

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 16, 2012

The Ames City Council met in special session at 7:00 p.m. on the 16th day of October, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council Members present: Davis, Goodman, Larson, Orazem, Szopinski, and Wacha. *Ex officio* member Baker was also present.

FLOOD MITIGATION STUDY PROGRESS UPDATE: Mayor Campbell introduced Water and Pollution Control Director John Dunn. Mr. Dunn told the group that an update would be given on the Flood Mitigation Study, which is being completed by HDR Engineering (HDR). Mr. Dunn said staff recommended this firm for the Study in part because of the strategy proposed for public involvement, and for its technical expertise for modeling and mapping the implications and the ability to sort through appropriate levels of protection for our community. Mr. Dunn introduced the project manager, Andy McCoy and John Engel, water resources engineer, both of HDR.

Mr. McCoy said the Flood Mitigation Study would consist of collecting public input, developing and analyzing alternatives and strategies, and summarizing impacts. He said positive and negative impacts will be determined of the flood mitigation alternatives, and then the best alternatives and strategies will be presented to the City Council.

Mr. McCoy said the first set of public sessions consisted of questions directed toward the public, and that alternatives and strategies will be presented at the second set of public meetings. Council Member Larson asked if the people involved in the public meetings so far have represented areas outside of Ames. Mr. McCoy said communication has gone out to residents in Story County and the Squaw Creek watershed. Mr. Dunn said the steering committee leading and guiding the process includes Iowa State University Facilities, Iowa Department of Transportation, and the City of Ames, all of which will be involved in whatever strategies are recommended.

Mr. McCoy said alternatives will be presented to the City Council in January and February. Mr. Kindred said HDR will use technical data and costs for alternatives to give the City Council alternatives, and then it will be a policy level decision for the City Council. He said he is confident that HDR and staff are working to give the best information possible.

Mr. McCoy reviewed the attendance of the four public meetings held so far, and also said that there were 71 hits on the online, self-directed meeting. He also reviewed the tools used to reach members of the public. Impacts from the flooding were reviewed, as well as responses to questions asked of the public.

Council Member Goodman asked about the data needed to change the statistics of the “100 year flood” level or the “500 year flood” level. Mr. McCoy said that those terms are somewhat misleading, and described that there is a 1-in-100 chance that a “100 year flood” will happen during any year. He also said the watersheds are different than they were years ago.

Mr. Kindred said after the 1993 flood a study was completed in 1996, and then the 1% flood was redefined based on the added data. He said with the passage of time, it can continually be updated, but still doesn’t provide the degree of certainty that the City would like to have.

Mr. McCoy showed a graphical impression of the base flood level near US Highway 30. He said the 1996 and 2008 floods were the equivalent of a base flood, or a 1% annual chance and the 1993

flood was ½ foot higher than that. Mr. McCoy said the .2% annual chance, or a 500 year flood would be two feet higher than the base flood level, and he told the Council that the 2010 flood was 2.5 feet higher than the base flood level, which illustrates the magnitude of what has happened.

Mr. McCoy said that regarding the Flood Mitigation Study, the flood frequency analysis will be updated. He said HDR is looking at what happens to the estimate when taking into account the information from 1998-2011. Mr. McCoy showed how four extreme rainfall events that have occurred in Iowa within the last four years were transposed and applied to the Ames watershed to see the implications of the rainfall and runoff.

Mr. Goodman asked about the rainfall vs. runoff, and the differences in runoff. Mr. McCoy said the moisture conditions and the type of land play a role, as well as how fast the rain falls. Mr. McCoy reviewed the map of the watershed with the transposed storm boundaries applied.

Discussion ensued regarding the differences in the Ames flood of 2010 vs. the transposed events. Mr. McCoy said the next steps include an initial list of alternatives and screening criteria developed at the technical workshop on October 26, 2012 which will be presented to the public on November 14, 2012 and then the final alternatives list and detailed screening criteria will be developed in early December.

Mayor Campbell asked if the concerns at the public sessions were related to the intensity of rainfall, and not necessarily river flooding. Mr. McCoy said it was addressed a few times, but that many people were discussing river flooding, and most were wanting to talk about development standards. Council Member Davis asked if there were any issues that stood out among the rest. Mr. Dunn said the three that were heard the most were: filling in the floodplain, the impact of the US Highway 30 bridge over the Skunk River, and comments related to the Deery Brothers proposal.

Council Member Larson asked about the speed at which water enters from the watershed and how quickly it gets to Ames now. Mr. McCoy said they spoke with a couple people with that concern. He said it depends on where the rain falls. Mr. Larson said he has heard that water comes quickly off of farm land. Mr. Engel said they did hear that there has been a shift from ridge tilling along contours, which may hold back water, to more of a no till which could increase runoff. Mr. Kindred said some farmland has been tiled and put back into production, so a lot of land that used to slow down water is no longer there. Mr. Larson asked if there are opportunities where water could be slowed. Mr. McCoy said there are opportunities, including wetlands. Mr. Larson asked about the possibility of having agreements with farmers to reimburse them for loss of crops to slow water down. Mr. Goodman asked how the opportunities would be produced by HDR. Mr. McCoy said within the workgroup there is a starting place for alternatives. Mr. Dunn said the group will be sensitive to the public, but doesn't want to downplay the experience of HDR, who has done this before. Mr. Schainker reviewed the remaining time line of the Flood Mitigation Study.

The meeting recessed at 7:55 p.m. and reconvened at 8:00 p.m.

NEIGHBORHOOD SUMMIT: The neighborhood representatives introduced themselves. Staff members present were: Planner Jeff Benson (Neighborhood Liaison), Neighborhoods Inspector Sara Van Meeteren, Police Officer Adam McPherson (Safe Neighborhoods Team), Community Resource Officer Naimah Saadiq, Police Officer Nathan Rivera (Safe Neighborhoods Team), Lieutenant Tom Shelton (Safe Neighborhoods Team), and Sergeant Brad Baker. Officer Rivera said the Safe Neighborhoods team is tasked with neighborhood-based problems and street-level issues.

He said the team is led by Sergeant Mike Arkovich, and it works mainly on self-initiated activity tailored to solving unique problems related to neighborhoods. Officer Rivera said the phone number for the Safe Neighborhoods Team is (515) 231-4661.

Mr. Benson gave an update on the neighborhood programs and initiatives that are ongoing. He said the City was in contact with 16 neighborhood associations this year, and added that many neighborhoods that are active do not have associations set up.

Pat Brown, 3212 West Street, Ames, thanked the Council and City staff for the enforcement of the health and safety code.

Sue Crull, Brookside neighborhood representative said their neighborhood celebrated its 35th Fourth of July picnic this year, and that it was the second neighborhood to paint on the street. She also said the tennis courts and steps to Brookside Park look very good. Ms. Crull said she toured Roosevelt School with a housing initiative group last week that is very interested in rehabilitating the building into apartments. She said the group would be happy to have the green space be a park. Ms. Crull said the group is getting its finances in order and will later approach the City Council. She expressed concern regarding the zoning, and said she hoped that tax credits and grants could be used for the remodel. Mayor Campbell asked if the group works with a developer. Ms. Crull said she assumed they would work with a contractor.

Marty Helland, representing the Emanon neighborhood association said she would like to see more interest from the City in the park portion of Roosevelt. She said she is very hopeful that the City can work with the school board, and that it can be maintained.

A representative of Citizens for Roosevelt Park, a group to collaborate with the School Board and the citizens of Ames to ensure that the green space remains, said their website (citizensforrooseveltpark.org) is updated with current information on the issue. She encouraged the City to collaborate with the school board regarding the park.

Fred Bradner, representing the Sunrise neighborhood association, said Willson-Beardshear is also for sale. He said the neighborhood is very interested in the green space of that property. Mr. Bradner also said that the Hospital-Medical group continues to have conversations and work together. He thanked the City Council for initiating the conversations with Hospital-Medical parties.

Linda Feldman, representing the Sunrise neighborhood association, said the neighborhood was delighted to have the Police and Fire Departments attend their picnic. She said residents are also interested in street art and corner gardens.

Peter Hallock, representing the Historic Old Town neighborhood association, said their neighborhood did tree planting for the second year, and plans to continue it next year. He said they are working with Iowa State University on a statewide inventory of urban trees. Mr. Hallock said he believes it's critical to maintain vegetation in neighborhoods. He also said he appreciated working with Parks and Recreation on Old Town Park.

A representative of North Old Town neighborhood association said Sara VanMeeteren had helped with some properties in their area. She said few things are enforceable, and wishes City Council would discuss standards for upkeep that can be enforced. Ms. Brown added that landlords are

concerned that there is not a property maintenance code for the exterior of owner-occupied homes. The representative of North Old Town said that the noxious weeds ordinance is just “not cutting it” in regard to yard maintenance. Mr. Larson suggested the Ames Repair and Care program might be appropriate. Mr. Bradner said in some instances the homes are not occupied.

A representative of Bloomington Heights neighborhood association said their neighborhood is planning to work with the City on response times for fire/ paramedic services, as well as automotive traffic . She said they are also working with Parks and Recreation on safety at the park. She said their other concern is the water pipe tripping hazards that are sticking up 5-6" on the sidewalks.

A representative of the Timberland neighborhood association said since their neighborhood was annexed the City has been maintaining the roads as they were, but now they are very irregular and bumpy and have become unsafe. He said the residents are interested in finding some common ground on how to self-fund the resurfacing of the road, and want to find out what type of resurfacing the City would be comfortable maintaining.

Another representative of the Timberland neighborhood association commented on the wildlife the neighbors have seen this year.

Susan Tucker, representing the Orchard Estates area, said several residents have heard gun shots from the YMCA woods behind the houses. She said she knows many people use those trails. Ms. Tucker also said neighbors are anxious regarding the sale of the YMCA lodge and land to Iowa State University (ISU) since there are many unknowns. The neighbors hope to meet with ISU staff soon. She said she hopes the area can remain untouched. Mayor Campbell commended the neighborhood for planning a meeting with ISU, and said that the Police Department needs to know about the gun shots.

Ms. Brown thanked the Police Department, and said there haven’t been loud parties or riots in some time. Officer Rivera also thanked the neighborhoods for their efforts.

ADJOURNMENT: The meeting adjourned at 9:03 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 23, 2012

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on October 23, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Sawyer Baker was also present.

PROCLAMATION FOR HUNGER AND HOMELESSNESS AWARENESS: WEEK: Mayor Campbell proclaimed November 10-18, 2012, as Hunger and Homelessness Awareness Week. Representatives from the following organizations were present to accept the Proclamation: Mandy Conrad, ACCESS; Hope Metheny, Youth and Shelter Services; Troy Jensen, Emergency Residence Project; Robin Rutledge, Salvation Army; and, Janis Pyle, Story County Housing Coordinating Board. Ms. Pyle invited the public to a forum, "Resolve to Fight Poverty," to be held on November 12, 2012, from 6 - 8 PM at Bethesda Lutheran Church.

PRESENTATION RECOGNIZING AMES HISTORICAL SOCIETY FOR COMPLETION OF THE "MAYORS OF AMES" DISPLAY IN CITY HALL: Shannon Boyle, representing the Ames Historical Society, announced the completion of the "Mayors of Ames" project, showcasing 42 Mayors whom have served the citizens of Ames since 1870. Former Mayor Ted Tedesco said he was honored to be one of those people whose service was recognized and thanked the City for its support of the project.

CONSENT AGENDA: Council Member Larson asked to pull Item No. 9 (Revisions to Purchasing Policies) for separate discussion.

Moved by Goodman, seconded by Szopinski, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of October 9, 2012
3. Motion approving Report of Contract Change Orders for October 1-15, 2012
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
 - b. Class C Beer & B Wine – Southgate Expresse, 110 Airport Road
5. RESOLUTION NO. 12-544 approving appointment of Devita Harden to fill vacancy on Human Relations Commission
6. RESOLUTION NO. 12-545 approving Quarterly Investment Report for the period ending September 30, 2012
7. RESOLUTION NO. 12-547 approving renewal of contract with Wellmark for administrative and claims processing services for Flexible Spending Account effective January 1, 2013
8. RESOLUTION NO. 12-548 approving Underage Enforcement Agreement between Police Department and Youth & Shelter Services
9. RESOLUTION NO. 12-549 approving contract and bond for Maintenance Facility Energy Efficiency Project - HVAC Improvements
10. RESOLUTION NO. 12-550 approving contract and bond for Unit No. 8 Steam Turbine Parts
11. RESOLUTION NO. 12-551 approving Change Order No. 1 for 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
12. RESOLUTION NO. 12-552 approving Change Order No. 2 for 2010/11 Concrete Pavement Improvements - Lincoln Swing (Beedle Drive to South Dakota Avenue) and Oakland Street (North Hyland to Hawthorne Avenue)

13. 2011/12 Water System Improvements (Water Service Transfers):
 - a. RESOLUTION NO. 12-553 approving Change No. 2
 - b. RESOLUTION NO. 12-554 accepting completion
14. RESOLUTION NO. 12-555 accepting completion of FY 2011/12 Water Treatment Plant Lime Sludge Disposal Operations
15. RESOLUTION NO. 12-556 approving Plat of Survey for 515 Douglas Avenue, subject to vacating a section of the alley west of Ames Public Library
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REVISIONS TO PURCHASING POLICIES: Council Member Larson stated that he asked to pull this item so that the changes could be explained to the public.

Karen Server, City Purchasing Agent, explained two changes being proposed: (1) Public Improvement Bid Thresholds and (2) Sales Tax Exemption for Construction Contracts.

Moved by Goodman, seconded by Szopinski, to adopt RESOLUTION NO. 12-546 approving proposed revisions to the Purchasing Policies, to be effective November 1, 2012.

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

PUBLIC FORUM: Bruce Hackbarth, 112 Blueberry Court, Ames, suggested that it would be a good time, due to the current drought conditions, to clean the waterways in Ames of debris, trees, and any obstacles that could block water from passing through. Mr. Hackbarth noted that he had lived in Ames for 42 years, and during the last 20 years, there had been three 500-year floods. He said that, given that history, there was a likelihood that Ames will experience more flooding in the future. Mr. Hackbarth asked the City to allocate funding to facilitate cleaning of the waterways around Ames.

Mr. Hackbarth also raised a concern about the size and visibility of the left-hand turn leading into the Walmart store on South Duff. He reported that motorists seem to ignore the sign or do not see it and make a left turn across traffic. Mr. Hackbarth believes that it is a huge safety hazard and asked that the sign be larger and lit to bring drivers' attention to it. It was also Mr. Hackbarth's suggestion that a police officer be at that location ticketing motorists who do not obey the sign.

CLASS B NATIVE WINE PERMIT FOR CASEY'S GENERAL STORE #2560: Moved by Davis, seconded by Goodman, to approve the Class B Native Wine Permit for Casey's General Store #2560, 3020 South Duff.

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

5-DAY LICENSES AT THE ISU ALUMNI CENTER: Moved by Goodman, seconded by Davis, to approve the following 5-Day licenses at the ISU Alumni Center:

- a. Gateway Hotel & Conference Center - Class C Liquor (October 31-November 4)
- b. Olde Main Brewing Company - Special Class C Liquor (November 3-7)

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

5-DAY LICENSE AT CPMI EVENTS CENTER: Moved by Davis, seconded by Larson, to approve a 5-Day Special Class C Liquor License (November 2-6) for Olde Main Brewing

Company at the CPMI Events Center.

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

REQUEST FOR CIGARETTE BUTT RECEPTACLES IN 100 BLOCK OF MAIN STREET:

Management Analyst Brian Phillips explained that the Council had received a request to consider placing cigarette butt receptacles near 136 Main Street. It had been reported that smokers had been placing cigarette butts in the large planters on Main Street or dropping them directly on the sidewalks, particularly near the entrances to nearby bars and in Cynthia Duff Plaza. Mr. Phillips stated that there are currently no City-owned cigarette receptacles in any of Ames' commercial areas.

According to Mr. Phillips, staff had consulted with Main Street Cultural District (MSCD) and Campustown Action Association (CAA) staff. Both organizations expressed support of the idea of installing receptacles to reduce litter. Representatives from both the MSCD and CAA had noted two or three locations where cigarette butt receptacles might be ideal. Discussion ensued over the different types of receptacles, who should purchase them, and who should maintain them.

At the inquiry of Council Member Orazem, Corey Mellies, Civil Engineer II, advised that the each receptacle costs between \$300 - \$450.

Moved by Goodman, seconded by Orazem, to direct staff to work with one of the business associations on a type of pilot program, but not limit the type of receptacles, to see what is most effective.

City Manager Schainker stated that there were more questions that needed to be answered such as if the City should purchase the receptacle, who should maintain it, and where it should be placed.

Council Member Larson asked City Attorney Marek if throwing a cigarette butt on the ground constituted littering. Mr. Marek stated that the person could be ticketed for littering if he or she threw a cigarette butt onto the ground; however, it is difficult for police officers to catch the person doing it, and there are often higher priorities for police officers. Mr. Larson said that he believed it would be best for the business associations to determine what type of receptacle would work best at the most efficient cost.

Council Member Davis expressed skepticism over whether having a receptacle would prevent people from throwing cigarette butts on the ground. Council Member Larson expressed his opinion that the location of the receptacle would be very important as people are not going to walk very far to deposit a cigarette butt into a receptacle. He also suggested that, if it didn't work, the Police Department should step up its enforcement of littering violations.

City Manager Schainker noted that the request had come from a business owner in the MSCD and suggested that the pilot program be tried there first.

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

REQUEST FROM AMES ECONOMIC DEVELOPMENT COMMISSION FOR FUNDING CONCEPTUAL PLAN FOR EAST LINCOLN WAY INDUSTRIAL PARK: City Manager

Schainker reported that the Ames Economic Development Commission (AEDC) had requested \$7,500 from the City to share the cost of creating a conceptual design plan with associated costs to develop a new industrial park east of Highway 35 along E. Lincoln Way. Prior to developing a strategy for financing such an initiative, it was felt that it was critical that a conceptual plan for the new park be created and the associated costs be identified. The AEDC is prepared to hire a consulting engineer to accomplish the two tasks at an estimated cost for these tasks of \$15,000. The AEDC had asked the City to share equally in the cost of the consulting work. According to Mr. Schainker, funding for the City's share is available from the City Council's Contingency Account.

Moved by Wacha, seconded by Orazem, to adopt RESOLUTION NO. 12-557 approving the request from the Ames Economic Development Commission to share equally in the cost to create a conceptual plan for the new industrial park along with the associated costs by providing reimbursement up to \$7,500 from the Contingency Account.

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

LEASE OF CITY-OWNED PROPERTY LOCATED AT 205 S. WALNUT: City Attorney Marek advised that, on July 1, 1988, the City had entered into a 25-year lease with Story County Council on Aging, now Heartland Senior Services (HSS), at 205 South Walnut. The property was originally acquired by the City using Community Development Block Grant (CDBG) funding through the State of Iowa for the purpose of providing a Senior Center. Mr. Marek told the Council that the use must remain for the community and have a focus on serving low-income individuals; HSS meets the intent of the CDBG grant. The lease requires that HSS maintain the building in a reasonably safe and serviceable condition. Although the current lease does not expire until June 30, 2013, HSS had requested that the City Council renew the lease early as they need assurance on the continuance of the lease prior to making a major investment in the roof.

According to Mr. Marek, the lease is substantially the same as it was approved in 1988. The renewal is set up as a no-cost lease; however, HSS will continue to be completely responsible for the care and upkeep of the facility.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-558 setting a public hearing for November 13, 2012, to consider a 25-year lease renewal with Heartland Senior Services for the building located at 205 South Walnut.

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

3618 CEDAR LANE: Karen Marren, City Planner, noted that, on September 25, 2012, the City Council referred to staff a letter from Steve Burgason, on behalf of Verle and Jo Ann Burgason, requesting a waiver of density standards of the Ames Urban Fringe Plan in order to divide land located at 3618 Cedar Lane. Ms. Marren advised that the division of land would not actually create a new lot, but would enlarge an existing lot by adjusting its boundary. She said that the subject property is located outside the City limits, but within the two-mile Ames Urban Fringe, and the area proposed for the boundary line adjustment is within the "Urban Service Area" of the Ames Urban Fringe Plan and has an Urban Residential land use designation. The request for a waiver was to allow the owners to modify the boundary of the southernmost one-acre parcel into a larger four-acre parcel. According to Ms. Marren, the reason this is contrary to current density standards is that the property, with an Urban Residential land use designation, is planned

for a minimum density of 3.75 dwelling units per-acre, and the proposal to enlarge the developed parcel would further reduce the density.

Ms. Marren told the Council that the Urban Service Area of the Ames Urban Fringe contains lands which are adjacent to city limits and identified for urban development once annexed into corporate boundaries. Those areas were established to allow for unified growth for efficient extension of public facilities and services once developed. The Plan states that such land areas should be protected from development that would hinder the planned growth of the surrounding communities.

The Urban Residential designation was defined by Ms. Marren. One of the Urban Residential policies identifies options for urban densities that would allow for the urban development standard to be met. According to Ms. Marren, the owners had expressed the need for the proposed boundary line adjustment due to a pending sale of the property where the buyer's desire is to own the full four-acre parcel. The additional three-acre parcel proposed for addition contains a barn, utility line, driveway encroachment, and septic system lateral field that serves the one-acre site. If maintenance or replacement was ever needed on the septic system, the one-acre parcel would not be able to accommodate such replacement area due to the soils and the location of the existing residence. It was noted that there is an existing L-shaped easement for such services located off of the existing one-acre parcel.

Ms. Marren advised the Council that Section 23.103(1) of the *Code* allows the City Council to waive or modify the requirements of the subdivision regulations where "...strict compliance with the requirements of the regulations would result in extraordinary hardship to the applicant or would prove inconsistent with the purpose of the regulations because of unusual topography or other conditions...provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the regulations...." According to Ms. Marren, in addition to that Section, Chapter 354.9(2) of the *Code of Iowa* allows cities to "...waive the requirements of any of its standards or conditions...".

It was noted by Planner Marren that the City Council had routinely granted waivers for residential development in those areas of the Urban Fringe where annexation by the City was not anticipated in the foreseeable future. Those waivers, however, had been recommended only when the proposed development was consistent with the use and density standards of the Plan. Ms. Marren told the Council that, in this case, the waiver request was not within the density standards for the Urban Residential land use designation and would not be consistent with City Council policy. She explained to the Council that the proposed waiver for the boundary line adjustment causes concern for future subdivision and development of the larger parcel for the connection of streets, lot layouts, and possibly the efficient and cost effective extension of City services.

Steve Burgason, 3314 Cedar Lane, Ames, clarified that the septic laterals were all contained within the easement and service only the property at 3618 Cedar Lane. He said that his parents had owned the parcel for 45 years, and none of the current regulations had existed when they had built the home and barn on their property. Mr. Burgason stated that the potential new owners simply wanted an exit strategy, and they wanted to own the land containing the barn and septic system.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 12-559 approving the request to waive the City's density standard for the Urban Residential designation for the proposed Plat of Survey on Cedar Lane.

Council Member Wacha said that he struggled with this case since it was inconsistent with the past practices of the City Council and inconsistent with the goals of the Land Use Policy Plan. He did not believe that the criteria of creating a hardship had been met.

Council Member Larson noted that the request for a waiver of the boundary line adjustment affected only this property and was necessary to allow for the sale of the property in which the services (i.e. service barn, utility lines, driveway, and septic lateral field) are located off of the existing parcel. He believes that it, therefore, does constitute a hardship for the present owners.

Council Member Orazem said he did not believe the land was going to be usable for additional residential development; that did not present a concern to him.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 12-560 approving the proposed Plat of Survey for Parcels R and Q on Cedar Lane (3618 Cedar Lane).

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

RICHMOND CENTER FORGIVABLE LOAN: Management Analyst Phillips provided a chronological history of the emergency financial assistance provided in 2008 to the County's community mental health provider, the Richmond Center, by United Way, Story County, Mary Greeley Medical Center, and the City. The City Council had authorized \$20,000 in reimbursement for nursing services for Ames residents and a \$25,000 forgivable loan for the purchase of equipment and software to upgrade the Richmond Center's client tracking and billing system. The contract between the City and the Richmond Center had a provision where the loan could be forgiven after July 1, 2009, based on three criteria being met:

1. The system provides information for use in tracking the service provided to, and outcomes of, treatment for Ames residents.
2. Mental health services be provided to Ames residents by either Richmond Center, Richmond Center and Community and Family Resources together, or by Community and Family Resources (CFR) with its own accreditation at July 1, 2009.
3. Mental health services be financially viable and able to continue beyond July 1, 2009.

It was evident to staff that the Richmond Center had fulfilled Obligation #2; however, it was less clear to them whether Obligations #1 and #3 had been met.

Mr. Phillips reminded the Council that at the time the assistance was provided, the Richmond Center purported to be in a financial emergency. Stakeholders from the Richmond Center and Community and Family Resources were attempting to merge the two agencies.

It was noted by Mr. Phillips that the FY 2011 audit for the Richmond Center identified material weaknesses in internal controls. He provided specifics of the results of the State Auditor's Office audit, noting in particular that, between June 2010 and January 2012, Richmond Center employees received \$103,802 in bonuses and gift cards. In addition, the gift cards were not taxed as required by the IRS. The audit also identified questionable expenditures, e.g., retreats and outreach luncheons, and gold coins given to staff members on their birthdays. Another issue brought forward as a result of the audit was that 46 clients were identified who should have been billed to Story County or another county, but were billed to the City during 2011/12; that amounted to \$4,686.42 in services. Another error resulted in the City being billed incorrectly in the amount of \$1,097.72. Mr. Phillips reported that ASSET staff had received different figures regarding the number of clients the Richmond Center actually has been serving.

Mr. Phillips reviewed the options available to the City Council regarding the request of the Richmond Center for forgiveness of the loan. He also asked for Council direction regarding the improper 2011/12 billings identified in the State Audit.

Council Member Szopinski referenced the employee bonuses, gifts of gold coins, and gift cards, stating that she felt there had been an inappropriate use of City funds.

John Hostettler, Executive Director of Community and Family Resources and Managing Director for the Richmond Center, introduced Bernice Buchanan, Development Director, and Theresa Brown, Medical Billing Supervisor. Mr. Hostettler said that they wanted to work with the City, but they had not been asked to sit down with ASSET funders to have dialog in an effort to explain the concerns expressed in the State Audit. He alleged that findings of the State Audit were being taken out of context. Mr. Hostettler told the Council members that it was important for them to remember that the Richmond Center is a 501c3 corporation; it is a non-profit private agency, not a governmental agency.

Council Member Wacha asked Mr. Hostettler if he disagreed with any part of the Council Action Form (CAF) or the State Audit. Mr. Hostettler said that he did disagree with parts of the CAF that had referenced discrepancies found by the State Audit. Mr. Wacha strongly expressed his concern over the results of the State Audit, stating that he found the results "shocking." He pointed out that the City had provided a loan of \$25,000 to assist in the Richmond Center's "financial emergency," and it was totally unjustifiable to him for the Richmond Center to give bonuses and gifts to employees when the agency was struggling just to pay its bills.

Bernice Buchanan addressed some key items in response to the results of the State Audit, specifically employee bonuses and gifts. She contended that the bonuses and gifts were provided through private funds. Council Member Wacha said none of her explanations excused the Richmond Center from mismanagement of funds. He noted that the Audit had stated that the Richmond Center did not even know how many clients it served.

Harv Terpstra, 2423 Timberland Road, Ames, identified himself as a long-time Board Member of the Richmond Center and a current Board Member of the Community and Family Resources. He said, from his perspective, the staff of the Richmond Center and CFR had worked hard and honestly trying to make the agency successful; however, it has become evident that their efforts had not made the Richmond Center financial viable. Mr. Terpstra acknowledged that there had been billing errors, but staff had not been fraudulent. In Mr. Terpstra's opinion, the Richmond Center had provided excellent service to its mental health and psychiatric clients. Mr. Terpstra

asked the City Council to forgive the \$25,000 loan to the Richmond Center, stating that would greatly assist the agency. He contended that the Richmond Center fulfilled many, but not all, of the stipulations for forgiveness of the loan. Mr. Terpstra also asked that they be allowed to correct the billing errors to the Council's satisfaction.

Council Member Goodman said that he and Council Member Larson were on the Council at the time the City granted the \$25,000 loan to the Richmond Center. He feels that there may be a lack of information on the part of the other Council members who were not serving at the time of the loan. Mr. Goodman said he perceived the situation as one human service organization trying to save another human service organizations, but failing in the process. He gave his recollection of the history of the Richmond Center's association with Safari and later with CFR. Council Member Goodman referenced the Council's past decisions to forgive loans to businesses that had never created a job in Ames and no longer even exist in the City.

Council Member Larson said that the merger never quite got there; however, the Richmond Center and CFR operated as though it had happened. He stated that he had totally lost confidence in both the Richmond Center and CFR and did not believe that the City should be a participant in the ASSET process with either agency in the future. Mr. Larson expressed his preference to bring this matter with the Richmond Center to a close. He wanted the City to be done with the Richmond Center and did not want City staff to spend any more time having dialog on this. Although the criteria had not been met for forgiveness of the loan, he just wanted "the issue to go away;" he wanted the matter to end as of this meeting. Council Member Szopinski said that she agreed with Council Member Larson.

Moved by Larson, seconded by Goodman, to direct that, if the Richmond Center reimburses the City for the \$5,784 in billing errors, the \$25,000 loan will be forgiven.

Theresa Brown spoke as the Medical Billing Supervisor for CFR and the Richmond Center. She told the Council that she was hired in January 2011, and her primary duty was to get the new billing system in operation by January 1, 2012. Ms. Brown disputed the allegation that \$5,784 was billed in error. In reviewing every single charge and back-up, she had only found \$844 that was billed to the City, but should have been billed to Story County. She explained that it takes 90 days for the County to approve funding, and in the interim, charges could have been incurred that were billed to the City. After the 90 days, the County may have notified CFR that the charges had been approved. The old system did not have a function to credit the City; it would have had to be done manually.

Council Member Wacha said he could not support the motion because he believed that the City should send a strong message and call the loan; it represents \$25,000 of taxpayer money. The inaccurate billings needed to be corrected and the City needed to recoup the amount. Mr. Wacha again referenced the \$103,000+ in bonuses and the fact that the Richmond Center had given those bonuses because someone had worked in excess of 40 hours per week. He believed it was the difference between government mentality and private business mentality. Council Member Larson said that his philosophy would perhaps be different if the Richmond Center had a pool of money or the merger with CFR had gone through.

Council Member Davis said that one of the most disturbing things to him was the comment made by Theresa Brown that the City had been billed for services that the County would sometimes 90 days later would approve. Mr. Davis believed that, in a double-entry accounting system,

there should have been a record-tracking system that identified the initial service; that is a fiduciary failure on the part of the Richmond Center. Ms. Brown attempted to explain the billing system that existed when she was hired by the Richmond Center. She stated that 902 nursing services were provided to those living in the zip code 50010 and 411 nursing services were provided to those living in the zip code 50014. She is unsure whether they were City or County, but contended that they were mostly City clients.

Mr. Davis said that he had originally not intended to forgive the loan; however, he, too, wanted to be done with this issue and “wipe the slate clean.”

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

MEC INTERCONNECTION 161k-V TRANSMISSION LINE: Donald Kom, Director of Electric Services, advised the Council that the City had received a franchise from the Iowa Utilities Board to construct the 161k-V Transmission Line. The Line will greatly enhance the reliability of the delivery of the electric system, bringing a third source into the City. After being asked by Council Member Davis, Mr. Kom stated that the contract in question has an in-service date of August 2013.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-561 authorizing the redirection of CIP funding.

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

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-562 awarding a contract for Transmission Line Construction to Hooper Corporation of Madison, Wisconsin, in the amount of \$9,054,395.90.

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

The meeting recessed at 8:50 p.m. and reconvened at 8:57 p.m.

REVIEW OF LAND USE POLICY PLAN ALTERNATIVES FOR ATHEN PROPERTY: City Planner Charlie Kuester presented background information. He advised that Chuck Winkleblack, representing the applicant Jim Athen, was seeking to develop the Athen property, which is located outside the city limits on George Washington Carver Avenue, for a senior living center, comprising senior housing, assisted living and skilled care. In addition, areas would be made available for residential housing. A map of the Athen property was shown; it totals approximately 140 acres. According to Mr. Kuester, Mr. Winkleblack was also requesting the designation of the property as Urban Residential on the Urban Fringe Plan and inclusion of the subject site as an Allowable Growth Area in the Land Use Policy Plan. This would allow for the annexation and development of the property in question. He said that the Urban Residential designation identifies those areas of the Ames Urban Fringe that are likely to be annexed and developed in the near to medium term. The Allowable Growth Area designation of the LUPP mirrors that intent.

Mr. Kuester recalled that, at the March 6, 2012, meeting, the City Council determined the request to be a major amendment to the Land Use Policy Plan. He expounded on the Major Amendment Process, stating that City staff had conducted an Open House on June 21 to introduce the request to interested persons, held a workshop on June 28 to allow interested persons the opportunity to identify issues and to seek further information, and held a second workshop on September 10 for staff to report back on specific questions.

It was reported by Planner Kuester that, at the Planning and Zoning Commission meeting on October 3, the Commission considered the proposed change along with staff's summary of the input received at the workshops. The Commission applied in its analysis the review criteria defined in the LUPP Amendment procedures, which were as follows:

1. City resources, including staff, budget, utilities, transportation, parks and/or schools, necessary to implement the proposed amendment
2. The City's ability to provide the full range of public facilities and services at the planned level of service, or if the proposal will consume public resources otherwise needed to support comprehensive plan implementation strategies
3. How the proposal relates to current land use allocations and growth projections that are the basis of the comprehensive plan
4. Compatibility of development allowed under the proposal amendment with neighboring land uses and surrounding neighborhoods, if applicable
5. Effects of the proposed amendment on historic resources or neighborhoods, or the City's general sense of place
6. The cumulative impacts of the proposed amendment, in combination with other proposed or recently approved amendments

Mr. Kuester reported that the Planning & Zoning Commission had recommended approval of a map amendment that would allow the annexation of the proposed area. The Commission also recommended that the City Council consider the following six factors in evaluating and approving these changes:

1. Development of proposal for the distribution of cost for any needed sanitary sewer improvements
2. The impact the development in this area may have on emergency service response
3. The impact the development in this area may have in areas that have already been targeted for growth or have been invested in by the City for growth
4. The possibility that a developer's agreement be investigated to require a care facility
5. Consideration be given to ensure the protection of the natural area of at least at or before the tree line

6. This area be provided with two zoning designations with the minimum zoning necessary for the care facility and low density housing

It was noted by Mr. Kuester that the Commission made the broader determination that the proposal could provide positive benefit to the community and deferred to the City Council to consider those six factors.

Mr. Kuester advised that the purpose of this item on the Council Agenda was to update the City Council members on the progress of the evaluation of this request and to give them an opportunity to provide any comments before sending the request back to the Planning and Zoning Commission to hold a public hearing on specific LUPP text and/or Map amendments.

Public Works Director John Joiner advised the Council of potential impacts on the sanitary sewer system from the annexation of the Athen Farm. He stated that the City has had concerns about the sanitary sewer system in this area. According to Mr. Joiner, the City's sanitary sewer consultant had identified a possible capacity issue in the trunk line that flows through Moore Memorial Park and serves the Northridge, Northridge Heights, Somerset, and Taylor Glen Subdivision; that trunk line would also serve the subject site. Mr. Joiner advised that Stanley Consultants had performed a flow study of the sanitary sewer system in 2008 and found that one segment of 15" sanitary sewer under the northwest corner of the Moore Memorial Park parking lot was constructed incorrectly; it was laid too flat. The Iowa Department of Natural Resources (DNR) requires that sanitary sewer pipes of 15" diameter or less should have a ratio of planned depth of flow to overall pipe diameter of 0.67 or less; the current flow measurements through that segment show the existing depth of flow ratio is 0.45. The sanitary sewer model for this area was updated by Bolton and Menk to reflect planned growth east of George Washington Carver Avenue, and using the planned growth, the model showed the depth ratio will be 0.70. The model was also updated to include the additional planned assisted living and single-family growth of the Athen Farm; the depth ratio would increase to 0.85. Accounting for the Northridge, Northridge Heights, Somerset, and Taylor Glen Subdivisions, the sanitary sewer flow through that 15" pipe would equate to a flow of 773 gallons/minute compared to the proposed DNR maximum of 710 gallons/minute. If the Athen flow were added to that segment, it would equate to 970 gallons/minute.

Mr. Joiner presented mitigated options and presented possible scenarios. The least costly alternative would be to bypass the flat segment with a new segment of larger pipe constructed at the correct grade, which would cost approximately \$260,000. A proposed cost split would be for the Athen developer to be responsible for that increment of flow that is contributed beyond what the current subdivisions contribute. The City would be responsible for its representative share based on the already established subdivisions. Under that scenario, the developer would be responsible for 76% of the estimated project cost, which is approximately \$197,600. The second option would be to reroute the sewer flow from the Taylor Glen and Somerset areas to the south along George Washington Carver Avenue to the Moore Memorial Park sewer. The estimated costs for that option are \$685,000.

According to Mr. Joiner, staff is recommending that any project to address the problem segment in Moore Memorial Park be delayed and permanent flow meters be installed in Moore Memorial Park and Somerset Subdivision to provide constant, real-time information so that staff may continually monitor the flow situation in the various segments. If the City Council would decide to amend the LUPP to allow for the annexation of the Athen Farm, the developer should be

required to deposit the \$197,600 share into escrow so that when the time for a project is determined, that amount would be applied to the overall costs.

It was noted by Director Joiner that the existing pipe is sufficient for the current existing four Subdivisions; however, when they are completely built-out, more capacity would be needed. Council Member Davis inquired as to whom would be responsible for the costs if the Athen property were not annexed. City Manager Schainker said that there is a “fix” that will remedy similar situations over a broader part of the City; it would also fix this situation. He told the Council that the City is modeling the situation to find the best solution.

Council Member Davis asked how the pipe got laid incorrectly. Mr. Joiner said that the sewer is very deep (35'). It was designed correctly, but apparently was surveyed incorrectly and laid too flat.

Mr. Schainker told the Council that it would be preferable if the Athen developer's share would be held in escrow and used towards the most-cost-effective solution. It is difficult to get the proportionate share from the developer after the development has occurred. Mr. Schainker also noted that the City is currently conducting a sanitary sewer system evaluation. Mr. Joiner said it will be at least a year before that is complete. In the context of the entire community, the scale of this property is not yet known. According to Mr. Joiner, that is the reason for staff recommending installing permanent flow meters at this spot and in Somerset as well.

Director Joiner said a much-more-expensive solution would be to come up through the Squaw Creek Corridor to serve the Athen development.

The concern over the cost for emergency services was raised by Planner Kuester. City Manager Schainker reminded the Council that on April 24, 2012, City staff had presented a report to the City Council regarding the topic of emergency response times for the City in response to their decision to allow growth to the North, Northwest, and Southwest, and expansion to 590th Street to the east. Based on the City's previous approach to measuring response times, many of those areas would be outside the City's five-minute travel response time goal of covering 85% of the community within five minutes travel time from any fire station. He reminded the Council members that, after the updated Fire Response Study had been presented, they had eliminated that as a goal from which to base a final decision regarding land use; it moved more towards a performance indicator for the Fire Department. Mr. Schainker said that senior living, assisted living, and skilled care facilities have a history of a high demand for services. The City Council should consider the impacts of locating such a use on the periphery of the City. Not only is this site farther than five minutes from a fire station, but a high volume of calls to the periphery redirects resources away from the bulk of the City. The Council was asked to consider the impact of fire department and emergency resources on growth so that the need for a fourth fire station could be deferred as long as possible.

Planner Kuester explained the impacts this development may have on other City-invested Growth Areas. Enlarging the Growth Area to allow homes to be built outside the North Growth Area would delay payback on the City's investment in sewer and water infrastructure. Council Member Goodman said that it might be time for the City to start looking at where the market dictates development. At the request of Council Member Orazem, Mr. Kuester gave the locations of the Allowable Growth Areas and the incentives offered in those Areas. The fourth factor that staff was asking the Council to consider was whether a care facility should be

mandated. Mr. Kuester advised that a Development Agreement, as part of a conditional LUPP amendment, would be the mechanism to accomplish that.

Mr. Kuester explained Factor #5: Protection of Natural Area. He said that a tree line exists at the top of the slope of the Squaw Creek Valley. The applicant was seeking to develop up to, but not in, the tree line. The City Council should consider how much of the Natural Area line should be retained. The protection of these natural resources could be accomplished by deciding where that line should be drawn. The Natural Area designation that exists has a purpose to protect the slopes and the tree cover.

The Council was told that the final factor to consider was the zoning designation. According to Planner Kuester, residents of Northridge Heights are concerned that the area might be zoned to allow apartments. Mr. Kuester said that the City Council should consider whether to place any restrictions on the Land Use Policy Plan change or to place any restrictions, later, when a change of zone is requested. In order for the assisted living facility to exist, a FSRM zoning designation would be necessary.

Council Member Szopinski expressed concern that, by allowing annexation of the area in question, more competition would be created for lands that the City had already decided to service with utilities and prepare for development. Planner Kuester referenced the growth study performed in 2008 to forecast the population of Ames in 2035. At that time, 40 - 170 single-family homes/year were being constructed in Ames. That number dropped considerably in 2008, but it has been rising again since then, and it is a fact that Ames is growing. According to Mr. Kuester, 40 acres of developable land would allow for the construction of approximately 150 homes based on current density standards. If residential development were allowed on the Athen site, it could provide all the new home sites for Ames for one year.

Council Member Larson noted that, due to the assisted-living developer wanting to locate at the site in question, there would be a large tax base provided initially. He would like assurance that that will occur.

In conclusion, Mr. Kuester asked the City Council to direct staff to develop specific amendments to develop specific amendments to the LUPP Map and/or text if it believes that the six factors identified by the Planning and Zoning Commission could be adequately addressed. He said that the City Council could, by motion, direct staff to develop specific amendments to the Map and/or text of the Land Use Policy Plan and Urban Fringe Plan for a public hearing by the Planning and Zoning Commission. The City Council should also give staff direction regarding how to address each of the six factors.

Chuck Winkleblack, 105 South 16th Street, Ames, addressed the six factors outlined by staff. He specifically pointed out that, by the sewer system modeling already done, it appeared that the City has a problem or will have a problem in this area when Taylor Glen and Somerset are built out - regardless of whether the senior care facility is built. He does not believe that it is fair for the developer to have to pay for 75% of the sewer system, as staff has proposed, when the problem already exists. Mr. Winkleblack noted the multi-million-dollar projects done by the City in Northwest I and Northwest II with no one interested in developing in those areas. He contended that the Athen property is the most economical area to develop with a cost to the City of less than \$200,000. There is not an adequate number of lots to supply the housing demand in the near and medium term. Mr. Winkleblack said he also does not see a need for the buffer

because it is bordered by agricultural land. He urged the Council to refer this back to the staff for sending it back to the Planning and Zoning Commission to hold a public hearing on specific LUPP text and Map amendments.

Moved by Orazem, seconded by Goodman, to direct staff to have as one of four items that will be included in a Developer's Agreement the prorated share of costs that meets the fair costs of the developer's and the City's costs of adding capacity to the sanitary sewer, but that the City would be monitoring as use increases as Taylor Glen, the rest of Somerset, and as this area develops and be planning to add capacity as necessary.

City Manager Schainker clarified that that would under the breakdown of costs as presented by staff. Council Member Orazem said that his motion would include the monitoring and the shared costs based on that breakdown.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

Moved by Davis, seconded by Larson, to devise a Developer's Agreement to require a senior care facility.

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

Moved by Goodman, seconded by Orazem, to direct staff to engage in a process to protect the natural areas running along the tree line in the area.

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

Council Member Szopinski said that she was not in favor of these changes because she does not feel that she has enough information to make the decisions at this point. Specifically, she noted that there may be other land that could be developed within the city limits that already has utilities.

Moved by Orazem, seconded by Davis, to provide this area with two zoning designations with the minimum zoning necessary for the care facility and low-density housing.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

Council Member Goodman expressed his concern that the Council had not yet found a solution to the problem of emergency response rates.

Moved by Davis, seconded by Orazem, to refer this item back to the staff and the Planning and Zoning Commission.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

STORMWATER FEE TIER SYSTEM: Civil Engineer Corey Mellies recalled that, after several previous discussions concerning a new impervious-based stormwater billing system, staff brought public feedback back to City Council on August 14, 2012. At that meeting, City Council reviewed the feedback and asked staff to provide a simplified three or four-tier system that still took impervious surface into account. The goal of the simplified tier structure was to provide an

understandable stormwater fee that generates adequate revenue to fund the stormwater system serving Ames residents. Customers having larger impervious areas generally pay more than those with less impervious areas.

Mr. Mellies explained the Tier Structure Rate System. He said that staff used the impervious area per account to establish the four tiers. These ranges were then used to define the difference in cost for each tier. Staff then used the data to calculate the fee for each tier, assuming that the new system was revenue-neutral. The calculated values shown for Tier 1 were found to be close in value to the current flat fee of \$3.45 due to the high percentage of accounts in that tier. It was decided to leave Tier 1 at the current rate of \$3.45 and to use the difference in cost for each tier. That resulted in a small overall increase in revenue, which may mitigate expected future rate increases.

The tier rate will be applied to all active accounts just as the current flat fee is applied. This means that no account in the City will pay less than the Tier 1 rate. This also means that apartment units and condos with individual accounts will continue to be charged no less than that rate. Only active accounts would be charged, however under 150 square feet of impervious surface would not be charged.

Council Member Davis asked why a February 2013 commencement date for implementation of the new Structure. He felt that many non-profit properties operate on a fiscal year basis and would not have budgeted for an increased amount for Stormwater Fees. Mr. Mellies noted that the City had already begun its customer education outreach. The original implementation date was going to be January 2013; this would only be pushing it back one month.

Moved by Larson, seconded by Orazem, to direct staff to prepare an ordinance amending the current Stormwater Code Section 28.802 to implement a four-tier-based system based on impervious area, implement a public relations campaign to notify the public of the changes, and implement the new rates in February 2013.

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

FLOOD DAMAGE - BANK EROSION (326 NORTH RIVERSIDE DRIVE AND STUART SMITH PARK): Civil Engineer Corey Mellies recalled that the Council had been asked at a prior meeting to receive the report of bids, but not award the contract because the confirmation letter from Homeland Security had not been received. An e-mail confirmation had now been received.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-563 approving final plans and specifications and awarding a contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$499,946.75.

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

Moved by Davis, seconded by , Szopinski, to adopt RESOLUTION NO. 12-564 reallocating \$43,000 of G. O. Bond proceeds from the Squaw Creek Pedestrian Bridge project to fund this project.

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

RINGGENBERG SUBDIVISION: Public Works Director Joiner told the Council that, under a 2005 Development Agreement for the Ringgenberg Subdivision, the City is to pay for upsizing Cedar Lane to collector street standards, and if the cost of the City's share is in excess of \$50,000, the contract would be bid through the City. However, the State's bidding laws had changed since that time, so if the City has any funds in the contract, the contract must be bid by the City as a public improvement.

According to Mr. Joiner, the developer of this Subdivision would like to have the street paved yet this fall. If the City were to bid the contract, time constraints involved with the public bidding process would not allow the street to be constructed this calendar year. Under the Development Agreement, the developer is responsible for paving the section of concrete trail on the west side of Cedar Lane from Oakwood Road to Suncrest Drive. The cost to construct the trail is comparable to the City's portion of the costs to upsize Cedar Lane, so to facilitate construction of the street this fall, the Council could approve an amendment to exchange those responsibilities. The developer would then cover the City's oversizing costs and take responsibility for paving the street, and the City would assume the responsibility to construct the trail.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-565 approving the Supplemental Development Agreement for Ringgenberg Subdivision.

Kurt Friedrich, Friedrich & Company, Ames, developer of the site in question, requested that the \$250,000 Letter of Credit, originally filed with the Final Plat and currently being held by the City for this specific section of Cedar Lane, be released or significantly reduced. City Attorney Marek advised that the Letter of Credit was securing other improvements besides the pavement of the street (erosion control, grading, and surface paving and sidewalks for Coyote Drive and Red Fox Road). Mayor Campbell suggested that Mr. Friedrich discuss his request with staff.

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

The meeting recessed at 10:30 p.m. and reconvened at 10:36 p.m.

**HEARING ON URBAN REVITALIZATION PLAN FOR SOUTHEAST 16TH STREET
FIRST URBAN REVITALIZATION AREA:** Mayor Campbell opened the public hearing.

Steve Marley, 1502 Meadowlane Avenue, Ames, said that he believed the creation of an Urban Revitalization Area for Southeast 16th Street would be a "really bad idea." He said what is critical is that the City has a flood mitigation study currently in process, and approving the URA would be premature at this point since changes might be made to the base flood elevation. Mr. Marley also expressed his concerns over fill dirt being brought in to change elevations. His property is within two miles of the Skunk River. Mr. Marley raised additional concerns that the needed engineer's certification of the no-rise elevation and the various permits/approvals from the Department of Natural Resources (DNR), Army Corps of Engineers, and City of Ames have not yet been received.

The public hearing was closed after no one else asked to speak.

City Planner Kuester, recalled that the City Council had determined, on September 11, 2012, that the Urban Revitalization Policy for Southwest 16th Street could be met, accepted the application of Deery Brothers for the establishment of the Urban Revitalization Area, and directed staff to prepare an Urban Revitalization Plan and ordinance. He explained the Plan for the Southeast 16th Street First Urban Revitalization Area. Mr. Kuester stated that staff believes all criteria have been or will be met with the approval of the Development Agreement.

The concerns of Mr. Marley were addressed by Mr. Kuester. The DNR has indicated that it is waiting for information from the applicant to determine if it needs to approve the Plan. The same holds true for the Army Corps of Engineers. If it is determined that either agency needs to approve the Plan, evidence of approval must be shown to the City. If approval is needed and not given, then the terms of the Development Agreement would apply. Council Member Wachar clarified that the project would still move forward; tax abatement would be granted, but the developer would then have to reimburse the City for the exact amount of abatement. In that case, they would not receive any financial incentive from the City.

City Manager Schainker emphasized that once the City Council approves the URA Plan, all the lots become eligible for tax abatement. He noted the six criteria that had been placed on the tax abatement. However, to protect the City's interests in the event that all six criteria are not met in a timely basis, a separate Developer's Agreement had been created, which would ensure that the City would be reimbursed by the developers through a payment-in-lieu-of tax for the total amount of the City's portion of the tax abatement they receive. Mr. Schainker explained the terms of that Agreement, specifically:

1. The requirement to construct improvements within two years of the effective date of the Agreement
2. Placement of fill
3. Use restrictions
4. Reimbursement to the City if any of the qualifying criteria are not satisfied
5. Security in the amount of \$300,000 to secure the developer's obligation to reimburse the City if they fail to satisfy the criteria related to lot 1
6. The Deerys will be responsible only for the lots they develop
7. Revised site plan and Supplemental Agreement will be required for development on Lots 2 and 3

City Manager Schainker reviewed the terms of the Developer's Agreement. He emphasized the requirement placed on the developer to construct the flood mitigation improvements. The Agreement gives the developer up to two years to complete the improvements. Section 8 of the Agreement requires a Letter of Credit to be filed by the developer to secure improvements on Lot 1. The Deerys will only be responsible for the lots that they own.

City Attorney Marek noted that there is also a continuing obligation to maintain the stream channel by the owner of Lot 1 even after the expiration of the abatement. Even if the "clawback" provisions and security have been released, the City has the right to sue and get a Court Order to force the owner of Lot 1 to maintain the improvements.

Discussion ensued as to the revenues being denied to the other taxing entities (specifically the School District) if the developer fails to meet the six criteria. Responding to a question asked by Council Member Goodman, City Manager Schainker stated that the direction given by the

City Council was to protect the City's portion of the taxes. He did not negotiate for any other entities.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-566 approving the Urban Revitalization Plan.

City Manager Schainker wanted the planner to explain the Final Plat before motions would be made.

Motion withdrawn.

Planner Kuester told the Council that it had, on September 25, 2012, approved the Preliminary Plat for Deery Subdivision with five conditions. The Council was advised by Mr. Kuester that those conditions had been or will be met with the adoption of the Sidewalk Agreement.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-566 approving the Urban Revitalization Plan.

Roll Call Vote: 4-2. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Davis, seconded by Orazem, to pass on first reading an ordinance establishing the Southeast 16th Street First Urban Revitalization Area.

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

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-567 approving the Developer's Agreement.

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

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-568 approving the Sidewalk Agreement.

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

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-569 approving the Final Plat.

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

HEARING ON MASTER PLAN FOR SUNSET RIDGE SUBDIVISION: City Planner Marren stated that the item deals with a proposal to revise the Preliminary Plat and Master Plan for Sunset Ridge Subdivision, which was originally approved by the City Council on June 8, 2004, and amended on October 24, 2006.

Ms. Marren advised that the Preliminary Plat and Master Plan amendments included the addition of four lots for the construction of single-family detached residential dwellings. The applicant

is proposing a shift to Westfield Road south to allow for a row of single-family lots on the north side of Westfield, remove Glenwood Street and Bedford Avenue, extend Ellstone and Wilder Avenue to the north boundary of the Subdivision, to end Allerton Drive at Wilder Avenue, and to extend Springbrook Drive across Westfield Road into a cul-de-sac at Springbrook Circle.

Pertaining to the Development Agreement, Ms. Marren noted two required amendments:

1. Section IV(A)(3), regarding the number of street connections, will need to be amended to address the newly proposed street layout for the revised Preliminary Plat.
2. Section IV(A)(9), the provision regarding when the City shall let a contract for bid for the Westfield Road and Wilder Avenue work, needs to be updated to conform to the current bidding law and to allow an option for the City contribution to the oversizing of Wilder Avenue and Westfield Road to be an equivalent project, upon mutual agreement of the owner and the City.

The public hearing was opened by the Mayor. Jason Mickelson, 768 North 500th Avenue, Ames, said that he is concerned about the speed limit of County Line Road. He asked if the City was considering lowering the speed limit on that Road. He also expressed concerns about homes being built so close to his property line. He asked if anyone knew what effect that would have on his property's value.

Mayor Campbell told Mr. Mickelson that changing the speed limit on County Line Road was not under the purview of City.

Chuck Winkleblack, 105 South 16th Street, Ames, replied to Mr. Mickelson's concern that, from a property value perspective, Mr. Mickelson's property will be adjacent to another property's backyard instead of having a street run right by his home. Further, it is generally more desirable to have the buffer (a backyard) instead of a street. The lots will be slightly larger with less impervious surface.

The Mayor closed the hearing when no one else asked to speak.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-570 approving the revised Master Plan.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-571 approving the revised Preliminary Plat.

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

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-572 approving the Second Supplemental Development Agreement.

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

HEARING ON MOTOR CONTROL CENTER NO. 1 REPLACEMENT PROJECT:

The public hearing was opened by Mayor Campbell. She closed same after there was no one who asked to speak.

Moved by Davis, seconded by Wacha, to accept the report of bids and delay award of contract.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON AMES PUBLIC LIBRARY RENOVATION AND EXPANSION

ABATEMENT WORK: Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Davis, seconded by Szopinski, to accept the report of bids and delay award of contract until November 27, 2012.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON STORMWATER FACILITY REHABILITATION PROGRAM - SPRING

VALLEY SUBDIVISION: The Mayor opened the hearing. No one requested to speak, and the Mayor closed the hearing.

Moved by Wacha, seconded by Davis, to accept the report of bids and reject the project.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON 2008/09 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY AND SHELDON

AVENUE): The hearing was opened by the Mayor and closed after no one asked to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-573 approving final plans and specifications and awarding a contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$185,983.50.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2009/10 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY AND ASH

AVENUE): Mayor Campbell opened the public hearing. It was closed as no one came forward to speak.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-574 approving final plans and specifications and awarding a contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$160,919.23.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2010/11 TRAFFIC SIGNAL PROGRAM (28TH STREET AND GRAND

AVENUE): The public hearing was opened by the Mayor. There being no one wishing to speak, the hearing was closed.

Moved by Szopinski, seconded by Orazem, to adopt RESOLUTION NO. 12-575 approving final plans and specifications and awarding a contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$160,872.83.

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

HEARING ON 2010/11 TRAFFIC SIGNAL PROGRAM (SOUTHEAST 16TH STREET AND SOUTH DAKOTA AVENUE): The Mayor opened the hearing. The public hearing was closed as no one requested to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-576 approving final plans and specifications and awarding a contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$157,573.72.

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

ORDINANCE RELATING TO CHARGES FOR PUBLIC URINATION: Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance removing misdemeanor from *Municipal Code* Section 11.4, "Public Urination," so offense may be charged as a misdemeanor or municipal infraction.

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

ORDINANCE AMENDING IOWA CODE REFERENCE PERTAINING TO CRUELTY TO ANIMALS: Moved by Davis, seconded by Wacha, to pass on second reading an ordinance amending Iowa Code reference pertaining to cruelty to animals.

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

ORDINANCE PERTAINING TO MEMBERSHIP FOR HUMAN RELATIONS COMMISSION: Moved by Davis, seconded by Goodman, to pass on second reading an ordinance approving a reduction in membership for the Human Relations Commission.

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

ORDINANCE ADDING FIREARM SALES AS PROHIBITED HOME OCCUPATION: Moved by Wacha, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4126 adding firearm sales as a prohibited home occupation in Section 29.1304(1)c.

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

ORDINANCE VACATING ALLEY WEST OF AMES PUBLIC LIBRARY: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4127 vacating the alley west of the Ames Public Library.

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

COUNCIL COMMENTS: Moved by Wacha, seconded by Davis, to direct staff to have an informal conversation with the IDOT about the size and visibility of the left-hand turn sign into Walmart on South Duff.

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

Moved by Wacha, seconded by Davis, to refer to staff the request from the Campustown Action Association that the image on the green Campustown directional sign on the north side of

Lincoln Way across from the Iowa State Center be changed to the new Campustown logo.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Larson, to refer to staff the request dated October 13, 2012, from Larry W. Cormicle, Chair of the Ames Building Code Board, to research whether to revise the signage ordinance.

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

Moved by Davis, seconded by Larson, to refer the letter from Brad Larson, Stumbo and Associates Land Surveying, dated October 18, 2012, requesting a waiver of Major Subdivision requirements for 1817 East Lincoln Way

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

Moved by Goodman to direct staff to respond to Mr. Hackbarth's suggestion to clean up the rivers. Assistant City Manager Bob Kindred said that special permits are required from the DNR, among others. He said he had spoken with Mr. Hackbarth after he had spoken at Public Forum. Motion died for lack of a second.

Council Member Larson requested that the City Council get an update on the status of Grant Avenue, i.e., cost estimates and Developers' Agreements. Mr. Larson said he seemed to recall that the developers of Quarry Estates had indicated that they would go ahead with their part of the development without the road issue being resolved. Mr. Kindred stated that the pavement of Grant Avenue had not been included in the CIP. After approving the first steps towards allowing the Athen development, Mr. Larson said he wanted to ensure that the City Council is not giving an unfair advantage to one developer over others. Mr. Kindred indicated that a status report would be provided to the Council.

ADJOURNMENT: Moved by Davis to adjourn at 11:47 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor