

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 13, 2011

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on September 13, 2011, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member Finseth was also present.

PROCLAMATION: The Mayor proclaimed September 2011 as Addiction Recovery Month. Accepting the Proclamation were Jason Haglund and two clients of Youth and Shelter Services and a representative from Community and Family Resources.

PRESENTATION OF CRIME-FREE HOUSING CERTIFICATES: Police Chief Chuck Cychosz introduced Ellen and Dave Arkovich, property owners of 4405 Castlewood; Gary Denner, manager of Professional Property Management; Terry Hermann, manager of Community Housing Initiatives; Ames Police Sergeant Mike Arkovich, and Ames Police Lieutenant Tom Shelton, who coordinate the Program on behalf of the City. Chief Cychosz explained the Crime-Free Housing Program. He emphasized the significant commitments made by the property owners to be part of the Program.

REPORT ON EFFORTS OF CAMPUSTOWN ACTION ASSOCIATION (CAA) INTERN: John Haila, President of the Campustown Action Association, thanked the City Council for its allocation of funding to allow for the hiring of Chandra Peterson to administratively organize the newly formed CAA.

Chandra Peterson highlighted events in the Campustown area that had occurred throughout Summer 2011. She also said that the CAA's website and Facebook page have been created and procedures were devised for membership and group communications. In addition, a newsletter is being created and three grants are being written. According to Ms. Peterson, during the tenure of her position, membership in the CAA almost doubled; it now has 53 members.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of August 16, 2011, and Regular Meeting of August 23, 2011
3. Motion approving Report of Contract Change Orders for August 16 - 31, 2011
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class B Liquor & Outdoor Service – Hilton Garden Inn Ames, 1325 Dickinson Avenue
 - b. Class C Liquor – El Patron Authentic Mexican Restaurant, 120 Welch Avenue
 - c. Class C Beer – Elmquist/Decker's BP, 821 Lincoln Way
 - d. Class C Liquor & Outdoor Service – Brewer's, 2704 Stange Road
 - e. Class C Liquor & Outdoor Service – Wallaby's Grille, 3720 West Lincoln Way
 - f. Class C Liquor – La Fuente Mexican Restaurant, 217 South Duff Avenue
6. Motion setting the following City Council meeting dates:
 - a. January 17, 2012, at 5:15 p.m. for CIP Work Session
 - b. February 3, 2012, at 2:00 p.m. for Budget Overview

- c. February 7, 8, 9, and 14, 2012, at 5:15 p.m. for Budget Hearings/Wrap-Up
- d. March 6, 2012, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
- 7. RESOLUTION NO. 11-424 approving Annual Street Finance Report
- 8. RESOLUTION NO. 11-425 approving revisions to ASSET Policies and Procedures
- 9. RESOLUTION NO. 11-426 approving Underage Enforcement Agreement with Youth & Shelter Services for police overtime reimbursement
- 10. RESOLUTION NO. 11-427 approving Agreement for Consulting Services for 2011/12 Collector Street Pavement Improvements (Ash Avenue from Mortensen Parkway to Knapp Street)
- 11. RESOLUTION NO. 11-428 approving Agreement for Consulting Services for West Lincoln Way Intersection Improvements (Dotson Drive/Lincoln Way)
- 12. RESOLUTION NO. 11-429 approving preliminary plans and specifications for Unit No. 7 Circulating Water Pipe Rehabilitation; setting October 12, 2011, as bid due date and October 25, 2011, as date of public hearing
- 13. RESOLUTION NO. 11-430 approving preliminary plans and specifications for Unit No. 8 Air Heater Basket Replacement; setting October 12, 2011, as bid due date and October 25, 2011, as date of public hearing
- 14. RESOLUTION NO. 11-431 awarding contract to Stiver's Ford of Waukee, Iowa, for 2012 Ford F550 Chassis in the amount of \$29,699 and contract to Truck Equipment of Des Moines, Iowa, for Utility Body and Platform in the amount of \$71,156
- 15. RESOLUTION NO. 11-432 awarding contract to LawnPro, LLC, of Colo, Iowa, in the amount of \$55,000 for 2011/12 Tree Trimming Program
- 16. RESOLUTION NO. 11-433 approving contract and bond for 2009/10 Concrete Pavement Improvements (South Hyland Avenue, Edison Street, Alexander Street, and Stanton Avenue) Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Richard Deyo, 505-8th Street, #2, Ames, expressed his dismay at not being selected to attend the City's Citizen's Academy. He suggested that the Council shadow participants throughout the Citizen's Academy process.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, said he wished to speak on three budget-related issues. He stated his belief that Ames is still somewhat a relatively wealthy community that is overall doing much better than most cities in Iowa despite the economic downturn. It is his opinion that, in Ames, it is not so much what the City can afford, but where it chooses to spend the money. Pertaining to the CyRide budget shortfall, Mr. Pfannkuch said that he was "exasperated, ashamed, and embarrassed" that there has been no public call from the Council to examine how the funds are allocated. Students are "tapped-out" and appropriations to ISU from the state continue to go down. It appears that CyRide's budget will be \$250,000 short this fiscal year, and Mr. Pfannkuch was upset that the CyRide staff was told to somehow find that amount by cutting other things in its budget. Having attended the public forum on the CyRide budget deficit, Mr. Pfannkuch noted his disappointment that no Council member had attended such a valuable session. He told of the persons with disabilities, lower-income residents, and at-risk youth explaining, at that session, how they rely on CyRide services. Mr. Pfannkuch recalled that AMOS representatives had asked for free transportation by CyRide for at-risk youth. He recommended that the City look at CyRide as a public resource and consider its true value to the community. Mr. Pfannkuch believes that \$250,000 to keep the current services of such a valuable resource is not much compared to the estimated \$8.1 million to install infrastructure to property east of Barilla, which the City is contemplating. He suggested that the City get some of the funding from the Ames Economic Development Commission's (AEDC) budget.

Mr. Pfannkuch asked that tax payer dollars not be used to support the AEDC or Chamber. He contended that CyRide is an economic development service, and Mr. Pfannkuch believes the City should be able to draw on the Hotel/Motel Tax fund that is used for economic development to offset CyRide's budget shortfall. In addition, it was strongly suggested by Mr. Pfannkuch that the City not put any significant bond issues on the ballot in November if the school bond issue being voted on this date fails.

Dan Culhane, Executive Director of the Ames Economic Development Commission and Ames Chamber of Commerce, referenced two letters that he had sent to the City Council pertaining to annexation of property east of Interstate 35 (east of Barilla). In the last few weeks, interest has been expressed to the AEDC about that property. It is believed to be a high priority for the Ames community when it comes to industrial development. Ames is a highly viable and competitive location for doing business. Mr. Culhane reiterated that the AEDC's activity had been very robust over the past year. As part of economic development, Ames has to continue to look for ways to grow the land mass so that it is prepared and able to be competitive when companies look for locations. He requested that the City Council look at annexation east of Interstate 35 and determine the costs of same.

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

OCTAGON ARTS FESTIVAL ON SEPTEMBER 25, 2011: Heather Johnson, Executive Director of the Octagon, stated that this is the 40th anniversary of this Festival and the ninth year that it had been held in the Main Street Cultural District.

Moved by Mahayni, seconded by Wacha, to adopt/approve the following:

- a. RESOLUTION NO. 11-434 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6:00 a.m. to 6:00 p.m.
- b. RESOLUTION NO. 11-435 approving waiver of fee for usage of electricity
- c. Motion approving Blanket Temporary Obstruction Permit for sidewalks adjacent to closed streets
- d. Motion approving Blanket Vending License

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

Council Member Goodman advised that he would be abstaining from the vote on the request for a waiver of the fee for the Blanket Vending License due to a conflict of interest.

Moved by Mahayni, seconded by Wacha, to adopt RESOLUTION NO. 11-436 approving a waiver of the fee for the Blanket Vending License.

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

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY: Moved by Mahayni, seconded by Davis, to approve a new 5-Day Class C Liquor License for Olde Main Brewing at CPMI Event Center, 2321 North Loop Drive.

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

2011/12 ANNUAL ACTION PLAN PROJECTS FOR COMMUNITY DEVELOPMENT

BLOCK GRANT PROGRAMS: Vanessa Baker-Latimer, Housing Coordinator, recalled that this item was a follow-up to the Council's August 23, 2011, meeting. The Council had directed staff to solicit public input on the proposed projects. Ms. Baker-Latimer stated that the City hosted two public forums on September 7, 2011. Five persons attended, representing three non-profit organizations, one business organization, and one citizen. During the forum, a suggestion was made to use some of the funding to expand the Neighborhood Home Improvement Program; specifically, to make funds available for non-profit organizations to repair their facilities, for rental property owners to rehabilitate properties for low-income renters, and for property owners to convert properties back to single-family homes. According to Ms. Baker-Latimer, all of those initiatives would qualify for CDBG funds; however, additional program guidelines would have to be created to administer those components.

Ms. Baker-Latimer outlined staff's rationale for not proposing additional program projects to replace the Flood Buy-Out Program during the current year. Staff proposed to continue with the original activities outlined on August 23, 2011, but redirecting some of the funding from the Neighborhood Housing Improvement Program into creating a pilot program to assist property owners in converting rental properties into owner-occupied housing. Ms. Baker-Latimer advised that there still would be a requirement from the Department of Housing and Urban Development that the conversion must be made available to a low-income person. For that reason, staff proposed to try a pilot program first.

Council Member Orazem asked if staff had criteria to identify a qualified applicant under the property conversion program (from rental to owner-occupied). Ms. Baker-Latimer advised that staff will have to create the guidelines and bring those back to Council for review and approval. Mr. Orazem asked if the City could partner with Habitat for Humanity. Ms. Baker-Latimer replied that this program would not include properties that are for sale. It would include properties that are in need of repairs, but the property owner doesn't have the funds to make those repairs and convert them back to single-family ownership.

Council Member Goodman stated his concern about long-term funding. He cited his desire that the City prioritize perpetual investments, i.e., acquisition and resale, and suggested that next year's plan be nearly exclusively that kind of program. Mr. Goodman also said that the City should make sure that it is not incentivizing neglect; it should not reward those property owners who are not taking care of their rental properties.

Moved by Mahayni, seconded by Wacha, to amend the 2011/12 CDBG Annual Action Plan with the proposed projects as outlined to the Council on August 23, 2011, but redirect \$25,000 from the Neighborhood Housing Improvement Program into creating a pilot program to assist property owners with funds to rehabilitate single-family rental properties for conversion to owner-occupied units.

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

PROPOSED CITY LOGO (Tabled from August 9, 2011, and August 23, 2011, meetings): Dan Culhane, Executive Director of the AEDC and Chamber of Commerce; Julie Weeks, Executive Director of the Ames Convention & Visitors Bureau, and Susan Gwiasda, City Public Relations Officer were present.

Ms. Gwiasda reported that another community in Iowa is using a similar tagline as the one

chosen for Ames. The other community had not trademarked its tagline, and despite extensive searching, it was not found. According to Ms. Gwiasda, Christie Harper, consultant with Brand Endeavor, has recommended that Ames reconsider its tagline. Ms. Gwiasda reviewed four options available to the City Council:

1. City Council could move ahead to trademark the previously adopted tagline, “Heartland’s Leading Edge.”
2. City Council could work directly with the consultant to identify a new tagline.
3. City Council could ask the Vision Steering Committee to reconvene and work with the consultant to identify a new recommended tagline.
4. City Council could seek assistance from volunteer resources in the community to develop possible alternatives (e.g., public contest)

According to Ms. Gwiasda, Brand Endeavor would not charge the City to develop a new tagline.

Council Member Wacha stated his preference to accept the offer of assistance from Brand Endeavor and reconvene the Vision Steering Committee. Council Member Davis concurred and expressed appreciation that Brand Endeavor would not be charging for those services.

Council Member Orazem noted that the City received over 6,000 responses from the community. He believes that much was learned from going through the process the first time. Mr. Orazem feels that the theme has been established.

Moved by Goodman, seconded by Wacha, to pursue a new tagline that will reflect the City’s vision, which will cause the Vision Steering Committee to reconvene and work with the consultant from Brand Endeavor to identify a new recommended tagline for the City Council’s decision.

Council Member Goodman asked that a more thorough search of taglines and logos be made to ensure that duplicative or similar ones to Ames’ preferred option do not already exist.

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

Pertaining to the logo, Ms. Weeks explained that the Chamber, ACVB, and the AEDC had started the process of creating a logo prior to the initiation of the City’s visioning process. That venture ceased when the City began its visioning process. Ms. Weeks noted that one of the recommendations from Brand Endeavor had been that the Chamber, ACVB, AEDC, and the City would use the same logo to market Ames. Ms. Weeks specifically asked the Council whether the City preferred that one logo be shared by the four entities, or if it preferred to have its own logo. She also inquired what process they preferred to use pertaining to the logo. That direction is needed before the Chamber, ACVB, and AEDC would proceed. In addition, nothing on the logo would be decided until the new tagline had been determined.

Mayor Campbell thanked the Chamber, ACVB, and AEDC for funding the logo process and for their willingness to halt that process until the new tagline had been named.

Catherine Scott, 1510 Roosevelt Avenue, Ames, expressed confusion whether the logo would be used by the Chamber, AEDC, and/or ACVB only when marketing Ames. Ms. Scott pointed out that the information sent out with tonight’s Agenda alluded to the logo being the only one

for the Chamber, ACVB, and AEDC. She voiced her objection to that, stating her opinion that it would be fine for the other three entities to use the logo when promoting the City, but it should not be used when they are promoting their own agendas. Ms. Scott said she served on the Steering Committee and was pleased with the positive feeling at the end of the process, but believes that it needs to be determined how the logo would be used by the other three entities.

Earl Franz, 307 Orange, Ames, thanked the City Council for soliciting public input on a new City tagline and logo. He gave a brief history of previous logos. Mr. Franz also referenced a past proposal for a City flag, but that was ultimately dropped. In Mr. Franz's opinion, discussion of a City flag is germane to the discussion of the logo. Mr. Franz raised a concern he has over the apparent "entanglement" between a City logo and a City flag. He cited his desire that if a new logo is created, the flag with the previous logo not be flown. Mr. Franz also noted that the City did have an official flag in 1964; but that Ordinance was repealed in 2002.

Dan Culhane stated that the Chamber, AEDC and the ACVB made commitments regarding the City tagline in that it is important that the City and the three entities have the same one. However, they do not necessarily feel that the logo must be the same for all four entities. Initially, it was not envisioned that the City would have the same logo as the other three entities.

Moved by Mahayni, seconded by Goodman, to approve the public input process being suggested by the Ames Convention and Visitors Bureau, which will involve: the development of five logo possibilities by PUSH, the identification by the City Council of the top three "finalists" from that group of five, and the selection by the City Council of the shared logo through a public feedback effort.

Council Member Davis stated that he would like the Council to first decide if the City would share a logo with the other three entities. Council Member Orazem said he preferred that the four entities share the logo to represent unification of efforts to bring visitors and new residents to the City. He views it as a common symbol for the community. Council Member Wachua voiced his agreement with Council Member Orazem. In his opinion, the City is always marketing itself to potential businesses and residents, and he does not see a downside to sharing a logo. Council Member Goodman pointed out that there is a danger in sharing a logo as the Chamber and AEDC represent a segment of Ames; it participates in political activity, which can be in conflict with the City. Council Member Mahayni disagreed, stating that he does not see the Chamber as a political organization. Council Member Goodman identified a logo as "non-verbal communication that is widely recognized." He believes that the logo, if shared, should have a restriction that it only be used for marketing purposes.

Council Member Davis asked to know the time frame for the new logo. Ms. Weeks advised that it depends on the completion of a new tagline.

Council Member Mahayni pointed out that the job of a tagline and logo is to increase Ames' attractiveness and distinction to those outside the community. Council Member Orazem said he was in 100% agreement with Mr. Mahayni. He noted that Story County has the same level of employment as it did 13 years ago; Ames needs to do something to make it look more attractive to other places, and one of those things is to take seriously the need to look like a unified community. That image needs to be brought out to other businesses and people.

Council Member Wacha noted his feeling that the creation of a logo is best left to professionals with expertise in design.

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

UPDATE ON STATUS OF NORTH GRAND MALL: City Manager Steve Schainker reported that on July 12, 2011, the Council denied any extensions to the deadline for completion of parking lot improvements on Lot 2 of the North Grand Mall site. On that date, it had directed staff to continue negotiations with G.K. Development toward the submission of a new site plan by no later than September 1, 2011. Planning and Housing Director Steve Osguthorpe informed the Council that a new site plan had been received. He also explained what had transpired to date and how the submittal of the site plan impacts the performance bond as well as the parking and landscaping requirements reflected in the current Adaptive Reuse Plan (ARP).

Director Osguthorpe reminded the Council on the layout of the Mall site because it was referenced throughout the report by lot number. He advised that G.K. Development had submitted a site plan for Lot 1 on September 1, 2011. According to Mr. Osguthorpe, initial review of the newly submitted site plan indicated that it did not comply with current landscaping standards because it does not provide the required landscape medians in the parking lot. It also does not comply with the alternative landscape plan previously approved under the current Adaptive Reuse Plan (ARP) since it does not include any additional landscaping in the right-of-way surrounding the site. It also does not include any of the decorative pavement design that was intended to compensate for lack of greenery on the site. Both of those provisions were required to make up for landscaping otherwise not provided on the site.

Also, according to Mr. Osguthorpe, he has had several telephonic conversations with Greg Kveton of G. K. Development. Mr. Osguthorpe reiterated that G. K. Development had informed staff that they are in current negotiations with two new major tenants for the property. Mr. Kveton could not be present at this meeting, but asked Mr. Osguthorpe to convey the following information:

1. The submitted site plan, although it does not comply fully with the City's current landscaping standards, doubles the amount of landscaping currently on the site.
2. The plan includes new pavement.
3. The plan includes a new building and new facade.
4. There will be new lighting fixtures installed that meet the City's lighting standards as well as incorporating LED technologies.
5. The owners have concerns about visibility. The perimeter landscaping that was approved as part of the Adaptive Reuse Plan was fairly dense. The tenant that G. K. Development is working with has a very specific "formula" about their needs for visibility, location of the building, etc. Mr. Kveton's concern is that if the City were to apply the requirements of the Adaptive Reuse Plan, it would mean a "no-go" for that tenant. Also, if the City maintains the ARP standards for Lot 2, it would create an "uneven playing field" for the proposed new tenant and an existing one.
6. G. K. Development does intend to upgrade the landscaping on Lot 2.

Mr. Osguthorpe noted that the City Council is allowed to be very creative and flexible in its approval of an ARP. He stated that what was required in the previously approved plan might not

be as important to the Council as it considers this new plan. Ultimately, this revised plan will be brought back to the Council for final approval. However, as staff begins working with the developer to perfect a new plan, staff needs direction regarding the landscaping and parking issues. Direction is also being sought so that City staff can avoid any lengthy negotiations that might hinder the leasing of Mall property to new major tenants.

Council Member Orazem said that the best thing to improve North Grand Mall would be new stores. He is not interested in determining the best landscaping at this point until new tenants have committed. Specifically, he does not the City to complicate things so much that tenants do not come.

Options for processing the site plan recently submitted for Lot 1 were reviewed by Director Osguthorpe.

1. Process the current application as an amendment to the approved Adaptive Reuse Plan, which would
 - a. Conclude that the proposed landscaping is adequate for Lot 1 only.
 - b. Maintain current ARP landscaping standards for Lot 2.

If that is the option chosen by Council, then it can either:

- I. Condition approval of landscaping for Lot 1 upon installation of landscaping on Lot 2; or
- ii. Approve proposed landscaping on Lot 1 with no strings attached.

Mr. Osguthorpe advised that the sub-option would not negate the previously approved landscaping requirements for Lot 2. However, under that approach, the City would have no leverage to compel its installation since at this time there are no other buildings on Lot 2 that would require issuance of an Occupancy Permit.

- c. Direct staff to work with the applicant to amend the Developer's Agreement, eliminating the stipulation that the owner not apply for Occupancy Permits for any development of the site without reconfiguration of Lot 2 to comply with the minimum off-street parking standards.
 - d. Require the developer to reconfigure the parking on Lot 2 by a specific date, and thereby continue to hold the current performance bond.
2. Require submittal of a site plan for Lot 1 that reflects the landscaping features that were approved in the current ARP, which would require:
 - a. Full perimeter landscaping as shown on the approved ARP
 - b. Colored/Textured pavement design near entrances and on sidewalks connecting the building to the street
 - c. Installation of pedestrian-scale designer light fixtures

- d. Require the developer to reconfigure the parking on Lot 2 by a specific date.
3. Require submittal of a site plan for Lot 1 that fully complies with current Codes while retaining the ARP concept for Lot 2.

Director Osguthorpe told the Council that if the City Council members approved Option 1, staff recommended that they also direct the Planning staff to initiate an amendment to the Developer's Agreement to eliminate or revise the stipulation requiring the development to reconfigure Lot 2 before it can request occupancy of any new building on the site.

Council Member Larson stated that if the upgraded landscaping on Lot 2 is a stumbling block, he would like to address it and get it resolved. However, if it is not a stumbling block, he would like to get Lot 1 going and deal with Lot 2 later on. He preferred to let staff work those items out with the developer and give them some freedom to make development happen. He does not want Council to do anything to jeopardize commitment by new tenants.

Council Member Goodman said that, in terms of landscaping, he did not want it to hold up development; however, he did not want to relinquish the City's ability to revert back to the original requirements.

Discussion ensued concerning setting a deadline for commencement of construction. Director Osguthorpe said that he had had a conversation with Mr. Kveton on that subject. Mr. Kveton told him it would be six to nine months at the longest. According to Mr. Osguthorpe, staff believes that a deadline should be set; however, Mr. Kveton prefers that a deadline not be set.

Moved by Orazem, seconded by Goodman, to direct staff to approve the proposed landscaping on Lot 1 with no strings attached, including empowering the City Manager to negotiate a date that is acceptable to the owner that would trigger the calling of the bond and revert back to the original requirement of the reconfiguration of Lot 1 if it were not met.

Mr. Schainker clarified that, under that option, the City would still retain the existing Performance Bond. City Attorney Marek confirmed that, stating that the City would not have a site plan that conforms with the parking. He also stated that, under that option, the City would lose the leverage of denying or withholding Occupancy Permits on Lot 1. There would be a non-conforming Lot 2.

City Manager Schainker pointed out that any revisions to the Development Agreement would have to come before the Council for approval in the future. He would like to have an opportunity to talk to G. K. Development about what time frame would be amenable to them and not put potential tenant commitments at risk. Council members could reject the date if it were not agreeable to them.

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

NORTHERN GROWTH DEVELOPMENT: City Manager Schainker reminded the Council that on August 23, 2011, the City Council reviewed the status of the annexation of the Rose Prairie development as well as the other proposed developments along Grant Avenue. At that meeting, Mr. Schainker stated that he would bring a report back to Council on the history of the northern growth development requests and how it was anticipated to provide infrastructure to that area.

Mr. Schainker noted that included in the report was a history of the Land Use Policy Plan, how the City switched from Targeted Growth Areas to Incentivized Areas, and the negotiations that had occurred relative to offering incentives to the northern area. Highlights of the current agreement with Rose Prairie and the proposed agreements with Hunziker and Quarry Estates had been included as had the costs of providing infrastructure (Grant Avenue, water, and sewer) and the potential sharing of those costs. Mr. Schainker stated that the total cost of obtaining the cost estimates was approximately \$120,000.

Council Member Wacha asked if the City had heard from the new owner of the land previously owned by Story County Land L.C. City Attorney Marek reported that Fidelity Bank was the new owner, and it has been confirmed, through the Bank's attorney, that it is agreeable to sharing the costs of the design of Grant Avenue.

Joanne Olson, 3817 Columbine Avenue, Ames, representative for the Bloomington Heights Neighborhood, recalled that the Planning and Zoning Commission had recommended to the City Council that it consider the concerns of the Bloomington Heights Neighborhood. She urged that the issue of collector road access be addressed now as part of the discussions.

Kurt Friedrich, Friedrich Properties, 100 Sixth Street, Ames, stated that Quarry Estates would be agreeable to paying its respective share for the road, sewer, and water. He wanted to ensure that the new owner of the Rose Prairie development would be required to pay its share of the design cost; Friedrich Properties wants it to be equitable. Mr. Friedrich also asked that the City look at its policies and re-think its strategy in terms of promoting growth overall. In his opinion, it should facilitate growth by installing the infrastructure and then recoup the costs through a special assessment process or assessment districts as the lots are sold. He compared the City's process to that of the City of Ankeny. According to Mr. Friedrich, there have been 233 detached housing permits in Ankeny compared to 39 in Ames, and Ames has a larger population. Mr. Friedrich reiterated his strong belief that the developer of the Rose Prairie land should still have to pay its proportionate share at some point.

City Attorney Marek clarified that according to the agreement that the City has for the Rose Prairie property, it is envisioned that Rose Prairie will design and install the water and sewer, and the routing of the water and sewer would differ if they were the development of the land. The Developer's Agreement also provides the option, if the City decides to go first (before the Rose Prairie development), the City could install the water/sewer and set up connection districts or assessment districts; however, there would be slight differences in the routing.

Municipal Engineer Tracy Warner brought the Council's attention to the differences between the potential sanitary sewer connection districts. Council Member Orazem asked if it were possible to allow the project to move forward and issue a special assessment on whoever is going to end up owning the Rose Prairie development. Mr. Marek advised that it would be slightly different for the road and for water/sewer; however, there is a mechanism by which you can recover the cost of construction and design costs upon connection to the utilities.

Council Member Goodman asked if Fidelity Bank could be assessed for improvements if the Hunziker parcel were annexed. City Attorney Marek stated that the Hunziker parcel could not be annexed without the Fidelity Bank-owned parcel because it would create an island, which is prohibited by *Iowa Code*. Council Member Larson asked if Quarry Estates could be annexed without the other two parcels. Mr. Marek stated it could be because it is currently adjacent to the

existing City limits. Mr. Schainker noted that the City would want to ensure that the Pre-Annexation Agreement continue to take into account the allocation of the costs for the road among all three developers.

City Attorney Marek pointed out that Fidelity Bank is bound by the agreement signed by the previous developer of Rose Prairie. He reiterated that Fidelity Bank has committed to pay its share of the design costs for the road.

Moved by Larson, seconded by Orazem, to accept the staff report.

Council Member Mahayni believes that the new owner of Rose Prairie needs to advise what its plan is for the property.

Council Member Goodman expressed his opinion that the first step would be for the developers to talk to each other now that the design costs are known.

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

The meeting recessed at 9:17 p.m. and reconvened at 9:24 p.m.

AGREEMENT WITH AMES COMMUNITY SCHOOL DISTRICT TO PURCHASE PLAY EQUIPMENT FOR ELEMENTARY SCHOOL/EARLY CHILDHOOD CENTER SITES:

Nancy Carroll, Director of Parks and Recreation, noted that the School District had a need to replace play equipment at its five elementary schools and Northwood Preschool Center. After meeting with the School Board, the City Manager proposed that the City and District partner in replacing the equipment. The goal of the joint project was to ensure that elementary school sites continue to serve residents as neighborhood parks.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 11-437 approving the Agreement with Ames Community School District to purchase play equipment for elementary school sites/early childhood center.

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

LIBRARY BOND REFERENDUM: Library Director Art Weeks noted that this was a follow-up to the August 23, 2011, action taken by the City Council.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-438 calling an election on a proposition of entering into a loan agreement and issuing Bonds in an amount not exceeding \$18,000,000 for the purpose of expanding, renovating, and equipping the Ames Public Library.

Council Member Davis encouraged the Library Board to continue to fund-raise and hopefully exceed the \$2 million planned.

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

HEARING ON PROPOSAL TO ISSUE HOSPITAL REVENUE BONDS: Mike Tretina, Vice-President and Chief Financial Officer for Mary Greeley Medical Center, gave a presentation on its plan to finance the \$128.7 million expansion and renovation. He gave the tentative schedule for issuance of the Bonds.

Mayor Campbell opened the public hearing. There being no one who wished to speak, the Mayor closed the hearing.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 11-439 authorizing the sale and issuance of Hospital Revenue Bonds, setting parameters, and approving First Indenture of Trust, Bond Purchase Agreement, and other documents in connection therewith
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

HEARING ON TRANSFER OF PORTION OF VACATED ALLEY TO IOWA FARM HOUSING ASSOCIATION: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 11-440 approving the transfer of a portion of a vacated alley to Iowa Farm House Association in exchange for an electric easement.

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

HEARING ON REZONING PROPERTY LOCATED AT 2910 WEST STREET: Planning and Housing Director Osguthorpe recalled that Mother Lode Enterprises had submitted a request to City Council for consideration of a text amendment to allow up to give unrelated people in the residence located at 2910 West Street. City Council chose not to refer the request for application, but determined that rezoning the property to the abutting Residential High Density zone would be preferable because it would allow up to five unrelated individuals under the current text. The applicant then activated a rezoning application that had previously been put on hold pending the Council's consideration of a potential text amendment.

Mr. Osguthorpe informed the Council of two nonconformities that would be created as a result of the proposed rezoning: [1] The location of parking (front yard), and [2] Side setback distance. The type of parking surface (gravel) is also non-conforming currently. The owner is not dependent on the single gravel parking space on the northwest corner to meet City requirements.

The Mayor opened the public hearing.

Joel Paulson, co-owner of 2910 West Street, advised that the owners prefer to keep the gravel parking space and would be willing to pave the space.

There being no one else asking to speak, the hearing was closed.

Council Member Goodman noted that front-yard parking is not allowed by *Code*.

Moved by Mahayni, seconded by Goodman, to pass on first reading an ordinance rezoning property located at 2910 West Street from Neighborhood Commercial (NC) to Residential High

Density (RH) with the conditions that the front-yard parking area on the northwest corner of the lot be converted to green space and the curb cut be closed within one year of publication of the rezoning ordinance, and that a recorded copy of the Plat of Survey and Resolution be submitted to the City Clerk prior to the third reading of the rezoning.

Council Member Wacha stated his preference to approve the rezoning without conditions; thus, allowing the parking space to remain.

Roll Call Vote: 2-4. Voting aye: Goodman, Mahayni. Voting nay: Davis, Larson, Orazem, Wacha. Motion failed.

Moved by Orazem, seconded by Wacha, to pass on first reading an ordinance rezoning the property located at 2910 West Street from Neighborhood Commercial to Residential high Density without conditions.

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

HEARING ON 2010/11 WATER SYSTEM IMPROVEMENTS (SOUTH DUFF AVENUE WATER MAIN REPLACEMENT): Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Council Member Goodman left the meeting at 9:48 p.m.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 11-441 approving final plans and specifications and awarding a contract to Great Plains Pipe & Structures of Des Moines, Iowa, in the amount of \$143,559.75.

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

Council Member Goodman returned to the meeting at 9:51 p.m.

ORDINANCE TO ALLOW CONCRETE BATCH PLANTS THROUGH SPECIAL USE PERMIT: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance to allow concrete batch plants through a Special Use Permit from the Zoning Board of Adjustment.

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

ORDINANCE ALLOWING PUBLIC INFRASTRUCTURE AS PERMITTED USE IN FLOODWAY OVERLAY DISTRICT: Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance amending the flood plain zoning regulations to allow public infrastructure as a permitted use in Floodway Overlay District.

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

ORDINANCE AMENDING FLOOD PLAIN ZONING REGULATIONS PERTAINING TO REFERENCES TO PROFESSIONAL ENGINEERS: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance amending the flood plain zoning regulations pertaining to references to professional engineers.

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

COUNCIL COMMENTS: Moved by Larson, seconded by Davis, to direct the City Manager to determine what engineering design costs are related to two options pertaining to extending infrastructure east of Interstate 35.

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

Moved by Wacha, seconded by Mahayni, to refer to staff the request to extend water to 2114 State Avenue.

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

Moved by Davis, seconded by Larson, to direct staff to research what options are available for changing the *Code* pertaining to alcohol beverage tasting events.

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

CLOSED SESSION: Moved by Goodman, seconded by Davis, to hold a Closed Session, as provided by Section 21.5(c), *Code of Iowa*, to discuss strategy with counsel for matters in litigation.

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

The City Council reconvened in Regular Session at 10:17 p.m.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:20 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor