

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 9, 2013

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on April 9, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. Council Member Matthew Goodman joined the meeting telephonically. *Ex officio* Member Baker was also present.

**SPECIAL RECOGNITION:** Chief of Police Chuck Cychosz presented the Ames Police Department Life-Saving Award to Officer John Barney for his actions to save Elizabeth Funk's life after her car was involved in a traffic accident. As a result of the accident, her vehicle was flipped onto its top and was submerging in icy creek water with Ms. Funk trapped inside. A video clip obtained from a Channel 13 news broadcast was shown. After observing the vehicle in the creek, Officer Barney quickly broke the vehicle's window, cut the seatbelt just as Ms. Funk's head was going under water, and pulled her out of the vehicle. Police Commander Geoff Huff described the significance of the Award. Elizabeth Funk's father, Jim Funk, introduced his wife, Ann, and daughters Elizabeth and Maddie. Mr. Funk thanked Officer Barney for his courageous actions to save his daughter's life. Officer Barney introduced his parents, Jocelyn and John Barney, noting that John Barney is a police officer with the Lamoni Police Department.

**PROCLAMATION FOR ADMINISTRATIVE PROFESSIONALS WEEK:** Mayor Campbell proclaimed April 21 - 27, 2013, as Administrative Professionals Week. Accepting the Proclamation were Iowa Association of Administrative Professionals Ames Chapter Members Sally Houser, Micci Gillespie, Mary Jo Tunkesvik, and Beth McPhail.

**PROCLAMATION FOR FAIR HOUSING MONTH:** The month of April 2013 was proclaimed as Fair Housing Month by Mayor Campbell. Housing Coordinator Vanessa Baker Latimer introduced Steve Eggleston, HUD Des Moines Field Office Director; John Klaus, representing the Ames Human Relations Commission; Chuck Winkleblack, representing the Central Iowa Board of Realtors; and Cindy Jorgensen, representing the Professional Property Management and Ames Property Managers' Association. Mr. Eggleston thanked the City of Ames for its support.

Mayor Campbell announced that the City Council would be working from an Amended Agenda. Two items had been included under the Electric Department. One item was to approve a Change Order for the Steam Turbine No. 8 Overhaul and should be in the amount of \$171,482. The other item was to approve a Change Order for Unit No. 8 Valve Assembly work in the amount of 41,736.42. The Mayor also brought the Council's attention to a revised Council Action Form for Item No. 22, the request from the Iowa State University Chapter of the Student Society of Landscape Architects for a waiver of parking meter fees. The parking space now being requested is No. 50 on Chamberlain Street.

**CONSULTATION FOR ANNEXATION:** City Planner Jeff Benson said that the purpose of the consultation is to identify any issues that Washington Township Board of Trustees or the Story County Board of Supervisors might raise concerning the proposed annexation of three parcels owned by Floyd and Anna Christofferson. The parcels are located south of Oakwood Road in Section 16 of Washington Township. According to Mr. Benson, within seven business days following the consultation, the Supervisors and Trustees may make written recommendations for modifications to the proposed annexation. Within 30 days of the consultation, the Supervisors are also to pass a resolution stating whether or not they support the application or whether they take no position in support of or against the application.

There were no representatives present from the Washington Township Board of Trustees or the Story County Board of Supervisors.

**CONSENT AGENDA:** Mayor Campbell announced that Item No. 11 pertaining to setting a date of hearing on vacating easements for the Mary Greeley Subdivision had been pulled by staff.

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 March 26, 2013, and Special Meetings of April 1, 2013, and April 5, 2013
3. Motion approving Report of Contract Change Orders for March 16-31, 2013
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor & Outdoor Service – Golden Wok, 223 Welch Avenue
  - b. Special Class C Liquor – India Palace, 120 Hayward Avenue
  - c. Class E Liquor, C Beer, & B Wine – Dahl’s Foods, 3121 Grand Avenue
  - d. Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
  - e. Class C Liquor w/Outdoor Service – Cyclone Experience Network, Hilton Coliseum
6. RESOLUTION NO. 13-142 setting date of public hearing for April 23, 2013, to vacate utility easement for 4118 Aplin Road
7. RESOLUTION NO. 13-144 approving funding agreement with Iowa Department of Transportation for 2012/13 Arterial Street Pavement Improvements (State Avenue from Oakwood Road to north of US Highway 30 Overpass)
8. RESOLUTION NO. 13-145 awarding contract to Wesco Distribution of Des Moines, Iowa, for Copper Cable for Electric Services in the amount of \$92,970 plus applicable sales taxes
9. RESOLUTION NO. 13-146 approving contract and bond for Toronto Street Area Water Main Replacement Project
10. RESOLUTION NO. 13-147 approving contract and bond for 2012/13 Asphalt Street Reconstruction (Pierce Court, Westbend Drive, Westbend Circle, and Southbend Drive)
11. RESOLUTION NO. 13-148 approving contract and bond for 2012/13 Shared Use Path Maintenance (Bloomington Road from Hoover Avenue to Taft Avenue)
12. RESOLUTION NO. 13-149 approving contract and bond for 2012/13 Low-Point Drainage Improvements (Oliver Circle)
13. RESOLUTION NO. 13-150 approving partial completion of public improvements and reducing amount of security for Northridge Heights, 15<sup>th</sup> Addition.

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

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

**CLASS C LIQUOR LICENSE FOR WISEGUYS BURGERS:** Moved by Davis, seconded by Larson, to approve a Class C Liquor License for Wiseguys Burgers, 120 Welch Avenue.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**ENCROACHMENT PERMIT FOR 210 - 5<sup>TH</sup> STREET:** Moved by Davis, seconded by Szopinski, to approve an Encroachment Permit for a sign and lights at 210 - 5<sup>th</sup> Street (McClanahan Studios).  
Vote on Motion: 6-0. Motion declared carried unanimously.

**“WELCOME BACK” EVENT:** Moved by Wacha, seconded by Orazem, to direct staff to expand the City’s presence at Iowa State University’s “WelcomeFest” this year and forego a “Welcome Back” event this fall at the fire station.

*Ex officio* Member Baker stated that she agreed with the motion; however, urged the City to make sure that it does expand its presence at “WelcomeFest.”

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

**WAIVER OF PARKING METER FEES FOR DEMONSTRATION OF A “PARKLET:”** Assistant City Manager Melissa Mundt introduced Chelsea McCaw, Alicia Adams, and Chris Regert, members of the Iowa State University Chapter of the Student Society of Landscape Architects. Ms. McCaw advised that they were proposing the installation of a temporary “parklet” on Parking Space 3.50 on Chamberlain Street. The “parklet” would remain for one week: April 21 through the 28, 2013. Ms. McCaw defined “parklet” as a miniature park built on top of an existing metered parking space. The point of a “parklet” is to recognize the flexibility of public space. The idea started in San Francisco and has become a growing trend around the country. The proposed design for the “parklet” was shown by Ms. McCaw. Assistant City Manager Mundt clarified that the Association was asking for a waiver of meter fees at Space 3.50 for the week of April 21 - 28, 2013. The students have been working with the City’s Public Works Department and Inspections Division, and the normal permitting processes will be followed.

Council Member Larson encouraged City staff to help the organization promote the “parklet” demonstration, e.g., press releases. He also suggested that staff look at using “parklets” during other events.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 13-151 approving the request from Iowa State University Chapter of the Student Society of Landscape Architects for waiver of parking meter fees for Space 3.50 on Chamberlain Street from April 21 - 28, 2013, for demonstration of a “parklet.”

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

**WOODVIEW UTILITIES SPECIAL ASSESSMENT PROJECT:** Civil Engineer Eric Cowles provided information regarding the installation of utilities on Woodview Drive. He said that, in 2010, the residents of Woodview Drive had made a request to the City Council for a Special Assessment for the installation of water main and sanitary sewer. The residents had indicated that they were willing to waive the cost limitations and right to contest established under Iowa law pertaining to how the cost of the project is to be divided. Since that time, there have been a series of neighborhood meetings and discussions pertaining to the division of project costs among the affected residents. Staff had prepared engineering plans and shared the proposed design and cost estimates with the residents in May 2012. Contract and Waiver forms were prepared and hand-delivered or mailed to the affected property owners. To date, the forms have been returned by all except three of the eleven (11) affected residents. One has a verbal agreement with the lien holder to be signed. The remaining two property owners have the same lien holder, which to date has refused to sign the document, stating that they do not ever agree to take a subordinate position to another lien holder. Those two property owners have now begun investigating the option to pay for the assessment outright.

Mr. Cowles advised that the residents have a need for updated sanitary septic systems and wells on their properties as those facilities are near the end of their useful lives. In response to the resident communications and in an effort to keep the process moving forward, staff had identified several options to continue toward the intended utility installation in 2013. Each of the options was explained by Mr. Cowles.

After being questioned by Council Member Davis pertaining to waiving the requirement of the lien holder's signature on the Contract and Waiver forms, Acting City Attorney Judy Parks advised the risk to the City is minimal.

Council Member Larson asked what the dollar amount would be for the two properties in question (without lienholder signature on the Contract and Waiver forms). Mr. Cowles said he did not have the exact dollar amounts; however, the entire project is approximately \$300,000, and that would be split up among 11 property owners.

Council Member Orazem asked how soon the construction could begin if the waiver of the requirement of the lienholder signature on the Contract and Waiver forms were approved. Mr. Cowles answered that construction should begin in Fall 2013.

Mike Bryant, 2516 Woodview Drive, Ames, and one of the affected property owners, spoke in favor of moving the project forward as soon as possible. He endorsed Option 2, which he believed would move the project forward as soon as possible at the least cost to the property owners. Mr. Bryant gave a chronological history of the residents' attempts to obtain City utility services through a resident-initiated Special Assessment process first presented to the City in 2010. According to Mr. Bryant, he had received an email this morning from the final remaining property owner, who was working with the City's Legal Department and on his own to get his mortgage company to sign the Contract and Waiver forms. That property owner had informed him to "build the project," and that the City and the three property owners would reach agreement on a payment schedule regardless of the mortgage holder position. Mr. Bryant interpreted that to mean that that property owner was willing to compromise in some form and do whatever the City would require.

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 13-143 approving Option 2, waiving the requirement of the lienholder signature on the Contract and Waiver forms and proceed to bid-letting immediately.

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

**FORMER MIDDLE SCHOOL PROJECT:** City Planner Kuester provided the background, which formally began on March 11, 2013, when an application for rezoning of a parcel of land, now owned by Breckenridge Group, was submitted to the City. The rezoning is for a parcel of land at 321 State Avenue and is the site of the former Ames Middle School (Middle Parcel). The request was to change the zoning designation from S-GA (Special-Government/Airport) to RL (Low-Density Residential). On March 15, an additional application was submitted for a parcel of land owned by Breckenridge Group at 601 State Avenue (South Parcel). That site was recently split from the larger lot on which the current Ames Middle School is located. That request was to change the zoning designation from S-GA to FS-RM (Floating Suburban Residential Medium Density). Breckenridge Group owns an additional parcel, the former Middle School athletic field, at 205 S. Wilmoth Avenue. The owner is not seeking a change of zoning designation at this time, but has indicated that this will be done in a later phase. Mr. Kuester noted that the recently changed process does allow the City Council to require a Master Plan for any rezoning. He reviewed the criteria for which the

Council may require a Master Plan. Staff believes that there is enough evidence for the Council to determine that a Master Plan should accompany the rezoning. Mr. Kuester also advised the Council that it had the right to impose, if necessary, certain conditions on a rezoning request, as allowed by the *Code of Iowa*; that is also referred to as a contract rezoning. He noted that the housing type being proposed by the developer is one that staff has not seen before in the Ames community.

Council Member Larson asked if all City requirements were in place, e.g., sidewalks, setbacks, lot size, etc., if the area in question were to be later subdivided. Planner Kuester replied that the arrangement being proposed could not meet City requirements. One of the requirements is that parking must be provided on each individual lot, so each home would have to have its own off-street parking on the same lot. Each lot would also have to have frontage on a public street. The streets would have to be built to City standards. None of those requirements are going to be met by the type of development being proposed by the developer.

Mayor Campbell noted that the City Council had been put in a very untenable situation with this particular situation in that RL zoning was always intended to be single-family residential units. She asked Acting City Attorney Judy Parks if it would take a new ordinance to further define low-density residential. Ms. Parks advised that, at this point, the City is unsure exactly what the developer is planning; that is why it is important to require a Master Plan.

Discussion ensued over the need for streetlights around the proposed new development and who would be responsible. Planner Kuester noted that discussions would need to occur with Iowa State University (ISU) since it would be on an institutional road and under ISU's jurisdiction.

Sharon Guber, 2931 Northwestern Avenue, Ames, addressed the following: (1) requirement for a Master Plan, (2) requirement for a Master Plan that includes all three parcels - Middle, North, and South, and (3) details that could be included in the Master Plan. Ms. Guber agreed with the recommendation of City staff that all criteria set forth for determining if Council may require a Master Plan are met in one or more of the three parcels. Ms. Guber said that Council clearly should require a Master Plan from Breckenridge to accompany its application for rezoning for its Aspen Heights project. Speaking on behalf of the State Avenue Neighborhood Association, which Ms. Guber co-founded, they want the Master Plan to include all three parcels in order to best determine the effects of the project on the adjacent neighborhood, extended neighborhoods, and the entire Ames community.

Ms. Guber relayed that they had researched 19 Aspen Heights projects, and they found communities requiring actions on the part of Breckenridge to mitigate local concerns, e.g., street additions and improvements, storm water systems and drainage ditches, preservation of natural settings, protection of wildlife, landscaping, buffers, fences, and gates. From that research, it was determined that Breckenridge had offered mitigation of concerns at various locations with on-site management and maintenance, security patrols, setting curfews, and full- and part-time staff at the development. Ms. Guber also noted that City staff had suggested additional areas where information in the Master Plan would be helpful to the Council to make a decision on rezoning or contract rezoning. According to Ms. Guber, the State Avenue Neighborhood Association concurred with staff on platting, specifically, RL zoning is traditionally one lot:one home. They also want the developer to: identify the natural resources on the site and how they would be protected; identify common facilities and open spaces; and require all three parcels to be included in the Master Plan. The Association also agreed with requiring buffering and security. Acknowledging that Breckenridge had indicated that Ames would have on-site management and maintenance, they questioned the Association questioned where the staff would be housed: on one parcel or all three parcels. According to Ms. Guber, a

traffic study would be very desirable. The Association also wants to know what changes in roadways might be needed, e.g., turn lanes, signals, and whether there would be sidewalks in Aspen Heights. Another question they have is what would become of the multi-use path from State Avenue to the Middle School, which is currently located on the south parcel. They also wondered if a connecting street extension of Tripp Street, from Wilmoth to State, would be included, and what traffic-calming strategies might be utilized.

Robert Lorr, 233 Hilltop Road, Ames, stated that he is a resident of the College Creek Neighborhood and is concerned about preserving the diverse character of the neighborhood and surrounding community. He is also very concerned about what has been learned about the Breckenridge Group. Mr. Lorr shared that he taught for 34 years in the Iowa State University Department of Architecture, served on panels evaluating Design students, and knows that it is important to have the Master Plan and for the Master Plan to include as many details as possible to enable the City to decide what is going to be the best result for the City and surrounding neighborhoods. Mr. Lorr advised that he and his Neighborhood agree with everything that Ms. Guber had stated.

Duffie Lorr, 233 Hilltop Road, Ames, said that she agreed with the City's staff report that all three parcels should be included in the Master Plan. She hoped that the City will follow the LUPP vision for neighborhoods. Ms. Lorr expressed her opinion that the proposed development will add another dimension to her diverse neighborhood. In order to conserve and enhance the integrity of both neighborhoods, she requested that all the streets in all three parcels of the new development be public streets and so noted on the Master Plan. Ms. Lorr also asked that each lot with a building be surveyed and the lines drawn on the Master Plan and that sidewalks be noted on the Master Plan. It was reported by Ms. Lorr that there have been safety issues in Breckenridge complexes, with the most-recent being a stabbing in San Antonio Phase II on March 19, 2013. She felt that public streets with lighting would be a significant way to increase safety. Information from *The Paisano*, a student newspaper for the University of Texas at San Antonio, was distributed to the Mayor and City Council.

Michael Petersen, 3302 Morningside Street, Ames, said that he had lived at that address for over 42 years. He advised that he was representing himself as well as the College Creek/Old Ames Middle School Neighborhood Association. Mr. Petersen read excerpts from the LUPP pertaining to building and pavement coverage depleting the original vegetation resources in the urbanized areas and the importance of retaining the remaining resources as well as Goals No. 3 and 3.E. from the *Goals to a New Vision* section. Mr. Petersen listed many questions as to what will be required of the developer in order to mitigate the detrimental effects to vegetation and wildlife in the area. The Council was told that Mr. Petersen had information from the Iowa Wildlife Action Plan sponsored by the DNR, noting that one species in the area is endangered and several are rare. He asked that the City Council get expert advice concerning what effect the proposed development will have on the natural resources in the greenway area. Mr. Petersen advised that he had taught Wildlife Biology at ISU and would be glad to work with experts. He also could provide a list of experts. According to Mr. Petersen, his Neighborhood feels that the proposed student-housing development has the potential to adversely impact the natural resources in the area, especially by eliminating crucial wildlife habitat and by adding to an already serious flooding threat during periods of heavy rains. The Neighborhood is hopeful that the City Council will follow the goals stated in the LUPP when making a very important decision regarding the wise use of existing local natural resources.

Renate Dippold, 321 South Wilmoth, Ames. She stated that she and her husband, Roland, had lived at that address for almost 49 years. They and most of their neighbors oppose the proposal of Breckenridge to turn the old Ames Middle School property into an all-student neighborhood. Ms.

Dippold emphasized that the neighborhood is zoned Low-Density Residential and was designed for single-family housing, and they want to keep it that way. She urged the City Council to reject the request from Breckenridge to rezone the properties in question for the construction of rental housing for hundreds of ISU students. Ms. Dippold quoted a statement from Mayor Campbell made on September 17, 2012, that the City needs to make the zoning consistent with the surrounding properties, which is single-family housing, not rental housing for hundreds of ISU students. According to Ms. Dippold, her entire neighborhood was opposed to the Breckenridge project and the developers knew of that opposition from the beginning. They feel that such a development would deteriorate their neighborhood and their quality of life and put strain on City services. Ms. Dippold pointed out that ISU had commented that it did not need the private sector to build more student housing. She urged the City Council to reject any requests for rezoning the Old Middle School properties for the purpose of building rental housing for ISU students in their residential neighborhood.

Julia McGinley, 2802 Arbor Street, Ames, said she and her partner Marcy Webb have become endeared to the diversity, history, and energy of the College Creek Neighborhood. She implored the Council to require a Master Plan for the redevelopment of the Old Middle School property and its parcels and to insist that the developer provide details on how they will maintain the current quality of life that those currently living in the neighborhood presently enjoy.

Martin Teply, 429 Hilltop Road, Ames, said that one of the reasons that he chose to live in the College Creek Neighborhood for the past nine years was its proximity to the campus of Iowa State University and having services such as McFarland Clinic, HyVee, and the animal hospital close by. Mr. Tapley requested that the Master Plan show how the new development will fit in with the existing neighborhood for the long term and to perpetuate the growth of the neighborhood with its diversity and location.

Joanne Pfeiffer said that she had lived at 3318 Morningside Street, Ames, for over 30 years. She listed her expectations for the Master Plan for preserving the general health and quality of life for her existing neighborhood. Those expectations included: an emphasis on the value of the bike path and the many daily activities on that path, e.g., nature walks, runs, and biking; an emphasis on her neighborhood being environmentally friendly, including space for bio-diversity through plant and animal habitats while protecting and enhancing the air quality of neighborhoods, sky access for night sky viewing, and noise management; an emphasis on growing the neighborhood children with learning at its best through role-modeling through human behavior and a healing environment.

Kathie Whatoff, 325 S. Wilmoth, Ames, advised that her house was built 120 years ago. She noted that water plays a large part in the development of this neighborhood; it is a part of a large watershed. She requested that prior to any development, a water study be performed and that it be required as part of the Master Plan.

Scott Renaud, FOX Engineering, stated that he and Brian Torresi, attorney for developer, were present to answer questions. He advised that he is not opposed to creating a Master Plan; however, he does want to know about the process. It is his desire to go through the process in a way that the development will be accomplished without fighting and dragging it out over a period of a couple years. Mr. Renaud asked to be informed of the Master Plan process that includes ways to engage the neighborhood and students in hopes to accomplish what the neighborhood wants as well as what the developer wants. There are things that the developer can do; however, it is important to come to a conclusion on what will be included rather quickly to minimize costs to the developer.

Council Member Larson noted that a main problem with this project is that it is totally new territory. It is not covered in the City's LUPP or Zoning Ordinance. He is concerned that Breckenridge's model may not be successful and then the City would have to determine what to do with the property after it has been subdivided. Mr. Renaud pointed out that the project being contemplated meets all the requirements of the RL District. Mayor Campbell said that it is not realistic to expect that this project can move quickly as there are questions coming from not only neighborhood residents, but citizens throughout the entire community. Mr. Renaud clarified that he is not concerned that a Master Plan would be required, but is concerned about the process that the Council would direct. He would like the City Council to direct the neighborhoods to work with the developer and go through the Master Plan process together. Mr. Renaud does not want to have to create a Master Plan, have it "picked apart" by the neighborhood, and have to keep bringing different Master Plans for review.

Council Member Szopinski pointed out that it should not be assumed that the request for the FSRM zoning on the southern parcel would occur. Mr. Renaud said that they are "handcuffed" by what the LUPP states; that is what dictates the process. He reiterated his request that the City Council give some direction to the neighborhoods. Mr. Renaud also added that he is unsure how to engage the neighborhood; he did not have a lot of faith in the neighborhood as residents had walked out of one of their meetings. The developer had wanted to have dialogue with the residents and present some alternatives.

Council Member Larson asked Mr. Renaud why the developer was not trying to get direction on all three parcels, specifically, was he opposed to including the North Parcel in the Master Plan. Mr. Renaud said that he was not opposed to that if the neighborhood was engaged.

Ms. Guber addressed the Council, stating that the Neighborhood Association had been misrepresented by Breckenridge. She clarified that neighborhood residents had asked the developer three times at the neighborhood meeting if he had RL proposals for the three parcels; however, the developer did not respond, and that was when residents became frustrated and had left the meeting.

Acting City Attorney Parks told the City Council that the City's ordinance did not address process, and the Agenda did not list it. The Agenda was limited to discussing whether a Master Plan would be required, and if so, what its contents would be.

Mayor Campbell brought to the City Council's attention the letter sent by Warren Madden, ISU Senior Vice President for Business and Finance, that encouraged the Council to require a Master Plan that would address a number of issues and determining financial responsibility for how those would be addressed.

Council Member Goodman noted his concern that the proposed project was not appropriate in a single-family neighborhood. However, if it moves forward, he definitely wants to see one home on one lot with City streets and gutters, just as required in any RL zone. Council Member Larson concurred. He added that a lot of his concerns would go away if that would happen; that way, if the development should fail, it would be able to be used as a true single-family development in the traditional way.

Council Member Wacha asked if there anything in the Building Code that requires basements. Ms. Parks advised that there is no requirement for basements or garages.

Moved by Szopinski, seconded by Wacha, to request the developer to submit a Master Plan showing plans for all three parcels and include in the Master Plan the conditions a - f as laid out in the staff report and also the conditions included by Mr. Madden from ISU. (Said letter attached for the record.)

Moved by Larson, seconded by Szopinski, to amend the motion to state that it include the equivalency of subdividing the property so that every building is on a separate lot and meets all City requirements.

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

Planner Kuester advised that, even if it is not contained in the Master Plan, it doesn't mean that the developer doesn't need to do them, e.g., sidewalks, street trees. Those types of items would be addressed by the Preliminary Plat. Mr. Larson said it is better to be up-front with the developer in that if the Council wants the streets to be public, it needs to state that.

Council Member Goodman arrived at 9:07 p.m.

Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

Council Member Goodman left the meeting at 9:12 p.m.

The meeting recessed at 9:12 p.m. and reconvened at 9:19 p.m.

**CITY'S REVIEW AUTHORITY OVER AMES SCHOOL DISTRICT PROJECTS:** Planner Benson advised that there will be six new projects by the Ames Community School District. Construction of a new elementary school on Miller Avenue recently began. New schools will be built on the Meeker and Fellows School sites and the existing buildings demolished. Renovations and expansion are planned at Mitchell and Sawyer Schools. New administration and facilities management facilities, along with sports fields, are proposed to be built at 2005 - 24<sup>th</sup> Street. Assistant City Manager Kindred pointed out that there are some "gray areas" where it is unclear what the requirements are in different areas.

According to Mr. Benson, a recent legal opinion stated that the City's zoning laws do not apply to the School District. It is important, however, that the projects minimize any negative impacts on the neighborhoods. Four options were presented that provided different methods of cooperation between the City Council and the Ames Community School District Board of Trustees to make certain that the four new or expanded schools have minimal negative impacts on the respective neighborhoods.

Option 1. Minor Site Development Plans for all projects. This option is consistent with past practices, is the least time-consuming, and does not require any public hearings beyond the hearings that the School Board has for capital improvement projects.

Option 2. Special Use permits for all projects. This option is consistent with the Zoning Ordinance requirement for schools in the Residential Low-Density zoning district that mostly surrounds all of the school project sites.

Option 3. Minor Site Development Plans for some projects and Special Use Permits for other projects. This option would be used if the City Council members believe that one or more of the

school projects have greater impacts on their surroundings than others. On those, ZBA review would be needed to ensure that those specific projects are compatible with their surroundings.

Option 4. No City review of School site plans. The City would rely solely upon the District's efforts to interface with surrounding neighborhoods and to address any of their valid concerns.

Council Member Davis said that he did not see a need to put the School District through the ZBA (quasi-judicial) process if it is exempt from the zoning laws of the City. Council Member Larson said he would be comfortable with 28E Agreements in lieu of the ZBA process.

Tim Taylor, Ames School District Superintendent, added that it benefits all if there is cooperation. The School District's approach is not going to change much; its purpose is to build the best facilities possible for the children of Ames. He noted that construction/remodeling of so many School District properties is unprecedented in Ames; it hasn't happened in the past 60 years. The School District has requested a series of 90-minute to two-hour meetings with the City Council.

Council Member Larson stated that the Council is very much in favor of increased communication between it and the School Board.

**HEARING ON QUARRY ESTATES ANNEXATION:** Mayor Campbell opened the public hearing.

Planner Kuester gave a chronological history of the steps previously taken on the annexation request. The Story County Board of Supervisors has filed a Resolution with the City stating that it did not take a position on this annexation. The Planning and Zoning Commission recommended approval of the annexation. At its public hearing on March 6, 2013, no one addressed the Commission.

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

Moved by Davis, seconded by Larson, to delay the vote to annex Quarry Estates, Frames, and Hunziker properties until rural water issues are resolved and Development Agreements are signed. Vote on Motion: 5-0. Motion declared carried unanimously.

**HEARING ON ATHEN ANNEXATION:** The public hearing was opened by Mayor Campbell. No one came forward to speak, and the hearing was closed.

Planner Kuester summarized the actions taken to date. The Planning and Zoning Commission recommended approval of the annexation after a public hearing was held on March 6, 2013. No one spoke during that public hearing. Again, the Story County Board of Supervisors voted to provide a resolution taking no position in support of or opposition to the proposed annexation.

Moved by Davis, seconded by Wacha, to delay the vote to annex the Athen property until rural water issues are resolved and Development Agreement is signed. Vote on Motion: 5-0. Motion declared carried unanimously.

**AUDIT AGREEMENT:** Moved by Wacha, seconded by Orazem, to adopt RESOLUTION NO. 13-152 approving the agreement with EideBailly LLP to audit the City's financial statements for fiscal year ending June 30, 2013, with option of auditing financial statements for four subsequent fiscal years. Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ARTWORK AT NEW WATER TREATMENT PLANT:** Greg Fuqua, Chairperson of the Public Art Commission, gave a presentation of possible areas for public art at the new Water Treatment Plant. The architects have indicated that decisions regarding any art that will be physically incorporated into the design of the facility will need to be made very quickly. Free-standing pieces not integrated into the design of the building are not quite as time-sensitive. Examples of artwork in other cities/states were also shown.

Mr. Fuqua gave examples of funding levels and what might be possible to be purchased. He also listed funding options, which included the Water Fund and/or Local Option Sales Tax. Assistant City Manager Bob Kindred stated that no funds have been included in the project budget for public art. It might be possible that construction bids will come in less than anticipated or that there will be sufficient funds in the project contingency to pay for the unbudgeted artwork. Water and Pollution Control Director John Dunn advised that the artwork is not an eligible expense from the SRF funding; approximately 90% of the cost of the new Water Plant will be funded through the SRF.

Council Member Larson cited a City goal of beautifying entryways to Ames. He believes that there is an opportunity to not only create something for the new Water Plant, but also to create an impressive entryway on 13<sup>th</sup> Street. Council Member Wacha said that he would not want to “saddle rate payers” with increased costs for artwork at the Water Plant; however, he could support something being used as an entryway. Mr. Wacha said he envisioned it being an entryway to the City, but still correlating to the Water Plant.

Mr. Fuqua said that they could send out a request for proposals, but before doing so, would need to have a sense of focus and budget.

Council Member Larson asked if there could be an allowance for artwork included in the bidding documents for a certain amount with a deductive alternate so that if it comes in over-budget, it can be removed. It was noted that the project will not be bid until next spring.

Moved by Davis, seconded by Orazem, to direct that artwork not be incorporated into the design of the building, and if artwork is to be placed at the Water Treatment Plant, it would be an external piece.

Vote on Motion: 4-1. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Szopinski. Motion declared carried.

**SCADA SERVER AND SOFTWARE:** Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-153 approving reallocation of Water Plant Operating Budget to replace the SCADA server and software.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**STEAM TURBINE NO. 8 OVERHAUL CHANGE ORDER:** Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-154 approving Change Order No. 1 to NAES Corporation of Houston, Texas, for Steam Turbine No. 8 Overhaul in the amount of \$171,482.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**POWER PLANT UNIT #8 CRITICAL VALVE REPAIR:** Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-155 approving the Change Order to R. S. Stover for Valve

Assembly Work in the amount of \$41,736.42 (inclusive of Iowa sales tax).

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ENERGY RESOURCE OPTIONS:** Electric Services Director Donald Kom recalled that the Energy Resource Options Study that was reviewed with the City Council at its meeting of March 11, 2013, by staff and consultant Black & Veatch had evaluated four basic power supply options to satisfy the City's future electrical power requirements. The Study intentionally did not give a final recommendation so as to allow the Council to consider other externalities not included in the Study. Mr. Kom reviewed the process that staff was recommending to assist the City Council in making a final decision regarding the preferred course of action, to wit:

Step 1. Following the completion of additional analysis by the consultant and finalization of the report, Electric Services staff will make its recommendation to the City Council.

Step 2. The City Council will direct the City's Electric Utility Operations and Review Advisory Board (EUORAB) to hold a public meeting to gather input from Ames Electric rate payers and citizens regarding the recommended option.

Step 3. EUORAB and staff will meet to review the public input and determine if the recommended option should be altered.

Step 4. Staff and EUORAB will return to the City Council with a final recommendation that considers the original consultant's report, the community's unique values and priorities, and the public input received. Council will then make a final decision regarding how the City's future electric generation needs will be met.

Moved by Davis, seconded by Larson, to approve the four-step process outlined above for arriving at a final decision regarding the City's preferred energy resource option.

Vote on Motion: 5-0. Motion declared carried unanimously.

**WATER AND SEWER RATE ORDINANCE:** Water and Pollution Control Director Dunn brought the Council's attention to a sentence in the Ordinance that provided the definition of "summer peaking factor." It had inadvertently been left out of the previous Ordinance; however, was put back in the ordinance being presented for first reading at this meeting.

Moved by Szopinski, seconded by Wacha, to pass on first reading an ordinance establishing water and sewer rates.

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

**ORDINANCE CORRECTING REFERENCE TO LOCATION OF DEFINITION OF *ADULT ENTERTAINMENT BUSINESS*:** Moved by Davis, seconded by Larson, to pass on first reading an ordinance correcting reference in *Municipal Code* to reflect correct location of definition of *Adult Entertainment Business*.

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

**COUNCIL COMMENTS:** Mayor Campbell recognized *Ex officio* Member Baker for her service. This was her last meeting. She will be attending George Washington University for graduate school, majoring in Public Administration. *Ex officio* Member Baker gave final comments about her experience on the City Council. She gave a summary of significant accomplishments that had

occurred during her term, which included over 100 hours of meeting time. Alexandria Harvey will be her replacement.

Moved by Larson, seconded by Wacha, to direct staff to come up with a process to be brought back to the Council, including a time frame, for speeding along as quickly as possible the development criteria and methods to be used for the Master Plan for the former Middle School property.

Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:52 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor