

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 4, 2014

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on the 4th day of March, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue. City Council Members present were Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Alexandria Harvey arrived at 7:51 p.m. Council Member Gloria Betcher was absent.

CONSENT AGENDA: Moved by Nelson, seconded by Orazem, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
 2. Motion approving Minutes of Special Meeting of February 18, 2014
 3. Motion approving certification of civil service applicants
 4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service - Coldwater Golf Links, 615 South 16th Street
 - b. Class E Liquor - Kum & Go #227, 2108 Isaac Newton Drive
 - c. Class E Liquor - Kum & Go #113, 2801 East 13th Street
 - d. Class A Liquor & Outdoor Service - Elks Lodge #1626, 522 Douglas Avenue
 - e. Class B Beer & B Native Wine - Swift Stop #4, 1118 South Duff Avenue
 - f. Class C Beer & B Wine - Swift Stop #5, 3218 Orion Street
 - g. Special Class C Liquor - The Spice Thai Cuisine, 402 Main Street
 - h. Special Class C Liquor - Valentino's, 823 Wheeler Street, Ste. 1
 - i. Class E Liquor, C Beer, & B Wine - Sam's Club #6568, 305 Airport Road
 - j. Class C Liquor - Carlos O'Kelly's Mexican Café, 631 Lincoln Way
 5. RESOLUTION NO. 14-110 approving appointments to City's various boards and commissions
 6. RESOLUTION NO. 14-111 approving revisions to ASSET Policies and Procedures
 7. RESOLUTION NO. 14-112 awarding contract for purchase of Unit No. 8 Coal Mill Parts to Babcock & Wilcox of Barberton, Ohio, in the amount of \$138,298.95
 8. RESOLUTION NO. 14-113 approving contract and bond for Ames Water Treatment Plant Tree Removal Project
 9. RESOLUTION NO. 14-114 accepting completion of 2011/12 Resource Recovery System Improvements (New Scale Platform)
 10. RESOLUTION NO. 14-115 approving Plat of Survey for 1523 S. Dayton Place
 11. RESOLUTION NO. 14-116 approving Plat of Survey for 4400 Timber Ridge Drive and 507 Quam Circle
 12. RESOLUTION NO. 14-117 approving Plat of Survey for 4312 Timber Ridge Drive and 506 Quam Circle
 13. RESOLUTION NO. 14-118 approving Minor Final Plat for Aubry Subdivision
- Roll Call Vote: 5-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Richard Deyo, 505 Eighth Street, #2, Ames, Iowa, explained that he had a declaration that he had asked people to sign "to honor the rights... responsibilities of those who

wear no clothes...as a public expression of their rights.” He noted that the signatures of several people were received as he greeted them on their way to work at the Post Office. As Mr. Deyo proceeded to read the names on the declaration, Mayor Campbell asked him not to read all the names, but rather give the declaration to the City Clerk for the record. Mr. Deyo returned to a seat in the Council Chambers without filing the declaration with the City Clerk.

There being no one else wishing to speak, the Mayor closed Public Forum.

5-DAY SPECIAL CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY:

Moved by Goodman, seconded by Corrieri, to approve a 5-day Special Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard.

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

GREEK WEEK 2014 REQUESTS: Brent Sexton, 201 Gray Avenue, Ames, spoke as one of the Co-Chairs for Greek Week Central Committee. He informed the Council that there would be a number of changes this year, specifically, there would be no “Greek Get-Away.”

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-119 approving closure of portions of Sunset Drive, Ash Avenue, Gray Avenue, Greeley Street, and Lynn Avenue from 8:00 a.m. to 5:00 p.m. on Saturday, March 29.

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

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-120 approving suspension of parking regulations for portions of Gray Avenue, Greeley Street, Pearson Avenue, Lynn Avenue, and Sunset Drive from 5:00 p.m. Friday, March 28, to 7:00 p.m. Saturday, March 29.

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

REQUEST OF MAIN STREET CULTURAL DISTRICT (MSCD) TO SUSPEND PARKING FOR MAIN STREET IOWA WORKSHOP:

Moved by Corrieri, seconded by Orazem, to adopt RESOLUTION NO. 14-121 approving the request of MSCD to suspend parking regulations for CBD Lots X, Y, and Z from 7:00 to 9:00 p.m. on March 26 and from 7:00 a.m. to 4:30 p.m. on March 27 for Main Street Iowa Workshop.

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

HEARING ON AMENDMENTS TO FISCAL YEAR 2013/14 BUDGET: Mayor Campbell opened the public hearing. She closed same after no one came forward to speak.

Moved by Orazem, seconded by Goodman, to adopt RESOLUTION NO. 14-122 amending the budget for the current Fiscal Year ending June 30, 2014.

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

HEARING ON ADOPTION OF 2014/15 BUDGET: The public hearing was opened by the Mayor. No one came forward to speak, and Mayor Campbell closed the hearing.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-123 approving the 2014/15 Budget.

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

HEARING ON GENERAL OBLIGATION CORPORATE PURPOSE AND REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$13,250,000: The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-124 approving the Loan Agreement.

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

FS-RL REZONING APPLICATION FOR PROPERTY LOCATED AT WESTON DRIVE AND GEORGE WASHINGTON CARVER AVENUE (ATHEN PARCEL): Planning and

Housing Director Kelly Diekmann advised that the *Municipal Code* requires that, prior to considering an application for a Floating Zone Suburban Low-Density or Medium-Density rezoning, the City Council shall determine whether it wishes to have a Master Plan prepared to accompany the rezoning request. In order to have a complete application for rezoning, the City Council must first indicate its interest in having a Master Plan accompany the requested FS-RL rezoning. Upon annexation on December 30, 2013, the area identified for development (123-acre parcel west of George Washington Carver Avenue) was designated as Village/Suburban Residential on the Land Use Policy Plan (LUPP) Map with an Environmentally Sensitive Lands overlay. In addition to the LUPP designations, the annexation agreement for this property described the intended areas for development as FS-RL Zoning and for limited encroachments of low-impact amenities and accessory structures within the environmentally sensitive areas. The owner (Hunziker Development Company) had submitted a rezoning request to FS-RL and an application for a Preliminary Plat for development of the site. Approximately 50% of the site is shown as developable.

Director Diekmann informed the Council that, after staff had examined the site and held conversations with the owner, it was known that the development would likely contain single-family attached and single-family detached housing. The site contains wetlands, flood plain, and other documented sensitive conditions or natural resources; there is a portion of the site that has been designated as an Environmentally Sensitive Area. There are several public improvements that will be required (streets, sanitary sewer, water service, and other infrastructure necessary for residential development). Also, there is a high-pressure natural gas line on the site that will need to be accommodated during the development review and approvals.

According to Mr. Diekmann, a Master Plan is intended to provide a broad view of the

development concept by describing the intended uses, building types, access points, and protected areas. He noted the next steps that would need to be taken by the owners.

Moved by Orazem, seconded by Goodman, to require a Master Plan with the FS-RL rezoning application for the subject site.

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

IOWA REINVESTMENT DISTRICT PROJECT ALONG SE 16TH STREET: City Manager Steve Schainker told the Council that City staff had been working with Rick Worner of Leawood, Kansas, who represents the Iowa Destination Developers, LLC. According to Mr. Schainker, Mr. Worner had approached the City with a desire to take advantage of newly passed state funding legislation to build a mixed-use development along the south side of SE 16th Street between South Duff Avenue and Dayton Avenue. The proposed development would include a Menard's store, a restaurant, a hotel, and a Field Station Dinosaurs Museum/Camp. Mr. Schainker noted that it was highly unusual for staff to ask the City Council to make such an important decision on the same night as the concept was introduced. He explained that the administrative rules for the Program were not finalized until December, and the pre-application forms were not available until the end of that same month. The application material and supporting documentation were not received by City staff until February 26, and the IEDA's deadline for pre-applications is March 15, 2014.

Mr. Schainker reported that, in the last State Legislative Session, a bill was passed creating the Iowa Reinvestment District Program, to be administered by the Iowa Economic Development Authority. The Program was designed to assist communities in "developing transformative projects that will improve the quality of life, create and enhance unique opportunities, and substantially benefit the community, region, and state." The Iowa Reinvestment District Program has a total of \$100 million for distribution across the entire state.

City Manager Schainker further explained that the City of Ames will not be providing any incentives to this project. If approved by the State, the incentive granted by the State is the remittance of the new state sales and hotel/motel taxes generated in the established Reinvestment District. The funds are then remitted to a city for up to 20 years or as long as it takes for the amount approved for the developer to be collected, whichever comes first.

It was stated by City Manager Schainker that, according to the pre-application prepared by the developer's representative, the project is projected to cost \$48,416,196. Of that total, \$14,745,587 is being requested to be remitted from new State sales and hotel/motel taxes generated in the proposed District.

Mr. Schainker reviewed the minimum requirements that must be met in order to qualify for the Program. He also gave specifics as to the application process and the scoring criteria.

It was explained by City Manager Schainker that this Program was explored as a possible funding stream for the renovations and expansion to the Scheman complex. However, since the District

would have needed to be contiguous with the Scheman Building and the District may not be larger than 25 acres, there would not have been sufficient additional State sales and hotel/motel tax revenues generated with that boundary to help finance the proposed

improvements. He noted that the area in question (between Lincoln Way and Center Drive and between Beach Avenue and University Boulevard) totals 41 acres.

Mr. Schainker reported that he had distributed documentation to the Council members prior to the meeting in an attempt to clarify the differences between establishing an urban renewal area and urban revitalization.

Council Member Gartin asked if the City was putting itself at risk not knowing what all the rules are specific to this kind of project. He specifically questioned if the State could come back on the City of Ames with some type of “clawback” provision if one of the enterprises folded and the revenues were not being generated. City Manager Schainker answered that the City does not have those answers yet; those will come after the project is selected and the City begins to negotiate an agreement with the State. He does not believe that there is any risk to get the project pre-application submitted before the deadline. In Mr. Schainker’s opinion, the risk lies with the developer because Ames could be selected, and the developer would have spent a substantial amount of money in the process; however, might not agree to the terms of the City’s agreement; or, the State might have a clawback clause and the City would choose not to be involved in the process. It was his opinion that the City has the right to walk away from the project at that time. Mr. Schainker stated that he did not believe the City was at any risk moving ahead with the pre-application. If it did not move ahead at this time, Ames would not have a chance at this round of funding.

Mr. Gartin shared that he had asked members of the community for input on this project. He noted that the No. 1 issue was the wisdom of continuing construction in a flood-prone area. Mr. Gartin asked for the City Attorney’s opinion whether the City was putting itself at risk if development in the flood-prone area was allowed. He specifically asked if the City could set a moratorium and not allow any additional construction in the area. City Attorney Judy Parks advised that the City had approved moratoria in other parts of the City; however, they are not typically looked upon as permanent. In a private-property situation, the City would have to look at what other uses could be made of it in order to avoid a potential taking claim. Council Member Gartin asked City Manager Schainker what factors that City staff was thinking through in terms of mitigating the impacts of flooding. Mr. Schainker noted the difference between river flooding and overland flooding. He noted that the area in question was near a river. The Council was informed of requirements that the City had placed on commercial development in flood-prone areas in the past.

City Manager Schainker noted that millions of dollars had already been invested in the SE 16th Street area. Council Member Orazem asked about the prior agreement with business owners in the area dealing with paving the road and the bike path. Public Works Director John Joiner advised that part of the SE 16th Street Project was financed with special assessments, which are already being levied.

Corb Maxwell with the Polsinelli Law Firm advised that he was present on behalf of Iowa Destination Developers, a to-be-formed LLC that would be the proposed master developer for this project. Mr. Maxwell introduced Rick Worner, Managing Director of Oppenheimer

(investment firm from Kansas City), and the person who would be the Managing Director of Iowa Destination Developers.

Mr. Maxwell told the Council that one of the best ways to create economic development in the Midwest is through tourism from a unique attraction development. Since the passing of the Legislation (Iowa Reinvestment District), they have been looking for opportunities in other communities for reinvestment opportunities. They have experience with similar legislation being passed in Kansas and Missouri. According to Mr. Maxwell, Mr. Worner has had a nearly 15-year career in pioneering attraction development. Examples of that type of project created in Kansas were given. They are now looking for other municipalities in other states where there is similar potential. According to Mr. Maxwell, the proposed location in Ames at Highway 30, Interstate 35, and S. 16th Street makes it very attractive to them for this mixed-use project. The mixed-uses being proposed for the project were listed as a 200,000 square foot home improvements store (Menard's), 150-room limited services hotel (to be named), the Field Station Dinosaur Park, and a restaurant (to be named). In total, the project would cost approximately \$48 million. The request that they would like to make to the State of Iowa would be approximately \$14.7 million in funding. According to Mr. Maxwell, this project would have a \$32 million economic impact to Story County and should produce as many as 430 direct and indirect jobs. He again explained why Ames was chosen as the community for this project and why a dinosaur park was being proposed. Mr. Maxwell said the risk was on the developers, not the City. He is aware that the City would require a development agreement, and the City could always turn the project down.

The Council was also told by Mr. Maxwell that Ames is under-served by the retail environment. He noted that they are not doing this project to attract a big box retailer; the incentive in this project is being put into attraction development that will bring in visitors. The big box retailer will be the revenue-generator and allow for other development. Iowa State University was also described as being crucial to the development of this project. It is thought that students majoring in Paleontology or other applicable fields of study would be employed as guides throughout the Dinosaur camp.

Rick Worner explained how he decided to propose a dinosaur camp. He noted the State's restriction that the project be built on no more than 25 acres, which tends to limit the type of development. Also noted was the funding cap of \$100 million statewide and not knowing how much each city applying might receive. Mr. Worner said that they have come to the conclusion that Ames was the right city; they have not applied to any other city. He told the Council that there is no dinosaur camp anywhere in the United States. Some universities have boxes and boxes of fossils that have gone unclaimed, and so by having the dinosaur camp, it is hoped that children will have hands-on experience as to what fossils are, how they are formed, etc. Mr. Worner said he hopes that the attraction becomes an "edutainment" destination. He said that if the project is successful, they will have organized school field trips and family field trips. It was stated by Mr. Worner that they had spent tens of thousands of dollars on studies to determine that

Ames was the right place for the attraction.

Mayor Campbell noted that the dinosaur park was ultimately going to be in the hands of a local board. She asked what they had done in terms of trying to generate interest in the community to serve on their local board. At the question of Mayor Campbell, Mr. Worner advised that they felt there would be a lot of interest between the educational (University) community and students.

Council Member Corrieri shared that she had been getting a lot of phone calls from friends who have young children asking why Ames was looking at building a dinosaur park. She said that she had read the proposal and noted that the Field Station Group out of New Jersey would be managing the first season and then be relying on a local board to decide on fees to be charged and other operational matters. She asked how much involvement the Field Station Group would have after the local board takes control. Mr. Worner said the Field Station Group would do the day-to-day management for the first year, but they would continue to be involved for seven to ten years.

Mr. Maxwell advised that the attraction would not have a large debt burden. The structure will be operated as a non-profit. He noted that if it were the desire of the City of Ames to have the project be for-profit, they could always have Field Station Group continue to manage it.

Council Member Corrieri questioned why Menard's would not just build on the site in question without the dinosaur park. Mr. Worner advised that they probably would; however, they had contacted retailers and Menard's indicated that they were very interested in participating in the project with the other three components (dinosaur park, restaurant, hotel).

Mayor Campbell asked what was carved in stone as far as the pre-application. Mr. Worner advised that Menard's was in stone as the retailer as was the dinosaur park being the attraction. He also reported that the dinosaur park would take up only approximately four acres of a over-40-acre site.

Council Member Goodman asked the presenters if they would be ok with the City not offering any incentives, in participating in flood mitigation efforts, and following all the City's design standards. Mr. Maxwell and Mr. Worner said that City Manager Schainker had made it very clear that the City would not be offering any incentives. They would be happy to participate with the City on its flood mitigation efforts, and of course, they would follow the City's design standards. Mr. Schainker noted that many of the details still needed to be worked out.

City Manager Schainker reported on the next steps to be taken by the City. He told the Council that the existence of the Iowa Reinvestment District Program offers a unique opportunity for the City to encourage a \$48 million development project without offering any City incentives. Mr. Schainker also noted previous City Council actions that had been taken to support development in the area in question.

Moved by Goodman, seconded by Gartin, to adopt RESOLUTION NO. 14-125:

1. Finding that the area in the proposed Reinvestment District is suitable for redevelopment

2. Declaring the City Council's interest in establishing a Reinvestment District under the Iowa Reinvestment Act
3. Expresses the City Council's support for the pre-application for the proposed Reinvestment District project
4. Authorizing the City Manager to submit the pre-application
5. Committing the City Council to initiate consideration for the creation of an urban renewal area for the proposed Reinvestment District project following the submission of the pre-application to the Iowa Economic Development Authority

Council Member Goodman offered his perspective on this project. Even though he had not been a fan of interfering with the market, he noted that the City already had an urban renewal project in this area, i.e., Deery Brothers, and he wanted consistency.

Council Member Gartin pointed out that this was not the first similar project for this developer.

Matt Hill, 307 Eighth Street, Ames, stated that he had a number of reservations about the dinosaur display being the topic of the project. At the inquiry of Council Member Gartin, Mr. Hill said that he is the "resident paleontologist" and one of four or five people in the State of Iowa who is an expert on large extinct animals. He acknowledged that he is with Iowa State University; however, noted that he was speaking as a citizen of Ames. Mr. Hill was very dismayed that dinosaurs "were being peddled in Iowa." He noted that only one dinosaur fossil had been found in Iowa (in Guthrie County). Mr. Hill stated that there are not dinosaur fossils in Iowa, Wisconsin, or Minnesota. The developers have implied that there will be field trips "to explore the rich dinosaur history of the Midwest;" however, the reality is that fossil records do not exist here. What they are going to find are impressions in sediments from fish and shells. In Mr. Hill's opinion, dinosaurs are a great "springboard" into learning and analytic thinking; however, what happens when it is done wrong is that there is a lot of "unlearning in the classrooms." It affects the overall intellectual health of children if something like the dinosaur park is built in this community. He cringes at children and others going to something like what is being proposed because of the unlearning that has to happen afterwards. Mr. Hill also took issue with the comment by the presenters that there are no dinosaur camps; there are and they are called dinosaur schools.

Roll Call Vote: 4-1. Voting aye: Gartin, Goodman, Nelson, Orazem. Voting nay: Corrieri. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Goodman, seconded by Gartin, to direct staff to work with the developer and include the following in its negotiations:

1. That there be no City of Ames' incentives involved in this project and that the property will be held by taxable entities.
2. That flood mitigation measures are considered seriously in the development of the site plan..

3. That design review be part of the process.
4. That the “dinosaur camp” have a commitment to education and not to misinformation in any way.

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

The meeting recessed at 9:00 p.m. and reconvened at 9:06 p.m.

POST-CONSTRUCTION STORM WATER ORDINANCE: Municipal Engineer Tracy Warner reminded the City Council that input had been gathered from the Storm Water Advisory Committee as well as from the Council’s February 18, 2014, work session. Ms. Warner asked the Council for direction on the following questions and offered the staff’s recommendations to each:

1. Which manual should the City rely on when developing the City’s new storm water program?

Staff’s Recommendation: Utilize the IDNR Iowa Storm Water Management Manual, including Unified Sizing Criteria with future editions and local supplemental specifications.

Moved by Goodman, seconded by Orazem, to accept staff’s recommendation.

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

2. To what size of development should the new storm water standards apply?

Staff’s Recommendation: Apply to new development and redevelopment disturbing one acre or more of land and to any development disturbing less than one acre if impervious cover exceeds 10,000 square feet.

Moved by Goodman, seconded by Orazem, to accept staff’s recommendation.

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

3. Should stream buffers be required, and if so, how wide should they be?

Staff’s Recommendation: Use the same standard as that contained in the City’s existing Conservation Subdivision Ordinance. The South Skunk River, Squaw Creek, and Onion Creek would require an analysis to determine adequate buffer width. College, Clear, and Worle Creeks would utilize a stream buffer width of 100 feet on each side perpendicular to the waterway.

Moved by Goodman, seconded by Corrieri, to accept staff’s recommendation.

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

4. Should there be a requirement for a Letter of Credit to ensure that required storm water

improvements are properly constructed?

Staff's Recommendation: Require financial security with Final Plat or Site Plan.

Moved by Goodman, seconded by Orazem, to accept staff's recommendation.

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

5. Who should be responsible for the ongoing maintenance of storm water management facilities (the developer and ultimately a property or homeowners association or the City)?

Staff's Recommendation: Designate this as the owner's responsibility in all development and redevelopment.

Council Member Gartin asked Ms. Warner if she had an estimate of costs that would be passed on to the developer. Ms. Warner advised that costs could be \$100,000 to \$150,000 to dredge retention ponds (20 years out) and \$50,000 for bio-swales (10 to 20 years out). Prairie grass burns would be recommended for larger areas away from the residential areas. According to Ms. Warner, City staff performs the prairie grass burn. Council Member Orazem shared his perspective that the more costly maintenance (\$100,000+) would be a very large expense for homeowners' associations. He is concerned that, after 20 years, the residents would have changed, and the current ones might have to bear the expense even though they had not lived there long.

After being questioned, Ms. Warner answered that, of the 26 communities surveyed, 19 had the property owners responsible for maintenance.

Council Member Goodman shared that he had calculated the numbers for the estimated expenses for maintenance of storm water management facilities divided by the number of lots in certain subdivisions. An estimate of costs per home owner would be approximately \$32/year to be collected for storm water management facility maintenance.

Mr. Winkleblack reminded that subdivisions do not start out being completely built-out; it takes ten (10) to 15 years before the subdivision is complete. He also noted that every home owner in Ames is already paying storm water fees to the City. Upon being asked, Chuck Winkleblack, 105 S. 16th Street, Ames, stated that there will be approximately 350 lots in Northridge Heights when built-out; Somerset will include a similar number.

City Manager Schainker offered a compromise, i.e., that the City takes on the large investment of reconstructing the retention ponds in residential areas; however, not the smaller tasks, such as mowing.

Moved by Orazem, seconded by , to accept staff's recommendation except for large repair items in residential areas (storm water detention basins) when City storm water fees will be used.

Vote on Motion: 4-1. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay; Goodman.

Motion declared carried.

6. Should there be a requirement for a performance bond to ensure that the storm water improvements continue to function properly, and if so, how long should the bond be in effect?

Staff's Recommendation: Require a four-year performance bond.

Moved by Goodman, seconded by Orazem, to accept staff's recommendation.

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

7. To protect homes from overland localized flooding, should there be a requirement that the lowest opening of an inhabited building be at least three (3) feet above the 100-year water surface elevation?

Staff's Recommendation: Specify that all buildings adjacent to or impacted by a storm water Best Management Practice (BMP) shall have the lowest opening a minimum of three feet above the 100-year water surface elevation.

Moved by Goodman, seconded by Orazem, to specify that all buildings adjacent to or impacted by a storm water Best Management Practice shall have the lowest opening a minimum of three feet above the 100-year water surface elevation calculated from the top of the window well.

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

8. Should there be a waiver process administered by the Municipal Engineer?

Staff's Recommendation: Direct that partial waivers may be granted by the Municipal Engineer for redevelopment projects if the proposed development does not impair attaining the objectives of this ordinance. Sequential factors to consider in analyzing a waiver request would include (1) establishing alternative minimum requirements for on-site management, (2) constructing facilities off the project site to meet the requirements, and then (3) making a monetary contribution (fee-in-lieu) for watershed studies, monitoring, and/or improvements.

Moved by Gartin, seconded by Orazem, to accept staff's recommendation.

Moved by Goodman seconded by Orazem, to amend the motion to strike (3).

Vote on Amendment: 4-1. Voting aye: Corrieri, Goodman, Nelson, Orazem. Voting nay: Gartin. Motion declared carried.

Vote on Motion, as amended: 5-0. Motion declared carried unanimously.

9. Should an appeal process be established for challenges to the waiver decision?

Staff's Recommendation: Rely on the waiver process noted above, without creating an appeal process. Should that waiver process be problematic in the future, an additional appeal level could be created through the City Council or a separate Storm Water Appeals Board.

Moved by Gartin, seconded by Orazem, to direct that appeals come to the City Council for resolution.

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

Moved by Goodman, seconded by Corrieri, to direct that the City Attorney prepare a draft ordinance that incorporates the above recommendations.

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

ORDINANCE REZONING 321 STATE AVENUE: Moved by Goodman, seconded by Nelson, to pass on second reading an ordinance rezoning 321 State Avenue from Government/Airport (S-GA) to Residential Low-Density (RL).

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

COUNCIL COMMENTS: Moved by Corrieri, seconded by Goodman, to direct staff to place the request of VKB Management on the March 25, 2014, City Council Agenda.

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

Moved by Gartin, seconded by Nelson, to refer to staff, for a memo, the request of Denny Elwell Company dated February 27, 2014, pertaining to a text amendment regarding signage at 3299 E. 13th Street.

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

ADJOURNMENT: Moved by Nelson to adjourn the meeting at 10:12 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor