised that he was speaking on behalf of the Neighborhood Association. He described the Neighborhood Association as including the residents living near Ken Maril Road to Jewel Drive and several residents on Emerald Drive. The main concerns of the Neighborhood Association are that there is not adequate infrastructure pertaining to two main areas: drainage and traffic. Mr. Folkmann explained that all the water from the airport runs to the east. He showed a map of the flood plain zone and stated that there are no storm drains to the west of Opal Drive and none on Emerald Drive or on South Duff. All the water therefore needs to run off somewhere and it goes through residents' yards. Regarding traffic, Mr. Folkmann noted that Highway 69 (South Duff Avenue) is controlled by the state. He has discussed the need for a turning lane with the District Chief for the Iowa Department of Transportation and has been told that they have no long-range plans to do anything about the traffic in the area (widen South Duff or add a turning lane).

Chuck Winkleblack, Hunziker and Associates, 105 S. 16th Street, Ames, representing property owners Terry Herink and Jolene Muse, admitted that storm water does run along the south side of the property in question. He said it was important to note that as the site is developed, the post-construction run-off may be no more than the pre-construction run-off. Regarding the two stipulations being recommended by staff, Mr. Winkleblack said that neither he nor the owners are opposed to granting an easement to the City for the airport; however, he has not yet seen it. He also stated that neither he nor the owners are opposed to sidewalks in the area; however, they are opposed to installing sidewalks in the bottom of a ditch that do not connect to other sidewalks on either side.

Jaime Wagner, 3502 South Duff Avenue, Ames, pointed out that pre-construction run-off is already not acceptable since problems with run-off already exist. He said that he is a first-time home owner who cannot personally afford another flood.. Mr. Wagner asked the City Council to consider this issue carefully because run-off is already a big problem for residents of the area in question.

Regarding the post-construction run-off requirement, Dan Strodtman, 3315 Emerald Drive, Ames, said that he has had water problems on his property since paving was installed for a fairly large apartment building on the property located at the corner of Jewel Drive and Highway 69. He advised that all of the water from the parking lot was allowed to drain into a holding tank; however, when it gets full, it is pumped alongside the back of the apartment building through an eight-inch PVC pipe into his neighbor's back yard and then drains to the south into his backyard. Mr. Strodtman urged the City Council to make a decision that does not compound the neighborhood's water problems.

Fred Bradner, 1111 Stafford Avenue, Ames, identified himself as being part of the Willson-Beardshear (now called the Sunrise Addition Neighborhood Association). He advised that his Neighborhood Association wishes to go on record in support of the affected Neighborhood Association's opposition to the requested rezoning. Mr. Bradner told the Council members that he was pleased that they were asking questions about this rezoning. He reported that the residents of his neighborhood felt that the City Council did not ask any questions and did not appear to be listening to them when the rezoning requested by McFarland Clinic was discussed at the meeting held on June 14.

Council Member Goodman asked Director Joiner to comment about the regulations for post-construction runoff. Mr. Joiner explained that, for each rain event, the water may not leave the site at a rate higher than it was prior to construction. He further advised that the owner planning construction is required to have a Storm Water Management Plan; that Plan must show that the rate will be held to what it was prior to the new construction.

Council Member Larson asked Mr. Joiner if there is would be an opportunity for the City to work with a developer to come up with a plan that would not only hold back the rate of flow to what it is currently, but also look at areas for detention that would improve the current situation. He agreed with Mr. Folkmann that there is run-off from the paved areas of the airport that some times runs over South Duff. Mr. Joiner reported that the City has plans to improve drainage in the area in question; those improvements are currently planned in the approved Capital Improvements Plan to occur in 2013.

Council Member Wacha asked about the delay in the Low-Point Drainage Program for this area. Mr. Joiner explained that there are a lot of different areas competing for those funds, and it is a matter of staff prioritizing the areas.

Mr. Winkleblack said that he would be happy to work with staff on the drainage issues for the area. He agreed that there does appear to be a storm water drainage issue at the airport because when it has rained, the detention basins at the airport are dry, but water is ponding elsewhere. Mr. Joiner advised that the Department of Natural Resources inspects the detention basins every two years. It is nearly time for another inspection; however, less than two years ago, the basins were found by the DNR to be adequate. Mr. Winkleblack stated that there are no immediate plans for development on the property for which he is requesting to be rezoned; no marketing has been done.

At the inquiry of Council Member Goodman, Director Joiner stated that the City could review the storm water drainage issue and work with the developer to ensure that the plan is adequate, knowing that the infrastructure will not be addressed until 2013. Council Member Larson said that he had seen the storm water run-off problem in the area in question for over 35 years. He feels the run-off does come from the airport. Mr. Larson said, however, that he believes the property, which is the subject of the rezoning request, does not contribute tremendously to the neighbors' issues.

Council Member Davis asked how the City can facilitate a change in the speed limit on South Duff. Mr. Joiner advised that the Iowa DOT is formally part of the City's development process when plans for property adjacent to South Duff are submitted to the City. The City may also meet informally with the District I Office located in Ames if staff detects problems.

Discussion ensued concerning the City working with the developer and the residents to get approval of a drainage plan prior to approval of a site plan. Director Joiner explained that it could take up to a year to perform a study, hold meetings with the neighbors, and comprise an adequate storm water drainage plan.

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

Moved by Wacha, seconded by Goodman, to pass on first reading an ordinance rezoning property at 3409-3413 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC) with the following conditions:

1. That an airport protection easement is required to ensure that there is no land use or building height that conflicts with the Airport.
2. That a Zoning Contract be signed ensuring the completion of the sidewalk that runs with the land, which would involve filing financial security with the requirement for installing the sidewalk being triggered by the state deciding to widen U. S. 69.

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

Moved by Wacha, seconded by Davis, to direct staff to perform the conceptual plan analysis for the Low-Point Drainage Program for this area.

Council Member Larson stated that he would rather see a report from staff come back to the City Council first noting how much it would cost and what it would entail. Mr. Joiner said that an engineering analysis would need to be done looking at the rainfall events and run-off. Consultant selection, which takes about a month, would also be required. With the necessary steps following the selection of the consultant, it would take approximately another three months. Mr. Joiner estimated that the cost would be \$50,000.

Council Member Wacha withdrew his motion.

Moved by Wacha, seconded by Davis, to direct staff to report back to the City Council on the cost and time frame estimate, including the funding source, for the conceptual planning portion of the Low-Point Drainage Program.

Mr. Wacha clarified that he was talking about a long-term plan being prepared now so that when the property develops, those concepts can be incorporated into the development of the property.

It was noted by Council Member Goodman that there appeared to be two separate issues: One pertains to a long-term concept for the Southdale area and the other one is more narrowly focused on trying to address the residents' immediate needs and issues by working with the developer in the near future.

Council Member Davis pointed out that the property being rezoned is not really the "culprit."

City Manager Schainker noted that there appeared to be confusion, and he would like some time to meet with staff on this. He pointed out that it is not necessarily tied to this rezoning. If there are two different levels of reports, he will advise Council accordingly.

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

HEARING ON REZONING PROPERTY AT 516 KELLOGG AVENUE: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Mahayni, seconded by Davis, to pass on first reading an ordinance rezoning property at 516 Kellogg Avenue from Government/Airport (S-GA) to Downtown Service Center (DSC).

Council Member Goodman left the meeting at 8:47 p.m.

Roll Call Vote: 5-0. Motion declared carried unanimously.

HEARING ON REZONING PROPERTY AT 500 KELLOGG AVENUE: The Mayor opened the public hearing. She closed same after no one came forward to speak.

Moved by Davis, seconded by Larson, to pass on first reading an ordinance rezoning property at 500 Kellogg Avenue from Downtown Service Center (DSC) to Government/Airport (S-GA).
Roll Call Vote: 5-0. Motion declared carried unanimously.

Council Member Goodman returned at 8:50 p.m.

HEARING ON REVISED MASTER PLAN FOR NORTHRIDGE HEIGHTS SUBDIVISION:
Planning and Housing Director Osguthorpe advised that the property owner, Uthe Development Company, had requested revisions to the Preliminary Plat and Master Plan for property located north of Bloomington Road, east of George Washington Carver Avenue and west of the Union Pacific Railroad.

Mr. Osguthorpe summarized the proposed changes to the Preliminary Plat. He said that it had previously been planned for the area in question to contain a combination of apartment buildings and townhomes; however, it is now proposed to contain ten apartment buildings, each containing 12 units. With the revision, the minimums for lot area and frontage would be met as would the net density requirement (13.2 units/net acre).

The Council's attention was directed to a gap that exists in the sidewalk system adjacent to the project. According to Mr. Osguthorpe, the one issue that remains for the City Council's consideration is the required timing for the installation of the public sidewalks and shared use path. He elaborated that the Council will need to determine if sidewalks/shared use path installation will be required prior to Final Plat approval or if it should be deferred under either a financial guarantee or occupancy provision in a Sidewalk Agreement.

Director Osguthorpe reported that at the Planning and Zoning Commission meeting, several residents of areas in Northridge Heights near the proposed Lot 20 spoke of their concerns about the width of the local streets in relation to the traffic that might be expected from the proposed development and about the difference in appearance between the townhomes. He noted that the Planning and Zoning Commission at its meeting of June 1, 2011, unanimously recommended approval of the revised Preliminary Plat with four conditions:

1. Approval of the revised Master Plan for Northridge Heights Subdivision that is being processed concurrently with the Preliminary Plat application.
2. Revision made to the note on Lot 20 to include the width of the easement.
3. The six-foot public sidewalk easement being provided with the Final Plat.

4. All other Preliminary Plat sheets not above-referenced are unchanged.

Mayor Campbell opened the public hearing.

John Belcher, 2916 Roxboro Drive, voiced his opposition to the construction of apartments. He believes that apartments in the area would damage property values and lower his quality of life. Mr. Belcher contended that there are plenty of apartments in Ames.

Chuck Winkleblack, Hunziker & Associates, 105 S. 16th Street, Ames, said that there would be ten 12-unit apartment building with an abundance of green space. He advised that the developer is agreeable to install sidewalks that will connect from Cardiff (to be changed to Grey Hawk Drive) to the west over to the sidewalk that currently exists.

There being no one else requesting to speak, the Mayor closed the hearing.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 11-321 approving revisions to the Preliminary Plan and Master Plan, with the following stipulations:

1. Revision made to the note on Lot 20 to include the width of the easement.
2. The six-foot public sidewalk easement being provided with the Final Plat.
3. All other Preliminary Plat sheets not above-referenced are unchanged
4. A signed Sidewalk Agreement be presented with the Final Plat that requires all public sidewalks along the west and south property boundaries to be completed before occupancy permits are issued for any dwelling units and that the shared use path be completed before occupancy permits are issued for any dwelling units in the final building.

Council Member Wacha asked if Council could impose a restriction that the apartments not be converted to condominiums. City Attorney Doug Marek advised that it would have to be proved that an additional burden would be imposed on the infrastructure since this is dealing with a revision to a Master Plan that had already been submitted and approved.

Moved by Goodman, seconded by Larson, to amend the motion to require that the sidewalks be installed at the time of occupancy or within 12 months, whichever comes first.

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

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

HEARING ON ENVIRONMENTAL IMPACTS OF CONSTRUCTION OF PROPOSED DISINFECTION SYSTEM AT WASTEWATER TREATMENT FACILITY:

Water and Pollution Control Director John Dunn explained that this was a procedural step that is required by the financing plan that the City is using to fund the disinfection project. He reminded the Mayor and Council that the installation of disinfection at the Water Pollution Control Plant is a requirement of the new NPDES Permit for the facility. The City is financing same through a State Revolving Fund Loan, and one of the requirements to receive that federal funding is that an environmental assessment on the impacts from the construction of the improvements needs

to be completed. Mr. Dunn showed a site plan of the facility with the plan for disinfection shown thereon. It is on the eastern boundary of the facility along the fence line and is on the edge of an area that was previously disturbed by the construction of the facility, so it is not anticipated that there are any cultural or historical artifacts that are going to be in the area. The DNR has already conferred and received clearance from the State Historic Preservation Society, the Corps of Engineers, and has consulted with numerous American Indian tribes and received no comments or concerns.

Mr. Dunn explained that what the City Council is being asked to approve is the findings that the impacts that would come from the project are typical construction impacts, e.g., dust, additional traffic from construction trucks, and that there is no irreparable loss of habitat or air or water quality losses.

Mr. Dunn noted that a separate hearing will be held before the City enters into any financial agreements with the SRF loan program.

The public hearing was opened by the Mayor. She closed same after no one asked to speak on this topic.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-323 approving the environmental information document.

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 WATER SYSTEM IMPROVEMENTS (WATER MAIN REPLACEMENT FOR GRAEBER STREET/HUGHES AVENUE): The Mayor opened the public hearing. No one wished to provide input, and Mayor Campbell closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-324 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$155,533.00.

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

HEARING ON EMERGENCY FLOOD RELIEF PROJECTS (SOUTH DAYTON AVENUE, 6TH STREET BRIDGE, LINCOLN WAY BRIDGE AT SQUAW CREEK): Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 11-325 approving final plans and specifications and awarding contract to Sheets Excavating, Ltd., of Montezuma, Iowa, in the amount of \$43,030.00, subject to IDOT concurrence.

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

The meeting recessed at 9:17 p.m. and reconvened at 9:22 p.m.

UPDATE ON CAMPUSTOWN REDEVELOPMENT PROJECT: City Manager Schainker advised that the project consists of two phases: one on the east side of Welch Avenue and the

other west of Welch. Mr. Schainker strongly emphasized that there is no design; the numbers that he will be presenting are very preliminary. He gave the background on this project. It was anticipated that the next step would involve the completion of a Memorandum of Understanding that would document, on a conceptual level, the commitments to be made by all parties; however, that point has not been reached.

Mr. Schainker advised that the City's incentive of \$3,100,000 towards the overall project cost would require a 20-year TIF and that assumes the taxable valuation of the new commercial properties remains at 100%.

Phase on the East Side of Welch along Lincoln Way. The project cost is estimated at \$19,402,176 (which includes \$10,976,765 of construction costs). Mr. Schainker emphasized that that assumes the taxable valuation of the new commercial properties remains at 100% and not reduced by the State Legislature, as currently is being contemplated. The square footage would total 60,235. It would include a drug store on the first floor (15,235 square feet) and 45,000 square feet for offices on the second to fourth floors. The developer is working to secure an extension to a purchase option for all land needed to complete this phase. Mr. Schainker gave credit to the Champlin Family, who is very committed to improving Campustown, and noted that negotiations are continuing. Because it has taken longer than expected, the Champlin Family needed to lease its property. This phase assumes that the University is willing to enter into a long-term office lease starting at \$16/square feet. Lane4 maintains that, even with that lease rate, there would be a \$3,100,000 shortfall to make this a viable project.

Phase on the West Side of Welch along Lincoln Way. The project cost is estimated at \$17,393,497 (includes \$7,418,000 of construction costs). The square footage would total 62,000 (14,000 square feet for retail space on the first floor and 48,000 square feet for hotel on second to fourth floors). Property owners have been offered 110% of assessed valuation; however, to date, no purchase options have been secured for any properties in this phase. The developer has indicated that it is not possible at this time to guarantee that the second phase will be built. This position is in conflict with the University's original requirement that a commitment must be made by the developer to construct both phases before a long-term office lease will be signed by Iowa State University (ISU). The University has not yet determined if they will commit to cease operation of the Memorial Union Hotel. This was a condition required by the developer in order for them to proceed with the construction of a hotel in this phase.

Mr. Schainker summarized the outstanding issues, as follows:

1. How will the \$3,100,000 financing gap be filled?
2. Are the University and the City willing to allow the developer to proceed with the east phase without any assurance that the west phase will ever be accomplished?
3. Is the University willing to cease operations of the Memorial Union Hotel as a condition for including a new hotel in the west phase?
4. Is the City Council willing to exercise its power of eminent domain in order to assist the developer in its effort to assemble land for this project?
5. What happens if after December 31 neither phase can proceed because the economy has not improved to a point where tenants have been identified for either the east or west phases?
6. In addition to the TIF incentive for both phases and the contribution of the City parking lot on the east side of the development, there might be a need for the City to expend additional

funds to deal with off-site improvements not contained in the developer's plan (e.g., street, storm water, water, and sewer improvements).

City Manager Schainker advised that late today, he received a letter from Lane4 requesting a 60-day extension to the Master Developer Agreement.

Warren Madden, Vice-President for Business and Finance at Iowa State University, pointed out that the challenge is to arrive at a project that is financially viable for the City and the University. He noted that Lane4 has also been challenged to work on this project in a very weak economy. Mr. Madden explained that the University had hired a financial analyst to help determine if the University should be a player in this project. He emphasized that the Board of Regents would have to ultimately approve any agreements. The Council was informed that Lane4 had requested the University to enter into a 20-year lease for office space at a rate of \$16/square foot. That number, although lower than originally quoted, is still quite high, and according to Mr. Madden, there is office space in Des Moines that rents for substantially less than that amount. Mr. Madden noted that the University is willing to continue negotiations. He noted that there is still a large number of unknowns, but the University knows that it wants more than one office building and a drug store. Referencing the required 20-year agreement, Mr. Madden noted that the University would want some assurances before it could enter into such an agreement.

Council Member Wacha said that the question before the Council is whether or not to grant a 60-day extension to Lane4's Master Development Agreement. He said he feels that the City really has no choice but to grant it.

Council Member Orazem said that it does not appear that land would be obtainable on the west side.

Council Member Larson said he loves the idea of redevelopment of Campustown, but he does not have a lot of faith in the project. He pointed out all the pieces that have to come together, specifically noting the \$3,100,000 shortfall.

In Council Member Mahayni's opinion, the time is not right for this project. There are too many "what if's." He believes that to continue the Master Development Agreement too long would not be healthy for Campustown. Mr. Mahayni calculated that it could be a financial commitment of at least \$12 million by the City and no guarantee that it was going to be successful.

Council Member Davis noted that there is a strong likelihood that State Legislature will reduce the taxation on commercial properties. He also said that he has a strong sense that the University will not commit unless redevelopment of both the east and west sides will be accomplished.

Ex officio Tor Finseth advised that the Government of the Student Body supports this, but very cautiously. He does not believe that eminent domain should be pursued by the City.

Council Member Wacha noted that he has a very hard time "giving up," and he would like to approve the 60-day extension, perhaps without exclusive rights. Council Member Mahayni noted that discussions can still occur without extending the Agreement. Mr. Mahayni asked the other Council members if they really believed that the issues could be resolved within 60 days. Although he has always been a proponent of revitalizing Campustown, "the facts are what they

are.” Mr. Wacha said he wanted the improvements to be more than “facade grants and flower pots.”

Mr. Goodman said that he sees this project as having little likelihood of success. He noted that there is a lot of excitement in Campustown about its possible revitalization, but it doesn’t appear that what is being proposed by Lane4 is feasible.

Council Member Larson shared conversations that he had recently had with Dan Culhane, Director of the Ames Economic Development Commission (AEDC). Mr. Culhane told Mr. Larson that he believes the AEDC could play a bigger role in helping the Campustown Action Association and the community get something going on the redevelopment of Campustown.

John Haila, 2330 Lincoln Way, Ames, identified himself as the President of the Campustown Action Association (CAA). He said that the discussions with Lane4 have stimulated a lot of excitement about improving Campustown. Mr. Haila said that the CAA hopes that the momentum continues and helps to create a common vision that capitalizes on the energy in Campustown. Mr. Haila shared that discussions have occurred among Campustown property owners about the use of eminent domain for the west phase. He believes that there would be a lot of resistance if the City decided to go that route.

Mike Roberts, 227 South Story, Boone, identified himself as a managing partner for Legends American Grill. Mr. Roberts pointed out that, other than Iowa State University, the only tenants are a grocery store and a pharmacy. He noted that HyVee has stores within two miles each way; HyVee is a “power house” grocery store in the Midwest and “would not allow someone to come in and take over its territory.” Mr. Roberts believes that a better plan would be to meet with the owners and, as a City and Iowa State, invest \$5 million on facelifts that could attract a bigger tenant, e.g., Old Navy, Pot Belly restaurant, etc. Others might be interested in building around those types of businesses.

Moved by Orazem, seconded by Larson, to deny the request of Lane4 developers for an extension of time, but encourage them to continue discussions.

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

RIVER FLOODING STUDY AND MITIGATION: Assistant City Manager Bob Kindred reminded the Council that, following the flood, the City Council established a new Council goal early this year to mitigate flooding. This goal included the following two objectives, both of which were to include short-term and long-term mitigation actions: (1) To reduce the possibility of damage in Ames caused by river/watershed flooding, and (2) To reduce the possibility of damage in Ames caused by localized flooding. According to Mr. Kindred, better prediction and mitigation of the effects of flooding are high priorities for both Story County and Iowa State University.

Council Member Goodman referenced an e-mail message received today from Erv Klaus emphasizing that watershed management could have an impact and should be a part of the mitigation.

According to Mr. Kindred, while some progress has already been made on this Council goal, this will be a slow, deliberative process. This is due to the dynamic status of related research and other development currently being carried out by a number of other governmental entities. There will also be a great need to involve the many affected stakeholders as the process progresses and as policy-makers make their final decisions.

Mr. Kindred presented a proposed approach to a community-wide, multi-jurisdictional effort to engage the public and to identify possible causes, issues, approaches, and potential ways to address flooding in Ames. He described the goals and estimated time frames for each step.

George Covert, 3000 Northridge, Ames, applauded the City for its efforts to date. He said there is always a dilemma about getting things done right and getting them done quickly, and noted that if things are not done quickly and areas experience another deluge, the City will definitely hear about it. Mr. Covert suggested that the City should develop a risk profile based on its drainage network to determine how susceptible certain areas are to experience the deluges and localized flooding.

UPDATE ON INSPECTIONS DIVISION: Fire Chief Clint Petersen presented a proposed course of action to address the short-term and medium-term personnel requirements that will allow the City to meet its building community's needs for timely inspections. According to Chief Petersen, in the spring of 2011, permits for large scale new construction and resulting building inspections activity have shown a significant upswing in Ames. There are several large-scale projects underway and more are in development. The increased construction activity, vacant positions, and recent loss of a key staff member have created a need to develop a new strategy to address customer needs in the building industry.

Chief Petersen recalled that approximately two years ago, it was decided to leave a Building Inspector position unfilled; the FTE was retained. It is now being requested that that position be filled as well as increasing the clerical staff to support that position.

According to Chief Petersen, revenue projections done in early October 2010 appear to be substantially lower than what is anticipated to actually occur. It is important to get the Building Inspector brought on board; recruitment and training is a six-month process. Revenues should be adequate to pay for this position and the part-time clerical position. Chief Petersen noted the Department's philosophy that, over a long period of time, a user-based fee system should be able to cover the inspection process.

Council Member Davis asked Chief Petersen if he would be willing to lay off the additional .4 clerical person if there would be an extreme decline in inspections needs. Chief Petersen replied that employment levels in government cannot be guaranteed in the way that they were in the past. He said that if the philosophy is that it is a user-based fee, then the permit revenue and activity level needs to be matched to the employment levels.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 11-327 authorizing the filling of the vacant Building Inspector position.

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. 11-328 authorizing the addition of .4 FTE Clerical position.

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

AGREEMENT FOR URBAN FRINGE IMPLEMENTATION: Planning and Housing Director Steve Osguthorpe advised that the Ames Urban Fringe Plan was adopted by Ames, Gilbert, and Story County in 2006. He recalled that, late last year, the staffs of Ames, Gilbert, and Story County identified two issues that required direction from the governing bodies. In November, 2010, the City Councils of Ames and Gilbert and the Story County Board of Supervisors met jointly to resolve whether 1) each jurisdiction would forego subdivision review and approval authority in certain areas of the Urban Fringe and 2) an amendment to the Ames Urban Fringe Plan required the concurrence of all three governing bodies. That meeting provided the policy direction that staff needed on those two issues, and the agreement to implement the Plan has now been finalized.

City Planner Charlie Kuester summarized in detail the proposed Agreement, specifying what each participating entity was committing to do.

According to Mr. Kuester, the Gilbert City Council and the Story County Board of Supervisors will act on the agreement in the first half of July. If adopted by all jurisdictions, the agreement will be in effect for five years, with an automatic renewal for an additional five years unless any jurisdiction objects. This agreement will provide direction to the staff of the three jurisdictions on processing divisions of land. It will provide customers and property owners a more streamlined process for approval of these divisions. It will allow the participating cities and the County to give up some subdivision review authority in areas where its interests are not directly affected. The agreement will preserve agricultural and other rural lands from inefficient urbanization and unwanted land uses.

Planner Kuester said that, while the agreement does not yet contain the design and improvement standards for subdivisions in the Rural/Urban Transitional Areas, the many benefits that the agreement will now provide should not be further delayed. Even without the formal adoption of design and improvement standards, the jurisdictions would still be able to provide recommendations during subdivision approval for any needed infrastructure.

Moved by Larson, seconded by Wacha, to adopt RESOLUTION NO. 11-329 approving the 28E agreement with Story County and Gilbert.

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

REPORT ON MINIMUM BUILDING HEIGHT IN DOWNTOWN SERVICE CENTER ZONING DISTRICT: Director Osguthorpe recalled that, on April 12, 2011, the City Council had directed the Planning and Zoning Commission to consider the minimum building height requirement in the DSC zoning district. The *Ames Municipal Code* contains this requirement, which is the minimum height of two stories. This requirement was enacted with the current Zoning Ordinance in 2000.

According to Mr. Osguthorpe, the Planning and Zoning Commission reviewed the issue of minimum building heights in the Downtown Service Center zoning district at its meeting of May 18, 2011. The Commission found consensus on the importance of two-story and taller building heights to the character of the Downtown and that this character is important to the community. They also agreed on several other characteristics that make the area more than a typical downtown, rather a cultural district which is an important attribute that Ames can present to residents and visitors. The Commission supported ongoing modernization that preserves the existing special characteristics and makes it more clearly a cultural district; this relates not only to minimum building height, but also to maximum building height and to the uses in the upper stories of the buildings. The Commission also agreed that it is important to have a better, clearer definition of building height (maximum or minimum) than the current undefined “story.”

1013 ADAMS STREET: Moved by Davis, seconded by Goodman, to approve the process for selling City property located at 1013 Adams Street.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-330 proposing the sale of the City property located at 1013 Adams Street, establishing a minimum bid of \$125,000, approving utilizing an auction to be held on Wednesday, July 27, 2011 at 7 PM at the property, setting the public hearing on the proposed sale for August 9, and directing publication of a notice of hearing for sale of the property.

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

PROPERTY COVERAGE AND BOILER AND MACHINERY COVERAGE: Inta Garrett, Human Services Analyst, introduced David Eaton as the City’s newly hired Risk Manager.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-331 approving renewal of a contract with F. M. Global for property coverage and boiler and machinery coverage for FY 2011/12 in the amount of \$677,330.

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

CASUALTY AND LIABILITY INSURANCE COVERAGES: Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-332 approving renewal of a contract with Iowa Communities Assurance Pool (ICAP) for casualty and liability insurance coverages in the amount of \$452,942.

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

SAFETY AND TRAINING PROFESSIONAL SERVICES: Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 11-333 approving a contract with Iowa Association of Municipal Utilities (IAMU) for safety and training professional services for FY 2011/12 in an amount not to exceed \$162,413.

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

EXCESS WORKERS' COMPENSATION INSURANCE: Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 11-334 approving renewal of contract with Safety National for Excess Workers' Compensation insurance
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REZONING PROPERTIES BETWEEN 11TH STREET AND 13TH STREET (FROM DUFF AVENUE TO CARROLL AVENUE): Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance rezoning properties between 11th Street and 13th Street (from Duff Avenue to Carroll Avenue) from Urban Core Residential Medium Density (UCRM) to Hospital-Medical (H-M).
Roll Call Vote: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

ORDINANCE VACATING 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: Moved by Davis, seconded by Mahayni, to pass on second 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.

ORDINANCE MAKING A TEXT AMENDMENT TO HEIGHT LIMITS FOR PRINCIPAL STRUCTURES IN HOSPITAL-MEDICAL ZONING DISTRICT: Moved by Goodman, seconded by Wacha, to pass on second reading an ordinance making a text amendment to height limits for principal structures in Hospital-Medical Zoning District.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTIES AT 1010 AND 1018 KELLOGG AVENUE AND 220 AND 222-11TH STREET: Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance rezoning properties at 1010 and 1018 Kellogg Avenue and 220 and 222 11th Street from Medium-Density Residential (R-M) to Hospital-Medical (H-M).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 1820 SOUTH DAYTON PLACE: Moved by Goodman, seconded by Davis, to pass on third reading ORDINANCE NO. 4070 rezoning property at 1820 South Dayton Place from Agricultural (A) to Highway-Oriented Commercial (HOC).
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REZONING PROPERTY AT 1010 SOUTH DUFF AVENUE: Moved by Wacha, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4071 rezoning property at 1010 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC).
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REGARDING TOWING OF VEHICLES FROM PRIVATE PROPERTY:

Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 4072 regarding towing of vehicles from private property.

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 Goodman, to refer to staff the letter from business owners dated June 11, 2011, requesting another access route to enter the businesses at 421 and 431 South Duff.

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

Moved by Davis, seconded by Goodman, to request City Manager to write the Woodview Association homeowners, in response to their letter dated June 22, 2011, requesting a waiver of costs [except what each property owner should be obligated to provide (cost of taking services from the road to the house)] or consider using unencumbered Community Block Grant funding from flood response and mitigation to assist with construction of utilities for Woodview Drive
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 11:18 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor