

**MINUTES OF THE REGULAR MEETING OF THE AMES AREA METROPOLITAN
PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

SEPTEMBER 25, 2007

**AMES AREA METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY COMMITTEE MEETING**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 6:30 p.m. on the 25th day of September, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding. Voting members present were Campbell, Doll, Goodman, Larson, Mahayni, Popken, and Rice, representing the City of Ames; Mike O'Brien of the Boone County Board of Supervisors and Robert Anders, Ames Transit Agency. Wayne Clinton of the Story County Board of Supervisors was absent. Mike Clayton, Iowa Department of Transportation, was also in attendance.

TRANSIT APPLICATIONS FOR IOWA CLEAN AIR ATTAINMENT PROGRAM (ICAAP)

FUNDING: Sheri Kyras, Transit Director, advised that grants from the ICAAP assist local governments and transit systems in funding capital and operating projects that help reduce congestion and improve air quality. She briefly detailed each grant application: (1) Gray Route Addition (along S. 16th to Dayton Road), which provides four morning and four afternoon trips Monday through Friday; New Alternative Fueled Bus, which would replace a 34-year-old bus with 781,520 miles; and CyRide's Public Information Program, which is a marketing endeavor to increase ridership. According to Ms. Kyras, CyRide needs to carry about 4.2 to 4.4 million passengers per year to receive the maximum funding.

Moved by Mahayni, seconded by Popken, to approve revisions to the Transportation Improvement Program to reflect the three projects listed above requesting ICAAP funding and authorize submission of the applications on behalf of CyRide.
Vote on Motion: 9-0. Motion declared carried unanimously.

REGIONAL INTELLIGENT TRANSPORTATION SYSTEMS ARCHITECTURE: Public Works Director John Joiner informed the Committee that Intelligent Transportation Systems (ITS) is the application of technology for data processing and communication to surface transportation systems with the goal of enhancing safety and efficiency. The term "architecture" refers to the framework by which cooperative efforts are established between transportation officials, transit agencies, and emergency management providers towards meeting that goal. Examples of ITS enhancements given by Mr. Joiner were computer-aided dispatch, automatic vehicle location systems, transit safety cameras, roadway weather information systems, and roadside dynamic message boards. Director Joiner advised that the AAMPO Regional ITS Architecture is a road map for transportation systems deployment and integration; it covers all modes and all roads in the region. The Architecture represents a shared vision of how each agency's systems will share information and resources to provide a safer, more efficient, and more effective transportation system for travelers and emergency responders. Approval of this Architecture establishes a protocol for the types of projects; the actual implementation of the projects would be contained in the Transportation Improvement Plan.

Moved by Goodman, seconded by Larson, to approve the AAMPO Regional ITS Architecture.
Vote on Motion: 9-0. Motion declared carried unanimously.

AAMPO SELF-CERTIFICATION: Director Joiner explained that, pursuant to federal regulations, each Metropolitan Planning Organization (MPO) must self-certify that the transportation planning process is addressing the major issues in the Metropolitan Planning Area and is being conducted in accordance with all applicable requirements. Every three years, the Department of Transportation (DOT) in cooperation with the Federal Transit Administration and the Federal Highway Administration does a review of the activities of every MPO agency. The AAMPO recently underwent a process review. Those agencies issued a joint report on July 23,

2007, finding that the activities of the AAMPO are being carried out in accordance with federal

regulations, policies, and procedures.

Moved by Goodman, seconded by Doll, to certify that the AAMPO transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements.

Vote on Motion: 9-0. Motion declared carried unanimously.

Moved by Doll, seconded by Mahayni, to adjourn the AAMPO Transportation Policy Committee meeting at 6:45 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on September 25, 2007, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Luttrell was absent.

PROCLAMATION FOR NATIONAL PUBLIC POWER WEEK: Mayor Campbell proclaimed October 7-13, 2007, as Public Power Week. Accepting the Proclamation were Electric Services Director Don Kom, Power Plant Manager Del Brown, Operations Superintendent Mike Brown, and Maintenance Superintendent Phil Schendel. Mr. Kom invited the public to the Electric Services Open House to be held on October 6, 2007, at 200 E. Fifth Street.

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

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of September 11, 2007, and special meeting of September 18, 2007
3. Motion accepting Report of Contract Change Orders for September 1-15, 2007
4. Motion approving renewal of the following beer permits/liquor licenses:
 - a. Class B Beer – Ames Happy Joe's, 551 S. Duff Avenue
 - b. Class C Beer – Elmquist/Decker's BP, 821 Lincoln Way
 - c. Class C Beer – Doc's Stop #5, 2720 E. 13th Street
 - d. Class C Beer – KMart #3971, 1405 Buckeye Avenue
 - e. Class C Liquor – Bali Satay House, 2424 Lincoln Way
 - f. Class C Liquor & Outdoor Service Privilege – Brewers, 2704 Stange Road
 - g. Class C Liquor & Outdoor Service Privilege – Hickory's Hall, 300 S. 17th Street
 - h. Class C Liquor – La Fuente Mexican Restaurant, 217 S. Duff Avenue
 - i. Class C Liquor – Sips/Paddy's Irish Pub, 124 Welch Avenue
 - j. Class C Liquor – Wallaby's Grille. 3720 Lincoln Way
 - k. Class C Liquor – Whiskey River, 132 Main Street
 - l. Class E Liquor, C Beer & B Wine – Hy-Vee Foodstore #1, 3800 Lincoln Way
 - m. Class E Liquor, C Beer & B Wine – Hy-Vee Food and Drugstore #2, 640 Lincoln Way
5. Motion rejecting bids and delaying the project for Power Line Relocation - Boone County Road E-26
6. Motion rejecting bids for Power Plant Roof Replacement Project
7. RESOLUTION NO. 07-435 approving appointment of Megan Backman to Student Affairs Commission
8. RESOLUTION NO. 07-436 approving 28E Agreement for Tobacco Enforcement between Police Department and Iowa Alcoholic Beverages Division
9. RESOLUTION NO. 07-437 approving three-year agreement with Qwest for telephone service
10. RESOLUTION NO. 07-438 approving revision to Purchase Agreement with Habitat for Humanity of Central Iowa for the property at 1508 Carroll Avenue
11. RESOLUTION NO. 07-439 approving carry-over funding requests for Public Art Commission
12. RESOLUTION NO. 07-440 approving preliminary plans and specifications for 2007/08 Sidewalk Safety Program, setting October 17, 2007, as bid due date and October 23, 2007, as date of public hearing
13. RESOLUTION NO. 07-441 approving Change Order with Nalco Company of Peoria, Illinois,

- for Boiler and Cooling Tower Treatment Services
14. RESOLUTION NO. 07-442 awarding contract to RESCO of Ankeny, Iowa, in the amount of \$54,788.20 for purchase of Copper Wire for Electric Services Department
 15. RESOLUTION NO. 07-443 awarding contract to Ames Trenching and Excavating of Ames, Iowa, in the amount of \$68,500 for WPC Sanitary Sewer and Sump Pump Installation Project
 16. RESOLUTION NO. 07-444 awarding contract for Information Services Windows® Server 2003 Active Directory to Vital Support Systems of Urbandale, Iowa, in the amount of \$56,875
 17. RESOLUTION NO. 07-445 approving contract and bond for Ames Municipal Airport Hangar Painting Project
 18. Northridge Heights Subdivision, 11th Addition:
 - a. RESOLUTION NO. 07-446 accepting partial completion of public improvements
 - b. RESOLUTION NO. 07-447 approving Major Final Plat for Northridge Heights Subdivision, 11th Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Bob Anders, 1315 Big Bluestem Court, Ames, stated that he formerly lived at 2515 Chamberlain (aka the Chamberlain Lofts), which is located in the heart of Campustown. He said that he enjoyed his residency at that location as he likes high density, being close to his work and the campus. Mr. Anders raised the issue of Outdoor Liquor Service Areas and asked the Council to consider the proximity of such Areas to residential areas when asked to approve permits. He pointed out that, in Campustown, residential areas have “filled in” the space adjacent to Outdoor Liquor Service Areas. According to Mr. Anders, some Outdoor Liquor Service Areas “crescendo” beginning around 10:00 PM and build decibel volume until approximately 2:00 AM. That type of Outdoor Liquor Service Area is not appropriate to be located adjacent to residential areas. Mr. Anders acknowledged that many such Areas are located next to high-density residential areas, which some might argue are populated by undergraduate students who do not mind the amount of noise generated by the crowds that gather at the outdoor service areas. Mr. Anders said that if Ames wants diversity in high-density housing developments, the Council should consider making the areas more civil. Decibel levels being emitted from the Outdoor Liquor Service Areas adjacent to high-density residential should be examined. When he lived in the Chamberlain Lofts, Mr. Anders advised that he could not open his windows due to the shouting, cursing, speakers announcing drinks, and music. Again, Mr. Anders asked the Council to consider the location, i.e., adjacent to high-density residential areas, before approving Outdoor Liquor Service Areas.

Joe Rippetoe, 419 Pearson, Ames, indicated that recent commentary on *Ames 365* suggested that there might be a motion at this meeting to take another look at commercial development on the north side of Bloomington and Stange. He urged the Council not to reopen that issue; at least, not so soon. Mr. Rippetoe believes that all plans seen to date for the intersection in question have been flawed as they failed to recognize the following facts: (1) Developers do not request changes to the Land Use Policy Plan because they want to make it better. They attempt to change it when it interferes with a “specific deal.” (2) Very few people walk to a full-service grocery store. Promoting this development because of walkability won’t work because people can’t carry what they have purchased. (3) Even fewer people walk to gas stations/car washes. (4) Somerset is yet to meet many of its original expectations. It is designed to accommodate branch banks, medical office buildings, and other small businesses, which are the same uses that have been proposed for the Bloomington/Stange site. (5) Commercial development at that location would fuel the march toward more development to the north. (6) No one testified at the September 11, 2007, meeting that they had problems locating a nearby grocery store. (7) According to the *Ames 365* story, some members of the Council might be looking for a compromise solution. Mr. Rippetoe said that if the City “leapfrogs” over Somerset to the nearest bean field, it will be that much harder for Somerset to meet its development expectations. Also, he thinks that if Fareway builds a new store at the proposed location, it is

quite possible that the Downtown store would be closed; that happened in both Boone and Nevada.

CLASS C BEER PERMIT FOR AMES GAS, 326 LINCOLN WAY: Police Chief Chuck Cychosz introduced Sergeant Jason Tuttle, who has been coordinating the alcohol enforcement and compliance checks for the Ames Police Department.

Chief Cychosz advised that Ames Gas is currently appealing a decision by the Alcoholic Beverages Division to revoke its beer permit after being charged with four violations of selling alcohol to under-age persons. Under Iowa Code, a fourth violation within three years shall result in revocation of the license or permit. Subsequent to that, additional citations were issued to the establishment, including exhibition of obscene materials, sale of tobacco products to a person under-age, and sale of alcohol to a person under-age. With the Alcoholic Beverages Division action pending and the additional infractions, Chief Cychosz stated that the Ames Police Department is recommending that the City Council not renew the Class C Beer Permit for Ames Gas. According to Chief Cychosz, the owner of the establishment, Gurnam Gill, has been apprised of the Department's recommendation.

Council Member Goodman asked how many citations other vendors who sell carry-out alcohol receive before it causes concern. Sergeant Tuttle indicated that the Police Department is very concerned about the negligence demonstrated by this owner, as he was the one who was cited on four different occasions, and it is obvious that the leadership for this store has not learned from past incidents. Also, it has been determined that, on several occasions, the owner did not even ask for any identification before selling the products, even though the Police Department has told him to do so.

Assistant City Attorney Judy Parks stated that, typically, on this type of offense, the City's first action would be to merely inform the City Council at the time of permit renewal. Administrative action would be taken against the licensee, and it would be heard by the Alcoholic Beverages Division; however, per Iowa law, the first offense would result only in a \$500 civil penalty. If a second violation is incurred within a short period of time, the establishment would receive a two-week suspension; third violation would mean a month's suspension; and, a fourth one would result in revocation. Ms. Parks reported that it is unusual for an establishment to receive so many violations in such a short time period; that, in itself, is cause for great concern.

Council Member Mahayni emphasized that the owner had been committing the violations; in fact, had done so four times. He views that as being extremely dangerous in a town like Ames.

Moved by Mahayni, seconded by Popken, to deny the Class C Beer Permit for Ames Gas, 326 Lincoln Way.

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

HUMAN SERVICES CAMPUS: City Manager Steve Schainker advised that staff is recommending that the City Council hold a round-table discussion on October 16, which will allow human service agencies to provide feedback on the Feasibility Study. Assistant City Manager Sheila Lundt said that, by October 16, staff would also do a preliminary search on available parcels of land and prepare information on the possibilities of using Block Grant monies and other grants that could be used for the local match.

Council Member Popken asked that staff include, when looking at funding sources, whether the funds would be available for capital improvements projects for individual agencies. He alluded to comments made by some agencies that they need funds for improvements, but do not need to relocate.

Council Member Larson said that the City has taken the lead in getting the Feasibility Study completed. However, at some point in time, leadership for this initiative needs to be assumed by another agency. Mr. Larson felt that it would be important, during the workshop, that agencies or their representatives talk about fund-raising efforts. Ms. Lundt stated that it was important to determine not only the agencies that will be involved, but also the roles each will play.

Council Member Mahayni suggested that, since the human services campus will serve as a regional facility, the Story County Board of Supervisors be involved in this process and specifically invited to the upcoming workshop.

Frankee Oleson, representing Story County United Way, advised that they have been involved in the preliminary work to-date. She indicated that United Way is very supportive of a workshop being held as the next step regarding the creation of a human services campus.

Moved by Mahayni, seconded by Rice, to direct staff to arrange for a human services campus workshop in October and to prepare reports on the possible use of CDBG funds, possible grant funds, and an inventory of possible sites.

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

ENVIRONMENTAL COVENANT FOR UNDERGROUND STORAGE TANK SITE AT 2207

EDISON STREET: City Attorney Doug Marek stated that, in 1988, the City removed several 10,000-gallon underground storage tanks from the property at 2207 Edison Street, which is the site of Fleet Services. Testing of the water and soil in the area confirmed that gasoline had been leaking from one tank and the area was designated as a Leaking Underground Storage Tank (LUST) site by the Department of Natural Resources (DNR). Quarterly sampling and reporting have been performed since that time, as required by the DNR.

Paul Hinderaker, Director of Fleet Services, showed the location of five 10,000-gallon underground storage tanks. He reiterated that four of the tanks came out clean, but one showed leakage, and the City has been testing that site for over 20 years. He reported that, in 1997, the sampling indicated that the soil and water were free of measurable product. A Declaration of Restrictive Covenants was then executed and recorded by the City, and the DNR was requested to reclassify the site. That Declaration prohibited the City and/or any subsequent users from constructing basements or installing any sanitary sewer mains, service lines, or plastic water mains on the site. In 2000, the DNR reclassified the site to Low Risk, which requires annual monitoring and reporting. The City's licensed groundwater professional has now recommended that it submit a new Environmental Covenant and an updated site monitoring report to the DNR as part of a request for a site reclassification to "No Action Required."

Mr. Marek further advised that, in 2005, the General Assembly changed the requirements and the form to be filed to reclassify a site to "No Action Required." He said that, if a new Environmental Covenant were recorded, the City would be imposing guidelines on itself, as well as any subsequent owners,. The benefit to the City is that, if the Covenant and site monitoring report is approved by the DNR, annual sampling and/or reporting would no longer be necessary. Mr. Hinderaker explained that there would be cost savings of approximately \$400 - \$700/year if no sampling were necessary.

Moved by Rice, seconded by Larson, to approve the Environmental Covenant, authorize the Mayor to execute same, and submit it to the DNR with the City's request for site reclassification to "No Action Required."

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

TRANSIENT MERCHANT ORDINANCE: City Attorney Marek gave the background of a Federal Civil Rights lawsuit filed in 2004 against the City by United Youth Careers. He said that, based on the recent mediated settlement of that case, he was recommending two amendments to the Municipal Code section pertaining to transient merchants, as follows:

1. Door-to-door solicitation would be allowed from 8 AM to 8 PM.
2. Owners, occupants, or others in charge of the premises may post a "No Peddlers," "No

Solicitors" or words of similar import on a sign at the entry to the premises or at the entry to the principal building on the premises.

Moved by Popken, seconded by Goodman, to direct City staff to place the Ordinance on the October 9, 2007, meeting for first passage.

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

HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2006/07 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER): Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Larson, seconded by Doll, to adopt RESOLUTION NO. 07-448 approving the submittal of the City's 2006/07 Consolidated Annual Performance and Evaluation Report.

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

HEARING ON GENERAL OBLIGATION BONDS, SERIES 2007A: The hearing was opened by the Mayor and closed after no one wished to speak.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 07-449 approving issuance of Bonds in an amount not to exceed \$9,750,000.

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

HEARING ON SE 16TH STREET POWER LINE RELOCATION PROJECT: The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Mahayni, seconded by Doll, to adopt RESOLUTION NO. 07-450 approving final plans and specifications and awarding a contract to Michels Power of Neenah, Wisconsin, in the amount of \$155,976.42.

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

DANGEROUS ANIMALS ORDINANCE: Police Chief Cychosz introduced Lorna Lavender, Director of the Ames Animal Shelter. Chief Cychosz reminded the City Council that on May 8, 2007, a citizen had requested that the Council enhance the regulation of Pit Bull type dogs to better protect the community. A report was made to the Council on July 24, 2007, and much public input was received during that meeting. According to Chief Cychosz, public input continues to come in. He is aware that the Friends of the Ames Dog Park and the Cyclone Kennel Club have additional comments. Chief Cychosz advised that, based on an analysis of recent events, public input received, and direction given by the Council, the Ordinance has been revised to include the following changes:

1. The definition of a dangerous domestic animal has been broadened to include an animal that has seriously injured another domestic animal.
2. Serious injury is defined in the Ordinance.
3. Provocation is defined in the Ordinance and, in order to meet the criteria, the attack or potential for attack must be "without provocation."
4. Animal Control will have the authority to direct that an animal be secured during an investigation.
5. Proof of financial responsibility will be required for owners of dangerous domestic animals.
6. The confinement standards have been clarified.
7. Additional handling and notification requirements have been added.
8. An appeals process has been added.

9. A process has been added for lifting the Dangerous Domestic Animal Classification pursuant to a review after three years.
10. A requirement to report serious injury has been added to the Ordinance.

Council Member Goodman asked how the appeals process would work. Chief Cychosz explained that an owner would file a written notice of appeal. He would convene a hearing. The appeal would be heard by a committee appointed by the Chief and consist of a minimum of three people, including a member of the public, a dog professional, and an Animal Control Director or his/her designee. Mr. Goodman suggested that the language advising that the appeal be heard “by a committee appointed by the Chief of Police and consist of a minimum of three people...” be listed under “Appeal of Euthanasia Order” as well as under “Appeal of Registration Requirement.”.

Council Member Larson voiced his concern about Section 3.202(d), which defined a “Dangerous Domestic Animal.” Specifically, he thinks it might be difficult to enforce unless more specific definitions are included. Council Member Doll also expressed concern about the termination including “breeding... may pose a potential risk of attacking and inflicting injury without provocation.”. He said that just because someone has bred a Pit Bull doesn’t mean that the animal is dangerous. Ms. Lavender indicated that the Shelter had been operating under the auspices of similar language in the past. Unless Animal Shelter staff has found evidence that such an animal was bred specifically for its fighting propensities, it doesn’t cause a risk.

Council Member Doll indicated that he had spoken with the Mayor of Nevada since that city has had some serious animal attacks. He recommended that the City staff contact him for other possible considerations.

Nancy Christensen, Madrid, Iowa, advised that she was representing the Cyclone Country Kennel Club. She indicated that the Kennel Club is in favor of this Ordinance, but also concerned about some of the terminology. One of the items that they are most concerned about is the “potential” risk of attacking another animal...”. It is desired that “potential” be better defined. Also, the Club is concerned that there is no provision for an animal defending itself against an attack from another dog. Ms. Christensen also expressed the Club’s concern about the portion of the Ordinance pertaining to breeding of animals as all dogs that are bred to fight are not capable of fighting. They would like the definition of a dangerous animal not to be based on breeding, but be based on behavior or some other recognizable standard that is possible to be measured. The euthanasia appeal should include the appointment of a committee, and they would like to see a definition of “expert” included in the Ordinance. Also, Ms. Christensen wanted it made clear that the Club is absolutely not in favor of allowing a “first bite.” There should be no provision at all for that; the dog and its owner should be called into account for such an occurrence. Ms. Christensen stated that the Club finds some of the provisions of the proposed Ordinance too weak, and the members would like to propose a number of modifications. She indicated that the Club would be happy to work with City staff on strengthening the Ordinance.

Kay Johnson, 703 Grand Avenue, No. 3, Ames, voiced her support for the Ordinance. She urged the Council to pass the Ordinance on first passage tonight.

Council Member Goodman asked Chief Cychosz if staff would find it beneficial to meet with the Cyclone Country Kennel Club for additional input. Chief Cychosz stated that staff would

be very willing to have additional discussion. Mr. Goodman expressed his endorsement of the Ordinance presented tonight and stated that he did not want the Ordinance weakened.

City Attorney Marek advised that, if there are no substantive changes to the ordinance, it may be passed on first passage with minor revisions.

Moved by Goodman, seconded by Larson, to refer the Ordinance back to staff with the directive

that they meet with affected parties.

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

STUDENT AFFAIRS COMMISSION ORDINANCE: City Attorney Marek indicated that the proposed ordinance changes three things:

1. It changes the term of appointments for the student members to begin on September 1.
2. It changes the members of the Commission in some of the categories from presidents of those associations to designees.
3. It changes the appointment authority from the Mayor to the Government of the Student Body.

Mr. Marek also noted that Section 2.33, "Membership Selection." should be clarified to state, "For all positions other than the City Council Student Liaison member, GSB Representative and appointees, Inter-Residence Hall Association Designee, International Student Council Designee, and Ames High School Student Council Designee, the Mayor will appoint representatives with the approval of the City Council."

Moved by Rice, seconded by Doll, to pass on first reading the revised Student Affairs Commission Ordinance with the additional language at Section 2.33.

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

COMMENTS: Council Member Goodman, referencing recent discussions about requested revisions to the Land Use Policy Plan (LUPP) to allow certain uses closer than two miles to similar uses, said that he felt the proposed text amendment was extremely vague and would allow Convenience Commercial Nodes anywhere in the community. Mr. Goodman said that at the time of the most recent discussions, he thought it pertained to Somerset and the lack of key services there, specifically a grocery store. He believes that the key element is that most of the commercial area has either been built-up or sold, and it is not realistic to think that those services will be provided in Somerset. According to Mr. Goodman, most of the previous discussion centered around the location of Bloomington Road/Stange. What he does not want to happen is to change the LUPP because "certain people want certain services in a certain place." It is his belief that Somerset is having a difficult time meeting the needs of its residents, and after ten years, it might be time to make a change to see if Somerset's success level could be improved by combining a Convenience Commercial Node and the Village.

Moved by Goodman, seconded by Popken, to direct staff to develop language for a text amendment to the LUPP that would entail the following qualities:

1. Convenience Commercial Nodes (CCN) would only be allowed in certain areas.
2. Only one CCN would be allowed per Village.
3. The LUPP amendment would include qualifying language (must still be consistent with the other goals of the LUPP), e.g., if there is already a grocery store in the Village, another one would not be allowed.
4. The only uses allowed in the CCN would be a grocery store and a convenience store.
5. A CCN would be allowed if it is within one-half mile from an existing area zoned for residential.

Council Member Goodman said the absence of a grocery store has hindered the capability of Somerset to develop. He believes that a grocery store within one-half mile of residential development could be an asset and enhance the success of the area. Mr. Goodman stated that he was suggesting the distance of one-half mile because the grocery store needs to be close to the residential area. The uses should be limited because people have made investments in

Somerset; there is office space available. He does not feel that duplicate uses should be created within one-half mile as they would to compete directly with the businesses already there.

Council Member Mahayni indicated that he had serious problems, conceptually, with this proposal. He was quite concerned, after hearing the comments made during Public Forum, that the press knew this topic was going to be discussed before the motion was made to do so; to him, that is very inappropriate. Mr. Mahayni pointed out that there is one Village in Ames. Under this proposal, if there continues to be only one village, the entire concept of CCN, which is an integral part of the LUPP, disappears. Council Member Goodman advised that that was not his intention; his intention was for a text amendment to the LUPP to include an exception to the two-mile radius for Convenience Commercial. Mr. Mahayni clarified that the two-mile radius for CCNs would remain; however, an exception would be allowed in Villages.

Mr. Mahayni said he felt the arguments presented during the last meeting on this subject represented Smart Growth principles. He reiterated that Convenience Commercial Nodes are an integral part of the LUPP. It concerns him that the issues have been turned into political issues.

Council Member Popken said that the last time this was discussed, the proposed amendment was in the words of an exception; i.e., "if the commercial areas were not meeting the needs...". He is more comfortable with what is now being proposed because it is limiting the scope of the exception. Mr. Mahayni said he is not in favor of making exceptions. He would rather provide direction to staff to strengthen the language of the ordinance. Mr. Mahayni reiterated that the Council had been reminded repeatedly that the issue was not dealing specifically with Somerset; it was regarding Convenience Commercial Nodes in the LUPP.

Mr. Goodman said that the initial text amendment language presented during the Council's last meeting was so broad that it was affecting the entire City. He felt the changes that are needed are unique to a built-out Village that cannot provide certain services to nearby citizens. Mr. Mahayni indicated that the definition of a Convenience Commercial Node should be, "to provide the daily commercial needs of the area surrounding it.". He suggested that the City Council request, from the staff, a definition of "Convenience Commercial Node.". Mr. Mahayni pointed out that the locations depicted in the LUPP were approximate. He agrees that the criteria need to be tightened, but he doesn't want to react with new definitions that will affect the City negatively in the future. It is the preference of Council Member Mahayni for the City Council to study this issue further.

Council Member Popken felt that the first proposal was a reaction to the request of a developer. In his opinion, that response was too broad. This is an attempt to address shortcomings in the Village.

Council Member Rice indicated a hesitancy to approve this because once commercial activity is allowed, it could be offices, grocery stores, etc., as long it meets the needs of residents in the area. Council Member Mahayni pointed out that CCN means two or three shops that are meeting the needs of the neighborhood surrounding them.

Council Member Mahayni emphasized that he strongly felt a definition of "Convenience Commercial Node" was needed and criteria should be established.

Council Member Goodman said he doesn't believe the reason to change the LUPP should be based on certain people's needs. He made this motion because he thinks the village concept needs help; none of the solutions have created the uses desired by the residents of the adjacent neighborhoods. According to Mr. Goodman, after a decade, the village concept still does not yield some of the services necessary to create a vibrant commercial node.

Council Member Mahayni again pointed out that this discussion only deals with grocery stores and convenience stores, not about CCNs. He does not think specifying one or two types of activities will be successful.

Vote on Motion: 4-2. Voting aye: Doll, Goodman, Larson, Popken. Voting nay: Mahayni, Rice. Motion declared carried.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 8:55 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor