

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 24, 2013

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Council Members Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, and Tom Wacha. Council Member Victoria Szopinski and *ex officio* Council Member Alexandria Harvey arrived at 7:53 p.m.

CONSENT AGENDA: Mayor Campbell announced that Item 8b., the Public Art Commission's request to carry over funding, was being pulled in order to allow a member of the Commission to further explain it. In addition, staff had requested that Item No. 14, pertaining to the CyRide Bus Facility Expansion Project Change Order No. 10, be pulled for separate discussion.

Moved by Davis, seconded by Larson, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of September 10, 2013
3. Motion approving Report of Contract Change Orders for September 1-15, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer & B Wine – K Mart #3971, 1405 Buckeye Avenue
 - b. Class C Beer & B Wine – Hy-Vee Gas #5018, 636 Lincoln Way
 - c. Class C Beer – Doc's Stop No. 5, 2720 East 13th Street
 - d. Class C Liquor & B Native Wine – AJ's Ultra Lounge, 2518 Lincoln Way
 - e. Class E Liquor, C Beer, & B Wine – Hy-Vee Food Store #1, 3800 West Lincoln Way
 - f. Class E Liquor, C Beer, & B Wine – Hy-Vee Food & Drugstore #2, 640 Lincoln Way
5. Motion to set the following City Council meeting dates:
 - a. January 21, 2014, at 5:15 p.m. for CIP Workshop
 - b. January 31, 2014, at 2:00 p.m. for Budget Overview
 - c. February 4, 5, 6, and 11, 2014, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - d. March 4, 2014, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
6. RESOLUTION NO. 13-440 approving and adopting Supplement No. 2013-4 to *Ames Municipal Code*
7. RESOLUTION NO. 13-441 approving 2013 Street Finance Report
8. Public Art Commission:
 - a. RESOLUTION NO. 13-442 changing one-year appointee position to three-year term
9. RESOLUTION NO. 13-444 awarding contract to Nutri-Ject Systems of Hudson, Iowa, in an amount not to exceed \$139,859.38 for three-year Biosolids Disposal and Digester Cleaning Operation
10. RESOLUTION NO. 13-445 awarding contract to WESCO Distribution of Des Moines, Iowa, in the amount of \$192,343.20 (subject to metals adjustment at time of order) for the purchase of 750 KCMIL Cable
11. RESOLUTION NO. 13-446 approving contract and bond for Water Pollution Control Facility Methane Engine-Generator Set No. 2 Rehabilitation
12. RESOLUTION NO. 13-447 approving contract and bond for Water Pollution Control Trickling Filter Pumping Station Check Valve Replacement
13. RESOLUTION NO. 13-448 approving contract and bond for Control Panels for Ames Plant Switchyard
14. RESOLUTION NO. 13-450 approving balancing Change Order and Final Acceptance of 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
15. RESOLUTION NO. 13-451 approving Plat of Survey for 2302 and 2308 Sundown Drive

16. South Fork Subdivision, 5th Addition:

- a. RESOLUTION NO. 13-452 accepting partial completion of public improvements
- b. RESOLUTION NO. 13-453 approving Major Final Plat

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

PUBLIC ART COMMISSION REQUESTS: Greg Fuqua, Co-Chair of the Public Art Commission, cited several reasons why the Commission needed to carry over unspent funding from the Commission's Fiscal Year (FY) 2012/13 Budget to its Fiscal Year 2013/14 Budget. He told the Council that payment of the \$1,200 approved for artistic bike racks in the Downtown would not be made until 2014. Also, the Art in the Parks project is a multi-year endeavor and requires three to five years of funding to complete; therefore, the Commission would like the balance of \$7,206 to be added to the FY 2013/14 allocation. Lastly, the Commission proposed that the \$6,397 balance from its 2012/13 allocation be added to the Neighborhood Art Program for 2013/14 and be used to pay for the purchase and installation of additional neighborhood art throughout the City. Demand for that Program has increased and the sculptures are more expensive than in past years.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 13-443 approving the request to carry-over of 2012/13 Fiscal Year unspent fund balance to 2013/14 Fiscal Year.

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

CYRIDE BUS FACILITY EXPANSION PROJECT: Transit Director Sheri Kyras explained that the Council Action Form had stated that the Transit Board would be meeting on September 23, and its decision on this matter would be provided at this meeting. There was not a quorum of the Transit Board members present on September 23; therefore, no meeting was held. Ms. Kyras asked that the City Council approve the Change Order, contingent upon approval of the Transit Board.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-449 approving CyRide Bus Facility Expansion Project Construction Change Order No. 10, contingent upon approval of the Transit Board.

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

PUBLIC FORUM: No one spoke during this time.

REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) TO EXTEND FARMERS' MARKET THROUGH OCTOBER 5, 2013: Moved by Davis, seconded by Larson, to adopt/approve:

1. RESOLUTION NO. 13-454 approving closure of street and parking spaces in 400 block of Main Street; closure of Burnett Avenue, from Main Street north to the alley; and eight parking spaces in 300 block of Main Street, from 5:00 a.m. to 1:00 p.m.
2. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for entire Central Business District from 8:00 a.m. to 6:00 p.m.
3. RESOLUTION NO. 13-455 approving waiver of fee for blanket Vending Permit

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

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

1. Special Class C Liquor (October 2-6) at ISU Alumni Center, 420 Beach Avenue
2. Special Class C Liquor (October 9-13) at ISU Alumni Center, 420 Beach Avenue
3. Special Class C Liquor (October 9-13) at Reiman Gardens, 1407 University Boulevard

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

TEMPORARY OUTDOOR SERVICE AREA FOR MUCKY DUCK PUB: Moved by Goodman, seconded by Davis, to approve a Temporary Outdoor Service Area on September 28, 2013, for The Mucky Duck Pub, 3100 South Duff Avenue.

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

HUTCHISON STREET ENCROACHMENTS: Public Works Director John Joiner explained that staff had discovered a number of encroachments into the unimproved Hutchison Street right-of-way during a recent rental inspection of the properties. Further research revealed that the encroachments, consisting of garages, driveways, and a shed, have existed for a number of years. The owners of 1311 Georgia Avenue and 1401 Georgia Avenue have now requested that the City vacate the right-of-way and convey it to them at no cost. The two properties are located approximately one block west and one block north of the intersection of North Dakota Avenue and Ontario Street.

According to Mr. Joiner, the Hutchison Street area in question is approximately 7,500 square feet in size. If vacated, it would be evenly divided between the two abutting properties. The house and garage at 1401 Georgia Avenue were both built in 1940. The house at 1311 Georgia was built in 1900 and the garage, in 1930. The area was annexed into the City of Ames in 1962. The platting for the Ontario West First Subdivision was done in 1977, and contains a note that the stub of Hutchison Street was vacated; however, there is no record that that actually ever occurred. The platting of that Subdivision precluded the right-of-way from ever being a useful part of the City's transportation network. There are no utilities in that area of Hutchison.

Mr. Joiner recalled that the City had received letters from the owners of 1311 Georgia Avenue and 1401 Georgia Avenue requesting that the rights-of-way be divided in half and transferred to them without charge.

Council Member Larson noted that it was very likely that the properties had transferred to other owners since 1962. He felt that attorneys should have caught this problem during the process of a property transfer. City Attorney Parks concurred and stated that it should have been caught in any transfers; however, it had just been brought to the staff's attention.

Norma Elwick, 1301 Florida, Ames, stated that she and her husband have owned the property at 1311 Georgia since 1982; they have maintained the property for over 30 years. She said that she and her husband have no intention of building something else on the property, but if they did decide to sell it, this would cause a problem for the title transfer. Ms. Elwick said they did contact the City approximately six years ago about this situation. They were referred to several different people, but no one ever solved the issue. She asked the Council to approve Option 2, which was to convey the land in question at no charge to the abutting property owners.

Rebecca Reisinger, 612 Kellogg Avenue, Ames, identified herself as an attorney representing Helen Anderson, the owner of property at 1401 Georgia Avenue. Ms. Reisinger advised that Ms. Anderson had purchased that property in the 1970's. The structures had been in place since the 1940's. The first Ms. Anderson knew about the issue was in May 2013 when she was contacted by the City. Ms. Reisinger told the Council that this appeared to be a unique situation where the structures pre-dated the annexation of the property to the City. On behalf of Ms. Anderson, whose health issues would not allow her to attend this meeting, Ms. Reisinger asked that the City Council convey the property in question to abutting property owners at no cost.

Moved by Davis, seconded by Orazem, to convey the property in question to the abutting property owners at no cost.

Council Member Davis qualified his motion by stating that staff had noted in its report that the platting for the subdivision in 1977 had contained a note that the "stub of Hutchison Street was vacated," although there appears to be no record of that. He felt that it was possible that the document just didn't get recorded. In Mr. Davis's opinion, the situation was unique.

Council Member Goodman asked if conditions could be placed on the Encroachment Permit that if the property were ever transferred, the new property owner would purchase the right-of-way from the City. City Attorney Parks replied that she is unsure whether the City would have the authority to place conditions on an Encroachment Permit.

Citing the City's policy to charge abutting property owners for vacated rights-of-way, Council Member Larson expressed his concern of the precedent that would be set if no fee were charged. He believes that there could be all kinds of situations similar to this one, and he does not want to put future Councils in the predicament of having to judge what the intent was many years ago. Council Member Wacha said he shared that same concern.

Council Member Goodman recalled a similar issue that had occurred in 2010 with property on East Lincoln Way where Friedrich Realty had installed asphalt parking over City right-of-way. He noted that the easement had been vacated and conveyed to the Friedrichs at no charge. Public Works Director Joiner elaborated that the property had been the Iowa Department of Transportation's (IDOT) right-of-way. It was then transferred to be under the City's jurisdiction. The IDOT had reduced the width of the right-of-way, but when the City received it, it had not recognize the reduced width. Mr. Goodman relayed his recommendation that the City not charge for the Hutchison right-of-way because it is a unique situation just like - albeit not identical circumstances - the Friedrich/East Lincoln Way case. He thought the land on East Lincoln Way was much more valuable than the land in question, and it had been gifted to the existing property owner.

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

HEARING ON 2013/14 WATER SYSTEMS IMPROVEMENTS - WATER MAIN REPLACEMENT (SHELDON AVENUE): Mayor Campbell opened the public hearing. There being no one wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-456 approving final plans and specifications and awarding a contract to Synergy Contracting of Bondurant, Iowa, in the amount of \$156,048.85.

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

HEARING ON AMES PLAT SUBSTATION IMPROVEMENTS: The Mayor opened the hearing and closed same after no one came forward to speak.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 13-457 approving final plans and specifications and awarding a contract to Harold K. Scholz Company of Ralston, Nebraska, in the amount of \$632,472.96 (inclusive of applicable sales taxes).

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

HEARING ON 2013/14 ASPHALT/SEAL COAT STREET REHABILITATION AND 2013/14 WATER SYSTEM IMPROVEMENTS PROGRAM - WATER MAIN REPLACEMENT (TRIPP STREET, SOUTH FRANKLIN AVENUE, VILLAGE DRIVE): The public hearing was opened by Mayor Campbell. She closed the hearing as there was no one who asked to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-458 approving final plans and specifications and awarding a contract to Synergy Contracting of Bondurant in the amount of \$495,642.00.

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

HEARING ON REPLACEMENT SUPERHEATER ATTEMPERATOR: Mayor Campbell opened the public hearing. No one requested to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to accept the report of bids and delay award of the contract.

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

HEARING ON SUNSET RIDGE SUBDIVISION, 5TH ADDITION HMA PAVING PROJECT: The hearing was opened by the Mayor. She closed same as there was no one wishing to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-459 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$144,060.

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

HEARING ON 2012-13 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) PURSUANT TO HOUSING AND COMMUNITY DEVELOPMENT ACT: The public hearing was opened by Mayor Goodman. No one came forward to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-460 accepting the Report.

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

ORDINANCE TO REVISE SECTION 29.401(5) PERTAINING TO MORE THAN ONE STRUCTURE ON SAME LOT: Moved by Larson, seconded by Wacha, to pass on second reading an ordinance revising Section 29.401(5) to eliminate provision [c] pertaining to more than one single-family or two-family structures on same lot (continued from August 27, 2013).

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

ORDINANCE PERTAINING TO WEIGHT OF TRUCKS SERVING SPECIAL USE PERMIT USES IN RESIDENTIAL ZONES: Moved by Goodman, seconded by Orazem, to pass on third reading and adopt ORDINANCE NO. 4159 revising *Municipal Code* Section 29.1503(4) (b) (iii) pertaining to the weight of trucks serving Special Use Permit Uses in residential zones.

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

ORDINANCE REVISING APPENDIX Q PERTAINING TO WATER METER FEES: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4160 revising Appendix Q pertaining to Water Meter Fees.

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

PRESENTATION OF RESULTS OF RESIDENT SATISFACTION SURVEY: Public Relations Officer Susan Gwiasda reviewed the results of the 31st Annual Resident Satisfaction Survey. The Survey was conducted with the assistance of Iowa State University's College of Design Institute of Design Research and Outreach. It was distributed to 1,350 utility bill customers by U. S. Mail and 1,000 surveys were sent via e-mail to ISU students. There were 521 surveys returned, which was a response rate of 24%; that increased from 21% in 2012. Overall satisfaction was rated as good/very good by 98% of the respondents.

FUNDING AGREEMENT WITH AMES COMMUNITY PRESCHOOL FOR PURCHASE OF PLAYGROUND EQUIPMENT: Parks and Recreation Director Keith Abraham said that, following the City Council's direction concerning this issue, staff had prepared an agreement.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-461 approving the agreement with ACPC to provide funding for the purchase of playground equipment.

Roll Call Vote: 4-0-1. Voting aye: Davis, Goodman, Larson, Orazem. Voting nay: None. Abstaining due to conflict of interest: Wacha. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ISU RESEARCH PARK EXPANSION: Planning and Housing Director Kelly Diekmann stated that this item was in response to the City Council's referral on September 17, 2013, of a letter from Steven Carter, Director of Iowa State University Research Park Corporation. In that letter, Mr. Carter had requested that the City Council initiate the process to amend the Ames Urban Fringe Plan in preparation for an upcoming annexation request. According to Director Diekmann, this would be the first step in a multi-step process to facilitate expansion of the Research Park. If approved, the amendment to the Ames Urban Fringe Plan would change the designation of the expansion area, which is approximately 200 acres, from Transitional to a planned Urban Service Area. Mr. Diekmann stated that, if the Council members are agreeable to direct staff to initiate the

process for the amendment, there would be a number of steps that would be brought back to them by staff over the next few months.

Moved by Goodman, seconded by Davis, to direct staff to initiate the process to amend the Ames Urban Fringe Plan to change the designation of the Research Park proposed expansion area from Transitional to Planned Urban Service Area.

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

The meeting recessed at 7:50 p.m. and reconvened at 7:56 p.m.

Council Member Victoria Szopinski and ex officio Member Alexandria Harvey arrived at 7:53.

REQUEST OF BRECKENRIDGE LAND ACQUISITION FOR LUPP MEDIUM-DENSITY

AMENDMENT: Karen Marren, City Planner, recalled that the City Council had referred to staff the letter from Charles Vatterott, representing Breckenridge Ames Iowa, LLC, concerning the former Middle School athletic field site at 205 S. Wilmoth Avenue, which is the north parcel of the three parcels owned by Breckenridge Land Acquisition. The request is for a change to the Land Use Policy Plan (LUPP) designation of the site from Low-Density Residential (RL) to Medium-Density Residential (RM). According to Ms. Marren, the RM classification is desired by the applicants; however, they would be open to considering a limited amount of Highway-Oriented Commercial adjacent to the Lincoln Way frontage if Council would prefer.

Ms. Marren advised that the parcel is an 8.3-acre parcel at 205 S. Wilmoth Avenue. It is currently designated as Low-Density Residential on the LUPP Map. It is zoned S-GA (Government/Airport District). The site abuts three parcels to the northeast that are also designated as Low-Density in the LUPP; however, they are zoned High-Density Residential. There is some High-Density land designation farther to the east. The site abuts Low-Density-zoned development to the east, west, and south. The parcel also abuts a Wendy's restaurant at the northwest corner of the site.

Planner Marren pointed out that the background information on the request was contained in the Council Action Form. The City Council members were being asked to (1) determine whether or not they wished to proceed with the LUPP Amendment, and (2) if so, whether it would be a Major or Minor Amendment.

The Council was reminded that, in 2008, when it looked at Government Lands in terms of designating them for future use, there were options presented for the land in question. The land designation approved for the parcel at that time was Low-Density Residential.

Council Member Orazem asked if the land designation as Low-Density Residential was requested by the School District. Planning and Housing Director Kelly Diekmann replied that, after hearing options, the City Council had, in 2007, directed staff to meet with School District officials and ask them what their preference was for the designation. At that time, the School District was indifferent; however, agreed that Low-Density would be a good option, although it might not bring the highest value. The Council decided to approve Low-Density, and the School Board did not object to that designation. Council Member Larson said he thought that the Council and School District Board had met in a joint meeting; the decision was based on a joint conversation between the two entities. The School District, at that time, was interested in maintaining as many of its properties as possible as Low-Density in order to have more housing in the District. Council Member Szopinski read an excerpt from the Minutes of the April 17, 2007, Joint Meeting between

the City Council and Ames Community School District. Mayor Campbell recalled that the sale of land immediately to the south of the new Middle School, and there was concern on the part of the School District about the fact that the land had not been zoned Low-Density. That prompted the study of all Government Lands and the overly.

Council Member Goodman shared his opinion that the biggest result of the study was that it would never again be the case of investors not understanding the current anticipated use of the land. This really then put the onus on the investors to ensure that they understand the designated land use and zoning for the property.

Mayor Campbell noted for the record that a hand-written letter from Elaine Bath, 524 Forest Glen, Ames, had been received just prior to this meeting and placed around the dais. Ms. Bath was requesting that the City Council reject the Breckenridge request to rezone the property to Medium Residential.

Michael Peterson, 3302 Morningside Street, Ames, identified himself as a member of the College Creek/Old Ames Middle School Neighborhood Association. He stated that the current LUPP promotes the idea that any new development will fit in with existing neighborhoods. It was Mr. Peterson's belief that if the zoning is changed from RL to RM, up to 745 bedrooms could be added to the North Parcel alone. If a commercial strip were to be added to the North Parcel, the number of bedrooms that could be added would be anywhere from 479 to 657. Mr. Peterson said that Breckenridge had expressed a desire to be good neighbors; however, he does not think that will happen because of its track record in other communities. He feels that if Breckenridge truly wants to be good neighbors, it would not promote its development as "student-housing-oriented," would stay with RL zoning for all three parcels, and promote single-family occupancy in all housing. According to Mr. Peterson, the City of Ames needs families with children to attend the Ames Community School District. He believes that student housing is being addressed in other areas of the City. He urged the City Council to retain the designation of RL for all three parcels. It was alleged by Mr. Peterson that ramifications of the Council's decision would go far beyond the land in question.

Duffie Lorr, 233 Hilltop Road, Ames, identified herself as a member of the College Creek/Old Ames Middle School Neighborhood Association. Ms. Lorr said that her property is located one block south of the North Parcel. Ms. Lorr expressed her appreciation of forward policy planning and vision of neighborhoods offered by the City. She read four goals contained in the LUPP that were pertinent to this issue. Ms. Lorr noted her participation in the charrettes pertaining to the proposed development and described her conversations with the developer's representative, Scott Renaud. When told that the LUPP designation for the area was single-family Low-Residential, Mr. Renaud had replied that the developer would ask for a change to the LUPP. Ms. Lorr stated that Breckenridge had a history of asking for LUPP, Master Planning Policy, and Master Plan Amendments in order to increase the allowed density. She provided documentation highlighting amendments that had been requested in other communities wherein Breckenridge had developed (San Marcos, TX; Tuscaloosa, AL; Clemson, SC; Reno, NV; Columbia, SC; Rockingham County, VA; Charlotte, NC). Ms. Lorr told the Council that Breckenridge also had a history of actions that had caused unpleasant ramifications, with the most-recent being in Harrisonburg, VA, and Columbia, MO. She noted that her neighborhood already had been affected by a change in density with the apartment developments behind the West HyVee store. Such change can have an unwanted effect on the value of properties, not only for homeowners and landlords. Ms. Lorr

contended that Breckenridge does not care about the ramifications. She believes “what is important to Breckenridge is Breckenridge Company’s bottom line.

Ms. Lorr also stated that her low-density residential neighborhood already offers house experience for students; “the students like it and the other residents like the students.” Her neighborhood is very diverse. She stated that she was worried about the Ames LUPP and vision for neighborhoods and is very opposed to changing the LUPP for the North Parcel from low-residential to medium-residential.

Julian Birch, 2925 Arbor Street, Ames, identified himself as a member of the College Creek/Old Middle School Neighborhood Association. He stated that his neighborhood, with strong support from residents across Ames, had expressed its opposition to the Breckenridge proposal of a concentrated student housing project. Mr. Birch believes that the impacts and consequences of the project are clearly foreseeable. Rezoning the North Parcel to RM would provide the potential for concentrated student housing. It was Mr. Birch’s opinion that the need for affordable single-family homes close to Campus exceeds that of block University housing or additional businesses on the north parcel. Additional businesses would be better located in a Campustown business development area. Mr. Birch respectfully urged the City Council to zone the North Parcel, as well as the Middle and South Parcels, as Low-Density Single-Family housing.

Julia McGinley said she and her partner, Marcy Webb, own the property at 2802 Arbor Street, Ames. They love their neighborhood, which will be impacted by the Council’s decision on the request of Breckenridge. Ms. McGinley believes that the City’s vision for low-density single-family zoning suits the College Creek/Old Ames Middle School Neighborhood. She explained her concerns about the quality of life and safety for her neighborhood’s residents. According to Ms. McGinley, there is currently a balance - a symbiotic relationship with the level of student presence and the neighbors on her neighborhood streets. In Ms. McGinley’s opinion, adding 745 student neighbors to an area already impacted by its closeness to the University would not keep that balance. It would not be in keeping with the City’s stated goal of conserving existing neighborhoods. Ms. McGinley implored the City Council to support the original vision for single-family RL zoning for the North Parcel and reject any requests to change the LUPP.

Barbara Pleasants, 516 Lynn Avenue, Ames, identified herself as a member of the South Campus Neighborhood. She urged the City Council not to change the LUPP. Ms. Pleasants believes that any kind of change adds to the threat to a decreased quality of life for those in the older parts of the City. She said that the City should adhere to the principles of the Plan, including “the importance of compatibility with existing neighborhoods in appearance and use.” To change the Plan at Breckenridge’s request would set a very bad precedent. According to Ms. Pleasants, Edwards and the former Crawford Elementary Schools will be properties that will face similar requests in the future. It was pointed out by Ms. Pleasants that, in 2008, the Ames School Board stated its preference for low-density residential so that there could be homes for families with children. She urged the Council to “let that happen.”

Pat Brown, 3212 West Street, Ames, stated that she had served on the Ames Community School Board when the probability of closing schools due to declining enrollment was first being discussed. According to Ms. Brown, the Board spent a year discussing land use, and the City created focus groups. She noted that the main concern of the School Board at that time was declining enrollment. It was important to that School Board that the City would not be facing the request of an investor to overturn the LUPP. Ms. Brown commended the City Council for helping

to facilitate the creation of jobs, in particular, WebFilings, which had brought in many families. However, she had heard many of those families are moving to Ankeny because they cannot find homes in Ames. Ms. Brown said that that is going to have an effect on the Ames Community in many ways, not just schools. The City must consider many policies to maintain a viable community, not just those pertaining to the creation of jobs. Ms. Brown asked the Council to consider the School District, who needs the students whose families could occupy single-family homes.

Sharon Guber, 2931 Northwestern Avenue, Ames, identified herself as a member of the College Creek/Old Middle School Neighborhood Association. Ms. Guber said that she was disappointed that no representative of Breckenridge had spoken first at this meeting to present its request. Ms. Guber told the Council that Breckenridge has a long trail of asking communities to change their long-range plans, particularly in existing neighborhoods, in order to insert its exclusive all-student housing. According to Ms. Guber, in February 2008, the Ames City Council, Iowa State University, and Ames School Board met to discuss the vision for the North Parcel and other governmental properties that might be sold in the future. The purpose of the meeting was to be able to give direction to developers as they contemplated purchases. At that time, after those involved discussions, the North Parcel was designated as RL in the LUPP. Ms. Guber contended that Breckenridge Land Acquisition was fully aware of the zoning designation for the North Parcel, but still purchased the property without contingencies. On April 9, 2013, the City Council made clear its desire for single-family low-residential development that would be compatible with the existing neighborhood. The Council unanimously passed a motion that Breckenridge's Master Plan "...include the equivalency of subdividing the property so that every building is on a separate lot and meets all City requirements." It was also noted by Ms. Guber that the Council is currently in the process of permanently removing exception language under Section 29.401(5)[c].

It was recalled by Ms. Guber that in Breckenridge's final presentation of its Master Plan on August 8, 2013, the North Parcel was designated RL. However, on August 22, 2013, Mr. Vatterott, Breckenridge Vice-President, sent a request to change the LUPP from RL to RM. It was pointed out by Ms. Guber that under RL zoning, up to 141 residents would be allowed. However, RM zoning would allow up to 745 residents; that would be five times (5x) the number of people on the North Parcel alone. Ms. Guber alleged that that was a common pattern in past Breckenridge developments.

Ms. Guber advised that the College Creek/Old Ames Middle School was an older neighborhood, including homes dating back to 1898. Some of the older homes have four and five bedrooms. It was Ms. Guber's concern that if the North Parcel is zoned RM, landlords with four- or five-bedroom homes in this area would be allowed the same maximum up to five. She felt that would completely change the configuration and fabric of the neighborhood. Any such increase in the intensity on the North Parcel would have major impacts on the existing neighborhoods and is not in keeping with the LUPP goal.

It was also alleged by Ms. Guber that the question of a commercial development in the North Parcel never came up for discussion; residents read about it in the staff report on September 20, 2013, for the first time. She said that had it come up, she would have suggested that they should put their commercial development in the next block west of Franklin. According to Ms. Guber, there are currently 55 businesses in the four blocks on Lincoln Way from Wilmoth to Beedle. No other neighborhood in Ames can claim that proximity to such a selection of commercial services.

Ms. Guber requested that the City not initiate the request by Breckenridge to change the North Parcel LUPP designation of FL.

Ms. Guber also noted that the proximity of the North Parcel to the University makes the location in question very desirable to a lot of people. She concurred with the City staff report that the “City has a known need for single-family home sites.”

Fred Bradner, 1111 Stafford Avenue, Ames, told the Council that, over the past year and one-half, he had seen the value of involved citizens and neighborhoods and praised the College Creek/Old Middle School Neighborhood for getting involved. Regarding Breckenridge, Mr. Bradner asked what had changed since the City’s meeting with the School District in 2008 when the expressed need for single-family homes was stated by the School District and the City.

Catherine Scott, 1510 Roosevelt, Ames, recalled that the City Council had requested Breckenridge to come up with a Master Plan for all three parcels. To her, that meant the City felt that the three parcels were related in some respects, e.g., close together, same owner, and that the properties should be developed so that there was compatibility. The plan that Breckenridge had shown at a previous public meeting indicated RL zoning, not RM; to her, that meant that Breckenridge was not being honest in its negotiations with the City. In addition, she felt that the latest request to change the LUPP designation to RM totally negates the whole process. Ms. Scott asked the Council not to let Breckenridge’s request to move forward.

Mayor Campbell asked if there were any representatives of Breckenridge present to present its request. No one came forward. The Mayor noted that it was highly unusual for a developer not to be present at the Council meeting when its request was being debated.

Council Member Larson asked staff what was being contemplated for the southern or center piece of property. He noted that it was planned for all three parcels to function together. Planning and Housing Director Diekmann stated that Breckenridge had not submitted a Master Plan to continue the rezoning process. Mr. Larson offered that he thinks land use policies should be changed periodically when justified based on a particular need or situation. However, without knowing the intent for the other two parcels, Mr. Larson stated his belief that the City Council should not change the LUPP designation.

Mr. Larson recalled that the Old Middle School building had to be demolished by a certain time and asked if there had been any updates to that requirement. Director Diekmann answered that it was his understanding that Breckenridge had one year from the date of closing, but City staff had not seen the final terms of the property transaction. Sharon Guber advised that Karen Shimp, representing the Ames School District, had told her that the agreement was that the building had to be torn down within one year from the date of closing; the closing was in March. She noted that, if the building has not been demolished by that time, the School District had 60 days to reclaim the property with no exchange of funds.

Council Member Orazem expressed his opinion that Breckenridge’s request was too vague; there appeared to be no plan and the North Parcel was not tied in with the other two parcels, which was specifically directed by the City Council.

Council Member Szopinski, in answer to Fred Bradner's question, said that what had changed was an even greater need for single-family housing. She pointed out that the City was hearing that from all sectors of the community.

Moved by Szopinski, seconded by Goodman, to direct that the City not initiate the request of Breckenridge to change the LUPP to RM for the North Parcel.

Council Member Goodman noted that the City had provided a "blue print of the entire community" on Government/Airport land uses to investors and developers, so that they could make wise choices on future purchases of those lands.

Council Member Wacha advised that he firmly believes the Ames community needs more single-family residential housing in the Ames School District and that is and should be a high priority for the City Council.

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

COUNCIL COMMENTS: Moved by Orazem, seconded by Goodman, to refer to staff requests related to the recent Council workshop held with the Greek Community:

1. That the Council be given a proposed definition of fraternity and sorority that would define them as being unique from rental housing
2. That staff provide information as to how Iowa City and Cedar Falls handle fraternities/sororities differently from rental housing.

Council Member Larson suggested that the Council first receive a staff report. Mr. Larson noted that the Greek Alliance had requested that the City Council explore the possibility of exempting fraternities and sororities from the Code. Council has to decide whether that is a good idea, whether that is possible, where there are other alternatives, etc. He voiced his disagreement with restricting the research to Iowa City and Cedar Falls. Council Member Goodman suggested that it be left to the staff's discretion to come back with how other cities make that differentiation.

Motion withdrawn.

Moved by Orazem, seconded by Goodman, to direct staff to report back to Council informing them of what their options are for defining fraternities and sororities in the context of rental housing.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Goodman, to refer to staff for a clarification of renting in the summer to its own members versus renting to non-members in the context of the Rental Housing Code.

Council Member Orazem explained that there might be legal responsibilities related to renting to non-members versus members. If they should be legally covered under the Rental Housing Code, then all the other restrictions apply.

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

City Manager Schainker noted that, during the workshop on the topic of rental inspections of Greek Houses, there had appeared to have been some confusion dealing with the parking requirements. He emphasized that, if fraternities and sororities were to be exempt from the provisions of the Rental Code, it would not free them up from any future obligations, whether they renovate a building or tear down a building and add to it. The parking requirements would still remain under the Zoning Ordinance. Exemption from the Rental Housing Code would allow the existing parking situation to continue to exist; they would be able to get Certificates of Compliance to allow them to continue to rent. However, fraternities or sororities that want to expand or renovate their facilities might be required to provide more parking. Mr. Schainker told the Council that all issues would not be resolved simply by exempting the facilities from the Rental Code.

Council Member Larson said that he would expect to see that type of information in the general staff report on this issue.

Council Member Szopinski explained that she and *ex officio* Member Harvey as well as City Manager Schainker had been late to this meeting as they had participated in the Town Meeting at the University pertaining to Kingland.

Recognizing the Council's policy on referring items to staff, Council Member Goodman stated that he had been in communication with a person who does not use e-mail. He did not have a physical document from this person but wanted to explain the request to the other Council members.

Moved by Goodman to direct staff to have a conversation with Jim Howe at Howe's Welding on South Duff to discuss concerns that he has with the properties on South Duff that were formerly Quality Motors and Happy Joe's Pizza and how the local flooding issues may impact his business. Mayor Campbell requested that Mr. Goodman ask Mr. Howe to write a letter to the City Council outlining those concerns.

Motion failed for lack of a second.

Moved by Goodman, seconded by Szopinski, to direct staff to come back to the Council with a report listing what things staff views as serious life-safety issues out of the Rental Housing Code in addition to other possible impacts, e.g., parking for redevelopment versus existing, group bathrooms, and cold-air sleeping areas.

Mr. Goodman clarified that he did not care about the use of cold-air dorms; however, he does care that they are safe.

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

At the request of Council Member Davis, Council Member Szopinski summarized the Town Meeting held tonight regarding Kingland. Ms. Szopinski explained that it was comprised of a structured panel with a representative from Kingland, Warren Madden on behalf of Iowa State University, Steve Schainker on behalf of the City, and Gabrielle Williams, representing the Campus Student Association and the Government of the Student Body. She reported that Mr. Rognes gave the same presentation on Kingland's plans as had been given at the Council meeting.. According to Ms. Szopinski, the idea was to involve more students; however, there was not a lot of student involvement; there were approximately ten students present at the meeting. *Ex officio* Member Harvey reported that the event (Town Meeting) was not made official until Friday, so it

didn't give a lot of time for publicity. Mayor Campbell noted that Dr. Tom Hill had indicated to her that social media was the communication tool that had been used to notify others of the meeting.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 8:55 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor