

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

AMES, IOWA

OCTOBER 22, 2013

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Council Members Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha present. *Ex officio* Member Alexandria Harvey was also present.

**PRESENTATION OF “YOUNG LEADER OF THE YEAR AWARD” FROM AMERICAN PUBLIC WORKS ASSOCIATION (APWA):** Eric Cowles, Civil Engineer II with the City of Ames, appeared before the Council as the Iowa Chapter Awards Chairman for the American Public Works Association (APWA) to present awards on behalf of the Iowa Chapter. He recognized the following Chapter dignitaries in support of these achievements: Larry Stevens, National APWA President-Elect, Tracy Warner, Iowa Chapter President, Nate Easter, Chapter Regional Director, and John Joiner, Alternate Chapter Delegate and Past President.

Mr. Cowles stated that the “Young Leader of the Year Award” recognizes and encourages APWA members to demonstrate an initial commitment to the profession and show potential growth within the Chapter by contributing to its well-being. Recipients of this award must be an active member for five consecutive years and not exceed 35 years of age as of the award deadline. Candidates must also demonstrate an ability to act on the branch level by serving on committees, as an officer, or leading projects. Mr. Cowles said that this year’s recipient is Ben McConville, City of Ames GIS Coordinator, and that he exemplifies what it means to be a City employee and a steward of Public Works.

**PRESENTATION OF “PROJECT OF THE YEAR AWARD” FROM APWA:** Iowa Chapter Awards Chair Eric Cowles recognized the 2011/12 Downtown Street Improvement - Kellogg Avenue and Main Street Project as the 2013 “Project of the Year” in the Transportation, less than \$5 million category. The projects are evaluated on safety and environmental considerations, community relations, and construction scheduling and management. Mr. Cowles recognized Justin Clausen, Construction Supervisor with the City of Ames, Doug Waite from Con-Struct, Inc., the prime contractor, and the design team of Civil Design Advantage of Grimes, Iowa, represented by Gary Reed.

Mr. Cowles stated that both Ben McConville’s and the Kellogg/Main Street Project’s Iowa Chapter awards will be submitted to the National American Public Works Association for consideration of the national awards.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of October 8, 2013
3. Motion approving Report of Contract Change Orders for October 1-15, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – Cave Events Room, 122 Welch Avenue
  - b. Class C Beer & B Wine – Southgate Expresse, 110 Airport Road
  - c. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
  - d. Class C Liquor - London Underground, 212 Main Street
5. RESOLUTION NO. 13-480 approving appointment of members to Central Iowa Regional Housing Authority (CIRHA) Board of Commissioners

6. RESOLUTION NO. 13-481 approving Human Relations Commission Contract with Iowa Civil Rights Commission
7. RESOLUTION NO. 13-482 approving preliminary plans and specifications for Spring 2014 Boiler Repairs; setting November 27, 2013, as bid due date and December 10, 2013, as date of public hearing
8. RESOLUTION NO. 13-483 awarding contract for 2013/14 Winter & Summer Tree Trimming for Public Works to LawnPro, LLC, of Colo, Iowa, in the amount of \$75,000
9. RESOLUTION NO. 13-484 awarding contract for Automated Materials Handling System to RFID Library Solutions of Minneapolis, Minnesota, in the amount of \$290,014
10. RESOLUTION NO. 13-485 awarding contract for purchase of Unit No. 7 Steam Coil Air Heaters to Advanced Coil Technology, LLC, of Owatonna, Minnesota, in the amount of \$58,500 (plus applicable sales taxes to be paid by City to State of Iowa)
11. RESOLUTION NO. 13-486 approving contract and bond for Replacement Superheater Attemperator
12. RESOLUTION NO. 13-487 approving Change Order No. 1 with Scott Peterson Construction, Inc., of Tyler, Minnesota, in the amount of \$38,250 for work on window sashes for Library Renovation project
13. RESOLUTION NO. 13-488 approving Change Order No. 2 with Terracon of Des Moines, Iowa, in the amount of \$14,400 for additional asbestos testing, analysis, and abatement monitoring for Library Renovation project
14. RESOLUTION NO. 13-489 accepting final completion of 2012/13 Low-Point Drainage Improvements (Oliver Circle)

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

**PUBLIC FORUM:** No one spoke during this time.

**OUTDOOR SERVICE AREA EXTENSION FOR WALLABY'S 3720 LINCOLN WAY:** Moved by Davis, seconded by Larson, to approve an Outdoor Service Area extension on November 8, 2013, for Wallaby's, 3720 Lincoln Way.

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

**CLASS C LIQUOR LICENSE FOR HY-VEE #1 CLUBROOM:** Moved by Davis, seconded by Larson, to approve a Class C Liquor License for Hy-Vee #1 Clubroom, 3800 West Lincoln Way.

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

**CLASS C LIQUOR LICENSE, B WINE, AND OUTDOOR SERVICE FOR +39 RESTAURANT AND CANTINA:** Moved by Davis, seconded by Szopinski, to approve a Class C Liquor, B Wine, and Outdoor Service License, 2640 Stange Road, pending receipt of Certificate of Occupancy.

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

**5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY:** Moved by Davis, seconded by Szopinski, to approve:

- a. Special Class C Liquor at ISU Alumni Center, 420 Beach Avenue
- b. Special Class C Liquor at CPMI Event Center, 2321 North Loop Drive
- c. Special Class C Liquor at ISU Alumni Center, 420 Beach Avenue

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

**ENCROACHMENT PERMIT FOR SIGN AT 340 SOUTH DAYTON AVENUE:** Moved by Davis, seconded by Wacha, to approve the encroachment permit to allow a sign to encroach approximately four feet into the City right-of-way for Jerry Carney & Sons, 340 South Dayton Avenue.

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

**ISU HOMECOMING REQUESTS:** Melanie Anderson, 122 Beach Avenue, #306, and Carly Taylor, 425 Welch Avenue, #207, co-chairs for ISU Homecoming 2013, were present on behalf of the Student Alumni Leadership Council (SALC) at Iowa State University. The SALC is preparing to celebrate the 101<sup>st</sup> anniversary of Homecoming at Iowa State, October 28 through November 9. The 2013 Homecoming celebration will include a wide variety of events for students, alumni, and members of the community. A pep rally, ExCYtement in the Streets, lawn displays, the pancake feed on Central Campus, and the football game are just some of the events occurring during the celebration. Ms. Taylor thanked the City Council for its contribution for funding a portion of the Central Campus pancake feed.

To facilitate the events, organizers are asking the Council to approve street closures for ExCYtement in the Streets on November 8, 2013, and a fireworks permit scheduled on November 9.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-490 approving the following street closures on November 8, 2013, from approximately 6:30 p.m. until 11 p.m.: Sunset Drive from Ash Avenue to just west of the intersection with Beach Avenue; Ash Avenue from Gable Lane to Knapp Street; Gray Avenue from its intersection with Gable Lane to Greeley Street; and, Pearson Avenue between Greeley Street and Sunset Drive.

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 Davis, to approve a Temporary Obstruction Permit to cover the closed streets, as well as the triangular-shaped median at the intersection of Pearson and Sunset.

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

Moved by Goodman, seconded by Davis, to approve a Fireworks Permit for a ground effects fireworks display on Central Campus to begin at Midnight on Saturday, November 9, 2013.

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

**HEARING ON AMENDMENT TO PLANNED RESIDENCE DISTRICT PLAN FOR WESTWOOD VILLAGE:** City Planner Jeff Benson reported that Westwood Village is a Planned Residence District (PRD) with a variety of housing types located in west Ames bounded by Lincoln Way, Marshall Avenue, Hickory Drive, and McDonald Drive. There is an approved Major Site Development Plan (MSDP) for the subject area, and the property owner is now requesting approval of modifications to the previously approved Plan. Mr. Benson explained that the owner is proposing to expand from a two-story, 16-unit building to a three-story 24-unit building, which increases the bedrooms for the entire project from 169 to 217. He described the existing locations of the Village ingresses/egresses. The owner intends to construct the three-story apartment building farther to the west, which will place the parking lot to the east of it. The total number of parking spaces on the site will be increased from 196 spaces to 248.

Planner Benson presented pictures of an oak grove on the site, and he described the trees' locations in conjunction with the proposed layout of the site. Three trees will need to be removed to accommodate the construction, with five trees to be removed due to condition at the recommendation of a botanist. Mr. Benson indicated that oak trees are sensitive to construction and certain activities, therefore, it is important to protect the area within the crown, or drip-line, of the trees.

Mr. Benson stated that the Planned Residence District allows for more flexibility, but there are standards. The report analyzes the *Code* criteria. He advised that staff is recommending the Council approve the proposed revisions to the Major Site Development Plan for Westwood Village. Staff has concluded that the change in building location will help reduce its visual impact from the east, and that the location change and alternative pavement design of parking will better protect the mature oak grove.

Upon questioning by Council Member Wacha, Planner Benson said that neighbors have expressed concerns about increased traffic in the surrounding neighborhood. He presented a map which showed the three driveways that accessed the area. One driveway is off West Lincoln Way with a right turn only. There are two existing drives off of Marshall Avenue; one is intended to be right turn out and right turn in. The other driveway is farther north, with the approach straight in off of Marshall.

Mr. Benson explained that in 1974 when Westwood Village was first approved, it was zoned low density. The idea was to help it fit into the neighborhood with single-family and multi-family housing, townhomes, etc.

Planner Benson reviewed the visuals of the proposed elevations for the three-story building. Upon questioning, he replied that the trees are much taller than the building.

In response to Council Member Szopinski's question, Mr. Benson stated that there is nothing that would prevent the property owner from locating the two-story building's footprint farther away from the oak grove. However, the developer does have an approved Plan to build it where it is shown on the map.

Robert Sill, 3700 Woodland Street, said he resides near the corner of Woodland Street and Hickory Drive. He asked the Council to deny the proposal as it is inconsistent with the environment and the low-density zoning of the neighborhood. Mr. Sills stated that this development requires a much smaller footprint. The fringe of the area is wooded in character.

Douglas Provow, 3655 Story Street, indicated that he lives on the north side of the development. He is opposed to the plan for several reasons—one being that the PUD is a huge expansion that juts into an area of single-family homes. The structure that is currently there, in addition to the proposed three-story apartment, will result in twice the number of bedrooms. Mr. Provow said that the authorized two-story building would have 24 bedrooms, but a three-story structure would have 72, which equates to three times of what is now allowed. He said that the neighborhood has been continually harassed with constant revisions. This is the 32<sup>nd</sup> time he has appeared before the Planning and Zoning Commission or the City Council.

Mr. Provow had solicited an opinion from William Boon, retired professor emeritus in Landscape Architecture at Iowa State University, and submitted his letter to the City Council. In his letter,

Mr. Boon had indicated that he appreciated that the new plan for the apartments shows the new, larger structure has been moved back away from the oak grove. However, the road and parking spaces east of the proposed apartment unit are too close to the oak grove, and the access road through the south edge of the grove threatens the life of the trees.

Mr. Provow expressed his disapproval of removal of any of the trees. He said that when any construction occurs near oak trees, there is a risk of damage to the trees that will not show up for years. In addition, he saw no need to remove any of the existing trees on the premise of them being diseased. An absence of two or three parking spaces would be much better than removal of trees. Mr. Provow remarked that if the developer wanted to save the oaks, he could move the two-story building to the west. He further remarked that the proposed expansion will create more traffic congestion. He concluded that the three-story apartment building is not compatible with the area, and he asked the Council to deny the amendments.

Ken Platt, 3620 Woodland Street, stated his agreement with the previously made comments. He asked the Council to reject the proposed revisions. He reported that one of the goals of the PRD must be aesthetic in design and sensitive to the natural features of the site. He opposed the removal of some of the oaks just to make room for more parking. He felt that the proposed three-story building is not consistent with the goal of aesthetics and sensitivity to the natural features. Mr. Platt said that the building will be one-third higher than all of the other buildings, with a 67% larger footprint. The building would reduce the open spaces currently available, thereby reducing the number of recreational amenities. He stated that this poses a safety concern for children and the neighborhood's quality of life. Mr. Platt said the developer contends that.... "while this was a legitimate concern at the time of the original proposal, it is no longer a valid issue, because the Edwards School will close." He stated that even so, the dwellings in the area are predominantly single-family, and there are children in these neighborhoods. The neighbors are concerned about the increased traffic flow.

Mr. Platt said that there is concern for what may impact the oak grove, and he added that this grove is a unique characteristic of Ames—not just that of the neighborhood. Mr. Platt urged the Council to deny the proposed amendments to the Plan, and he recommended that the developer move the two-story building back from the trees and consider putting the parking spaces to the south so that the lot empties out onto Lincoln Way.

Sue Ravenscroft, 455 Westwood Drive, wanted the Council to see the visual impact of what was being discussed. She showed several pictures of the three-story apartment building that was approved and built in 2006. It has a 7,020 square-foot footprint and is dwarfed by the proposed 10,900 square foot building. She showed a picture of an existing two-story building on the property, and indicated that the visual impact is so much more bearable than that of the three-story structure. Granting the request to construct the three-story apartment building also grants a significant number of additional bedrooms. She showed pictures of the surrounding areas where the parking lots would be located, as well the proposed footprint of the three-story building. Ms. Ravenscroft remarked that the road the developer built in 2006 was done so against the neighbors' wishes, and it destroyed several trees in the grove at that time.

Ms. Ravenscroft advised that, in 2006, the neighbors negotiated with the developer and promises were made, but very few of them were kept. There was a sidewalk installed along Lincoln Way. There was suppose to be a sidewalk installed along Marshall Avenue, but it's never been done. There was suppose to be signage along the south drive that was installed directing people to turn

right onto Lincoln Way. This sign lasted for about two months, and then disappeared. The sign was posted again only about two weeks ago. Signage was also supposed to be installed on the north drive, and these signs were not maintained. She indicated that there was also suppose to be the design of a one-way drive intersection in an attempt to limit traffic on Marshall Avenue, and this also has never occurred. Ms. Ravenscroft stated that the developer is asking for much, but is not giving anything back to the neighborhood.

Troy Benjegerdes, of 2508 17<sup>th</sup> Avenue South, Minneapolis, Minnesota, advised that he owns two rental properties on North Franklin Avenue and Oliver Avenue. He supported environmental sustainability, which is one of the Council's goals, and wondered why the Council would support building more parking lots. Mr. Benjegerdes stated that the trends for young people are riding bikes, walking, and car-sharing. There should be no more added parking spaces, and the Council should come up with a transit-oriented solution.

Mr. Benjegerdes also explained that higher density and in-fill is a requirement, and people in single-family homes need to realize that this community does need more density. However, he felt that there were other areas along Lincoln Way that would provide better space for higher-density dwellings.

Eve Wurtele, 3425 Oakland Street, stated that the structure is out of balance with the neighborhood, and she doesn't want to see it turned in to a high-density, ugly development. There is room for high-density areas in Ames, but not in single-family neighborhoods. She hopes that the Council will consider the feelings of the neighbors.

Deb Carnine, 3654 Story Street, explained that she bought her home because of the views she had of the oak grove. She is opposed to the chiseling away of these trees that are not diseased. She supported moving the building footprint more to the west; however, that is the only modification that she supports. The addition of a three-story building would be a monstrous intrusion into the neighborhood. She asked that the Council approve the change in building placement, but urged it to deny the revisions that add a third floor and 48 more beds.

Linda Feldman, 1111 Stafford Avenue, wished to speak more to the process of the request for amendments to the PRD for Westwood Village. In 2006, the developer was directed to meet with the neighborhood. There were several meetings, the neighbors felt involved with validation from the Council, and compromises were made. This time, there was no such process of communication between the neighbors and the developer. Ms. Feldman stated that the only neighbors that received any notification of the proposed amendments were those within 200 feet of the affected property, and no meetings were set up. She advised that she is a supporter of dialogue within neighborhoods, and she further supports thoughtful, in-fill projects where stakeholders have input. Ms. Feldman said that these types of proposed projects will create instability in the surrounding single-family homes. Such growth patterns cause long-term harm to Ames. She further said that neighborhood associations help to facilitate communication and be a part of the growth in their neighborhoods. Ms. Feldman asked that the City Council not act hastily.

Scott Renaud of FOX Engineering, 1601 Golden Aspen Drive, appeared on behalf of the developer. Mr. Renaud presented an aerial photograph of the existing building at the top with the proposed three-story building towards the bottom of the photograph. With regard to the placement of the proposed building, it will be 14 to 15 feet off the sidewalk so the trees on the other side will not be impacted by the construction. He reported that the existing gravel that is under a portion of the

trees has always been there, and the developer will be paving it instead. Mr. Renaud explained that asphalt and a paver combination will be used. The pavers will allow water and air into the root zone. Granite will be used due to the pH adjustment of the soil. The developer is trying to provide a more optimum growing environment for the trees. He indicated that he is not in agreement that this type of construction always stresses the trees. There are 64 oak trees on the site. Mr. Renaud explained that in preparation for these revisions to the Plan, measures are being implemented to preserve more of the trees. Mark Gleason with the Department of Horticulture at ISU advised the property owner that some of the trees were diseased or had other issues, and should be removed.

Mr. Renaud stated that a one-day traffic study was performed during a 12-hour period (from 7:00 a.m. - 7:00 p.m.) focusing on Story Street entering the neighborhoods to the east and to the north. He reviewed the results of that study. The percentage of traffic that was from the apartment complex is 3.61%, which is a very small percentage. He explained that there is a high volume of tenants that either walk, bike, or use the bus system. This development is located near a major arterial, there is shopping directly across the street, and it is an ideal location for a more dense in-fill project.

Mr. Renaud reported that the approved two-story building in the Plan is set back 55 feet from the Marshall Avenue right-of-way; the new proposal would set the three-story building back 107 feet. The parking spaces are farther back as well, with the nearest parking at 85 feet. He stated that with regard to the parking spaces, there may be excess, however, the development is meeting the City's requirements.

*Ex officio* Member Harvey questioned what implications there might be with regard to flooding and the watershed from the parking lots. Mr. Renaud explained that the stormwater will be infiltrated and stored in a tank on site. If flooding occurs, the site "would be flooding itself." The flooding concern would be more for the developer than anyone else.

Brent Haverkamp, 4720 Mortensen Road, reported that about six months ago, he was faced with the decision that the Council is facing. He has an approved site plan for "Building A" and, realistically, it is in the wrong place. To build at that location, along with the installation of sidewalks, would mean destroying most of the oak grove. His goal is to make it a better project, which he feels has been accomplished by these changes. Mr. Haverkamp explained that the trees are about twice as high as what the building elevation is. He decided that the building should be moved about 170 feet back from the street. He explained the layout of the other buildings in Westwood Village, and that the only thing facing Marshall Avenue are the oak trees. He has worked very hard with the engineers and City staff over the last few months, and felt he has done everything he could to save the natural features on the site. In his opinion, this is a much better project today. It is an in-fill project, and this site is an excellent place to put this type of housing.

With regard to the traffic study, Mr. Haverkamp reiterated that only about 3% of the traffic from his apartment complex goes into the neighborhood. By adding a three-story structure, it would be adding less than one trip per hour into this same neighborhood. The impact of closing Edwards School will be hundreds of trips fewer per day, so the impact of constructing a three-story apartment building is dwarfed by that of the closing of the school. Mr. Haverkamp stated that the Planning and Zoning Commission feels that this is a better Plan, and he asked the Council to approve his request.

Council Member Wacha questioned Mr. Haverkamp about the 2006 sidewalk agreement that Ms. Ravenscroft referred to. Mr. Haverkamp said that the sidewalk along Lincoln Way has been installed. According to this 2006 agreement, the other sidewalk was to be installed on the west side of Marshall Avenue. Mr. Haverkamp stated that he would agree to install the sidewalk on Marshall Avenue.

Council Member Szopinski stated that the traffic volumes due to the closure of Edwards School are still “an unknown,” as it is not known who will purchase the property. Ms. Szopinski asked why the configuration of “Building A” has changed in size and building footprint. Mr. Haverkamp stated that on the entire site, as a whole, he is increasing the number of units 8% and the bedroom count 28%. He felt that this is a good site for in-fill development. Many people call his office every day indicating that they want to live in Ames, and he can not offer them a unit to live in. Ames has a need for housing, and he feels this is an excellent place to add units. Overall, it is a very low-density site. Mr. Haverkamp said that if he were a neighbor, he would like “Building A” situated behind the trees better than having the oak grove killed and having the building that much closer to the street.

Council Member Goodman asked Mr. Haverkamp if the neighbors formed an association and got a commitment from him that this would be the last time he would request revisions, would he be comfortable with that. Mr. Haverkamp responded that he has no plans to construct any more buildings at Westwood Village, and he would be happy to place a building moratorium on this site.

Council Member Larson questioned if there was anything related to the size of the structure when the PRD was approved in 2006. Mr. Haverkamp said his understanding is that he has an approved Site Plan for a two-story building at the exact spot, which is closer to Marshall Avenue. He further said that he only had so much time to build housing before next August, and he wanted to see if he could do better. If he couldn't do better, he would have no choice and would build “Building A” as previously approved.

Council Member Larson stated that some of the comments made tonight rang true. He asked if Mr. Haverkamp had reached out to the neighbors in an effort to solve some of their concerns. Mr. Haverkamp stated that he was surprised by the neighborhood comments received just two days prior to the Planning and Zoning Commission meeting. If he had had better foresight, he would have handled this situation differently, as he did not expect to have opposition.

Council Member Szopinski stated that the parking lot is still at issue, because the construction of the lot will still take out trees. Mr. Haverkamp reported that the parking lot will be situated much farther west than that of the existing “Building A” footprint. It was designed to have minimal impact on the oak grove, and most of the trees that will be taken out were recommended for removal by a botanist.

Council Member Orazem asked Mr. Haverkamp to expound on the number of parking spaces needed versus what the City will require. Mr. Haverkamp stated that he is fairly close to the minimum spaces that is needed. He explained that City Planner Jeff Benson thought there were nine spaces over what is required. He further said that he would be willing to leave that as green space if he was over the required number of parking spaces needed.

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

Council Member Larson stated his dismay regarding the lack of communication between the developer and the neighbors.

Moved by Larson, seconded by Orazem, to postpone and refer back to City staff the applicant's request, with the direction that the developer meet with the neighbors in an attempt to come to an agreement on the proposed revisions to the Westwood Village Major Site Development Plan.

Council Member Larson stated that he is a pro-development person, and he wants to see this in-fill project happen. However, there was a contract made in 2006 to perform certain tasks. He felt it is unfair to alter that contract without some serious conversations involving the neighbors. Council Member Larson said that, with his motion, it was his intention that City staff will be involved in coordinating the meeting(s) and working with the group.

Council Member Wacha questioned what will happen when the two parties can not come to an agreement without a specific end goal in mind. Council Member Larson responded that if that were the case, the developer can then go ahead with the Plan as previously approved. It is his hope that there will be more communication.

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

The meeting recessed at 8:45 p.m.

The meeting was reconvened at 8:55 p.m.

**HEARING ON ZONING TEXT AMENDMENT TO CHANGE CAMPUSTOWN BUILDING HEIGHT STEP- BACK:** Mayor Campbell declared the hearing open.

Planning and Housing Director Kelly Diekmann requested that this hearing be continued to November 12, 2013.

Moved by Davis, seconded by Goodman, to continue the hearing on the zoning text amendment to change the Campustown building height step-back to November 12, 2013.

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

**CAMPUSTOWN URBAN RENEWAL PLAN:** Mayor Campbell pointed out that the Council will not be making any decisions on this item at tonight's meeting; rather, it will hear staff's presentation of the pending process for the Urban Renewal Plan.

Planning and Housing Director Diekmann stated that staff is returning with a draft of the Urban Renewal Plan (URP) since being directed by the Council at the August 27, 2013, meeting to initiate the URP for Campustown. At that meeting, Kingland Systems had requested that the Council direct City staff to pursue the creation of a Urban Renewal Plan to allow for a Tax Increment Financing (TIF) rebate of approximately \$2 million. Mr. Diekmann explained that this is the first step in the statutory process of creating the URP. Most importantly, the public hearing date needs to be established for November 12, 2013, for the review of the draft Plan and terms of the TIF Ordinance. At that point, Kingland Systems will be bringing back more information regarding its project.

Director Diekmann explained the number of steps that will be forthcoming—all related to this item.

Discussion ensued regarding the process and the criteria for the establishment of this URA.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 13-491 setting date of public hearing for November 12, 2013, on the designation of the Campustown Urban Renewal Area and the Urban Renewal Plan; referring the Draft Urban Renewal Plan to the Planning and Zoning Commission; and, appointing the Director of the Planning and Housing Department as the representative in connection with the consultation process.

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

**XENIA RURAL WATER UPDATE:** Assistant City Manager Bob Kindred explained that the report before the Council summarizes progress made since the previous Council update on August 13. He indicated that working with Xenia Rural Water has been a high priority for the City to add more land for residential development on the north side of Ames.

Council Member Orazem asked for a summarization regarding the agreement between the Ames Golf & Country Club (AGCC) and Bella Homes. In response, Mr. Kindred reported that the Fringe Area Plan shows the AGCC as being developed within Story County as Rural Transitional Residential, and not in the City. When the Rose Prairie and Grant Avenue proposed development was unfolding, changes within the Land Use Policy Plan (LUPP) and the Northern Growth Area were made to include all land west of George Washington Carver and south of 190<sup>th</sup> Street. This amendment then included the AGCC and the Borgmeyer land. The City Council then added the Athen property in. That policy map would imply development within the City limits, therefore, there are two different policies that are not aligned. City staff met with AGCC representatives in trying to move forward with its goal, which is to develop 16 large-lot residential lots and some townhomes on the west side of its property.

Assistant City Manager Kindred advised that the AGCC lies within the Ada Hayden lake drainage area, and must be subject to the Conservation Subdivision Ordinance. A key element is the sanitary sewers in the area. A proposal for the Bella Homes calls for septic systems on site, and a relocation of the Country Club's lagoon area. These are important issues that could affect the Ada Hayden watershed. Mr. Kindred said that there are key issues to be worked out, since the City Council is greatly concerned about the environmental impact on the lake and watershed. Meetings will still be taking place on these matters. It is possible that the AGCC may request that it be taken out of the Northern Growth Area. However, with it still located within the Ada Hayden watershed, the Council may not want to grant the request so that it has greater control of this important aspect.

Council Member Larson asked if this is linked in any way with requests for annexation and development that has been before the Council. Mr. Kindred reported that the only connection would be that the sanitary sewer lines will run up Grant Avenue and will serve the area to the west side of the railroad tracks over to George Washington Carver. He said there are questions regarding the size of the sewer connection district and whether it includes any of the golf course or the Borgmeyer property.

Planning Director Diekmann clarified that the City has the sewer connection district for the annexations, as well as subdivision authority within the Fringe Area Plan. Mr. Kindred reported that staff has scheduled a meeting with the Borgmeyers to educate them on development that will be

occurring in this area, and to discuss the potential extension of City utility service to their property, as well as potential annexation of their land.

Council Member Wacha asked about the time line on the steps to finalize agreements on the pending annexations. Mr. Kindred stated that, optimistically, it would be December 2013 or January 2014. He reported that, in terms of the agreements with the developers, the attorneys have been working together and all are very close to finalization. The next step is that those will go to the Xenia Board of Directors. The Board will most likely not have this on its agenda until its November meeting. Xenia is drafting an agreement with the City of Ames confirming arrangements that the City does have this territory. If all comes together and gets to the November Board meeting, along with hurrying all of these agreements through the USDA with Assured Guarantees, it could be back before the City Council in December. Mr. Kindred said that it is staff's intent to finalize the City-Xenia agreement and the Council's annexation agreements with the developers, put those on a Council agenda, and, at the same time, have continuation of the public hearing on the annexations. The next step would be to move quickly on the sanitary sewer and water line extensions up Grant Avenue for installation next year. The last component will be the paving of Grant Avenue, which the Council will see during the 2014/15 Budget and CIP sessions early next year.

**CHANGE ORDER FOR ELECTRIC DISTRIBUTION LINE CLEARANCE PROGRAM:**

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-492 approving Change Order No. 1 with Asplundh Tree Expert Co. of Fairfax, Iowa, in the amount of \$100,000 for the FY 2013/14 Electric Distribution Line Clearance Program.

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

**ORDINANCE REPEALING CHAPTER 14 AND ENACTING NEW CHAPTER 14:** Assistant City Manager Melissa Mundt stated that the Human Relations Commission is eager to update this section of the *Municipal Code* to be consistent with the Iowa Civil Rights Act.

Moved by Davis, seconded by Orazem, to pass on first reading an ordinance repealing Chapter 14 of the *Municipal Code* and enacting a new Chapter 14 to be consistent with the Iowa Civil Rights Act.

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

**ORDINANCE ON URBAN REVITALIZATION PLAN FOR 921 - 9<sup>TH</sup> STREET:** Moved by Davis, seconded by Wacha, to pass on second reading an ordinance establishing 921- 9<sup>th</sup> Street as an Urban Revitalization Area.

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

**COUNCIL COMMENTS:** Moved by Davis, seconded by Orazem, to place on the City Council's October 29, 2013, special agenda the letter from the Ames Economic Development Commission regarding WebFilings.

City Manager Steve Schainker stated that the Council needs to move as quickly as possible on this request, as a response is needed by the Iowa Economic Development Authority (IEDA). He explained that this is a special type of funding mechanism, and he will lay out the basic concepts of the agreement at the Council's special meeting on the 29<sup>th</sup>. He will then come back at the next Council meeting for the actual approval of the agreement. Mr. Schainker indicated that he is

seeking policy direction for the items that the Council wants incorporated into the contract.

Vote on Motion: 5-0-1. Voting Aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting Nay: None. Abstaining: Wacha. Motion declared carried.

Council Member Davis referenced a staff memo that was distributed in response to a letter from the Ames Rental Association (ARA) (which was referred to staff on August 13). The ARA letter asked for City staff to review certain *Rental Housing Code* sections that were confusing and of concern. City Manager Schainker explained that there are six issues the ARA wanted staff to review. He said that those items have been addressed in this memo, and it is now up to the Council as to how to proceed.

Council Member Larson indicated that he would like to have staff respond to each of the issues and make a recommendation. The Council can then react to the recommendation.

Council Member Wacha stated that from what he read in the ARA's letter, there is nothing new from what was discussed three years ago during numerous Council meetings; he does not see a need to re-hash it.

Council Member Larson said that the only new issues he found was that there are some *Municipal Code* sections that contradict other *Municipal Code* sections, thereby leading to some confusion. He indicated that staff is in the position to interpret these concerns.

Moved by Davis, seconded by Orazem, to refer the Ames Rental Association's list of concerns back to staff to review each of the six items and to get clarification, or recommendations for changes that clarify, on each of the six *Code* issues.

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

Moved by Wacha, seconded by Goodman, to direct that the letter from Kevin Cook, President of the Ames Convention & Visitors Bureau, be placed on a future Council meeting agenda for a report on a funding model for convention space.

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

Council Member Goodman indicated that an issue has arisen with regard to applying the *Rental Housing Code* to Greek houses. He asked for clarification as to where this matter stands at this point. City Manager Schainker advised that Council wanted staff to look at items within the *Rental Housing Code* to see which ones it thought were not life-safety issues.

Council Member Goodman remarked that he has recently been made aware of some misinformation that is circulating within the Greek system, which, he felt, is hindering the ability of the community to hold a well-informed and fair election. He has never gotten the sense from any Council member that they are not comfortable exempting fraternities and sororities from the *Rental Housing Code*, but he also wanted to be assured that there was nothing risky that would be put upon the Greek houses by such an exemption.

Mr. Goodman explained that he has had conversations with two ISU students from Greek houses who have indicated that the current Council is looking to apply the *Rental Housing Code* and hinder their abilities to continue existing as Greek houses. He reported that, according to these conversations, there are two candidates running in that particular ward and at-large who are

campaigning that they would not do so.

Council Member Goodman stated that he wanted to move ahead with the exemption process of these houses, while still asking these questions about safety in the *Rental Housing Code*. Mr. Goodman advised that he is concerned with the conversations he has had, because he doesn't think anyone around the dais is against this idea. He stated that the Council is already exempting the fraternities and sororities due to non-enforcement.

Council Member Larson stated that the Council's message has been very clear, and if there is some misinformation, it needs to be squashed immediately. He further stated that Council Member Davis and he have represented the interests of the Greek houses, although they can not vote on that issue. He indicated that there are candidates running that understand the Greek houses and how they work, and these candidates are using that to their advantage during their campaigning.

Mayor Campbell stated that this discussion is leaning towards hearsay, and that if one of the Council members wants to place this issue on an upcoming agenda, a motion needs to be made.

Moved by Goodman, seconded Szopinski, to place on a future City Council agenda the exemption of Greek houses from the *Rental Housing Code*.

*Ex officio* Harvey stated that there have been some miscommunications within the Greek community, and she has also heard some of these conversations. She was going to meet with Greek members involved and try to clear up the communication gap. Ms. Harvey stated that the Government of the Student Body (GSB) is also going to provide a united front on its position regarding the *Rental Housing Code*.

Vote on Motion: 4-0-2. Voting Aye: Goodman, Orazem, Szopinski, Wacha. Voting Nay: None. Abstaining: Davis, Larson. Motion declared carried.

Moved by Davis to adjourn at 9:40 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Jill L. Ripperger, Recording Secretary