

**MINUTES OF THE REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

NOVEMBER 20, 2007

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on November 20, 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 also present.

Mayor Campbell advised that the following items had been pulled from the Agenda by staff: No. 18 regarding the 2007/08 Sidewalk Safety Program; No. 31 regarding Contract 2000-122: Lime Sludge Disposal; and No. 32a. regarding an emergency service contract for work on Unit No. 7 turbine with Cotter Turbine Service.

CONSENT AGENDA: Council Member Larson asked to pull, for separate discussion, Item No. 9, which pertained to an ordinance regulating parking on South 5th and Southeast 5th Streets.

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

1. Motion approving payment of claims
2. Motion approving minutes of regular meeting of October 23, 2007, and special meetings of November 2 and November 7, 2007
3. Motion approving certification of civil service applicants
4. Motion accepting Report of Contract Change Orders for October 15-31, 2007, and for November 1-15, 2007
5. Motion setting February 4, 2008, as Budget Hearing Date, canceling February 7, 2008, as Budget Hearing Date
6. Motion setting January 22 and February 26, 2008, at 6:30 p.m. as Conference Board meeting dates
7. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Class C Beer – Kwik Shop # 550, 715 24th Street
 - b. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
 - c. Class B Liquor – Country Inn & Suites, 2605 S.E. 16th Street
 - d. Special Class C Liquor – House of Chen, 2508 Ferndale Avenue
 - e. Class C Liquor – Reign, 2522 Chamberlain Street
 - f. Class E Liquor, B Wine & C Beer – Hy-Vee Wine & Spirits, 3615 Lincoln Way
8. RESOLUTION NO. 07-494 accepting Abstract of Votes for November 6, 2007, Regular City Election
9. RESOLUTION NO. 07-495 approving appointment of Jerry Cable, Jr., to fill vacancy on the Plumbing and Mechanical Board
10. RESOLUTION NO. 07-496 approving amendment to Human Services Contract with the Center for Creative Justice
11. RESOLUTION NO. 07-497 approving Agreement with ISU Facility Planning and Management for construction observation at the Furman Aquatic Center
12. RESOLUTION NO. 07-498 approving Agreement with Northcrest for transfer of ownership and maintenance responsibilities for five light poles (including fixtures and underground wires) located on Northcrest property
13. RESOLUTION NO. 07-499 waiving formal bidding requirements and awarding contract to Martin

- Engineering of Neponset, IL, in the amount of \$40,718 for Replacement of Coal Conveyor Drop #3
14. RESOLUTION NO. 07-500 awarding contract to LawnPro of Ames, Iowa, in the amount of \$60,000 for 2007/08 Winter & Summer Tree Trimming
 15. RESOLUTION NO. 07-501 approving contract and bond for Grand Avenue Extension Power Line Relocation Project
 16. RESOLUTION NO. 07-503 accepting partial completion and release of retained funds for Bid Nos. 2 and 3 of Transmission Line Materials for 161-kV Interconnection Project (Laminated Wood Structures and Wood Tangent Structures)
 17. RESOLUTION NO. 07-504 accepting completion of Water Pollution Control Plant Clarifier Painting Project
 18. RESOLUTION NO. 07-505 accepting completion of Airport Hangar Painting Project
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE REGULATING PARKING ON SOUTH 5TH AND SOUTHEAST 5TH STREETS:

Council Member Larson noted that if the requested ordinance is adopted, parking will be totally prohibited on South 5th and Southeast 5th Street. He wanted to make sure that affected residents had been contacted by the City. Public Works Director John Joiner stated that Traffic Engineering Division staff had made an attempt to contact all property owners. The only one that they were not able to make personal contact with was the owner of Fox Lounge. Mr. Joiner explained that on-street parking is rarely used in the areas in question. He pointed out that there is a large parking lot adjacent to the bowling alley, and Fox Lounge has its own parking lot.

Moved by Larson, seconded by Rice, to direct the City Attorney to prepare an ordinance regulating parking on South 5th and Southeast 5th Streets.

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

PRESENTATION OF RESIDENT SATISFACTION SURVEY: Susan Gwiasda, Public Relations Officer, gave the results of the City's 25th annual Resident Satisfaction Survey. She advised that 99% of those surveyed ranked the City's service quality as "good" or "very good," which is up one percent from 2006.

Council Member Larson pointed out that a fair amount of the City's tax base comes from commercial and industrial owners; however, this Survey is geared towards homeowners. He asked if commercial and industrial owners are surveyed. Ms. Gwiasda concurred that this Survey is geared towards the residential user. She noted that the Ames Economic Development Commission (AEDC) performs an annual commercial/industrial survey. Mr. Larson suggested that the City collaborate with the AEDC.

PUBLIC FORUM: David Edsall, 1232 Carroll Avenue, Ames, expressed his appreciation of the City offering on-line streaming video of meetings.

Bernie Gerstein, 1003 Jarrett Circle, Ames, referenced "The Chemical-Free Lawn" from Rodale Press. He said that the chemicals used to treat lawns have been shown to cause cancer in dogs and cats. Mr. Gerstein advised that he is also concerned about the residue from the University's burning

of coal and the possible ill effects from the mercury on residents of that side of town.

EXPANSION OF MEDICAL LAND USE DESIGNATION EASTWARD TOWARD CARROLL AVENUE: Planning and Housing Director Steve Osguthorpe advised that a Land Use Policy Plan (LUPP) Map Amendment to expand the boundaries of the existing Medical District east onto Carroll Avenue had been requested by McFarland Clinic. In addition, the applicant was requesting that the text on Page 45 of the LUPP be amended; the proposed text amendment relates to landscaping, architectural standards, and building height.

According to Mr. Osguthorpe, the proposal was originally submitted as a LUPP Map amendment on May 15, 2007. Staff suggested at that time that McFarland Clinic representatives meet with affected neighborhood residents. It was also suggested by staff that a Master Plan for the Hospital and Clinic blocks would be an effective means of identifying the long-term growth plans of both facilities as well as provide a more defined set of guidelines for development of the area. Council Member Larson pointed out that there are owners of property in the Hospital-Medical zone other than McFarland Clinic and Mary Greeley Medical Center.

It was stated by Mr. Osguthorpe that the current LUPP Map has the Medical designation ending mid-block between Duff and Carroll Avenues. The proposed amendment would extend this designation to Carroll Avenue between 11th Street on the south and 13th Street on the north. The purpose of this amendment would be to expand medical offices into land that had been purchased by McFarland Clinic and to facilitate future acquisition of land for hospital or medical clinic purposes.

Mr. Osguthorpe noted that this was not the first time expansion onto Carroll Avenue had been considered by the City Council. Between March 1991 and August 1993, a study had been conducted for the purpose of identifying alternative means of both addressing the growth needs of the hospital and medical services and providing appropriate protection to the surrounding neighborhoods.

It was stated by Mr. Osguthorpe that the staff analysis of the requests in question focused on two main issues: (1) concerns of the impacts of the expansion on the abutting residential neighborhood and (2) whether the existing site could be further intensified if expansion were necessary to keep the Clinic viable. He said that it is not always possible to avoid front-yard zoning transitions, and where it cannot be avoided, more stringent buffering and design standards are frequently used to mitigate the impacts on the less intense zone.

Mr. Osguthorpe advised that several meetings had been held to discuss neighborhood compatibility issues, and design experts hired by McFarland Clinic had shared a variety of design solutions. Staff had initially recommended a landscape buffer of approximately 40 feet, but ultimately determined that at least 25 feet was necessary to reflect the same setback as is required in the residential zone. The applicant proposed a 15-foot landscape buffer, which staff did not support. According to Mr. Osguthorpe, the applicant had commented many times during the public meetings that the current 15-foot landscape buffer provided adequate protection to the abutting residential neighborhood and pointed to the landscaping along Kellogg Avenue to support that position. Staff agreed that the

landscaping along Kellogg Avenue was considered good for a 15-foot strip, but believed that it was not adequate to provide the necessary buffering between unlike uses to entice owner-occupancy along those streets. Mr. Osguthorpe specifically cited comments made by property owners Craig and Peggy Riecken that current language in the LUPP pertaining to the Medical Center designation differentiated between the hospital and medical offices. The Rieckens alleged that the Plan anticipates that medical offices would relocate to other areas as opposed to expanding in the current Medical Center land use area. A related issue that a concerned citizen recently raised to Planning & Housing staff was a Real Estate Contract between McFarland Clinic and the City pertaining to a vacated part of Douglas Avenue. Mr. Osguthorpe advised that the Contract required that parking be provided by means of a parking ramp constructed at the buyer's expense for any building addition to McFarland Clinic facilities located west of Duff Avenue undertaken after 1990 for which additional vehicle parking was required by City Code. He said that, under that agreement, the requirement would apply unless the required parking could be met within a two-block area defined by 13th Street, 12th Street, Duff Avenue, and Kellogg Avenue.

The recommendation of the Planning & Zoning Commission was presented by Mr. Osguthorpe. He told the Council that providing a recommendation regarding McFarland Clinic's request was very difficult for the staff as the Clinic is one of the City's premier corporate citizens. He pointed out that the Clinic being located in the community helps maintain the City's strong position as a regional medical center and ensures residents convenient access to the highest quality medical treatment, and in that regard, it would seem advisable for the City to do all it can to assist it to expand. On the other hand, the City Council has consistently supported maintaining strong, vibrant neighborhoods, and continued expansion of the H-M district to the east could negatively impact the surrounding single-family homes.

Attorney Doug Marek advised that, although both hospital and clinic uses are permitted in the zone, "clinic" uses are building-specific. The "clinic" definition is a building designed and used for medical uses. He said that McFarland Clinic was expected to be a free-standing structure, and it would be necessary to alter the definition of "clinic" if the requests of the applicant were approved.

The public hearing was opened by Mayor Campbell.

Roger Kluesner, Chief Operating Officer for McFarland Clinic, 1215 Duff Avenue, Ames, advised that it had been over a year and one-half ago when Clinic representatives first approached staff with their requests. A series of neighborhood meetings have been held since October 2006 with Clinic representatives, architects, and engineers. After meeting with affected residents, Clinic representatives identified five issues that needed to be addressed, as follows:

1. Boundary definition
2. Architectural issues
3. Landscaping issues
4. Pedestrian traffic
5. The Duff Avenue corridor

Jeff Harris, Roseland Mackey Harris Architects, showed maps outlining the request to change the

boundaries of the Hospital-Medical zone.

Mr. Kluesner gave the history of the Clinic, which started as five doctors on Fifth Street. He described how and why the Clinic has expanded to date. An extensive study has been done regarding the possibility of building up. The need for electronic medical records (paperless environment) is imminent, and it is important that the business support services be in proximity to the Clinic and Hospital. Specifically addressing intensification, Mr. Kluesner showed a map indicating properties owned and/or leased by McFarland Clinic. In 2002, properties were acquired by the Clinic to allow for its most-recent expansion. Those properties were in disrepair, some were unoccupied, and others were rentals. If this request is approved, a new facility would be constructed to house the Clinic's Human Resources and Information Technology departments.

According to Mr. Kluesner, the Clinic employs over 1,100 persons, the majority of whom live in Ames. Many of the Clinic's employees live within walking distance to their work. He also noted that the majority of McFarland's physicians live in Ames and consider the area around McFarland Clinic their neighborhood.

Steve Koger, Chief Executive Officer for McFarland Clinic, named many of the Clinic's newly added and/or emerging services. He emphasized that it is a crucial need for the Clinic to include an Electronic Medical Record System. None of the services listed by Mr. Koger were in existence ten years ago. According to Mr. Koger, the Clinic needs to focus its intensification on its current site to medical services; it is very important to optimize its opportunities there. Mr. Koger also commented on the Clinic's service to patients. In 2007, the Clinic had 620,000 patient visits; integration and coordination of care are key for the Clinic to meet the complex needs of its patients. Mr. Koger stated that shared technology between the Clinic and Mary Greeley Medical Center results in cost savings to patients. The medical providers optimize what they do by coordinating services, and providing electronic medical records is essential to that coordination.

It was noted by Mr. Koger that it is unknown what will happen 15 years into the future; however, it is not believed that there will be any need for the Clinic to develop any farther east on Carroll than what it is proposing at this time. Although there can be no guarantees, Mr. Koger said he is offering his word on that.

Council Member Rice asked if any thought was put in to expanding upwards on the west side of the Clinic. Mr. Kluesner advised that it was looked at extensively; however, it would create a significant interruption to the current medical providers. He stated that that area is being reserved for expansion of clinical space, which will be needed some time in the future. It is not known when, but it is known that it will be needed. The Clinic prefers not to cause major disruption to the medical providers now to locate the IT/HR offices there and then have to cause a disruption again when it needs to be converted to clinical space.

Mr. Rice also asked if a parking ramp could be built and then part of the parking lot used to construct the building being requested. Mr. Koger advised that the Clinic does not have unlimited access to capital, and it would cost significantly more to construct a parking ramp as well as an

IT/HR building.

The meeting recessed at 8:53 p.m. and reconvened at 9:02 p.m.

Pat Brown, 3212 West Street, Ames, spoke representing the South Ames Business Neighborhood. She said that when she was a member of the Ames City Council, and subsequently, the Hospital Board, the Hospital-Medical zone was a very controversial issue, primarily on the west side of Duff Avenue; now, the controversy has moved to the east side. Ms. Brown said that protecting neighborhoods is just as important now as it was then, but many other factors have changed - especially technology. She feels that the City Council should consider whether its existing policy is still relevant. In her opinion, the request before the Council presents conflict between two applicable Smart Growth principles: (1) should compact building design be supported by requiring a taller building, or (2) should infill be supported by directing the requested development to another area already supported by infrastructure. Ms. Brown pointed out that the applicant has expressed a strong preference for the proposed Electronic Medical Records System be hard-wired to McFarland Clinic and Mary Greeley Medical Center for reliability (to minimize down-time). Ms. Brown urged the Council to vote unanimously to refer the request back to staff to add better techniques to protect the surrounding neighborhood because indications are that McFarland is willing to do more to protect the affected neighborhood; no houses need to be torn down. The benefit of building up is negated by the estimated \$10 million cost versus \$3 million for a stand-alone building. Ms. Brown pointed out that adding \$3 million to Ames' tax base and creating high-quality jobs are consistent with both City and School District goals.

Kimberly Conger, 122 East 11th Street, Ames, spoke in opposition to the expansion of the H-M district. She said that she and her family moved to this area because it offered affordable single-family well-kempt housing. To her, it is clear that the LUPP opposes expansion of the H-M zone, and McFarland Clinic should not be allowed to rewrite the Plan. She believes if the change is approved, it would send a message that medical businesses are more important than residents. Ms. Conger pointed out that the City Council had adopted land use policies and zoning regulations to require that buildings intensify by adding more stories, and that a parking structure be the means for expanding the amount of parking. She realizes that McFarland's plan is to only build on property that it currently owns, but it opens up the possibility of buildings being added from 11th to 13th Street. According to Ms. Conger, the biggest issue is damage to her neighborhood. It is already almost impossible for her to get in and out of her driveway daily because of Clinic employees who park on 11th Street. Ms. Conger stated that the LUPP promotes the goal of affordable family housing in the urban core. She understands that McFarland plays a key role for employment in Ames, but she does not believe that the Clinic has provided a compelling case that the facility for the Records Management System must be located in this area.

Lisa Ladd, 612 Carroll Avenue, Ames, also spoke in opposition to the Clinic expanding on Carroll Avenue. She is concerned about future expansion being requested. Ms. Ladd feels that it is not appropriate to locate the new building in the residential area. Street parking is already an issue. It is Ms. Ladd's opinion that an IT building could be located anywhere.

David Edsall, 1232 Carroll Avenue, Ames, pointed out that the applicant had 50 minutes, and he

is very angry that each speaker will be limited to three minutes. He said that he was going to say what he had to say, and if the police had to be called to take him out of the Chambers, that would be fine. Mr. Edsall believes that "70 cars will be parked in front of his house" if a parking lot is put in across the street from his property. He asked how he would get to be a "premier citizen," alluding to the designation given to McFarland Clinic by other speakers. Mr. Edsall said that he is not against McFarland Clinic or about it expanding its services to patients. He pointed out that no one had talked about the Shonkwilers, who have owned, for 31 years, the house that would be next to the proposed new building. He feels they will end up having to move because their quality of life would "go way downhill." Mr. Edsall thinks this is all a matter of speculation; the Clinic wants convenience at the cost of the neighborhood, and they are speculating that the land will be cheap. He checked what the land and houses in this area are assessed at, and it would cost significantly less to build on Carroll than on Dayton or Mortensen. Also, he thinks that the Clinic is looking at putting in its own networking equipment so it does not have to pay an Internet Service Provider. Mr. Edsall said that this equipment could be housed anywhere in the City, and it would still work. He also pointed out that the proposed amendment wording would not only allow McFarland Clinic to expand, but would also allow Mary Greeley Medical Center and other small medical offices to expand.

Sam and Kathy Shonkwiler, 1217 Carroll, Ames, were present. Ms. Shonkwiler advised that they own the house that would be directly adjacent to the proposed new building. She referenced the comment made by Clinic representatives that it is too costly to build up. It is her contention that if space is needed now for electronic records storage, it needs to build up now. If more space is needed in the future, it would give them ten (10) to 15 years to make arrangements to move support staff. Ms. Shonkwiler stated that she and her husband have lived in their home for 31 years, love the neighborhood, and do not want to give it up. They have a commitment to the neighborhood and do not want to be forced to move because their quality of life will deteriorate. Ms. Shonkwiler suggested that if McFarland Clinic needs capital, it should sell property to Habitat for Humanity for affordable houses to be built and her neighborhood to be restored to the way it was 31 years ago. Sam Shonkwiler advised that when they moved into their home, all the adjacent homes were owner-occupied. Many of the homes became rental units and then deteriorated. He said that he is not opposed to the Clinic expanding; in fact, it was expected. Mr. Shonkwiler believes that it would be more prudent for the Clinic to build up now, rather than waiting ten years and paying much higher building costs. Ms. Shonkwiler emphasized that her family is not expendable.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, emphatically stated that it "was absolutely despicable" for the Mayor to limit each speaker to three minutes and he "wanted her to stop it right now." Mr. Pfannkuch said he wished McFarland representatives had asked him early on in the process where the boundaries were as he could have told them what was decided more than 15 years ago. He referenced an agreement entered into by McFarland Clinic with the City that required the building of a parking ramp if expansion were necessary at the main site. He said that, if expansion is necessary now, the Clinic needs to build a parking ramp "right now" as required by that agreement. Mr. Pfannkuch felt that McFarland Clinic should have joined in with Mary Greeley when its parking ramp was built, but instead they are now asking for more surface parking. He pointed out that the Clinic, by its own admission, does not know what it is going to need in 15 to 20 years. Mr. Pfannkuch urged the City Council to table the issue until more information and

discussion is received. He said that he actually preferred that the Council deny McFarland Clinic's request and force it to start to talk publicly about its plans. It is his opinion that this is not just an issue of an amendment to the LUPP.

Mike Kitchell, 4114 Edgewater Drive, Ames, said that he had been a resident of Ames since 1966 and has been a physician at the Clinic for 28 years. He spends most of his waking hours at the Clinic, so he considers the area his neighborhood. Dr. Kitchell thinks that people should be allowed to live near where they work. He also believes that by stabilizing the boundary, the neighborhood would be kept in good shape. He said that newly recruited physicians have joined the Clinic from many parts of the United States, and they are expecting McFarland Clinic to be a coordinated care facility. He noted that an Electronic Records System is essential to the Clinic functioning as a coordinated care facility.

Leah Bowman, 1207 Burnett Avenue, Ames, said that she was a former resident of 1108 Kellogg. She gave the history of hospital-medical expansion in this neighborhood since the 1960's. Ms. Bowman believes that when zoning is changed in neighborhoods, they deteriorate. In her opinion, it is not essential for McFarland Clinic to locate a new building there.

Paula Weidner, 903 Kellogg Avenue, Ames, advised that she had been involved in planning the current LUPP; it took at least five years. She pointed out that seven homes were removed when Mary Greeley Medical Center built its parking ramp. At that time, citizens recommended that the Clinic partner with Mary Greeley to build a ramp in between the two facilities. At issue then and now was affordable housing. Ms. Weidner asked the City Council to deny the requests and ask McFarland Clinic to look at its parking lots to see if there are options there.

Linda Feldman, 1111 Stafford Avenue, Ames, said that she, too, was concerned about the lack of affordable housing. She feels that there are very few safe affordable neighborhoods in Ames. There are a lot of new houses being built, but they are not affordable. Ms. Feldman believes that the Clinic has alternatives; certain areas, e.g., physical therapy and occupational therapy could be moved. She stated that the Clinic has satellite sites in West Ames, and the building they are requested could be located there.

Fred Bradner, 1111 Stafford Avenue, Ames, said that working families live in the affected neighborhood. He asked the City Council to deny the requests. His main concern is affordable housing.

Sheila Condon, 1016 Carroll, Ames, believes that the residents of the affected neighborhood and the Clinic have a different opinion as to what being a good neighbor means. She deals with noise caused by early-morning lawn mowing and trash pick-up at the Clinic. On-street parking is also a large issue; oftentimes the cars are lined solidly for two blocks for over nine hours/day five days/week. Guests of residents on those blocks cannot park within two blocks of their house.

Craig Riecken, 1006 Stafford, Ames, expressed his opposition to the proposed expansion of the Clinic. He does not like the concept of the Clinic purchasing residential properties and converting them to medical uses. Mr. Riecken wants the viability returned to the neighborhood. He asked the

Council to refuse approval of McFarland Clinic's request. Mr. Riecken prefers to get Habitat for Humanity involved to help restore the neighborhood. He suggested that the Clinic consider locating its new building on East 13th Street.

Brenda Bowers, 1119 Carroll, Ames, advised that she supports the proposed changes to the LUPP. She shares a property line with McFarland Clinic, and it is a good neighbor. Lawnmower and trash pick-up noise, etc., do not bother her. Ms. Bowers asked the City Council to approve the Clinic's requests.

Howard Moore, 1117 Carroll Avenue, Ames, advised that he, too, supports the approval of McFarland Clinic's requests.

Susan Moore, 1117 Carroll Avenue, Ames, said that she had lived in the affected neighborhood for 28 years. She recognized that McFarland Clinic is doing wonderful things for Ames, and Ames should do nice things back for them. Ms. Moore asked the City Council to approve the Clinic's requests.

Bernie Gerstein, 1003 Jarrett Circle, Ames, said that the best guideline is to "do no harm." It appears to him after listening to the speakers tonight that harm would be done if the LUPP is changed and the Clinic is allowed to expand as it proposes. Mr. Gerstein thinks that it is not necessary for McFarland to change the LUPP; they have options.

Holly Fuchs, 806 Brookridge Avenue, Ames, said that one of the reasons given for McFarland Clinic expanding near its present building was the confidentiality of medical records; however, she does not understand that because she thought wireless connections were common. She noted that two other reasons mentioned were that it would be cheaper and easier to build a new building rather than building up. Ms. Fuchs said that might be true for the Clinic, but it would not be the case for the neighborhood. She feels that the vitality of the neighborhood east of Duff would be reduced because it would have fewer homes. Also, she believes that Ames citizens would have less confidence in the LUPP. Ms. Fuchs thinks that discussions should be centering around how McFarland Clinic's growth can be accommodated. She thinks it is wonderful that the Clinic wants to expand; the Clinic building is beautiful, inside and out. Ms. Fuchs encouraged McFarland Clinic to consider ways to intensify the use of its present site and to relocate some of its services, possibly to West Ames.

Dennis Pyle, 2215 Timberland Road, Ames, urged the City Council to approve McFarland Clinic's requests. It is a good corporate citizen providing quality essential services. Access to capital is limited, and the ability to attract the type of talent needed is difficult. To build something that will have to be relocated in the future would not serve the Clinic or its patients well. Having been an owner of an Internet Service Provider, Mr. Pyle agreed with the Clinic's reasoning for wanting its Electronic Records System housed near it and Mary Greeley.

Dan Culhane, Executive Director of the Ames Economic Development Commission, encouraged the City Council to approve McFarland's proposal and recommended that the City and McFarland Clinic work with the neighborhood to find a solution that works for both parties involved.

Moved by Rice, seconded by Doll, to allow ten more minutes for those to continue speaking who were not finished when their allocated time was up.

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

Leah Bowman again spoke. Ms. Bowman shared information provided by the Emergency Residence Facility in regard to affordable housing. She said that financial counselors, etc., recommend that persons should not use more than 30% of their income for housing. In Ames, those persons who make minimum wage are most affected by the affordable housing shortage, and to jeopardize a neighborhood that has affordable housing is a serious issue. According to Ms. Bowman, nearly half of all renters in Ames use more than 30% of their income for housing. She believes that neighborhoods that are adjacent to the Hospital-Medical district should be protected.

Merlin Pfankuch said that he first got involved in Hospital-Medical discussions as part of Mary Greeley's expansion in the early 1980's, and "the game" continues. He suggested that the City deny this request and enter into a serious agreement; piecemeal development comes back every ten (10) to 15 years. Mr. Pfankuch advised that, in 1996, an exception to the parking ramp requirement was granted.

Sheila Condon pointed out that McFarland Clinic has enforced a no-smoking policy for its employees. The employees now smoke in the neighbors' yards. She asked that the Clinic provide her with rubber gloves to pick up the cigarette butts.

Linda Feldman said that she has never lived in a city where one facility has a monopoly on medical care. In other communities, there have been many providers, and she doesn't understand why all the facilities need to be located in one area.

No one else wished to speak, and the hearing was closed.

Council Member Doll asked what would happen to the property values of the affected homes if the zoning were changed. Director Osguthorpe advised that the properties could be categorized as non-conforming, and that, in turn, sometimes causes owners to reconsider how much they invest in their property.

Council Member Doll also had questions related to the cost of acquiring property in the area now versus after it is rezoned Hospital-Medical. Mr. Osguthorpe addressed up-zoning briefly, stating that land values often do change based on what uses are allowed.

Council Member Larson asked if the boundary for the Hospital-Medical zone shown in the LUPP formerly was the west side of Carroll Avenue. Assistant City Manager Bob Kindred advised that in 1995, four properties were rezoned to Hospital-Medical, and the boundary was on the west side of Carroll Avenue. Mr. Larson pointed out that when the Shonkwilars purchased their property 31 years ago, the land plan at that time designated it as Hospital-Medical.

Referencing the 1996 agreement entered into between the City and the Clinic regarding piecemeal requests, Council Member Doll asked the Mayor, who was a member of the City Council at that

time, to provide background of the issue. Mayor Campbell said that she could not recall what comments were made at a Council meeting more than ten years ago.

Council Member Mahayni said that the boundaries for the Hospital-Medical zone should be reviewed based on need and finally designated. If more expansion or intensification is necessary in the future, alternate locations would need to be found. Buffering is also listed as an issue; however, he felt that it appeared to him that McFarland Clinic was open to further discussion about that issue. Mr. Mahayni said that the collective interest of the community guides him, and he believes that the collective interest of the community values McFarland Clinic as a regional medical center providing high-quality services and jobs. The residents, however, need to be assured that there will be no future invasions of the neighborhood in the H-M area.

Council Member Popken said that he is not sure what LUPP language would guarantee that no future expansion of the zone would be allowed. He pointed out that the current language states that, but the Clinic is again requesting to expand. Mr. Popken encouraged McFarland Clinic to build up and suggested that the City possibly offer tax abatements to help them.

Moved by Goodman, seconded by Popken, to deny the request from McFarland Clinic to expand the H-M district to Carroll Avenue.

Mr. Goodman outlined the downsides of having a weak Land Use Plan. Conversely, he then gave the benefits of a strong Plan, which are based on property uses, not projects. He said that it is very frustrating to say no to a good corporate citizen, but it is equally frustrating to say no to residents. Mr. Goodman believes that alternatives exist for McFarland Clinic. It concerns him that this is the third or fourth time that the Clinic has expanded into adjacent neighborhoods.

Ex officio Member Luttrell pointed out that repeatedly, the City Council has voted not to change the LUPP. She believes that the Plan is strong because it doesn't get haphazardly changed.

Council Member Larson emphasized the word "Plan;" it should be allowed to be changed based on changing conditions. Mr. Larson pointed out that Mr. Koger informed the Council about the many changes that have occurred to the Clinic since the 1960's. He is concerned that administrative uses would be forced to be absorbed in space that needs to be used for clinical uses. Mr. Larson pointed out that the Clinic is regional. A changing community needs to change its Plan; it needs flexibility. He said that he is frustrated that the LUPP is constantly used as an excuse for not approving requests. It was again noted by Mr. Larson that the area now being requested to be changed to H-M formerly was designated H-M in the plan for land use. This is an opportunity for the Council to look at the "big picture" for Ames and look for the greater good for the community as a whole. He thinks the boundary should be moved one-half block east and restrictions placed on McFarland Clinic in terms of design to protect the neighbors.

Council Member Rice believes that the term "intensification" can be strengthened. He anticipates that the Clinic/Hospital will ask for future expansions.

Council Member Mahayni again stated that the LUPP is intended to reflect the collective interests

of the community. He pointed out that it was okay for the Council to change the LUPP by totally deleting Regional-Commercial, even though it was an integral part of the comprehensive plan. To deny McFarland's request would again be to ignore the comprehensive plan. Mr. Mahayni noted that technology affects how businesses operate. He applauded the Clinic for saving space (additional stories) on its present site for regional clinical services and not using that space for administrative services. He referred to regionalism as a key ingredient in the Land Use Policy Plan, and McFarland Clinic is a regional service provider.

Council Member Doll said that he believes McFarland Clinic has options, e.g., building up, other sites in town. However, he does not think that residential neighbors have options other than to watch their property values decline.

Vote on Motion: 3-3. Voting aye: Doll, Goodman, Popken. Voting nay: Larson, Mahayni, Rice. Mayor Campbell stated that a Resolution would be necessary to approve the requests, and a Resolution requires four affirmative votes, which appears to not be achievable. Mayor Campbell elected not to vote. Motion failed.

Moved by Larson, seconded by Mahayni, to support the request from McFarland Clinic to expand the H-M district and refer the matter back to staff to develop a LUPP text amendment that reflects this change in policy and includes specific techniques for protecting the surrounding properties for negative impacts from this expansion (buffering requirements, design regulations, and/or master plan review.)

Council Member Mahayni pointed out that a Council goal is fulfilled by approving these requests, i.e., the Clinic provides many high-paying jobs. He would like to see a plan agreed to by the City and the Clinic/Hospital for a medical campus. It is also very important to have buffering between the Clinic and the residential neighborhood. Mr. Mahayni believes that there are legal ways to set the property boundaries.

Council Member Goodman said that additional expansions could be requested by the Hospital/Clinic, and additional houses would be acquired. He asked if an agreement could bind future Councils. Attorney Marek said that future Councils may not be bound by actions taken by this City Council; however, the zoning, if changed, would be final. He said that an agreement can only bind the owner on land that is the subject of that agreement.

Council Member Mahayni asked Mr. Kluesner if Clinic representatives would be willing to meet again with its residential neighbors. Mr. Kluesner said that they are very willing to continue that dialogue.

Vote on Motion: 2-3-1. Voting aye: Larson, Mahayni. Voting nay: Doll, Goodman, Popken. Abstaining: Rice. Motion failed.

The meeting recessed at 11:05 p.m. and reconvened at 11:10 p.m.

HEARING ON POWER LINE RELOCATION PROJECT, BOONE COUNTY ROAD E-26:

The Mayor opened the public hearing and closed same after no one asked to speak.

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

HEARINGS ON REZONING PROPERTY LOCATED AT 218 LINCOLN WAY TO ESTABLISH AN “O-H” (HISTORIC PRESERVATION OVERLAY) DISTRICT, DESIGNATE PROPERTY AS LOCAL HISTORIC LANDMARK, AND ESTABLISH DESIGN CRITERIA: Director Steve Osguthorpe advised that the Archie A. and Nancy C. Martin Foundation had submitted an application requesting that the City designate the “Martin” house, located at 218 Lincoln Way, as a local historic landmark. He said that the request to establish the “O-H” (Historic Preservation Overlay) district for this property and the proposal to adopt Design Criteria are being processed concurrently. The property in question is currently zoned “HOC” (Highway-Oriented Commercial). The property at 218 Lincoln Way is a single-family dwelling, which is not a permitted use in the HOC District, but is classified as a non-conforming use by Section 29.307(2) of the Municipal Code. Staff has concluded that the establishment of the “O-H” zone on this property is consistent with the Land Use Policy Plan (LUPP).

Mayor Campbell opened the public hearings.

Attorney Robert Goodwin, 311 W. Lincoln Way, Suite 1, Ames, spoke in opposition to the proposed rezoning on behalf of Laurel (Bud) and Mildred Ely, owners of property adjacent to the site in question. Mr. Goodwin stated that the City Assessor’s records show that, at least since 1986, the house had no value; the only thing of value is the land. He alleged that the property has had minimal maintenance, and some people describe it as an “eyesore.” According to Mr. Goodwin, the owners do not want to move the house to an appropriate location and do not have any plans for the house; they only want it designated as an historic landmark. It is Mr. Goodwin’s understanding that the Archie and Nancy Martin Foundation has suggested that it hopes to use the property as a bed-and-breakfast in the future. He pointed out that there are not enough parking spaces on the property for that use. Whether funds will be available to maintain the property or whether the property can or will be developed to be an attraction or show place is unknown. Mr. Goodwin alleged that the imposition of the HOC zoning on this property is illegal spot-zoning. It has no basis because there is no requirement that the property be maintained and/or be made an attraction or showplace. According to Mr. Goodwin, the HOC zoning is unconstitutional because it fails to protect the rights of other property owners in the vicinity.

Nancy Greene from Randall, Iowa, who is the property manager for the site in question, said that work had been done on the house, and she believes that the property is in fairly good condition. The intent of the owner, Grantland Shipp, is to restore the house. Ms. Greene advised that the Martin house is an example of the Craftsman style of architecture, and the intent of the Design Criteria proposed would be to maintain the Craftsman features of the architecture. She stated that Archie and Nancy Martin provided housing for African-American students from 1920-1945 at that location. The house has been vacant for the past few years because prior tenants have done some damage to the house, and Mr. Shipp does not want future damage done.

Council Member Larson asked if there was any urgency to this request. Ms. Greene said that it was her understanding that if the property were designated as a local historic landmark, grant funding for improvements could be a possibility. Mr. Larson asked if the owners are willing to invest their own funds to maintain the home. Ms. Greene said that they are willing to invest their own funds.

Chuck Winkleblack, 105 South 16th Street, Ames, advised that he had been inside the residence. At that time (approximately three or four years ago), the property was in disrepair. He pointed out that this house occupies space surrounded by prime commercial land. Mr. Winkleblack expressed concerns that the property will continue to deteriorate. He urged the Council to deny the requests for the Historic Preservation Overlay and for a local historic landmark designation.

Director Osguthorpe advised that the request is to establish the Historic Preservation Overlay; it would not constitute spot-zoning. In addition, he said that, through zoning, cities do not have the ability to require maintenance standards. City Attorney Marek also refuted Mr. Goodwin's allegations that the imposition of "HOC" zoning on this property is illegal spot-zoning.

It was stated by Mr. Osguthorpe that Design Criteria would apply to alterations and new construction involving changes to the exterior of the existing house. Prior to the issuance of a Certificate of Appropriateness to allow exterior alterations and/or new construction, the Historic Preservation Commission or City staff would determine if the proposed changes were consistent with the Design Criteria and the Design Guidelines found in Chapter 31 of the Municipal Code. Council Member Mahayni emphasized that if the property at 218 Lincoln Way were designated as a Local Historic Landmark, the non-conforming use would continue, and demolition of the structure for purposes of redevelopment as a commercial land use would not be permitted.

There was no one else wishing to speak, and the Mayor closed the public hearings.

Moved by Mahayni, seconded by Popken, to pass on first reading an ordinance rezoning property located at 218 Lincoln Way to establish an "O-H" (Historic Preservation Overlay) District and designate the property as a local historic landmark.

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

Moved by Mahayni, seconded by Popken, to pass on first reading an ordinance amending Chapter 31 of the Municipal Code to add Design Criteria for the property located at 218 Lincoln Way, with the stipulation that the rezoning to establish the "O-H" (Historic Preservation Overlay) District for the property at 218 Lincoln Way is approved by the City Council.

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

REPORT ON AMENDMENT PROCESS FOR URBAN FRINGE PLAN: It was the concurrence of the Council to postpone this item due to the lateness of the hour.

REPORT ON ADDITIONAL USES FOR GREEK HOUSES: It was the concurrence of the Council to postpone this item due to the lateness of the hour.

PRESENTATION OF TRAFFIC ANALYSIS FOR ONTARIO STREET/MINNESOTA AVENUE SCHOOL CROSSING: Moved by Goodman, seconded by Larson, to direct staff to work with ISU to install sidewalk along the full extent of its farm property located on the north side of Ontario Street. Vote on Motion: 6-0. Motion declared carried unanimously.

DISCUSSION OF CONCEPT FOR EXCHANGE OF PROPERTY PERTAINING TO GREENBRIAR PARK: Public Works Director John Joiner informed the City Council that Greenbriar Park is a seven and one-half acre parcel that is located north of South 16th Street. It is part of the municipal park system that is currently being utilized as a BMX bicycle course and for temporary storage of construction debris and snow. The north part of the Park has very poor drainage and continually holds stagnant water. During heavy rains, excessive stormwater flows over this part of the Park into Coldwater Golf Links, causing flooding and damage to the course, and resulting in closures of several days for clean-up and repairs. Extensive stormwater management improvements are needed on the north end of the site to help alleviate those problems. Debris clean-up, site grading, topsoil addition, seeding and mulching are needed on the remainder of the site to return it to green space. With the Park's location adjacent to South 16th Street, construction of a path along the street through the Park (south side) will be needed to complete the shared use path system in this area.

According to Mr. Joiner, the Randall Corporation, owner of Coldwater Golf Links, has proposed that the City transfer Greenbriar Park to them in exchange for designated future right-of-way for the Grand Avenue Extension project and completion of all the Park's needed improvements. They have also expressed interest in allowing the Ames Christian School to utilize the improved space for recreational purposes. The current condition of Greenbriar Park does not present an attractive, welcoming image for the park system. The Randall Corporation proposal appears to address those items to the financial benefit of the City; however, the Parks & Recreation Commission would need to assess the impact that this proposal would have on the residents of the area and the overall park system.

Moved by Mahayni, seconded by Popken, to refer this proposal to the Parks and Recreation Commission for further consideration and recommendation back to the City Council. Vote on Motion: 6-0. Motion declared carried unanimously.

GRANT APPLICATION FOR NON-FERROUS METALS RECOVERY SYSTEM FOR RESOURCE RECOVERY PLANT: Moved by Popken, seconded by Goodman, to approve submittal of an \$825,000 grant application for a Non-Ferrous Metals Recovery System for the Resource Recovery Plant. Vote on Motion: 6-0. Motion declared carried unanimously.

LIME SLUDGE DISPOSAL: This item is moot; the Performance Bond was received by the City.

UNIT NO. 7: Electric Services Assistant Director Brian Trower advised that the electrical and visual inspection of the rotor and stator have been made. Some surface repairs were needed, and have been made, to the stator. On November 15, staff successfully synchronized the Unit to the line; however, high vibration on the No. 3 bearing occurred, and it was shut down. On November 16,

2007, the generator was moved in an attempt to add some pre-load to the No. 3 bearing. The Unit was restarted and was on line for one hour and 13 minutes when a boiler trip occurred. During the attempted starts when the Unit synchronized to the line, there was some vibration. Another attempt will be made to put the Unit on line tomorrow morning. Mr. Trower pointed out that a major overhaul was performed on the Unit; some of the components have been idle for seven months..

Mayor Campbell noted that an emergency services contract for work on Unit No. 7 Turbine with Cotter Turbine Services is not necessary at this time.

ORDINANCE PERTAINING TO INSURANCE REQUIREMENTS FOR FIREWORKS

PERMITS: Moved by Popken, seconded by Goodman, to pass on first reading an ordinance pertaining to insurance requirements for fireworks.

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

DEER FEEDING ORDINANCE: Moved by Mahayni, seconded by Goodman, to pass on first reading an ordinance prohibiting the feeding of deer.

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

DANGEROUS DOMESTIC ANIMALS ORDINANCE: Moved by Mahayni, seconded by Doll, to pass on third reading and adopt the Dangerous Domestic Animals ORDINANCE NO. 3930.

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

TRANSIENT MERCHANT ORDINANCE: Moved by Doll, seconded by Goodman, to pass on third reading and adopt the revised Transient Merchant ORDINANCE NO. 3931.

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

ORDINANCE ESTABLISHING THE UNIVERSITY-IMPACTED AREA WEST URBAN REVITALIZATION AREA: Moved by Doll, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3932 establishing the University-Impacted Area West Urban Revitalization Area.

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

COMMENTS AND FUTURE AGENDA ITEMS: Council Member Rice asked if the City had any regulations regarding chemicals on lawns. Council Member Joiner said that as part of the Stormwater Permit from DNR, the City is required to educate the public about using the correct amount of fertilizer, but there is no prohibition.

Moved by Popken, seconded by Goodman, to refer to staff the letter from Alison Comb.

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

Council Member Doll asked for a memo from staff regarding the process of how items are placed on the Parks & Recreation Commission agenda.

Council Member Larson requested that a follow-up goal-setting session be held in December. The City Clerk was directed to find a date in early December.

Ex officio Member Luttrell asked the City Council to invite the *ex officio* student representatives from the University of Iowa and the University of Northern Iowa to attend an Ames City Council meeting or workshop.

Moved by Goodman, seconded by Doll, to direct the City Manager to talk with McFarland Clinic representatives to explore the possibility of tax abatement to facilitate expansion of the Clinic through intensification within the current H-M boundaries.

Vote on Motion: 6-0.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 12:18 a.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor