

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 26, 2016

The Ames City Council met in Regular Session at 6:00 p.m. on the 26th day of January, 2016, 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: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

CONSENT AGENDA: Mayor Campbell announced that the City Council would be working off an Amended Agenda. City Attorney Judy Parks had requested the addition of an item where the City Council would authorize her to secure outside counsel for prosecutions. She advised that one of the Assistant City Attorneys had accepted a position with West Des Moines. Council Member Nelson asked to pull Item No. 12 (2015/16 Arterial Street Pavement Improvements project) for separate discussion.

Moved by Beatty-Hansen, seconded by Corrieri, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of January 12, 2016, and Special Meeting of January 19, 2016
3. Motion approving Report of Contract Change Orders for January 1-15, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor & Outdoor Service – West Towne Pub, 4518 Mortensen Road, #101
 - b. Class C Liquor & Outdoor Service – Dublin Bay, 320 S. 16th Street
 - c. Special Class C Liquor – Shogun of Ames, 3704 Lincoln Way
 - d. Class B Beer & Outdoor Service – Torrent Brewing Company, 504 Burnett Avenue
 - e. Class B Beer & B Native Wine – Indian Delights Express, 120 Welch Avenue
5. Motion approving Class C Beer Permit for Casey's General Store #2560, 3020 South Duff Avenue
6. Motion authorizing City Attorney to secure outside counsel for prosecutions
7. RESOLUTION NO. 16-034 approving Addendum to Medication Therapy Management Services Agreement between the City and Outcomes Incorporated
8. RESOLUTION NO. 16-035 approving preliminary plans and specifications for 2013/14 Shared Use Path System Expansion - Skunk River Trail Extension, Phase 2; setting February 16, 2016, as bid due date and February 23, 2016, as date of public hearing
9. RESOLUTION NO. 16-036 approving preliminary plans and specifications for 2015/16 Asphalt Street Pavement Improvements and 2015/16 Water System Improvements; setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
10. RESOLUTION NO. 16-037 approving preliminary plans and specifications for 2015/16 Concrete Pavement Improvements Program #1 (Friley Road); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
11. RESOLUTION NO. 16-038 approving preliminary plans and specifications for 2015/16 Water Systems Improvements Program #1 - Water Main Replacement (Country Club Boulevard); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
12. RESOLUTION NO. 16-039 approving preliminary plans and specifications for 2015/16 Clear

Water Diversion (Duff Avenue, East 9th Street, and McDonald Drive); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing

13. RESOLUTION NO. 16-041 awarding contract to ARGO Turboserve Corporation of Lyndhurst, New Jersey, for purchase of parts for Unit 8 Turbine in the amount of \$64,367
 14. RESOLUTION NO. 16-042 accepting partial completion of public improvements and lessening security for Scenic Valley Subdivision, 1st Addition
 15. RESOLUTION NO. 16-043 accepting final completion of Vet Med Substation Capacitor Bank Foundation Installation
 16. RESOLUTION NO. 16-044 accepting final completion of 2014/15 Traffic Signal Program (13th Street and Stange Road)
 17. RESOLUTION NO. 16-045 accepting final completion of Water Pollution Control Facility Make-Up Air Unit and Heat Recovery Units Replacement Project
 18. RESOLUTION NO. 16-046 approving Plat of Survey for 2328 - 240th Street
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

2015/16 ARTERIAL STREET PAVEMENT IMPROVEMENTS (13th STREET - FURMAN AQUATIC CENTER TO UNION PACIFIC RAILROAD): Council Member Nelson said that, in light of some of the feedback that was received during the 24th Street project last summer, he would like assurance that the City is communicating with the public as to what this project will entail. Municipal Engineer Tracy Warner reported that, at the project informational meeting and outreach to residents, staff had explained that the Stange Bridge would be closed for approximately two months (May and June). Sixth Street is closed now; that is anticipated to be open in August. Staff wanted that to be clear so that the public would be informed and could provide candid feedback. The feedback received indicated that they would like to minimize the closure, but they would rather have it closed to allow for the work to be done as quickly as possible versus piecing it together and stringing out the construction a lot longer. Ms. Warner said that staff was very conscious about how this might affect the Furman Aquatic Center. The closure will occur after the Labor Day weekend (after the Furman Aquatic Center closes). She emphasized that the road will be totally closed. Safety is also an issue with large equipment. Ms. Warner commented that the City always looks at safety for its residents, but also for the contractors. Council Member Gartin asked that the City be as proactive as possible using social media to get the word out about this project. Ms. Warner advised that City staff personally delivers notices to the residents adjacent to the project.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-040 approving preliminary plans and specifications for 2015/16 Arterial Street Pavement Improvements (13th Street from Furman Aquatic Center to Union Pacific Railroad); setting March 15, 2016, as bid due date and March 22, 2016, as date of public hearing.

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

PUBLIC FORUM: Mayor Campbell opened Public Forum and closed same after no one requested to speak.

2016-2021 CAPITAL IMPROVEMENTS PLAN: Mayor Campbell invited members of the public to provide input on the 2016-2021 CIP. She specifically noted that the vote on the CIP would be taken at Budget Wrap-Up on February 9, 2016.

Cheryl Langston, 1710 Northwestern Avenue, Ames, stated that she was speaking on behalf of Healthiest Ames. Healthiest Ames encouraged the Council to provide additional funding to the current system of trails and that the City be mindful of all types of users and modes of transportation. She referenced the partnership between Healthiest Ames and Community Design Lab at the University. The Community Design Lab has conducted a review of other communities' Complete Streets Policy and they will continue to work with Healthiest Ames and the City in the creation of a Complete Streets Policy. She encouraged the City to take advantage of their expertise. Ms. Langston requested that the Council be as proactive as possible in funding positive changes.

Trevin Ward, 1012 Grand Avenue, Ames, said that he was speaking on behalf of the Ames Bicycle Coalition (ABC). Mr. Ward stated that his comments pertained to the multi-modal and shared use path programs in the CIP. The ABC had presented a proposal to the City requesting that \$2.5 million in additional funding be allocated to those programs in the CIP over a five-year span. It was also requested that the City implement short-term long-range transportation projects over the next seven years, instead of over ten years. Mr. Ward offered that one project in the CIP that could be delayed was the construction component of the Cherry Avenue Expansion; doing so could make up the entire five-year cost gap of all of the proposals for expedited improvements in ABC's proposal. Other areas of the Transportation budget that could be delayed or shifted were suggested. He also commented that the improvements being requested by the ABC would benefit the entire community, not just a few. Mr. Ward told the Council that multi-modal roadway improvements have a multiplier effect on spending; they pay off significantly more dollar-for-dollar than roadway improvements. He said that the multi-modal improvements suggested by the ABC would have positive impacts City-wide.

Carol Williams, 628 - 8th Street, Ames, also spoke as a member of the ABC. She also advocated for more money to be allocated to multi-modal roadway improvements and informed the Council of two "take-aways" from last Friday's Bike Summit that she had attended was that trails should be designed for people eight years old to 80 so that all feel safe and every person's front door should lead to a trail. Ms. Williams believes that a person shouldn't have to get in a car to access a trail. She has waited a long time for the Skunk River Trail and was pleased to see it on tonight's Agenda. According to Ms. Williams, the Worle Creek Trail (from HyVee to Airport Road) is a key trail for commuters and recreational cyclists. She asked that the Council be mindful of that Trail in light of the Grand Avenue Extension project. Ms. Williams asked the Council to be bold in its funding decisions regarding multi-modal transportation.

Betty Baird, 2707 Duff Avenue, Ames, spoke as an individual and also as a member of the Ames Progressive Alliance. She voiced her support for the Ames Community Solar Initiative after learning about the project from attendance at an EUORAB meeting. Ms. Baird advised that people can learn more by going to the Web site (www.amescommunitysolar.org) or by visiting their *Facebook* page of the same name. Ms. Baird asked the City to act in an expeditious manner to support this Initiative.

Helen Gunderson, 1626 Burnett, Ames, also spoke in favor of multi-modal roadway improvements. She told the Mayor and Council that she sold her vehicle in 2009 and now uses CyRide and her bicycle as her primary modes of transportation. The challenge in Ames is finding safe routes. She believes that Ames infrastructure sometimes leads to unsafe conditions for cyclists. Ms. Gunderson believes that climate change will force people to simplify. She listed the benefits of using a bicycle, rather than a motor vehicle. Ms. Gunderson said that she had reviewed the ABC's CIP budget proposal and supports it. She urged the Council to think outside the box of ordinary thinking and do everything within its power to make the requested improvements, which would be a big step toward creating a healthier Ames.

Elizabeth Wentzel, 1125 Marston Avenue, Ames, stated that she was speaking as a member of Kidical Mass and the ABC. According to Ms. Wentzel, Kidical Mass Cycling provides family fun rides to help them be comfortable riding in the streets. Ms. Wetzel noted that one of the challenges is the lack of proper infrastructure to provide for the safety of cyclists and make parents uncomfortable for their children to ride in the streets. She advised that she has not owned a vehicle for many, many years. There are incredible challenges, however, there are areas with no shared use paths. Ms Wetzel asked for improvements that will make cycling safer in Ames.

Joseph Lekowski, 819 Ash Avenue, Ames, said he was speaking on behalf of Ames residents and Iowa State University. Mr. Lekowski advocated for turning some of City-owned property into edible landscapes . According to Mr. Lekowski, this is part of a nationwide movement to make more locally available food to people; to have more urban food centers. The group is currently looking for an ideal location, e.g., an unused piece of City land. One possible location that had been suggested to the group would be on the north side of South Fourth Street by Squaw Creek. Council Member Gartin asked if the group had any specific plans for the Council to consider. Mr. Lekowski said that at this time, he just wanted to bring the concept to the Council to consider.

Sharon Stewart, 937 Hilltop Road, Ames, spoke on biking in Ames. She and her husband commute via bike nearly every day. The only days when she does not bike are when she has to take her son to daycare. According to Ms. Stewart, the reason is that she does not bike at those days is that she does not feel it is safe with her son in a chariot behind her bike. Ms. Stewart said that her husband would also like her to mention that they would like to see straight bike paths along major roadways for commuters.

Sarah Cady, 2812 Arbor Street, Ames, Iowa, also spoke on bicycling in Ames. She noted that she had moved to Ames from Sioux Falls, which has recreational trails to which its residents don't have to drive. Ms. Cady believes that was achievable in Sioux Falls and would be do-able in Ames. It is disappointing to her that recreational cyclists have to drive to Ada Hayden or to the trails that connect to other communities. She thinks that the future will be walkable and bikeable, and Ames should plan for this type of infrastructure now instead of making improvements later at higher costs.

Mayor Campbell noted that the budget input begins in early October.

City Manager Steve Schainker stated that the final decisions on the CIP and the Operating Budget, which includes the first year of public improvements funding, will be made on February 9. If there

are any alterations that the Mayor and/or Council members would like to see, he would like that direction to staff tonight. Staff would then put those numbers into the CIP and provide updated funding strategies.

Council Member Gartin suggested a change to the Eastern Industrial Area CIP page to address both the annexation and extension of infrastructure to 590th Street. City Manager Schainker advised that the existing CIP shows an extension of only sewer to just east of I-35 in the amount of \$2 million. The project would slide into FY 2016/17 with funding in the amount of \$4.8 million for sewer and water lines to be extended to 590th Street (and a reduction of \$2 million would be shown in the CIP in 2015/16). Mr. Schainker cautioned that the cost estimates were calculated two years ago; those might go up or down. He recalled that the City had already raised fees to help the Water and Sewer Utilities pay for this. The G. O. Bond debt had already been incurred; the payments for that would be recouped over 12 years.

Moved by Gartin, seconded by Orazem, to direct staff to develop a page for FY 2016/17 to extend water and sewer all the way to 590th Street.

Council Member Orazem asked if there would be any cost advantages to the City doing the entire project at once instead of piecemeal. Public Works Director John Joiner answered that there would be a cost benefit to do the project all at once. He explained that costs will continue to increase each year. If the project were larger, it normally would attract more bidders. Also, the Engineering could be done one time.

Council Member Betcher said that she had heard comments that development in this area might add a large burden to City utilities. She wanted to ensure that if the City builds the lines out, it would not not necessarily be committing to any certain type of development. City Manager Schainker said it would be the intention of the City to control the use. Planning and Housing Director Kelly Diekmann stated that the concerns of use would be addressed in the Industrial Site Plan.

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

Council Member Gartin raised the concept of a Miracle Park that was presented to the Council at its last Regular Meeting. City Manager Schainker advised that it had been determined that when the City injects funds into a public improvement project, there is a state requirement that the project be bid and managed by the City. He noted that the group advocating for the construction of this Park wants to fund-raise, build the project, and then turn it over to the City. City staff needs to study this more to ascertain how the City can provide support for the project without having to bid the project or manage it. Mr. Schainker stated that this project should not be inserted into the CIP at this time. He advised that whatever funding support the City is able to provide should come from the Park Development Fund.

Council Member Gartin asked Public Works Director if he had had a chance to review the ABC's proposal for the FY 2016-2021 CIP. Mr. Joiner answered that he had. Mr. Gartin asked if those projects would place a burden on the current staffing level. Director Joiner stated that it would definitely be challenging as a number of the suggested projects would exceed the capacity of the staff. However, there are aspects of the proposal that could be done without too far exceeding the work load of staff. Mr. Joiner named a number of projects proposed by the ABC that are already planned in the

CIP. Mr. Gartin summarized that the two issues for him would be funding and staffing. It appeared to him that there might be some projects that are already in the pipeline and there are some projects that could be accelerated. Mr. Schainker noted that the street improvement projects need to be considered as well. This would be more difficult to change this right now because it will affect a lot of other transportation projects. Funding for additional shared use path/multi-modal projects would have to be taken from those other road projects. Director Joiner said that it would be beneficial to have some lead time to determine which of the suggested improvements could be done. City Manager Schainker concurred, pointing out that the 2016/17 Budget process is well underway. He reiterated that to change the funding for these projects now would mean changes to many of the transportation projects. Mr. Schainker suggested that perhaps some of the more minor requested changes could be made this year with direction from the Council as to how much funding it wants to allocate to multi-modal and shared use paths in the future.

Council Member Beatty-Hansen said she would like to offer what she considers a compromise. She suggested that the Council ask staff to reach an average of \$1.2 million annually between multi-modal and shared use paths starting when staff develops the CIP for 2017/18.

Council Member Beatty-Hansen suggested that a couple projects move into this year's CIP because she felt that would be do-able. She named them as one-block shared use path extensions on 13th Street, from Ridgewood to Northwestern; and on Grand Avenue, from Murray to 16th Street. Ms. Beatty-Hansen also asked that money be set aside for planning (not constructing) the Vet Met Trail in FY 17/18. It is a huge commuter avenue between the Research Park and Downtown. She also suggested that the City seek out possible private partnerships with other entities for the construction of that Trail, e.g., the Research Park.

Council Member Orazem noted that there are more funds allocated to multi-modal transportation other than the \$2.65 million shown on Page 89 (Shared Use Path System Expansion) of the Draft 2016-2021 CIP. Some are already included in street projects. The actual dollar amounts are actually spread through many projects. He noted sharrows were included in the funding for many other street projects.

Moved by Beatty-Hansen, seconded by Betcher, to increase the Shared Use Path Expansion budget by \$110,000 for FY 2016/17 for 13th Street, Ridgewood to Northwestern; and Grand Avenue, Murray to 16th Street (\$80,000); and \$30,000 for planning the Vet Med Trail a/k/a Worle Creek Trail.

It was specified by Director Joiner that the Worle Creek Trail that was being referenced was actually the Vet Med Trail.

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

Moved by Beatty-Hansen, seconded by Betcher, to direct staff when developing the CIP next fall to reach an average of \$1.2 million annually for the next five years to the Multi-Modal and Shared Use Path Expansions and whatever other categories relate.

Council Member Orazem reiterated that the \$2.65 million shown on Page 89 is only part of the improvements to shared use paths. Other street projects include multi-modal and shared use improvements. City Manager Schainker said that he would not recommend increasing or accelerating improvements to shared use paths to the detriment of street improvements.

Council Member Gartin wanted to ensure that the City would be able to keep its commitments to other aspects of the transportation program if \$1.2 million annually is dedicated to Multi-Modal and Shared Use Path Extensions. Director Joiner said that it appeared to him that the motion would be manageable at this time; it will have to be further analyzed. City Manager Schainker noted that discussion on this would actually occur during the next budget cycle, which would give staff time to develop funding strategies. Those would be brought back to the Mayor and Council, and they would need to decide if that is workable.

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

AGREEMENT WITH CENTRAL IOWA WATER AUTHORITY: City Manager Schainker reported that in January 2014, the City Council established “to promote economic development” as one of its goals. An objective that went along with that goal was for staff to negotiate with Central Iowa Rural Water Association (CIWA) to resolve the rural water service territory issue east of Interstate 35. Mr. Schainker noted that current federal law preserves the right of CIWA to provide water service to the property east of Interstate 35 in the area where Ames hopes to expand its city limits for industrial land use. However, federal law only requires a rural water entity to provide potable water, but not to a level that would ensure proper fire protection to the industries that might locate there. Mr. Schainker noted the importance of the City being able to provide water for potable uses and fire protection to the industrial properties within its boundaries.

Mr. Schainker explained that the area covered by the proposed Agreement represents approximately 1,200 acres of land. Most of that land is along East Lincoln Way and involves property that has yet to be annexed into the City. This also includes a portion of the land along East 13th Street that was previously annexed into the City that is planned for regional commercial uses. City Manager Schainker gave credit to Assistant City Manager Bob Kindred and to the representatives of CIWA who worked out the details of the Agreement to mutual satisfaction between the entities.

Highlights of the Agreement were provided by City Manager Schainker, as follows:

Term of the Agreement. The term of the Agreement is 20 years; however, after ten years, either party may cancel if it provides a 24-month written notice to the other party.

Continuing Members. CIWA wanted to retain its eight existing customers and also felt a responsibility to add new customers within Phase I upon request (“Continuing Members”). The City preferred that CIWA not expand its customer base in Phase I in order to ensure that the largest possible amount of land is made available for large industrial entities to develop within the City. As a compromise, CIWA will be able to add customers after the effective date of the Agreement, but the amount of land that will be allocated to any new Continuing Member will be only one acre in size.

Purchase Price. The Agreement is structured so that a buy-out is possible when an industrial customer chooses to develop on land within Phase I. For the first five years of the Agreement, the cost of the buy-out will be \$2,500/acre. For the following five years of the Agreement, the buy-out will remain firm after it is adjusted for inflation based on the Consumer Price Index - All Urban Consumers, All Cities, all Items. If the Agreement remains in effect after ten years, the buy-out cost will be adjusted every five years in a similar manner.

Release of CIWA Service Territory to Continuing Members. The following three events must occur before the property will be released by CIWA to the City's water service territory:

1. Approval must be given by CIWA for the transfer
2. The appropriate purchase price must be paid to CIWA
3. A reasonable disconnection fee must be paid to CIWA

Release of CIWA Service Territory to Non-Continuing Members. CIW is required to release to the City the remainder of those properties not allocated to a Continuing Member. In those cases, the only event that must occur is for the appropriate purchase price to be paid to CIWA.

Requirements of CIWA When Operating in the City's Right-of-Way. City staff had hoped that CIWA would agree to be subject to the provisions of the City's Right-of-Way Ordinance; however, CIWA did not want to subject itself to that Ordinance for fear that the requirements would add operating requirements in excess of what they are currently required to do when work is done in Story County's rights-of-way. In lieu of a blanket commitment to the City's Ordinance, CIWA agreed to some of the major components of the Ordinance. That will help reduce the possibility of damage to utility lines owned by the City and by other utilities in the City's rights-of-way. The Agreement also grants a hold harmless promise to protect CIWA from claims arising out of the city's work or facilities in the rights-of-way that might adversely affect CIWA.

Sharing of Water Consumption Information. Continuing Members within Phase I could be served water from CIWA and receive sanitary sewer service from the City. Because sanitary sewer service fees are traditionally based upon water consumption, it is critical that CIWA provide that information to the City so that sanitary sewer bills can be calculated. CIWA has agreed to provide water consumption information for any such Continuing Members to the City within 30 days after the end of each month.

Effective Date of the Agreement. The Agreement will not become effective until: (1) the Agreement is approved by the United States Department of Agriculture and CIWA's financier (The National Bank for Co-Operatives) and (2) the Agreement is recorded by the City Clerk.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-047 approving the Agreement with Central Iowa Water Association for water service transfer east of Interstate 35.

Council Member Beatty-Hansen expressed her concerns that the City will pay a lot of money to run water and sewer to the area east of Interstate 35 and then be asked for more money if the area does not develop. She believes that the City should be cautious about this.

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

803 LINCOLN WAY (HAYNES KENTON SUBDIVISION): City Planner Justin Moore stated that the property in question is owned by Haynes Kenton LC. The request is for approval of a Final Plat for a Minor Subdivision of the 3.34 acres of land. It is currently addressed as 809 E. Lincoln Way. The proposed plat shows the division of the 3.34 acres into two lots of 1.54 acres and 1.80 acres. The

current property has a gas station and small distribution business on the west half of the property, which were approved for construction in 1985. A large open grass area remains on the east half of the site. The proposed subdivision would divide the parcel between the occupied area of the lot on the west and the grass lot on the east.

Planning and Housing Director Kelly Diekmann reported that the applicant is requesting a waiver to the street access standards found in the Chapter 23.403(9)(b). He explained that the city has established street standards for subdivisions that include a limitation on how lots have access to arterial streets. Staff believes that that section of the Code restricts new lots from having access to arterial streets and that only existing access points can be accommodated with new lots. That means that a property owner would not be precluded from subdividing, but that new lots must use existing access points. The request for the waiver is based upon the existing conditions of the eastern Cenex driveway near the proposed lot line and the desire of the property owner to not encumber the property with a shared access easement. Staff has reviewed the proposal to have a direct access from Lincoln Way to the proposed Lot 2 and has found that there is a limited area located at the far east end of the property that, if the waiver is granted, could meet SUDAS standards for spacing and design. The access point would be a minimum of 170 feet away from Sondrol Avenue and the current Cenex driveway.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-048 approving the request for a waiver from the Subdivision Street standard of 23.403(9)(b) with a condition that Lot 2 with only one driveway access to Lincoln Way that meets SUDAS spacing requirements and accept the Improvement Agreement for installation of a five-foot sidewalk within three years.

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

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-049 approving the Final Plat of Haynes Kenton Subdivision upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.

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

REQUEST FOR EXEMPTION TO MINIMUM FLOOR-TO-AREA RATIO IN THE DOWNTOWN SERVICE CENTER ZONE: Planner Justin Moore noted that a request had been made to the City Council on December 22, 2015, to consider initiating a Zoning Text Amendment to allow religious institutions in the Downtown Service Center (DSC) Zoning district to operate under an exception to the minimum floor area ratio and minimum height requirements in the DSC zoning regulations. After reviewing the memo provided by the staff, the Council, on January 12, 2016, asked that this item be placed on a future agenda. The property owner, United Church of Christ located at 217-6th Street, desires to enclose a walkway entering into the Church as part of a long-term Master Plan for its facility. The Church already greatly exceeds the maximum allowed Floor Area Ratio (FAR) and building coverage allowances of its underlying Neighborhood Commercial zoning and cannot expand its existing structure as desired. The Church desires to rezone the property to DSC so as to not be restricted by a maximum floor area and coverage standard. However, if rezoned to DSC, the Church would then be non-compliant within the DSC Zoning District as it would not achieve the minimum 1.0 FAR standard and potentially the two-story minimum height requirement.

According to Director Diekmann, Neighborhood Commercial and Downtown Service Center zoning were created as part of the 2000 zoning Ordinance update. Prior to that time, Downtown was zoned as General Commercial and the property on which the Church sits was Planned Commercial – neither of those zoning districts still exists. The DSC standards were crafted with the purpose of promoting Downtown as an urban district that continued the feel and look of a traditional Main Street downtown area. Most of the historic buildings in Downtown are two stories and have a FAR that is greater than 1.0. Those standards were written to ensure that new development would be of similar character as existing buildings and would not be underdeveloped with one-story buildings and substantial amounts of surface parking.

At the request of Council Member Beatty-Hansen, Director Diekmann explained in detail the options available to the City Council, as follows:

1. Initiate a text amendment to the DSC development standards to exempt uses requiring a Special Use Permit from the minimum FAR and building height requirements.

This option would have limited applicability by generally applying to institutional and miscellaneous uses, but not to trade, office, or entertainment uses. It would allow for a case-by-case review by the Zoning Board of Adjustment (ZBA) of how such a use would fit within its surroundings and meet the purpose and objectives of the zoning district. Under this option, the focus of the Special Use permit would not be specifically on the FAR and building height.

2. Initiate a text amendment to modify the exception process to include FAR and height.

This change would have limited applicability by generally applying to institutional and miscellaneous uses, but not to trade, office, or entertainment uses. It would allow for a case-by-case review by the ZBA of how such a use would fit within its surroundings and meet the purpose and objectives of the Zoning District. The focus of the Special Use Permit would not be specifically on the FAR and building height.

3. Initiate a text amendment to clarify that a nonconforming building may be added onto without having to meet minimum FAR or height requirements.

This option would deal with the issue of nonconformity on a site rather than the standard itself. It would apply to all types of uses, not just religious institutions. This option would allow for incremental property changes and additions without having to fully meet the floor area and height requirements that would be expected of new developments, but it would function within the limited options of a non-conforming use and approvals through staff and the ZBA.

4. Initiate a text amendment that make exempt religious institutions from minimum FAR and height standards, without approval of a Special Use Permit or Exception.

This option would directly exclude religious uses from the standards, but would not exclude them from needing a Special Use Permit for review of their use in general.

5. Decline to initiate a text amendment and have the property owner seek a Variance from the zoning Board of Adjustment.

Trevin Ward, 1012 Grand Avenue, Ames, spoke as the current Campustown Action Association President. He noted that the CAA Board has not met on this issue, but he wished to express the historic concern for the building towards maintaining a relatively narrow scope for these types of uses.

John Lott, 1022 Douglas Avenue, Ames, spoke as the architect for the Church. The space that is being requested to be enclosed is not even visible from the street. To use the Special Use Permit process makes sense to him because the use would be defined.

Council Member Betcher noted that the City Council had received a letter from the owner of Adams Funeral Home. She asked how the issue that Adams Funeral Home has relates to this case. Director Diekmann noted that the FAR is just one of the issues facing the Adams Funeral Home in its request for a parking lot. Mayor Campbell suggested that Ms. Betcher refer the Adams Funeral Home issues to staff under Council Comments since it had not been listed on the Agenda for this meeting.

Moved by Beatty-Hansen, seconded by Corrieri, to initiate a text amendment to the DSC development standards to exempt uses requiring a Special Use Permit from the minimum FAR and building height requirements.

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

AIRPLANE DISPLAY AT AMES MUNICIPAL AIRPORT: Traffic Engineer Damion Pregitzer provided the history of this issue. He advised that Hunziker Development has been working with the Ames Foundation and approached the City of Ames with a proposal to apply to the United States Armed Forces (USAF) Static Display Program to receive an historical aircraft to be used as a piece of public art at the Ames Municipal Airport.

Mayor Campbell said she was perplexed as to why a city without a military base would want an historical aircraft to be used as piece of public art at its airport. Council Member Corrieri noted that she would like to see something more modern since the Airport is being significantly upgraded. Council Member Betcher gave a

Moved by Orazem, seconded by Corrieri, to reject the request and ask the Ames Public Art Commission to work on soliciting an appropriate piece of art to serve as an entry into the Ames Municipal Airport/Research Park.

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

ORDINANCE REZONING PROPERTY AT 1110 DELAWARE AVENUE: Moved by Betcher, seconded by Nelson, to pass on second reading an ordinance rezoning property at 1110 Delaware Avenue from Residential Low-Density (RL) to Residential High-Density (RH).

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

ORDINANCE REZONING PROPERTY WITH MASTER PLAN AT 5440 AND 5442 GRANT AVENUE: Moved by Orazem, seconded by Nelson, to pass on second reading an ordinance rezoning property with Master Plan at 5440 and 5442 Grant Avenue from Agricultural (A) to Suburban Residential Low-Density (FS-RL).

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

ORDINANCE REVISING *MUNICIPAL CODE* SECTION 29.408(2) PERTAINING TO FENCES IN SETBACKS: Moved by Gartin, seconded by Betcher, to pass on second reading an ordinance revising *Municipal Code* Section 29.408(2) pertaining to fences in setbacks.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Nelson, seconded by Gartin, to suspend the rules necessary for the adoption of an ordinance.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4245 revising *Municipal Code* Section 29.408(2) pertaining to fences in setbacks.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING *MUNICIPAL CODE* SECTION 29.408(5) PERTAINING TO VISIBILITY TRIANGLE AT INTERSECTIONS: Moved by Orazem, seconded by Gartin, to pass on second reading an ordinance revising *Municipal Code* Section 29.408(5) pertaining to the visibility triangle at intersections.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE PROHIBITING THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC PLACES: Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance prohibiting the use of electronic smoking devices in public places.
Roll Call Vote: 6-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Moved by Betcher, seconded by Gartin, to direct that staff look at the Adams letter and determine how it fits with the DSC concerns and attempt to make it work in the simplest way.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Corrieri, to refer to staff, the email from Joe Jarassic requesting signs be installed in the area of Westbend Drive to bring attention to the dangers of skateboarders coming down Westbend Drive into the intersection at the bottom of the hill.
Vote on Motion: 4-2. Voting aye: Betcher, Beatty-Hansen, Corrieri, Orazem. Voting nay: Gartin, Nelson. Motion declared carried.

ADJOURNMENT: Moved by Corrieri p.m. to adjourn the meeting at 8:47 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor