

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

AMES, IOWA

NOVEMBER 28, 2006

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on November 28, 2006, 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 Buske was absent.

PRESENTATION OF AMES ECONOMIC DEVELOPMENT COMMISSION (AEDC) ANNUAL REPORT: Dan Culhane, Executive Director, presented a brief overview of current AEDC programs and new strategic initiatives that the Commission hopes to implement in the coming year. Mike Roof, President of the AEDC Board of Directors, was also present.

REPORT ON PROGRESS OF SUSTAINABLE NEIGHBORHOODS ORGANIZATION: Patricia Brown, 3212 West Street, gave a report on the progress of this organization in sustaining core neighborhoods. She reminded the City Council that it had supported a pilot program, providing a \$25,000 grant to assist homebuyers in purchasing a home in the core neighborhoods, with the stipulation that the organization match the funds. The organization has met that obligation. Two homes have been purchased in core Ames neighborhoods to date; Housing Coordinator Vanessa Baker Latimer administers the program on behalf of the City.

Ms. Brown explained that without core neighborhoods, Ames takes the risk of becoming a community of “haves” and “have-nots.” She said that core inter-city neighborhoods of “have-nots” present an ever-increasing number of problems for communities. Ms. Brown pointed out that the Ames School District also is affected as these core neighborhoods provide potential housing for families with children. It is also important for Ames to have strong core neighborhoods to attract prospective employers to the area. The organization’s goal is that every neighborhood in Ames be welcoming, safe, and attractive. Its mission is to promote, facilitate, and contribute to the stability of the core neighborhoods in Ames through responsible property ownership.

Ms. Brown listed current activities being performed and future activities to be undertaken by the Sustainable Neighborhoods Organization. She asked the Council to consider the following initiatives:

1. Redesign entryways from the city limits of West Lincoln Way to the Riverside/Oakwood Neighborhood, especially the commercial areas from the city limits on West Lincoln Way.
2. Consider tax abatements for purchasers of former rental properties that are converted back to owner-occupied and rehabilitated. This tax abatement would require signing a 20-year covenant requiring owner-occupancy if the home is sold.
3. Enact a maintenance code that includes roofs, gutters, paint, siding, fences, and emphasizes pride in property.
4. Establish a neighborhood board to work with citizens who are in violation of the Code and perhaps including a volunteer pool who could help, especially if the resident is elderly, handicapped, or has other extenuating circumstances.
5. Continue support of Habitat for Humanity’s rehabilitation of residences in the core neighborhoods and make them available to qualified owners. Empty land is scarce and a new Habitat home is very obvious; whereas, a rehabilitated residence not only improves the neighborhood, but blends in and is not labeled as a Habitat home.

6. Encourage rehabilitation of older apartments through a partner relationship with the apartment owners.
7. Continue enforcement of existing codes for rental housing and adequately fund the efforts.
8. Revive the efforts of the Planning Department to meet with core neighborhoods to define a vision for each neighborhood.

COUNCIL’S ROLE IN QUASI-JUDICIAL DECISION-MAKING: City Attorney Doug Marek explained the differences between legislative and quasi-judicial functions. He recommended that the Council members refrain from *ex parte* communications with proponents, opponents, and interest groups who have certain kinds of issues pending before the Council. These types of actions generally involve public notice and a hearing followed by the exercise of discretion in finding facts; decisions must be made in public forum. Mr. Marek cited Sutton v. Dubuque City Council and Montgomery v. Bremer County as the basis for his recommendation. When an application is pending, Mr. Marek cautioned the Council members not to meet individually with applicants.

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of November 14, 2006, and the special meeting of November 21, 2006
3. Motion approving renewal of the following beer permits and liquor licenses:
 - a. Special Class C Liquor - House of Chen, 2508 Ferndale Avenue
 - b. Class E Liquor, B Wine and C Beer – HyVee Wine & Spirits, 3615 Lincoln Way
 - c. Class C Beer – Kwik Shop #550, 715 24th Street
 - d. Class C Beer – Kum & Go #113, 2801 E. 13th Street
 - e. Class C Beer – Kum & Go #214, 111 Duff Avenue
 - f. Class C Beer – Kum & Go #215, 4506 Lincoln Way
 - g. Class C Beer – Kum & Go #216, 203 Welch Avenue
 - h. Class C Liquor & Outdoor Service – Cazador Mexican Restaurant, 3605 Lincoln Way
4. Motion approving transfer of Class C Liquor license from Café Lovish, 2512 Lincoln Way, to Mangostina’s, 604 E. Lincoln Way, effective December 4, 2006, pending receipt of certificates of Inspections and dram shop insurance
5. Motion setting Conference Board meeting dates for January 23 and February 27, 2007
6. Motion approving revised Administrative Program for Street Naming & Addressing Guide
7. Motion approving encroachment permit for awning at 200 Stanton Avenue
8. Motion rejecting all bids for the purchase of Wheel Loader Backhoe
9. RESOLUTION NO. 06-467 approving appointment of Council Member Jami Larson to Conference Board’s Mini-Board
10. RESOLUTION NO. 06-468 approving appointment of Council Member Jami Larson to Ames Convention and Visitors Bureau Board of Directors
11. RESOLUTION NO. 06-469 approving appointment of Elizabeth Beck to fill vacancy on Planning and Zoning Commission
12. RESOLUTION NO. 06-470 approving application for a Procurement Card for Council Member Jami Larson
13. RESOLUTION NO. 06-471 approving hiring of two part-time Police Dispatchers
14. RESOLUTION NO. 06-472 approving Community Investment Fund forgivable loan in the amount of \$25,000 and \$50,000 loan from Revolving Loan Fund for Sauer Danfoss, Inc.

15. RESOLUTION NO. 06-473 approving plans and specifications for Replacement of Motor Control Center for Gas Turbine 1; setting December 20, 2006, as bid due date and January 9, 2007, as date of public hearing
16. RESOLUTION NO. 06-474 awarding contract to Burmeister Electric, Fort Dodge, Iowa, for the purchase of Electric Distribution Transformers in the amount of \$229,544 plus sales tax
17. RESOLUTION NO. 06-475 waiving formal bidding requirements and authorizing purchase of Tractor Loader Backhoe from Murphy Tractor & Equipment of Altoona, Iowa, in the amount of \$115,000
18. RESOLUTION NO. 06-476 accepting completion of one Power Transformer for the 161-kV Tie Line Project
19. RESOLUTION NO. 06-482 authorizing Mayor to sign CEBA Agreement and High Quality Job Creation Program Agreement as sponsoring agency for Sauer Danfoss
Roll Call Vote: 6-0. Resolutions declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Rich Fellingham, President of Special Olympics Iowa, expressed appreciation to the City Council, City staff, and citizens of Ames for their support of the National Special Olympics Games held last July in Ames. Elaine Hieber, 546 West Riverside Road, Ames, Chair of the Games Organization Committee, recognized former Mayor Ted Tedesco, who served on the Planning Committee, and Mayor Campbell for the outstanding leadership they displayed before and during the event. Ms. Hieber presented the City of Ames with a framed set of medals identical to those awarded at the National Games.

Gerald Johnson, 21475 - 570th, Ames, owner of land to the north of the proposed regional mall, referenced a letter from Attorney Marc Elcock. The letter requested that the City Council direct the Planning & Zoning Commission to delay its meeting on the revised Master Plan for the Lifestyle/Power Center until the public has had the opportunity to review the revisions and offer input to the Commission. Mr. Johnson explained that public input was received on the initial Master Plan on November 15, 2006. At that time, staff recommended approval of the Master Plan with several stipulations, and staff was directed to work with Wolford Development, Inc., to revise the proposal and place the issue on the agenda for the December 6, 2006, Planning & Zoning Commission meeting. Mr. Johnson pointed out that the Commission's December 6, 2006, Agenda did not include public input on the revised Master Plan.

Assistant Manager Bob Kindred explained the actions taken to date by the Planning & Zoning Commission. He requested the City Attorney to comment on the issue of receiving public input on the revised Master Plan. Mr. Marek confirmed that the hearing on the initial Master Plan was held on November 15, 2006; however, he does not see a downside to allowing public input on the revised Plan.

HEARING ON AMENDMENT TO PLANNED RESIDENCE DISTRICT (PRD) DEVELOPMENT PLAN FOR RINGGENBERG PARK: Planner Seana Perkins explained the proposed amendment to the PRD Development Plan. Two changes were being proposed: (1) Alter the approved setbacks to provide a 20-foot front setback and a 20-foot street-side setback for corner lots, and (2) Move the planned clubhouse from the FS-RM zoned property to the F-PRD zoned property by consolidating three lots to accommodate the clubhouse.

Ms. Perkins stated that residents from the neighborhood located directly north of the site in question attended the Planning & Zoning Commission meeting on November 15, 2006, and expressed strong concerns about the proposed change to the Conceptual Plan, which had been mutually negotiated with the developer. Neighbors also had expressed concerns about storm drainage, the design of the future multi-family buildings, and the proposed amenities of the northern parcel, which is located outside of the PRD.

Scott Renaud, Fox Engineering, 1601 Golden Aspen Road, Ames, representing the owners, explained that the proposed revisions were basically to accommodate the relocation of the clubhouse; nothing will change in the RM zoning district. There is a pool planned to be built by the relocated clubhouse. The corner pond, for storm water management, will remain in its original location. According to Ms. Perkins, the applicant will be required to submit a Minor Site Development Plan prior to the clubhouse being built. It was stated by Mr. Renaud that the buffers will remain as originally submitted. Mr. Renaud felt that the initial issues of most concern to the neighbors had been resolved; nothing had changed regarding those issues. He pointed out that there is a considerable amount of buffer between this subdivision boundary and the closest neighbor (over 300'). Mr. Renaud questioned how much influence the neighbors should have over this development in light of the fact that the only change is the location of the clubhouse. He said that the developers had been very accommodating to the neighbors' requests. It was pointed out by Mr. Renaud that several of the amenities of this subdivision will be made available to the neighborhood residents. The developers are only asking to move the clubhouse to a more central location. Mr. Renaud said that there had been a breakdown in communication between the developers and the neighborhood residents, and that may have lead to uncertainties on the part of the neighbors.

Kim Townsend, 2609 Timberland Road, Iowa, representing the neighborhood residents, summarized the actions that had been taken to date, citing motions made by the City Council at former meetings on this topic. The neighbors' concerns at that time centered around density, buffers, plantings, and adequate transition to the RM District. Ms. Townsend said that the clubhouse in its currently proposed location provides the visual transition to the RM District. If the clubhouse and pool are moved, the residents want to know what will be constructed there. She, personally, would like to see the old corn crib, now on part of the land to be developed, restored and placed there. On behalf of the residents of the area in question, Ms. Townsend asked that the City Council deny the revision that would allow for the clubhouse/pool to be moved or, in the alternative, at least direct that the developers again meet with the neighborhood residents.

Kurt Friedrich, Friedrich Iowa Realty, Sixth and Duff, Ames, said that the developers have worked very diligently to communicate with the area neighbors on this proposal. He said that there is only one change being requested, i.e., the relocation of the clubhouse. Mr. Friedrich advised that there will not be two clubhouses. The developers felt that locating the clubhouse in a more central location would be beneficial to the surrounding neighborhoods. Mr. Friedrich stated that the developers are committed to the agreement that they made with the neighborhood; there will be no more than 130 units, however, there may be fewer units. It is a possibility that the corn crib, now structurally unsound, would be renovated and placed where the clubhouse was originally shown; however, according to Mr. Friedrich, it is more probable that there will be no structure placed at that location.

Beverly Madden, 2815 Oakwood Road, Ames, recalled that the City Council had previously directed that the density be reduced by 40% of the original plan (21 ten-unit buildings to 13 ten-unit buildings). The neighbors' concern is that the City Council may lose sight of the 40% reduction and allow a more dense development, e.g., an additional condominium unit in place of the clubhouse.

Council Member Mahayni recalled the vast discussion that occurred when this issue was first brought before the City Council. The Council had directed that the developers and neighborhood residents work out an acceptable solution.

Council Member Goodman confirmed with Developer Kurt Friedrich that everything formerly agreed to by the neighbors and the developers was still intact.

Bob Friedrich, Jr., Friedrich Land Development, Ames, pointed out that the developer had already agreed to a maximum density, and any revisions to that would have to be approved by the Planning & Zoning Commission and the City Council. He guaranteed to the neighborhood residents that the density would not increase; the developers will fulfill their commitment. Mr. Friedrich believed that the neighbors' concerns are the result of the developers' lack of dialogue with them. The owners wanted to get the development underway before inclement weather sets in, and due to their haste, did not communicate thoroughly enough with the neighbors.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 06-477 approving a revision to the PRD Development Plan to alter setbacks, consolidate three lots to accommodate the clubhouse, and move the planned clubhouse from the FS-RM zoned property to the F-PRD zoned property.

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

Moved by Rice, seconded by Mahayni, to adopt RESOLUTION NO. 06-478 approving the Preliminary Plat for Ringgenberg Park Subdivision, subject to the following stipulations:

1. That the developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: street paving, curb, gutter, sidewalks, bicycle/pedestrian pathways, street lights, street trees, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Municipal Code.
2. Prior to approval of a Building Permit, a Minor Site Development Plan will be required for the proposed clubhouse.

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

COUNCIL GUIDELINES FOR 2007/08 BUDGET: Assistant City Manager Sheila Lundt introduced City ASSET volunteers present: Jim Pearson, Mary Cameron, and Dorothy Sally. She reminded the Council members of their priorities set on December 13, 2005: (1) an emphasis on assistance to low- and moderate-income families, (2) meeting basic needs, (3) crisis intervention, and (4) prevention.

Ms. Lundt advised that the Government of the Student Body (GSB) had taken action on their priorities, and GSB will be providing \$130,000 in funding for the next fiscal year.

Mr. Pearson told the Council that the volunteers do appreciate knowing the Council's priorities and specific recommendations.

Council Member Popken acknowledged that the Council had received a letter from Good Neighbor requesting funding. He asked to know the time line for response to new requests for funding. Mr. Pearson explained the process followed by ASSET. Council Member Rice would like the volunteers to look at a way to streamline the process to account for requests such as that from Good Neighbor. Ms. Lundt advised that Good Neighbor is not the first organization to be denied funding because it has not met the criteria. Council Member Larson pointed out that it takes organizations new to this process a while to learn about and meet the criteria. Mr. Pearson concurred, stating that the need for services has to be determined and an audit

performed.

Mayor Campbell advised that discussion on changes to the process would be best addressed at the Joint Funders Meeting to be held on December 14, 2006.

Ms. Lundt updated the Council on a new program funded last fiscal year. She stated that the Volunteer Transportation Service to Heartland has been very successful; ridership is higher than anticipated.

Assistant City Manager Lundt introduced Lu Kiser, Chairperson of the COTA. Mr. Kiser referenced the letter that he formerly sent to the City Council requesting funds for 2007/08.

City Manager Schainker outlined the options for funding Human Service Agencies and the COTA.

Moved by Popken, seconded by Rice, to allocate \$911,676 (an increase of 8.3% over the FY 2006/07 adopted budget) for ASSET funding and \$118,600 for the COTA funding (an increase of 21.65%).

Mr. Pearson cautioned that some agencies' requests for additional funds are valid; however, some are not. Council Member Popken stated that he expected the ASSET volunteers to be good stewards of the funds; the agencies should not be allocated all the money requested if the need is not justified. Council Member Mahayni pointed out that if the funds are allocated to the agencies, it will be spent. In addition, Ms. Lundt said that there will be pressure for the City to assume more responsibility for funding if the other funders do not increase their funds. Council Member Mahayni is very concerned about shifts in funding. He asked what will occur to the other funders' commitments if the City increases its level of funding. Council Member Popken said he did not see any correlation between what the City of Ames allocates and what the other funders contribute; agencies have indicated that they have the need.

Council Member Goodman said that the ASSET volunteers are under no obligation to spend all the funds; if they do not feel that the request meets the criteria, the funds should not be allocated. He wants the funding available if the requests meet all the criteria and qualify for the allocation. Ms. Lundt reiterated that the ASSET process still needs to function as it has in the past, with specific requirements needing to be met by the agencies before funding is allocated.

City Manager Schainker said it is of concern that, if the City increases its funding, the other funders may cut back on their allocations. If that happens, there would be no net gain in the total amount of available funding. Also, it is a concern that the agencies will request more funds than necessary if it is thought that they will be allocated what they request.

ASSET volunteer Dorothy Sally said that last year, there were not enough funds to address all the requests. She feels that if funds in the total amount of the requests are available, the onus would be on the volunteers to make sure the criteria are met. Mr. Pearson said that it will need to be made known to the other volunteers that the City's funds will not be allocated if the criteria are not met. Ms. Lundt explained how the County's funds are allocated.

Council Member Goodman said that he preferred to vote on the funding for ASSET and the COTA separately. He cited comments made by the respondents to the Citizens Satisfaction Survey regarding arts funding. Mr. Kiser clarified that there is a difference between public art projects and what the COTA funds. Public Relations Officer Susan Gwiasda advised that the Survey did not designate any particular category of art programs; however, one-fourth of the

respondents wanted more money spent, one-fourth wanted less money allocated, and one-half wanted the same amount to be spent.

Motion withdrawn by Council Member Popken.

Moved by Popken, seconded by Goodman, to allocate \$911,676 (an increase of 8.3% over the FY 2006/07 adopted budget) for ASSET funding.

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

Moved by Rice, seconded by Popken, to allocate \$118,600 for the COTA funding.

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

It was pointed out by COTA Volunteer Kiser that, after reviewing the requests for funding, the Commission had requested a total allocation of \$105,291. Council Member Rice said that the total amount of funds requested on applications submitted by agencies was \$118,600.

Moved by Goodman, seconded by Mahayni, to allocate \$105,291 (an increase of 8% over the FY 2006/07 adopted budget) for the COTA funding.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Popken. Voting nay: Rice. Motion declared carried.

The meeting recessed at 9:46 p.m. and reconvened at 9:50 p.m.

CODE AMENDMENTS RELATED TO FRONTAGE REQUIREMENT: For the record, a letter from Attorney William Bartine on behalf of Wolford Development Options, LLC, was received this date and placed around the dais.

Planner Ray Anderson explained that the Ames Zoning Ordinance requires that all lots in the community have “frontage” on a public street. Lot frontage was defined as, “...the distance for which the front boundary line of the lot and the right-of-way are coincident.”. The reasons why frontage is required were given.

Mr. Anderson advised that the developer of the Lifestyle Center/Power Center proposed for the “O-GNE” District at I-35 and East 13th Street is requesting that the City amend the zoning regulations for the “PRC” District to eliminate the requirement for frontage of every lot on a public street. That developer indicates that some potential occupants of the development insist on owning the lots upon which their buildings sit, rather than leasing the sites. Also, separate lot ownership is reportedly needed in order for those tenants to secure financing for their buildings. Mr. Anderson stated that customers of the businesses would park in lots located between the buildings and the exterior boundary of the site; therefore, the owners of the buildings and of the parking lots would be different. According to staff, there is no public advantage to having public streets, as opposed to private roads, throughout the site.

According to Planner Anderson, there are other means to guarantee access to each property besides the requirement for frontage, e.g., cross-access easements. In checking with other cities throughout the United States that have large regional commercial developments, staff has found that regional commercial centers are oftentimes zoned as “Planned Unit Developments,” which include lots that do not have frontage on a public street. Planner Anderson stated that lots on the interior of these developments are accessed through cross-access easements that connect the interior lots to the public streets on the exterior of the developments. The City’s “O-GNE” requires a Master Plan, which functions much the same as a Planned Unit Development in that it is a development that must follow a coordinated plan for a combination of properties.

Pursuant to Mr. Anderson, staff is in favor of allowing very limited application of platting lots

without frontage as long as appropriate safeguards are in place. Having reviewed the methods used by other communities to accommodate large commercial anchor stores in regional commercial developments and given the fact that the “O-GNE” overlay district requires a “planned” development much as a Planned Unit Development, staff recommended that the City Council approve an amendment to the zoning regulations that would allow the platting of lots for regional commercial development without frontage on a public street. Mr. Anderson said that it is important that this Zoning Ordinance exception for frontage requirements would apply only to properties located in the “O-GNE” overlay district. It was reiterated by Mr. Anderson that the City of Ames allows platted lots without street frontage as part of planned residential developments, and extension of this exception to planned regional commercial developments seems appropriate as long as a Comprehensive Master Plan has been approved by Council and cross-access easements are executed with the City named as a party to the easements.

Council Member Rice asked why this issue was not included in the Developer’s Agreement. Mr. Anderson pointed out that the subdivision plat had not yet been submitted, so this issue could not have been addressed in the Developer’s Agreement.

Council Member Popken asked when the layout of the lots will be known. Mr. Anderson advised that the land will be subdivided through the platting process, and the individual lots will be shown.

Attorney Bill Bartine, 2001 Financial Center, Des Moines, Iowa, representing Wolford Development, advised that he had brought a packet of sample easement documents to be reviewed by City Attorney Marek. The easements are all-inclusive complicated documents and need to be worked through between the developer and the City. Mr. Bartine said that, generally, most frontage requirements are applicable only to residential lots.

Moved by Larson, seconded by Goodman, to direct staff to prepare Zoning and Subdivision Ordinance text amendments to eliminate the requirement for lot frontage in the “PRC” (Planned Regional Commercial) District in combination with the “O-GNE” (Northeast Gateway Overlay) District.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Larson, Mahayni, Popken. Voting nay: Rice. Motion declared carried.

PRELIMINARY PLAT FOR IOWA STATE READY MIX SUBDIVISION: Planner Seana Perkins advised that during the Development Review Committee’s review of this proposed Subdivision, a Shared Use Path was identified by staff as a requirement along the eastern edge of Outlot A, directly west of the Skunk River. This pathway is identified as a Shared Use Path within the Ames Area MPO Long-Range Transportation Plan dated October 2005 and on the Parks Master Plan Map as a Greenbelt Trail. This pathway connection along the western side of the Skunk River has been identified as a first priority pathway connection by the City’s Parks and Recreation Department and is shown in the City’s Capital Improvements Plan.

Scott Renaud, Fox Engineering, advised that the applicant, Iowa State Ready Mix Concrete, Inc., objects to providing the improvement of a ten-foot-wide Shared Use Pathway. Ms. Perkins stated that the developer has agreed to provide the City with a 30-foot-wide easement for this future pathway, but not to construct the pathway. Mr. Renaud explained that the property in question is in the Industrial zone and this applicant will be the only property owner required to construct part of the pathway. He also asked that Stipulation No. 8 be changed to say “agreement” instead of “easement.” Public Works Director John Joiner said that it did not matter to the City if it would be by an agreement or an easement as long as the adjacent property owner agrees to allow off-site grading to occur.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 06-479 approving the Preliminary Plat for Iowa State Ready Mix Subdivision, with the following stipulations:

1. That the developer will construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Municipal Code.
2. The design of the bio-retention treatment cell shall be reviewed and approved by the Water and Pollution Control Department prior to its construction.
3. Prior to Final Plat approval, improvement of the ten-foot-wide Shared Use Pathway shall be provided through a Development Agreement between the property owner(s) and the City of Ames.
4. Prior to Final Plat approval, the 30-foot-wide easement for the Shared Use pathway and the location of the Pathway shall be provided through a Development Agreement between the property owner(s) and the City of Ames.
5. According to Municipal Code Section 23.302(7)(b), the Final Plat must be submitted to the Planning and Housing Department for approval within one year from the date of City Council approval of the Preliminary Plat. The City Council may grant an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year. If the applicant is unable to comply with the one-year time line and/or granted extension, the applicant will be required to reapply for the Preliminary Plat.
6. Prior to Final Plat submittal, the subdivider shall grant an easement to the City over any portion of any area included within the floodway. This stipulation shall be eliminated if Municipal Code Section 23.407(5) is removed.
7. Development of the proposed lots will require compliance with Municipal Code Section 9.5 , which requires that all non-residential structures be elevated a minimum of three feet above the base flood elevation or be flood-proofed to such a level.
8. Prior to any land-disturbing activities, an easement shall be created for the proposed off-site grading.
9. Prior to any land-disturbing activities, a SWPPP, NPDES, and authorization of COSESCO permit application shall be provided.

Moved by Goodman, seconded by Popken, to amend the motion to include changing the wording under Stipulation No. 8 to read, "...an agreement shall be created for the proposed off-site grading."

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

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

AMENDMENT TO LAND USE POLICY PLAN REVISING MINIMUM DENSITY IN SUBURBAN RESIDENTIAL DISTRICT: Planner Ray Anderson explained that on July 25, 2006, the City Council directed staff to prepare an amendment to the Land Use Policy Plan to change the minimum allowed density for Suburban Residential single-family attached and detached uses from 3.4 dwelling units per net acre to 3.75 dwelling units per net acre.

According to Mr. Anderson, the desire expressed by the City Council was that the minimum density allowed by the LUPP and by Table 29.1202(6) in the Municipal Code be consistent. On April 13, 2004, the City Council adopted Resolution No. 04-146, approving amendments to the LUPP recommended in the 1998-2002 Land Use Policy Plan Evaluation Report for the City of Ames. One of the amendments in that Resolution changed the minimum density for Suburban Residential single-family attached and detached uses from 3.75 dwelling units/net acre to 3.4 dwelling units/net acre. Mr. Anderson said that, in actions involving administration of provisions of the Zoning Ordinance, it is always preferable to have the LUPP and the Zoning Ordinance, which implements policies from the Plan, be consistent.

According to Mr. Anderson, at the September 6, 2006, meeting of the Planning & Zoning Commission, the proposed change was referred back to staff. The Commission asked that staff communicate with the development community and others affected by the proposed change; that they explain the difference between changing the Zoning Ordinance, as opposed to the LUPP, to achieve consistency; and that they study the issue of density in its entirety. Staff provided copies of the requirements, as found in the 1998-2002 Land Use Policy Evaluation Report, to developers and the Chairperson of the Ames Smart Growth Organization, and all were encouraged to attend the Commission meeting on November 1, 2006, or submit written comments. No one from the audience chose to speak at that meeting. Four persons chose to submit written comments. It was noted that, at the Commission meeting of November 1, 2006, it recommended that the City Council not approve the LUPP amendment to change the minimum density to 3.75 because it was felt that the issue of multi-family housing had not been adequately discussed. The Commission did agree, however, that consistency between the Zoning Ordinance and the LUPP was desired.

Moved by Popken, seconded by Mahayni, to approve the Land Use Policy Plan amendment to change the minimum density to be achieved by Suburban Residential single-family attached and detached uses from 3.4 dwelling units per net acre to 3.75 dwelling units per net acre.

In Council Member Larson's opinion, the Zoning Ordinance should be changed to be consistent with the LUPP. He believes that the LUPP should provide the main guidance to the City. As a former member of the Planning & Zoning Commission, Mr. Larson said that it was thought by the Commission that if the two were left inconsistent, it would force the City Council and the Commission to address the issue of density, in its entirety, in a more timely manner.

Vote on Motion: 5-1. Voting aye: Doll, Goodman, Mahayni, Popken, Rice. Voting nay: Larson. Motion declared carried.

PURCHASE OF HYBRID CAR: Moved by Goodman, seconded by Rice, to adopt RESOLUTION NO. 06-481 waiving formal bidding requirements and authorizing the purchase of a Toyota Prius hybrid car from Wilson Cadillac-Toyota-Scion of Ames, Iowa, in the amount of \$23,319. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

BRIEFING ON WATER POLLUTION CONTROL (WPC) PLANT DISINFECTION SYSTEM: Tom Neumann, Director of Water and Pollution Control, indicated that this briefing was made in response to a letter from Tony Borich to the City of Ames.

Mr. Neumann emphasized that the protection of the environment and the public health is a primary mission of the Water and Pollution Control Department. He gave a summary of stream designations in Iowa, explaining in detail the two basic categories of use: General Use

Segments and Designated Use Segments. Stream designations for the South Skunk River were specifically explained. Existing WPC plant capabilities were highlighted. Over the Plant's 17 years of full operation, it has never exceeded a discharge limitation. Disinfection alternatives were also outlined.

According to Mr. Neumann, for the past several years, staff has been working with the Iowa Department of Natural Resources (IDNR) to obtain a new National Pollutant Discharge Elimination System (NPDES) Permit for WPC. The previous Permit expired in November 1999. It was noted that under the Clean Water Act, the Permit continues to be enforceable until either a new Permit is issued or the discharger ceases to discharge. The quality of effluent from the Ames WPC has not diminished despite having an expired Permit. To date, no draft Permit has been provided by the IDNR for the City to review. The IDNR has provided preliminary effluent limitation data, which staff has carefully reviewed. It was indicated that staff is comfortable with all but one of the proposed parameters, i.e., the "five-day carbonaceous biochemical oxygen demand." Staff fully expects that whenever a draft NPDES Permit is issued by the IDNR, it will contain a requirement for disinfection. What is not known yet is what stream designation will apply and what resulting water quality standard will be imposed.

The options for upgrading treatment were given: (1) install disinfection equipment without waiting for a new Permit or (2) wait until a new Permit is issued before beginning any construction. The benefits and consequences for each were described. Mr. Neumann advised that, once the design requirements are confirmed, the time required to implement any project is estimated at three and one-half to four years, presuming that there are no substantial delays in IDNR approvals. The timeline for receiving a Permit could be next fall or three years from now.

Staff concluded that there is no longer an issue if disinfection should be added to the Ames facility, but rather when it should be added. Also, there is no disputing that a Class "A" designation for this particular segment of the South Skunk River is appropriate. Mr. Neumann said that staff believes that it is prudent to wait until the new water quality standards are finalized, the IDNR completes the use attainability analysis for the South Skunk River, and the resulting stream designation is incorporated into a new NPDES Permit before the City moves ahead to install a disinfection system at the WPC Plant or any other upgrade component. It is estimated that the upgrades under this approach could begin as early as 2009/10.

Steve Vasey, 919 Murray Drive, Ames, said that he is a member of a number of environmental groups, including the Water Quality Task Force and has had formal training on water quality. He has been working on these issues since 1998. Mr. Vasey was told today by EPA officials in Kansas City, IDNR officials, and by Assistant Water and Pollution Control Director John Dunn that every effort will be made to issue the City its NPDES Permit in 2007. Bacteria standards are not going to change any time soon, and Mr. Vasey believes that the overall goal should be to reduce water pollution. He feels that it is in the City's best interest to proceed with disinfection immediately. If it is decided to wait until a new Permit is issued, there must be a plan that will get Ames a new Permit as soon as possible; it is seven years past the renewal date. Ames is the only community in Iowa that has a permit issued by the EPA. It has been 12 years since the City has had a say in the protection offered by the Permit. Mr. Vasey said the City had been antagonistic concerning the renewal of the Permit, and he feels strongly that there should be a way for the City to get a draft Permit out there for comments. He feels that the Permit can be fast-tracked, but it will take Council direction to staff to get it done. Mr. Vasey advised that he will be presenting a response to this Report. He encouraged the Council to get the City moving on a dual-track process – working on construction design standards for disinfection while it is waiting for the Permit to be issued. Mr. Vasey said that it is an embarrassment to the City not to have been issued a Permit.

ORDINANCE RELATING TO LANDSCAPING REQUIREMENTS: Moved by Goodman,

seconded by Mahayni, to pass on second reading an ordinance making a zoning text amendment relating to landscaping requirements for surface parking lots.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE CHANGING THE COMPOSITION OF UTILITY RETIREMENT BOARD:

Moved by Goodman, seconded by Popken, to pass on second reading an ordinance changing the composition of the Utility Retirement Board.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY LOCATED IN SUNSET RIDGE SUBDIVISION FROM “RH” (RESIDENTIAL HIGH DENSITY) TO “FS-RL” (SUBURBAN RESIDENTIAL LOW DENSITY) AND FROM “CVCN” (CONVENIENCE COMMERCIAL NODE) TO “FS-RL” (SUBURBAN RESIDENTIAL LOW DENSITY):

Moved by Mahayni, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3894 rezoning property located in Sunset Ridge Subdivision from “RH” (Residential High Density) to “FS-RL” (Suburban Residential Low Density) and from “CVCN” (Convenience Commercial Node) to “FS-RL” (Suburban Residential Low Density).
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE ESTABLISHING PARKING REGULATIONS ON WILDER AVENUE, HARTFORD DRIVE, TABOR DRIVE, AND WESTFIELD ROAD:

Moved by Goodman, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3895 establishing parking regulations on Wilder Avenue, Hartford Drive, Tabor Drive, and Westfield Road.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

COMMENTS: Council Member Popken asked staff to comment on allowing public input at the Planning & Zoning Commission meeting on December 6, 2006, on the revised Master Plan from WOLFORD DEVELOPMENT. City Attorney Marek said that he had checked the ordinance and State Code. A public hearing is required, and that requirement has been fulfilled; however, Mr. Marek again said that he sees no downside to allowing additional public input since revisions have been made to the Plan.

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 12:12 a.m. on Wednesday, November 29, 2006.

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

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor