

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

AMES, IOWA

OCTOBER 13, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 13th day of October, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. In addition to the Mayor, Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem and *ex officio* Member Sam Schulte were present.

**PROCLAMATION FOR COMMUNITY PLANNING MONTH, OCTOBER 2015:** Mayor Campbell proclaimed October 2015 as Community Planning Month. Accepting the Proclamation were Debbie Lee, Chairperson of the Planning and Zoning Commission; Planning and Housing Director Kelly Diekmann, and Planners Ray Anderson, Charlie Kuester, Karen Marren, and Justin Moore.

**GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD:** The Mayor presented the Award to Finance Director Duane Pitcher and Budget Officer Nancy Masteller. Mr. Pitcher reported that the City had received this Award for the past 31 years.

**CONSENT AGENDA:** Mayor Campbell pulled Item No. 23 (requests pertaining to ISU Homecoming) to allow for a presentation by the applicants. Council Member Gartin requested that Item 18, the Memorandum of Understanding with Friends of Roosevelt Park, be pulled for separate discussion.

Moved by Betcher, seconded by Corrieri, seconded by , to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of September 22, 2015, and Special Meetings of September 29, 2015, and October 1, 2015
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for September 16-30, 2015
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – London Underground, 212 Main Street
  - b. Special Class C Liquor – Le’s Restaurant, 113 Colorado Avenue
  - c. Class C Beer & B Wine – Aldi, Inc. #48, 1301 Buckeye Avenue
  - d. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
  - e. Special Class C Liquor – Creative Spirits Ames, 4820 Mortensen Road, Ste. 101
  - f. Class C Liquor – The Other Place, 631 Lincoln Way
6. Motion approving 5-day Class C Liquor License for Olde Main at ISU Alumni Center, 420 Beach Avenue (October 30-November 3)
7. Motion approving Ownership Change of Class C Beer and Class B Wine Licenses for Aldi, Inc., #48, 1301 Buckeye Avenue
8. Motion approving Ownership Change of Special Class C Liquor License for Creative Spirits, Inc., 4820 Mortensen Road, Ste. 101
9. Motion approving Ownership Change of Special Class C Liquor License for The Other Place, 631 Lincoln Way

10. Motion approving Class E Liquor License, Class B Wine and Class C Beer Permit for CVS Pharmacy, 2420 Lincoln Way
11. Motion approving Encroachment Permit for sign at 2420 Lincoln Way
12. Motion directing City Attorney to draft ordinance to set parking regulations for new and/or extended streets
13. RESOLUTION NO. 15-609 approving and adopting Supplement No. 2015-4 to *Municipal Code*
14. RESOLUTION NO. 15-610 approving appointment of Natalie Carran to fill vacancy on Ames International Partner Cities Association
15. RESOLUTION NO. 15-611 approving U.S. Highway 69 Detour Agreement with Iowa Department of Transportation
16. RESOLUTION NO. 15-613 approving Quarterly Investment Report for period ending September 30, 2015
17. RESOLUTION NO. 15-614 approving Accountable Care Organization 2016 Pilot Program with Wellmark for Human Resources
18. RESOLUTION NO. 15-615 approving second extension of Purchase Agreement with Habitat for Humanity of Central Iowa for the property at 1109 Roosevelt Avenue
19. RESOLUTION NO. 15-616 authorizing Release of Assessment and Utility Connection Fee Obligation for Lot 14, Eastgate Subdivision
20. RESOLUTION NO. 15-619 approving preliminary plans and specifications for WPC Asphalt Drive Re-Paving Project; setting November 12, 2015, as bid due date and November 24, 2015, as date of public hearing
21. RESOLUTION NO. 15-620 waiving Purchasing Policies and approving single-source purchase of Radar Systems for Multi-Modal Roadway Improvements from Brown Traffic Products, Inc., in the amount of \$73,280
22. RESOLUTION NO. 15-621 approving contract and bond for GT1 Combustion Turbine-Generator Preaction Sprinkler System, Carbon Dioxide System, and Fire Alarm Upgrade
23. RESOLUTION NO. 15-622 approving contract and bond for 2015/16 Bridge Rehabilitation Program (6<sup>th</sup> Street Bridge Over Squaw Creek)
24. RESOLUTION NO. 15-623 approving Change Order No. 1 with Emerson Process Management Power & Water Solutions, Inc., of Pittsburgh, Pennsylvania, for replacement parts for Unit No. 8 Control Cabinet Repairs
25. RESOLUTION NO. 15-624 approving Change Order No. 2 (piping changes, bypass structure changes, and hydrant valves) with S. M. Hentges for Ames Water Plant Construction Project - Contract 1 in the amount of \$21,687.60
26. RESOLUTION NO. 15-625 accepting completion of Power Plant Unit #7 Feedwater Heater Replacement
27. RESOLUTION NO. 15-626 accepting completion of Northridge Heights Park Improvements
28. RESOLUTION NO. 15-627 accepting completion of 2014/15 Mortensen Road Improvements (South Dakota Avenue to Dotson Drive)
29. RESOLUTION NO. 15-628 accepting completion of 2012/13 Concrete Pavement Improvements Contract #2 (Southeast 5<sup>th</sup> Street)
30. RESOLUTION NO. 15-629 accepting final completion of WPC Facility Switchgear Control Replacement Project

31. Northridge Heights Subdivision, 18<sup>th</sup> Addition:

- a. RESOLUTION NO. 15-630 waiving requirement for financial security for sidewalks
- b. RESOLUTION NO. 15-631 approving Final Plat

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

**MEMORANDUM OF UNDERSTANDING WITH FRIENDS OF ROOSEVELT PARK:** Council Member Gartin commented that he and other Council members had attended the “open house” of the newly constructed Roosevelt Park. On behalf of the entire Council, Council Member Gartin expressed appreciation of the new Park and acknowledged the hard work of the neighborhood residents and others who were and continued to be involved.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 15-612 approving the Memorandum of Understanding with Friends of Roosevelt Park.

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

**REQUESTS FROM STUDENT ALUMNILEADERSHIP COUNCIL FOR ISU HOMECOMING, OCTOBER 20 - 31:** Courtney Current, Advisor for SALC; Kensie Noble, Homecoming General Co-Chair; and Lisa Friesth, Homecoming General Co-Chair, were present. Ms. Noble described some of the events that will occur during ISU Homecoming week, October 25 - 31, and specifically highlighted those that will occur on October 30.

Council Member Betcher recalled that when the City Council gave its approval for fireworks to be shot off at Midnight after last year’s discussion of Homecoming Week requests, it had requested that the Homecoming Committee discuss moving the fireworks display to occur earlier in the evening, rather than at Midnight. Ms. Current said they had just learned of that request when they came to the City Clerk’s Office to complete the Special Event applications required for this year’s Homecoming events. She said that the Committee would like to continue the tradition of ISU fireworks at Midnight. It is a very well-attended event and a large part of the Homecoming Week festivities. Ms. Betcher asked that the Committee note, for next year, that there should be a robust discussion around moving fireworks to begin earlier, perhaps around 10 PM. Ms. Betcher explained that the noise really does impact people, especially small children and pets, in the South Campus Neighborhood. Ms. Noble stated that they had asked the pyrotechnician for more ground-effect fireworks this year, as they are much quieter. Ms. Current said that they will definitely note the request of the City Council in their notes for next year’s Committee.

Moved by Corrieri, seconded by Nelson, to approve the following:

- a. RESOLUTION NO. 15-617 approving closure of portions of Ash Avenue, Gable Lane, Gray Avenue, Pearson Avenue, and Sunset Drive between 7:30 p.m. and 10:30 p.m. on Friday, October 30
- b. RESOLUTION NO. 15-618 approving closure of on-street parking on portions of Ash Avenue, Gable Lane, Gray Avenue, Pearson Avenue, and Sunset Drive from 7:00 p.m. Thursday, October 29 to 10:30 p.m. on Friday, October 30

- c. Motion approving temporary obstruction permit for area inside Ash Avenue, Gable Lane, Gray Avenue, Pearson Avenue, and Sunset Drive, as well as for Greek Triangle
- d. Motion approving Fireworks Permit for ground effects fireworks shoot on Central Campus at Midnight on October 30

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:** Mayor Campbell opened Public Forum. She closed Public Forum after no one requested to speak.

**SOUTH WILMOTH AVENUE URBAN REVITALIZATION AREA:** City Planner Charlie Kuester advised that Breckenridge Group is requesting the designation of 101, 105, 107, and 205 S. Wilmoth Avenue as an Urban Revitalization Area (URA). The proposed URA would comprise the former North Parcel (205 S. Wilmoth Avenue) as well as three additional parcels (101, 105, and 107 S. Wilmoth Avenue). The property at 205 S. Wilmoth is a vacant piece of land while the three other parcels have vacant residential structures on them. It was noted by Mr. Kuester that the Settlement Agreement with Breckenridge Group, approved on July 28, 2015, committed the City to granting tax abatement for its project on the North Parcel provided that Breckenridge met the eligibility criteria of the Urban Revitalization Plan. Planner Kuester reviewed the components of the Draft Urban Revitalization Plan. He noted that the Draft Plan includes the 12 criteria approved by the City Council on August 11, 2015, meeting and one additional criteria pertaining to leasing requirements, as directed by the Council.

Mr. Kuester noted that the City Council had also directed staff to come back with a recommendation on how to accomplish getting an easement for a bike path. One example identified by staff was the South Lincoln URA, which includes an optional criterion of providing public space as an “Activity Node;” that is indicated on the adopted South Lincoln Sub-Area Plan. Director Diekmann reviewed other means of acquiring an easement or providing for the path, i.e., could be part of a contract rezoning process, subdivision approval, or potentially with a Major Site Plan approval. He advised that the Council could direct staff to come back with a recommendation on how to accomplish getting an easement for a bike path.

Council Member Gartin pointed out that Breckenridge had reviewed the criteria and feels that the additional 12 or 13 go beyond the expectations of the Settlement Agreement. He commented that he believed that the list of additional criteria was very reasonable when tax abatement would be granted, but asked staff to address whether what was being requested was past practice of the City. Director Diekmann replied that the first 12 directly relate to the three general categories of criteria that the City has required in past approvals of URAs. Item No. 13 detailed the percentage of commercial space that was to be occupied prior to final approval for tax abatement. According to Mr. Diekmann, that criterion is actually less restrictive than what was required for a project in Campustown. He advised that the criteria for South Wilmoth are basically defining standards that are actually contained in the Zoning Code and the performance expectations for granting tax abatement.

At the request of City Manager Schainker, City Attorney Judy Parks stated that there had been three general criteria (building elements, restrictions on use, and site development standards) discussed in preparation of the Settlement Agreement; the first 12 clearly fall squarely within one of those. The 13<sup>th</sup>

element pertains to the leasing requirements, which was a requirement placed by the Council during its discussion on August 11, 2015; is the only one that was not fully disclosed at that time. Council Member Betcher reiterated that similar criteria were required in the Campustown URA Plan.

City Manager Schainker requested Director Diekmann to explain how the City could acquire an easement for construction of a bike path. Mr. Diekmann noted that the Council had inquired as to how the City could acquire the right to build a bike path along the south property line. He pointed out that the Long-Range Transportation Plan went into effect yesterday, October 12, 2015, and bike paths are incorporated into that Plan. The City uses this Plan as its bicycle plan. Mr. Diekmann also noted the recent adoption of the Ordinance pertaining to missing infrastructure required providing missing infrastructure, including shared use paths. He is not sure whether Breckenridge will be subdividing or not, but suggested that a text amendment to the Subdivision Ordinance be adopted to include a reference to the Long-Range Transportation Plan to clarify the use as a bicycle plan. According to Director Diekmann, staff believes that providing an easement for the bike path would not be an impediment to the developers when developing the area due to existing easements and alley right-of-way.

At the inquiry of Council Member Betcher, Police Chief Chuck Cychosz addressed Criterion No. 9 pertaining to the requirement to receive and maintain certification for the Iowa Crime-Free Multi-Housing Program administered by the Ames Police Department. Chief Cychosz explained the Iowa Crime Free Multi-Housing Program. He said that it is an international program consisting of three components: training for the property managers; a site survey where staff looks at lighting, door installation, and the overall safety of the property; and a meeting is held with the property manager, tenants, and Police Department staff on ways to stay safe. According to Chief Cychosz, it is best to institute the program during the design phase of a development. Ms. Betcher asked if the City had authority to ensure that this criterion will be followed. Director Diekmann explained that the project must receive and maintain certification for the tax abatement to begin and continue. Ms. Betcher pointed out that the certification would cover some of the concerns, e.g., adequate lighting and other safety features, of the College Creek/Old Ames Middle School Neighborhood.

Trevin Ward, 2610 Northridge Parkway, #201, Ames, said he was speaking on behalf of the Ames Bicycle Coalition (ABC). Mr. Ward advised that it is the ABC's position that the easement for a multi-use trail along the south side of the property must be guaranteed. He said it was the highest-ranked trail in the Long-Range Transportation Plan. According to Mr. Ward, tax-abatement code allows for essential transportation facilities, and the ABC believes that the multi-use trail is an essential transportation facility that is not currently being met. Mr. Ward stated that a well-integrated green space along the south boundary of the property would create much more integration into the neighborhood than shrubs. He urged the Council to direct staff to include the multi-use trail easement as part of the criteria.

Sharon Guber, 2931 Northwestern Avenue, Ames, spoke specifically regarding the bike path. She said that the College Creek/Old Ames Middle School Neighborhood would support the construction of the east-west bike path through the North Parcel with the condition that there be fencing along the southern boundary to prevent pedestrian and vehicular traffic down Hilltop. The fencing should be comparable to Reiman Gardens' black metal fencing on its north and east sides. Ms. Guber said she also hoped that the City Council would remain open to criteria that add to or blend in with safety requirements for residential housing. She noted that the Campustown URA had 15 criteria that had to be met before tax abatement was granted.

Council Member Betcher noted that she had heard additional public input on the URA at this meeting. She cited her concerns over staff alluding to including only three general criteria that had been discussed with the developer and asked the City Attorney how valid public input is if the City is bound by the only those three general criteria. City Attorney Parks stated that the parties had to be reasonable and must act in good faith. One way to do that is to have advance disclosure of the potential criteria and good faith can be shown that the explicit details of the criteria fit into the three general criteria categories. It was her opinion that, with a hearing consistent with that general rule, the City is not shutting down the public discourse.

Council Member Goodman read an excerpt of the letter dated October 7, 2015, from Brian Torresi of the Davis Brown Law Firm, who represents Breckenridge Development. In the letter, it was stated that Breckenridge had rejected the imposition of the list of eligibility criteria and contended that such imposition was a breach of the implied duty of good faith and fairness with respect to the Settlement Agreement dated August 3, 2015. Mr. Goodman asked the City Attorney if it would be possible for Breckenridge to file a lawsuit if there were to be a disagreement over what criteria were reasonable. City Attorney Parks advised that Breckenridge is always capable of filing a lawsuit as there will always be some gray area. Mayor Campbell pointed out that the 12 criteria fit under the three general criteria that had been disclosed to Breckenridge. City Attorney Parks said that she was comfortable that, with those criteria, the City was acting in good faith. Council Member Goodman noted that this developer had already “sued the City for doing what cities do,” and the City has spent two years defending its actions.

Council Member Orazem commented that he had never been in favor of requiring a certain percentage of commercial space that must be leased prior to occupancy. Council Member Betcher pointed out that there are commercial spaces that have sat empty for years and years as part of other projects that had been granted tax abatement. She felt the criterion would prevent that in this case.

Moved by Gartin, seconded by Orazem, to adopt Alternative 2, which is to amend the Draft South Wilmoth Avenue Urban Revitalization Plan and limit it to the first 12 items that are listed; and set November 24, 2015, as the date of public hearing for the adoption of the Plan and approval of the Urban Revitalization Area.

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

Council Member Goodman asked again to have the situation clarified regarding bike path easement. He specifically questioned whether it would be just as reasonable to allow the Long-Range Transportation Plan to be effective. Director Diekmann advised that the City really has no way to require the bike path unless the property develops. He suggested that the Council change the reference in the Code to the Ames Bicycle Plan; it would then be automatically a requirement of development.

Council Member Corrieri asked if there were any requests from the College Creek/Old Ames Middle School Neighborhood that would be addressed through another mechanism, i.e., at site plan approval. Director Diekmann said the only requirement is that the requirements must be objective. Issues of general compatibility would be required as part of the site plan process. Council Member Goodman asked if there were any design solutions to make the development more compatible with the existing neighborhoods. Mr. Diekmann listed the items requested by the Neighborhood that would not be addressed through any other City process: private security personnel and off-site traffic-calming devices. Landscaping, storm water management, and light pollution are covered by the Code.

Moved by Goodman, seconded by Corrieri, to include an additional criterion under the three general criteria specifically under the building elements that no balconies face south, west, or east on the perimeter of the property.

City Attorney Parks noted that the requirement pertaining to balconies appears to fit under one of the main three categories, i.e., building elements. Director Diekmann said that the requirement might be best addressed under site plan review. He suggested that staff not allow any balconies that face RL properties.

Vote on Motion: 5-1. Voting aye: Betcher, Corrieri, Goodman, Nelson, Orazem. Voting nay: Gartin. Motion declared carried.

It was clarified that the criterion pertaining to the requirement that a certain percentage of commercial space be leased prior to occupancy was not being included. Council Member Betcher noted that she was still very much in favor of requiring a percentage of commercial space be occupied or leased; however, she would not be moving it again because it appeared that the Council was not entirely in favor of it.

**SOUTHWEST ANNEXATIONS:** Moved by Goodman, seconded by Corrieri, to direct staff to initiate the annexation of the Crane property, including the City water tower site, as a 100 percent consenting annexation as soon as a waiver of Crane's rights to withdraw the Petition is received by staff.

Chuck Peebles, 5198-240th Street, Ames, stated that he and his wife, Katie, are one of the three property owners in the area around the McCay properties. He advised that they really have no real understanding of what is going on with the annexation other than it has been proposed. Mr. Peebles said that he and his wife see no benefits coming their way if they were to annex, other than perhaps natural gas. He stated, however, that they believe it would cost them more to convert their house to natural gas than what they would save in the ten-year plan. Mr. Peebles said that he had spoken with Mr. McCay about purchasing a small part of his property to create a peninsula so they could stay out of the annexation if it moves forward. He said that their taxes would go up approximately 40% (about \$1,500), and they would not stand to benefit because there are no rural services.

Director Diekmann clarified that Mr. McCay had filed an Annexation Petition. He pointed out that the motion on the floor is to only include the annexation of the Crane property and would not include the McCay property. It would be at least two years before the McCay property would be annexed and that would only happen if Mr. McCay filed the Petition for Annexation and the other necessary documents (Annexation Agreement and Water Buy-Out Agreement).

Council Member Goodman encouraged the Peebles to stay involved because the McCay property might not appear to be a big deal at this time, but it could be in a couple years.

Council Member Goodman wanted to ensure that all affected property owners receive notification. Planner Kuester acknowledged that staff gets the names of property owners within a certain number of feet of the property in question from the County. Staff had discovered only three days ago that there was a "hole" in the County's database, so some affected residents might not have received notice. One of those was Mr. Moore.

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

Kim Christiansen, 2985 South Dakota, Ames, pointed out that the McCay agreement has not yet been prepared. He believes that that agreement was very important to the other property owners in the area, and he would like to have public input on that agreement. Mr. Christiansen also commented that, if involuntary annexation is going to be utilized, it is really important and only fair that City services be provided at that time. He clarified that water and sewer should be available immediately or at least within one year as part of any involuntary annexations. Mr. Christiansen also asked if Gilbert and Story County would have to give their approval. Director Diekmann stated that the agreement would be attached to the Subdivision request; adjacent property owners would receive notice, so the public could comment on it. He also noted that Gilbert and Story County would not be part of the approval process for the agreement.; the Fringe Plan gives that authority to Ames because it is part of a designated Urban Service Area.

Doug McCay, 3016 Burnham Drive, Ames, apologized to his neighbors for this issue coming up so quickly. He said he and his wife had been talking about moving into town for a year or two, and the opportunity arose for them to do so last fall. Mr. McCay said, ideally, they would have chosen to split off only 17.9 acres and sell it; however, the City has jurisdiction over this area, which is in the Southwest Priority Growth Area. He believed that all people living in the Southwest Priority Growth Area should know that there is the possibility of annexation. He noted that they had initially lived in a farmhouse outside of Ames for 24 years until the interchange was built. Mr. McCay had asked about the development of the area prior to them purchasing that home and was told the interchange was not in the plan for at least five to ten years, but that it could be a possibility in the five years after that. It did happen, but the McCays did not fight it because they lived close to the city limit boundary, and they knew that that could occur. Mr. McCay said he supports the agreement with the City not requiring annexation prior to October 2017; they have no problems with Alternative 2, as proposed by staff.

Director Diekmann noted that staff was recommending Alternative 2: Defer annexation of the McCay property at this time and direct Mr. McCay to file a Minor Subdivision application with binding agreements to seek annexation at the City's request.

Mr. Diekmann clarified that this option would defer the initiation of annexation of the McCay properties for at least two years from the date of this City Council meeting. The deferral would allow others in the Southwest Priority Growth Area to consider annexation at that future time and for the City to prepare the Master Plan for development in this Growth Area. According to Mr. Diekmann, the agreement would not require Mr. McCay to annex prior to October 13, 2017. He would be required to sign an agreement to cover the costs of the buy-out of rural water service territory.

Moved by Goodman, seconded by Corrieri, to defer annexation at this time and direct Mr. McCay to file a Minor Subdivision application with binding agreements to seek annexation at the City's request.

Director Diekmann reiterated that the agreement would not require Mr. McCay to annex prior to October 13, 2017.

Phil Iasevoli, 3108 South Dakota Avenue, Ames, asked that the neighbors receive notice more timely than a week before the meeting, which was held on September 24, and that the meetings be held in the evening as most of the affected residents work. He said that if they are annexed in the future, the residents would like to have services, e.g., water, sewer, fire protection. He referenced the response time of emergency vehicles if properties around him are annexed, especially between 4 and 6 p.m. as traffic

backs up on the interchange clear back to Highway 30. Mr. Iasevoli suggested that the City begin to look at the possibility of building another fire station in that area if it was going to continue to look at annexation of properties.

Christine Houser, 3505-245th Street, Ames, explained that her father had lived on the land for nearly 70 years. She asked if property owners who had horses and cattle would have to get rid of them if their properties were annexed. Director Diekmann advised that there are no animal control laws; there is no prohibition on horses, cows, or chickens.

Mr. Peebles noted that the only property that is agricultural is the McCay property; the other three (Peeble, Frame, and Moore) are residential. He felt that if property is brought in, tax abatement should be granted until City services are rendered.

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

**2320 LINCOLN WAY (GILBANE DEVELOPMENT COMPANY):** Planning and Housing Director Diekmann advised that the Gilbane Development Company was seeking approval of its mixed-use project with alternative methods of meeting the fixed window requirement along Lincoln Way. Gilbane wants to ensure that its approach to sealing the windows along Lincoln Way is deemed to be an approach that provides equivalent performance to the fixed window standards of the tax abatement criteria. Mr. Diekmann noted that the Council previously reviewed the request on September 8, 2015, and declined to accept the windows along Lincoln Way with tamper-resistant screws as an equivalent method for securing windows compared to fixed windows.

According to Director Diekmann, the applicant originally sought compliance with the Mixed-Use, Design Criteria, and with the mandatory public safety elements with its request dated July 9, 2015. Staff from the Policy Department and Planning and Housing Department completed a site inspection of the building on August 12, 2015, and staff determined through the site inspection that the project complied with all of the tax abatement criteria with one exception to the fixed windows standard. The installed windows only included four tamper-resistant screws per window to keep them fixed shut. Staff did not find this to be a satisfactory design to ensure windows would not be opened as the system of screws could easily be defeated with minimal effort and tools. After the September 8, 2015, meeting, Gilbane demonstrated to the Police Chief and Planning Director the window that included epoxy sealant in the tracks of the windows to seal the window. The Police Chief and Planning Director believe that the modified window with the epoxy sealant meets the expectation of a window that would not be operable and could not be opened without damaging the entire window system. The windows will also be modified to remove latches that give the appearance of it being an operable window. The applicant desires Council's concurrence on that approach and will immediately implement the measure to finalize the project for tax abatement eligibility.

Council Member Nelson asked how long it takes to seal a window. Russell Broderick, representing Gilbane, 2320 Lincoln Way, Ames, answered that it takes approximately 20 minutes/window.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 15-632 approving the sealed epoxy windows as an equivalent measure to fixed windows along Lincoln Way for the project at 2320 Lincoln Way.

Council Member Goodman stated that he would be abstaining from the vote due to a possible conflict of interest.

Council Member Betcher commented that she would not be voting in favor of the motion because she feels strongly that there are standards in place for a reason. She does not believe that people should be allowed to build things the way they want and then later ask for forgiveness. The standards should be followed, rather than later requesting substitutions.

Council Member Gartin said that it was his belief that this was inadvertent on the part of Gilbane. Ms. Betcher disagreed, stating that the plans had showed fixed windows. Also, when asked, the developers had said that they had built the building with the windows they have always used.

Roll Call Vote: 4-1-1. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Abstaining due to a conflict of interest: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

The meeting recessed at 8:10 p.m. and reconvened at 8:15 p.m.

**SNOW/ICE CONTROL PROGRAM:** Justin Clausen, Public Works Operations Manager, reviewed the Snow and Ice Removal Policy for the City. City Manager Schainker noted the significance of the creation of a single document that reflects the subject policies and procedures.

Moved by Goodman, seconded by Corrieri, to direct staff to add the interior streets of the Campustown area to the snow plowing priorities.

Council Member Nelson said he would like to have information on what that would do to other areas of the City.

Council Member Betcher asked for the specific boundaries. Council Member Goodman stated that it would be Lincoln Way to Storm and Ash and Hayward and the little section on Sheldon/Hunt.

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

**STREET BANNER POLICY:** Management Analyst Brian Phillips reminded the Council that, at its November 10, 2014, meeting, the Council had directed staff to develop a proposal to add the property at the east end of Main Street to the list of allowable sites to place a banner under the City's Street Banner Policy. An amendment to the Policy has been drafted. It incorporates similar standards already required in other locations. Staff proposed that the banners at the new location only be permitted to advertise events taking place within the Main Street Cultural District (MSCD) boundaries. Mr. Phillips reviewed the proposed revisions.

Council Member Betcher suggested that the new location be added to the first paragraph of the Street Banner Policy that lists the specific locations.

Moved by Goodman, seconded by Orazem, to approve a revision to the City's Street Banner Policy to add the east end of Main Street as an allowed banner location, with the addendum that the new location be clarified on the application and include a map.

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

**CITY BRANDING:** Public Relations Officer Susan Gwiasda noted that the Council had set one of its top goals to “Promote Economic Development” with an objective to “develop a brand communications plan.” In February 2015, the Council refined its focus to a more specific campaign that targeted young adults transitioning to families to relocate to Ames. The geographic market was identified by the Council as the Ames to Des Moines I-35 Corridor. A Request for Proposal (RFP) was developed. It required the branding campaign to be based on the community vision, vocabulary, and information gleaned from the 2011 Ames Community Vision process. Ms. Gwiasda reviewed the specific deliverables that were being sought.

According to Ms. Gwiasda, the RFP was issued to 33 firms with responses received from six. A committee comprised of City staff and local marketing professionals reviewed and ranked the six returned proposals. Each proposal was evaluated based on a combination of the cost, project understanding, clarity and content of the proposal, experience with similar projects and the creative methods used to accomplish the goals, qualifications of key personnel, and the proposed time line and work plan.

The proposal rankings and fees were listed out for the Council. Ms. Gwiasda advised that the top three firms were invited for interviews and asked to provide brief presentations. The firms were then ranked. Ms. Gwiasda detailed the proposals received from Red Dot Advertising + Design of West Des Moines, Chandlerthinks of Franklin, Tennessee; and ZLR Ignition of Des Moines.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 15-633 approving a contract with ZLR Ignition of Des Moines, Iowa, for the first phase of brand consulting services in the amount of \$55,000.

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

**POWER PLANT GAS CONVERSION PROJECT:** Electric Services Director Donald Kom introduced Justin Dodge, member of the EUORAB, and Jeff McKinney, consultant in the natural gas industry.

Mr. Kom explained that the contract in question is for the purchase of 14,000 MMBtu/day of natural gas Firm Throughput Service for nearly a ten-year contract period (January 1, 2016, to October 31, 2025). The Contract is for the purchase of the transportation of the gas to Ames and does not include the natural gas commodity. Mr. Kom said that staff had spent a substantial amount of time to determine how much firm service should be looked at. He described the key points of the final contract. It includes a one-time right to lower its quantity. The delivery point could be Ventura or Grundy. The company is offering a discount for Ames if it uses the Grundy Center delivery point. Grundy Center is a less liquid trading point, and the number of potential gas suppliers will be reduced.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 15-634 awarding a 10-year contract to Northern Natural Gas Company of Omaha, Nebraska, for Gas Transport Service to City’s Power Plant at an estimated amount of \$1,111,425 per year.

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

The second contract is for the purchase of 12,000 MMBtu/day of natural gas for Electric Services for contract period anywhere from 1, 3, 5, or 10 years, depending on which option is recommended by the City staff based on a financial analysis. It was noted that the subject contract is for the purchase of the natural gas commodity and does not include the transportation of the gas to Ames.

Mr. Kom explained that the pricing of natural gas can be done under several arrangements. The two types considered by the City were fixed-price and index pricing. Mr. Kom explained the differences between them. The difficulty with the fixed-price bid specifically is the time period that a bid is valid, which in this case, is less than 24 hours. Due to this, a very atypical process is being followed by City staff. The process was detailed by Mr. Kom.

Board Member Justin Dodge advised that the EUORAB is in favor of entering into a 5-year contract to Macquarie Energy LLC, Houston, Texas, for 12,000 Dth per day of natural gas with the delivery point being Grundy Center.

Moved by Betcher, seconded by Goodman, to adopt RESOLUTION NO. 15-635 to award 5-year contract to Macquarie Energy LLC of Houston, Texas, for 12,000 Dth per day for natural gas for the Power Plant at \$3.02/Dth.

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

**CHANGE ORDER FOR POWER PLANT FUEL CONVERSION - CONTROL ROOM INSTALLATION GENERAL WORK:** Electric Services Director Don Kom recalled that the City Council, on September 22, 2015, the City Council awarded a contract to Henkel Construction Company of Mason City, Iowa, for the Power Plant Fuel Conversion - Control Room Installation Contract. The first attempt to bid this project yielded no bids. Rebidding the project resulted in a two-month delay from the original schedule.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 15-636 approving Change Order No. 1 with Henkel Construction Company of Mason City, Iowa, for Power Plant Fuel Conversion - Control Room Installation General Work in the amount of \$66,782.

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

**REQUEST FROM CITY OF GILBERT FOR WHOLESALE WATER AND/OR SEWER CONTRACT:** Water and Pollution Control Director John Dunn stated that, on August 25, 2015, the City Council referred a letter to staff from the City of Gilbert requesting that the City of Ames consider a possible connection to and supply of water and sewer service from the City of Ames to the City of Gilbert; that letter was referred to staff. Gilbert is in the process of evaluating its options for expanding and improving its water and wastewater treatment systems. One of the options that their consultant had recommending was that they explore connecting to the City of Ames water and/or wastewater systems. Mr. Dunn advised that, currently, the City has two wholesale agreements for drinking water and four for wastewater. He summarized the quantities and revenues for those accounts over the past fiscal year and gave brief explanations of each contract. Mr. Dunn said that Gilbert's projected future average day demand of 147,500 gallons/day of drinking water would serve approximately 361 homes.

According to Director Dunn, in addition to utility-related issues, the provision of water and sewer service by Ames outside its city limits could have clear land use implications. Per the Fringe Plan, growth areas for Gilbert are on the south side of town (focused around Grant Avenue and approximately 1.5 miles north of the City of Ames). If the City of Ames were to provide utility services to Gilbert, it should be aware of its support of growth and to ensure Gilbert's growth is consistent with the Fringe Plan and only available to development within the boundaries of the town of Gilbert. Mr. Dunn also pointed out that, while care is always taken to develop contractual language that protects each party's interests, any contractual agreement runs the risk to either party of an unforeseen condition arising that was not anticipated or fully addressed by the agreement.

Moved by Goodman, seconded by Corrieri, to direct staff to tell Gilbert that the City of Ames is not interested in the deal at this time.

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

**HEARING ON REZONING PROPERTY AT 516 SOUTH 17<sup>TH</sup> STREET:** Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Planner Ray Anderson provided the background for this proposed rezoning. The subject site is approximately 12 acres and had a LUPP Amendment approved on October 14, 2014 that changed the site from Highway Oriented Commercial to Residential High Density on the Future Land Use Map. Mr. Anderson advised that there is no longer a defined project for construction on this property. The subject property is an undeveloped parcel accessed through the Aspen Business Park from the west end of S. 17<sup>th</sup> Street. An outlot is shown as reserved for future street right-of-way to accommodate the future extension of S. 17<sup>th</sup> Street to S. Grand Avenue. Of those four proposed lots, the developer proposes to construct 209 units total with a mix of 2-, 3-, and 4-bedroom apartment units; however, an exact design or mix of units is not known at this time.

It was pointed out that a review of the RH Checklist indicates the site has a variable mix of high and low ratings. The main areas with low ratings are transportation access and lack of details on project design and building types because it is a straight rezoning request.

Pertaining to bus ridership along S. 16<sup>th</sup> Street, the developer assumed that the property in question would be occupied half by students using the bus during the day. For this development, it was estimated that there would be a demand for ten riders during peak hours. CyRide provided comments that a standard bus has a capacity for 38 seated persons and 20 additional standing individuals. Adding ten riders may not always be accommodated in combination with demand from the other nearby bus stops or with needed seats at the Iowa State Center transport point.

Discussion ensued about the impacts on CyRide. Council Member Orazem noted that the developer has reduced density to lessen the impacts on CyRide and traffic.

Scott Randall, 420 S. 17<sup>th</sup> Street, Ames, stated that he had put in another lane on S. 16<sup>th</sup> Street, sidewalks, and bike paths.

Moved by Goodman, seconded by Gartin, to direct staff to return with a signed Development Agreement reflecting the conditions recommended by the Planning and Housing Commission prior to the first reading of the Ordinance for the proposed rezoning from Highway-Oriented Commercial to Residential

High Density for the property located at 516 S. 17th Street.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON REZONING PROPERTY AT 125 AND 130 WILDER AVENUE:** The public hearing was opened by the Mayor. No one came forward to speak, and the Mayor closed the hearing.

Planner Karen Marren advised that the developer is requesting a Planned Residential Development (PRD) rezoning and approval of a Major Site Development Plan for two parcels to allow for the construction of a 40-unit town home development. To accommodate the development, the owner requested rezoning the two parcels from Convenience Commercial Node to Planned Residential District. According to Ms. Marren, a PRD is intended to promote housing variety that may differ in its design from a standard base zone. Approval of a PRD sets a base density standard for the development, but establishes most development standards through the approval of the Major Site Development Plan to allow flexibility in design.

According to Ms. Marren, the overall project includes 40 single-family attached housing units configured in buildings of two and four units with two and three bedrooms. The housing design is modeled after some townhomes designs found on the west side of Somerset along Bristol Drive and Northridge Parkway. There is a single point of access from Wilder Avenue with private access into the development parcels. Mr. Diekmann advised that the applicant no believes small scale neighborhood commercial will be developed in or on this site in the near term.

Debbie Lee, 214 S. Maple Avenue, Ames, spoke in favor of rezoning the property and approving the Major Site Development Plan.

Justin Dodge, Hunziker & Associates, 105 S. 16<sup>th</sup> Street, Ames, stated that the developer was asking the City Council to approve Alternative No. 2.

Moved by Goodman, seconded by Betcher, to pass on first reading an ordinance rezoning property at 125 and 130 Wilder Avenue from Convenience Commercial Node (CVCN) to Planned Residential District (F-PRD).

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

**HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR 125 AND 130 WILDER AVENUE:** The public hearing was opened by Mayor Campbell. She closed the hearing when no one requested to speak.

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-637 approving a Major Site Development Plan to allow for the construction of 40-unit town home development, with the following conditions:

- a. Approval of a Preliminary and Final Plat for creation of the proposed residential lots as depicted on the site plan
- b. Revision of the landscape plan to include the clustering of additional shrubs along the north property lines to meet the intent of the L3 screen buffer for the PRD
- c. Final approval of the landscape plan details by staff
- d. Add a stone or brick treatment to the foundation of the front facade of each building (approximately

150 square feet per unit)

- e. Add a porch that extends across half of the front facade of one town home unit for each building (total of 12 units).

Council Member Nelson said housing affordability is a key issue. He does not believe the brick requirement is necessary to the foundation of the front facade of each building. Council Member Gartin concurred. Discussion ensued as to whether to require the porch.

Roll Call Vote: 2-4. Voting aye: Betcher, Goodman. Voting nay: Corrieri, Gartin, Nelson, Orazem. Motion failed.

Moved by Gartin, seconded by Corrieri, to rezone the properties from Convenience Commercial Node (CVCN) to Planned Residential District (F-PRD) and approve the Major Site Development Plan, subject to the following conditions:

- a. Approval of a Preliminary and Final Plat for creation of the proposed residential lots as depicted on the site plan;
- b. Revision of the landscape plan to include the clustering of additional shrubs along the north property lines to meet the intent of the L3 screen buffer for the PRD; and
- c. Final approval of the landscape plan details by staff.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher, Goodman. Motion declared carried.

**HEARING ON TEXT AMENDMENT TO CHAPTER 29 TO REVISE RESEARCH PARK AND INNOVATION ZONING DISTRICT TO INCLUDE MINIMUM HEIGHT STANDARD:** Mayor Campbell opened the public hearing and closed same after no one came forward to speak.

Moved by Corrieri, seconded by Gartin, to pass on first reading an ordinance to include a minimum height standard in the Research Park and Innovation Zoning District in Chapter 29.

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

Moved by Gartin, seconded by Corrieri, to suspend the rules necessary for the passage of an ordinance. Roll Call Vote: 5-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: Goodman. Motion declared carried.

Moved by Goodman, seconded by Corrieri, to pass on second and third readings and adopt ORDINANCE NO. 4232 to include a minimum height standard in the Research Park and Innovation Zoning District in Chapter 29.

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

**HEARING ON SCAFFOLDING AND RELATED SERVICES AND SUPPLY CONTRACT FOR POWER PLANT:** The public hearing was opened by the Mayor and closed after no one requested to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 15-638 approving final plans and specifications and awarding contract to All American Scaffold of Des Moines, Iowa, for hourly rates

and unit prices bid, in an amount not to exceed \$55,000.

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

**HEARING ON AMES/ISU ICE ARENA 2015 EVAPORATIVE CONDENSER REPLACEMENT PROJECT:** Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Goodman, seconded by Betcher, to accept the report of no bids.

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

**HEARING ON AMENDMENTS TO FISCAL YEAR 2015/16 BUDGET:** The public hearing was opened. The Mayor closed same after no one asked to speak.

Moved by Goodman, seconded by Gartin, to adopt RESOLUTION NO. 15-639 amending the current budget for Fiscal Year ending June 30, 2016, for carryover amounts from Fiscal Year 2014/15.

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

**ORDINANCE REZONING WITH MASTER PLAN PROPERTIES IN IOWA STATE UNIVERSITY RESEARCH PARK, PHASE III:** Moved by Goodman, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4229 rezoning with Master Plan properties in Iowa State University Research Park, Phase III, from Planned Industrial (PI) to Research Park Innovation District (RI).

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

**ORDINANCE REZONING 2400 NORTH LOOP DRIVE:** Moved by Goodman, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4230 rezoning 2400 North Loop Drive from Planned Industrial (PI) 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 PROPERTIES AT 3505 AND 3515 LINCOLN WAY:** Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4231 rezoning properties at 3505 and 3515 Lincoln Way from Highway-Oriented Commercial (HOC) and Residential Low Density (RL) to Highway-Oriented Commercial (HOC) with Lincoln Way Mixed-Use Overlay (O-LMU) Zone.

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 Gartin, seconded by Goodman, to direct staff to place the requests of Ames Solar Initiative on a future agenda for discussion.

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

Moved by Gartin, seconded by Nelson, to refer to staff to place the issue of an Affordable Housing Conference on a future agenda for discussion.

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

Moved by Corrieri, seconded by Orazem, to refer to staff for a memo back to Council the letter from FOX Engineering pertaining to an issue with a property Dayton Avenue that is in the floodway.

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

Moved by Goodman, seconded by Corrieri, to refer to staff for preparation of a text amendment to reference the Long-Range Transportation Plan for bicycle facilities under Chapter 23.

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

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 11:24 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor