

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 24, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on the 24th day of March, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

PROCLAMATION FOR *ECO-FAIR DAY*: Mayor Campbell proclaimed April 4, 2015, as *Eco-Fair Day*. Accepting the Proclamation were Electric Services Director Donald Kom, Water and Pollution Control Director John Dunn, and Municipal Engineer Tracy Warner. Director Kom invited the public to attend the Eco Fair activities that will be held from 10 AM to 2 PM on April 4 in the City Hall gymnasium.

PROCLAMATION FOR *GOOD NEIGHBOR EMERGENCY ASSISTANCE MONTH*: April 2015 was proclaimed as *Good Neighbor Emergency Assistance Month* by Mayor Campbell. Chris Anderson, Shirley Malaby, Donna Bergman, Steve Hanlin, Lu Jansen, and Mike Fritz, Director of Good Neighbor Emergency Assistance, Inc., accepted the Proclamation..

CONSENT AGENDA: Council Member Gartin requested that items numbered 14 (Ames Foundation Tree Planting Partnership) and 24 (Emerald Ash Borer Tree Removals) be pulled from the Consent Agenda for separate consideration.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of March 3, 2015, and Special Meeting of March 10, 2015
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for February 16-28, 2015, and March 1-15, 2015
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor – Sips/Paddy’s Irish Pub, 124 Welch Avenue
 - b. Class E Liquor, C Beer, and B Wine – Wal-Mart Store #749, 3015 Grand Avenue
6. Motion approving new Class C Liquor & Outdoor Service – Blue Owl Bar, 223 Welch Avenue
7. Motion approving 5-day (April 11-16) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
8. Motion approving 5-day (April 2-April 6) Class C Liquor License for Olde Main Brewing Company at ISU Alumni Center, 420 Beach Avenue
9. Motion approving 5-day (April 3-7) Outdoor Service Privilege for The Mucky Duck Pub, 3100 South Duff Avenue
10. Motion approving City Council’s additional questions to Resident Satisfaction Survey 2015
11. RESOLUTION NO. 15-136 approving and adopting Supplement No. 2015-2 to *Municipal Code*
12. RESOLUTION NO. 15-138 approving renewal of Municipal Pool Agreement with Ames Community School District
13. Requests from Iowa Wildlife Center for All Species, One Earth on Saturday, April 25:
 - a. Motion approving a rain date of Sunday, April 26
 - b. RESOLUTION NO. 15-139 approving closure of portions of Fifth and Sixth Streets, Burnett Avenue, Douglas Avenue, and Kellogg Avenue, as well as City Lot S, from 1 p.m. to 2 p.m.
 - c. RESOLUTION NO. 15-140 approving suspension of parking enforcement for closed areas

14. Requests from Healthiest Ames for Healthy Streets on Sunday, May 3:
 - a. Motion approving blanket Temporary Obstruction Permit
 - b. RESOLUTION NO. 15-141 approving closure of portions of Main Street, Douglas Avenue, and Sixth Street from 8 a.m. to 6 p.m.
 - c. RESOLUTION NO. 15-142 approving suspension of parking enforcement for closed areas
 - d. RESOLUTION NO. 15-143 approving waiver of fee for electrical usage
15. RESOLUTION NO. 15-144 approving preliminary plans and specifications for Valve Maintenance and Related Services and Supplies for Power Plant; setting April 29, 2015, as bid due date and May 12, 2015, as date of public hearing
16. RESOLUTION NO. 15-145 approving preliminary plans and specifications for 2013/14 Asphalt/Seal Coat Street Rehabilitation Program (Ashmore Drive, Ashmore Court, Ashmore Circle, South Franklin Avenue); setting April 22, 2015, as bid due date, and April 28, 2015, as date of public hearing
17. RESOLUTION NO. 15-146 approving preliminary plans and specifications for 2013/14 Concrete Pavement Improvements Program #2 (North 2nd Street); setting April 22, 2015, as bid due date and April 28, 2015, as date of public hearing
18. RESOLUTION NO. 15-147 approving preliminary plans and specifications for 2012/13 Concrete Pavement Improvements Program #3 (Lincoln Way Frontage Road); setting April 22, 2015, as bid due date and April 28, 2015, as date of public hearing
19. RESOLUTION NO. 15-148 approving preliminary plans and specifications for ISU Research Park Water and Sanitary Sewer; setting April 22, 2015, as bid due date and April 28, 2015, as date of public hearing
20. RESOLUTION NO. 15-149 approving preliminary plans and specifications for 2015 WPC Facility Make-Up Air Unit and Heat Recovery Units Replacement; setting April 16, 2015, as bid due date and April 28, 2015, as date of public hearing
21. RESOLUTION NO. 15-152 awarding contract for Diesel Generator Removal and Building Demolition and Substation Removal for Electric Services to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$130,000
22. RESOLUTION NO. 15-153 awarding contract for Boiler Tube Spray Coating and Related Services and Supplies for Electric Services to Integrated Global Services, Inc., of Richmond, Virginia, for hourly rates and unit prices bid in an amount not to exceed \$250,000
23. RESOLUTION NO. 15-154 waiving City's purchasing policies requirements and awarding contract to Open Systems International, Inc., of Medina, Minnesota, for SCADA Software Support for Electric Services in the amount of \$95,200
24. RESOLUTION NO. 15-155 approving Change Order No. 3 with Serigraphics Signs Systems, Inc., in the amount of \$2,367.62 for Library Renovation and Expansion
25. RESOLUTION NO. 15-156 approving contract and bond for DCS System
26. RESOLUTION NO. 15-157 approving contract and bond for Water Pollution Control Facility Screw Pump Repainting & Drive Replacement
27. RESOLUTION NO. 15-158 approving contract and bond for 2012/13 Concrete Pavement Improvements, Contract #2 (Southeast 5th Street)
28. RESOLUTION NO. 15-159 approving contract and bond for 2011/12 Asphalt Street Paving Improvements Program (Ironwood Court)
29. RESOLUTION NO. 15-160 approving contract and bond for Underground Trenching for Electric Services (Primary Contract)
30. RESOLUTION NO. 15-161 approving contract and bond for Underground Trenching for Electric Services (Secondary Contract)
31. RESOLUTION NO. 15-162 approving contract and bond for 2014/15 Concrete Pavement Improvements, Contract #2 (Ridgewood Avenue, 9th Street, Park Way)

32. RESOLUTION NO. 15-163 approving contract and bond Water Treatment Plant - Contract 1 (Utilities)
33. RESOLUTION NO. 15-164 accepting completion of Furnishing 69kV SF6 Circuit Breakers for Electric Services
34. RESOLUTION NO. 15-165 accepting completion of WPC Facility Trickling Filter Pump Station Check Valve Replacement Project
35. RESOLUTION NO. 15-166 approving Plat of Survey for 201 Gray Avenue
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

AMES FOUNDATION TREE-PLANTING PARTNERSHIP: Council Member Gartin indicated that he had requested this item be pulled from the Consent Agenda to allow representatives of Ames Foundation to speak on the proposed partnership. Mr. Gartin asked for an update on the actions proposed to be taken by the Ames Foundation in regards to the replacement of trees that had to be removed due to the Emerald Ash Borer.

Sheila Lundt, 806 Furman Drive, Ames, advised that the Ames Foundation Board had been working with City staff since April 2014. The Foundation was hoping to give assistance to the City, save tax-payer monies, and help organize volunteers willing to plant trees to replace those stricken by the Emerald Ash Borer infestation. The Foundation looked at what it could do to keep with its purpose of community betterment and felt that its fund-raising capabilities would be of benefit with the tree-planting project. Ms. Lundt stated that the Foundation is donating \$7,500 towards the first planting effort. Mr. Gartin noted that the cost to replace the trees on City property alone is estimated to be approximately \$3 million. According to Ms. Lundt, the Foundation is very committed to this project and believes that the City's status under Tree City USA is something that is important to continue. Council Member Gartin expressed his desire to look at ways to partner for the private removal of trees to assist the low-income residents who will be challenged by the high cost of removing Ash trees on their properties. At the inquiry of Council Member Betcher, Ms. Lundt advised that any donations to the Ames Foundation are tax-deductible.

Moved by Gartin, seconded by Nelson, to authorize staff to enter into an Agreement with Ames Foundation for tree planting.

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

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 15-137 approving reallocation of \$15,000 from 2014/15 Neighborhood Improvement Project grant program.
Roll Call Vote: 6-0. Resolution declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

EMERALD ASH BORER TREE REMOVALS, STUMP GRINDING, TREATMENT, AND TREE REPLACEMENT: Council Member Gartin noted the disparity between the bids. He wanted to ensure that the City will be getting what it needed as far as the scope of the project.

Operations Manager Justin Clausen advised that the contractor who was the low bidder for the stump-grinding has been doing work for the City for a long time. The scope in the bid documents was very specific. Staff also looked at how the City developed its plan, and after its review, the City felt confident that everything had been covered.

Moved by Gartin, seconded by Goodman, to adopt RESOLUTION NO. 15-150 awarding a contract for Ash Tree Removals, Stump Grinding, and Treatment (Years 1 and 2) to LawnPro, LLC, of Ames, Iowa, in the amount of \$99,234.37.

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

Moved by Gartin, seconded by Goodman, to adopt RESOLUTION NO. 15-151 awarding a contract for Ash Tree Replacement (Years 1 and 2) to Country Landscapes, Inc., of Ames, Iowa, in the amount of \$87,777.80.

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

HEALTHIEST AMES: Noting that there was a representative present from Healthiest Ames, Council Member Betcher requested her to come forward and explain the initiative.

Bri Lewis, 4128 Harris Street, Ames, explained the Open Streets wellness initiative where selected streets are closed to allow people to bike or walk and socialize. A grant from Wellmark was received to promote the City as a more walkable and bikeable community. Those funds were matched with an in-kind community contribution. The first event will be held in the Main Street Cultural District (MSCD) on May 3 from 1 to 4 PM. Ms. Lewis stated that there are a number of businesses sponsoring this event; it is basically a huge community celebration of health and wellness.

PUBLIC FORUM: Mayor Campbell opened Public Forum.

Joe Rippetoe, 419 Pearson Avenue, Ames, commented on the action taken by the City Council on March 10, 2015, regarding the Planning Department's program of work. Mr. Rippetoe alleged that the Mayor and three City Council members (Corrieri, Nelson, and Orazem) took "hostile action" when they removed a referral seeking a review of drive-thrus in Campustown that he had requested 15 months ago. He believed that by taking that action, it furthered the belief that procedures are organized for the benefit of commercial development and to the exclusion of everyone else. Mr. Rippetoe said that his was the only citizen-initiated request on the list of 30, and citizen-initiated requests should receive the same treatment as developer requests.

Sam Schulte, 2116 Frederiksen Court, Ames, said he was present as a representative of the Government of the Student Body (GSB). He announced that the Cyclone Market, which is an initiative of the GSB, will be occurring on April 11 from 11 AM to 3 PM on Iowa State's Central Campus. Over 30 student organizations will be selling their original products and food as a way to fund-raise. Mr. Schulte encouraged the public to attend.

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

ANNEXATION OF 3535-530TH AVENUE: Planning and Housing Department Director Kelly Diekmann explained that the Council was being asked to provide direction as to whether to proceed with the annexation with the boundaries per the annexation petition. The proposed annexation is 20.28 gross acres. It requires one parcel labeled as "Plagmann" to also be brought in so as not to create an island. The area is part of the Ames Southwest Allowable Growth Area. Mr. Diekmann reiterated that the decision before the Council was to define the boundaries. He

noted that the properties in question were originally part of a larger South Ames 80/20 annexation request with the ISU Research Park and Burgason Family lands that had come to the City Council in June 2014. At that time, the property was under the ownership of the Reyes Family. Prior to the public hearing, the Reyes Family withdrew its application. After the Reyes Family withdrew its application, the Burgason Family also withdrew. That resulted in the annexation of the ISU Research Park lands east of University Boulevard without any properties being annexed to the west of University Boulevard. The proposed annexation is for the same Reyes Family land; however, it is now under the ownership of Hunziker Development Company. According to Director Diekmann, Hunziker Development Company has provided a waiver of the right to withdraw its annexation petition. The Council was being asked if it was interested in staff conducting outreach to the owners of the adjoining parcels to see if they were interested in joining in with the annexation proposal at this time. Mr. Diekmann explained that there is little opportunity to use the 80/20 rule to add properties to the annexation other than the required Plagmann Family piece. He further explained that all but two of the properties abutting this request are in excess of five acres and would exceed the 20% non-consenting allowance if they were to be added. The Burgasons have maintained an interest in future annexation; however, based on ongoing conversations over the past year, there is no interest from other property owners along University Boulevard to annex to the City. Combining just the Burgason properties and the Hunziker properties would not be enough to meet the 80/20 Rule since the non-consenting properties would most likely exceed the 20% allowance.

Chuck Winkleblack, representing Hunziker Development Company, 105 S. 16th Street, Ames, stated that they had talked to the non-consenting property owners, explaining their plans, and asking about annexation. He concurred that there was no indication of interest to annexation by those property owners. Mr. Winkleblack advised that, if the Burgasons want to annex, there would need to be a 50-foot-wide strip, which is part of the natural area to the south portion of Hunziker's property. He acknowledged that the City does not like to do that, but it has been done before; Hunzikers have had to do that in the north part of town as well as in the west part of town. Mr. Winkleblack asked the Council to move the annexation request forward and keep it on track; there are still a lot of processes to go through, and they would like to start buildings in the area by next fall.

Mike Slotter, 2710 Thompson Drive, Ames, spoke as a representative of Burgason Enterprises. Mr. Slotter said that the Burgasons are still interested in annexing their property; that is their intent. However, they do not wish to hold up the annexation process for the Hunziker Development Company. Mr. Slotter asked the Council to approve Alternative No. 2, which is to forward the annexation petition for 20.28 acres of gross area immediately to the Planning and Zoning Commission for a recommendation. He said that, more than likely, another annexation request will be coming before the Council in the near future.

Moved by Goodman, seconded by Nelson, to forward the annexation petition for 20.28 acres of gross area located at 3535 S. 530th Avenue immediately to the Planning and Zoning Commission for a recommendation, direct staff to schedule a date for the consultation with the Story County Supervisors and Washington Township Trustees, and have staff schedule a public hearing for the City Council in May 2015.

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

FINAL PLAT FOR PFEFFER SUBDIVISION IN BOONE COUNTY: Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-167 waiving requirements for installation

of public improvements; accepting the three Covenants signed by the property owners for future annexation, water territory buy-out, and participation in assessment districts; and approve the Final Plat for Pfeffer Subdivision.

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

ADVANCED ANALYTICAL TECHNOLOGY, INC.: Moved by Nelson, seconded by Betcher, to authorize the Mayor to send a letter to the City of Ankeny communicating the official sign-off of the City of Ames.

Vote on Motion: 5-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: Goodman. Motion declared carried.

MAIN STREET FARMERS' MARKET: Management Analyst Brian Phillips explained that the organizers of the Farmers' Market had requested that the two- and four-hour limits on parking in CBD Lots X and Y be waived during Market hours, which City staff supports. Additionally, 75 metered parking spaces will be closed for each day of operation. City staff estimates that that will result in a maximum potential loss of \$1,620 to the Parking Fund. Market organizers have also requested that that cost be waived because the Market is a non-profit organization. Mr. Phillips noted that, although the Market is non-profit, the vendors using the public space are primarily for-profit.

According to Mr. Phillips, last year City staff recommended that the maximum amount be reimbursed; however, offered an alternative to require only 80% of the maximum amount be reimbursed, since on a typical Saturday morning, only 80% of the metered spaces might be occupied. The City Council ultimately allowed the Market to use the spaces at 50% of the maximum cost, which was \$900 in 2014. Mr. Phillips explained the options, which ranged from providing certain discounts for the closure of parking meters, waiving the reimbursement costs in their entirety, or requiring reimbursement for the full amount of lost parking revenue.

At the inquiry of Council Member Betcher, Mr. Phillips stated that no complaints about this particular event had been received in the City Manager's Office.

LoJean Petersen, 1511 Illinois Avenue, Ames, asked that the City Council waive all the fees and become a sponsor of the Market. Ms. Petersen offered her opinion that the Farmers' Market is more than a market; it is a community event. According to Ms. Petersen, the Farmers' Market brings approximately 60,000 to 70,000 people to the Main Street Cultural District (MSCD) over a period of six months. She said that on an average day 2,400 people attend the Farmers' Market. They already have 90 vendors for this year's Market.

Council Member Betcher asked if the Market organizers have received any complaints from Downtown business owners. Ms. Petersen said that they had received three or four complaints. She said that Farmers' Market representatives had met with the people making the complaints. Council Member Goodman indicated that he had had conversations with a couple business owners who had been in the Downtown for 20-plus years who are concerned about the loss of parking spaces for 24 weeks in the summer. Ms. Petersen advised that representatives of the Farmers' Market had canvassed all business owners along Main Street, 5th Street and the side streets who would be affected by the Farmers' Market. Mr. Goodman expressed that his main concern is about businesses along the north side that don't have a lot of parking around them. Ms. Petersen said that there are two businesses on the north side who are opposed.

Terry Stark, owner of Chocolaterie Stam, 230 Main Street, Ames, spoke in support of the waiver of fees for the Farmers' Market. He offered his opinion that the Market had gotten better every year. Mr. Stark encouraged businesses to do more creative things to bring people into their stores even if parking is sometimes difficult.

Council Member Goodman asked his colleagues what kind of information they felt they needed to have to make a good choice on this very unique event. Council Member Orazem commented that if the Main Street area is going to be named a destination place and out-of-town visitors are going to be encouraged to attend, the Council needs to support this event. He noted that this is becoming a community event. Council Member Corrieri offered her opinion that this is the type of event that contributes to the quality of life in Ames. She doesn't see why bringing thousands of people to the Main Street area wouldn't be a good thing for all of the businesses.

Moved by Corrieri, seconded by Gartin, to approve Alternative 4 as listed in the Council Action Form, i.e., to approve the following requests from the Ames Chamber of Commerce for Ames Main Street Farmers' Market on Saturdays from May 2 to October 17, 2015:

- a. Motion approving blanket Temporary Obstruction Permit and Blanket Vending License
- b. RESOLUTION NO. 15-168 approving closure of 300 and 400 blocks of Main Street, and Burnett Avenue from Main Street north to alley, from 5:00 a.m. to 1:30 p.m.
- c. RESOLUTION NO. 15-169 approving waiver of fee for blanket Vending License
- d. RESOLUTION NO. 15-170 approving request to waive parking enforcement in CBD Lots X and Y
- e. RESOLUTION NO. 15-171 approving the request to waive parking meter fees in the 300 and 400 blocks of Main Street and on a portion of Burnett Avenue and waiving electric usage fees

Council Member Goodman questioned if this would be setting a precedent when future special event fee waiver requests come before the Council. Council Member Betcher stated her belief that the decision is being made on this single recurring event that has a proven track record.

Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

GREEK EXCYTEMENT AND GREEK VISIT DAY: Management Analyst Phillips advised that on Friday and Saturday, April 10 and 11, the ISU Greek community will be holding activities related to its annual Greek Visit Day. Friday night events will provide an opportunity for high school students and current ISU students to learn about the fraternity system and participate in Greek Week games. On Saturday, prospective sorority and fraternity students and their families will have the opportunity to visit Greek chapter houses. Because of the substantial number of people moving from location to location, the Office of Greek Affairs has requested closure of some streets.

Mr. Phillips said that the Saturday activities have traditionally been a part of Greek Visit Day; however, the Friday (April 10) evening activities are new. Staff's concerns stem from a desire to avoid hosting any kind of event that could be seen as a replacement for VEISHEA. The City has been told that the Dean of Students Office has approved the event; it is an officially sanctioned event.

Council Member Betcher pointed out that the second day of this event is the same day as the Cyclone Market.

Ex officio Member Villa stated that this event is not meant to be a replacement for VEISHEA.

Moved by Nelson, seconded by Goodman, to adopt the following requests for Greek ExCYtement and Greek Visit Day on Friday and Saturday, April 10-11:

- a. RESOLUTION NO. 15-172 approving closure of portions of Ash Avenue, Sunset Drive, Gray Avenue, Greeley Street, and Pearson Avenue from 6 p.m. to 11 p.m. on Friday, April 10, and from 1 p.m. to 5 p.m. on Saturday, April 11
- b. RESOLUTION NO. 15-173 approving suspension of parking enforcement for closed areas
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

DEFINITION OF REAL ESTATE SIGN: City Attorney Judy Parks recalled that at its October 28, 2014, meeting, the Council discussed an Encroachment permit application from Campustown properties for its property at 116 Welch Avenue. Much of the discussion centered on whether or not the proposed sign was a real estate sign. Council then directed the City Attorney to create a definition for real estate signs. According to Attorney Parks, the Sign Code found in *Municipal Code* Chapter 21 contains a definition section; however, there presently is no definition of real estate sign. Chapter 21 does regulate signs through a sign permit process administered by the Inspections Division, and over the years, Inspections Division staff has interpreted the two Code sections to determine whether or not a sign needs a Permit or is allowed on premises in a certain zone.

Ms. Parks said that it had come to staff's attention that there may be occasions when someone may wish to have a sign that advertises real estate that is at an off-site location; therefore, falls outside the specific criteria in Sections 21.115 and 21.121. Staff believes that it would be useful to define "real estate sign" in the definition section of Chapter 21. By doing so, both the public and the staff would then know with more clarity which types of real estate signs do not need a permit and which ones may be in residential districts. According to City Attorney Parks, this is a corrective action to get a real estate sign definition in the *Code*.

Moved by Betcher, seconded by Nelson, to direct staff to draft an ordinance to modify *Ames Municipal Code* Chapter 21 by including a definition of real estate sign, i.e., a sign which advertises the sale, lease, or rent of real property, or that advertises a business that deals in real estate.

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

ENCROACHMENT PERMIT FOR 116 WELCH AVENUE: City Attorney Parks again recalled that the City Council formerly discussed, on October 28, 2014, an Encroachment Permit request from Campustown Properties for its property at 116 Welch Avenue. She noted that there is an existing sign structure at that location that encroaches into the public right-of-way, but that has no Encroachment Permit. In this case, the applicant has already purchased a sign that they want to display on that encroaching structure and seeks to have permission for that specific signage. The sign proposed to be affixed to the structure would normally be approved administratively through a separate sign permitting process, but that permit process does not regulate the content of the sign.

According to Ms. Parks, when encroachment permits have been considered in the past throughout the City, typical requests have been for awnings that have no words on them or for signs that identify the name of the business or building at that specific location and perhaps include the

street address number. Encroachment Permits have been approved in the Campustown area that typically have been used as an aesthetic feature for that location or as a means to identify a business location so that passersby would know what was immediately on those premises. City Attorney Parks said that the Council might want to consider if it wants restrictions of sufficient importance from the standpoint of motorist safety or neighborhood aesthetics that they would like specifically incorporated into the *Code*, rather than being applied on a case-by-case basis. Ms. Parks told the Council members that they could place conditions on what can be on the sign; they have leeway over signs in the City's rights-of-way. She explained options available to the Council.

Council Member Goodman suggested to limit the encroachment to what is on the premises. He does not want to allow signage or billboards on premises that advertises other remote locations; he believes that Campustown could become messy in terms of aesthetics. Council Member Betcher agreed. Campustown is already busy, and she does not want anything to further distract drivers. Council Member Orazem offered his opinion that he did not think the Council wanted advertising on the encroachment; it should be limited to what directly pertains to that particular location.

Moved by Goodman, seconded by Corrieri, to deny the Encroachment Permit application for 116 Welch Avenue and require the structure that is currently attached to the property at 116 Welch Avenue to be removed.

It was noted that the property owner of 116 Welch Avenue never got an Encroachment Permit; it is not a legal structure. Council Member Betcher expressed her concerns about the structural integrity of the encroaching portion.

Vote on Motion: 2-4. Voting aye: Betcher, Goodman. Voting nay: Corrieri, Gartin, Nelson, Orazem. Motion failed.

Discussion ensued about requiring liability insurance. Mayor Campbell pointed out that insurance is already required before the City issues an Encroachment Permit. Council Member Corrieri recommended that the City receive the insurance certificate by a certain time frame. City Attorney Parks stated that the applicant should be able to provide the insurance certificate to the City within a week or ten days. She noted that the standard conditions for issuance of an Encroachment Permit do require insurance before the City would give the applicant the Permit.

Moved by Orazem, seconded by Gartin, to approve the Encroachment Permit application for 116 Welch with the City's standard conditions, specifying that the Certificate of Insurance must be received by March 31, 2015, and with additional conditions specifying that the attached sign may only identify the name of the business or building at that specific location along with the street address number.

It was noted that this motion would not approve the sign; it would have to go through the standard process for a sign.

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

Moved by Orazem, seconded by Nelson, to direct staff to prepare a revision to the encroachment permit provisions to restrict the kinds of messages to business, building, or address.

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

Council Member Betcher pointed out that Campustown Property Management already has a banner that presumably could be put on the side of its building. Council has just directed the City Attorney to draft an ordinance defining real estate signs. Ms. Betcher questioned what the implications would be for the banner after that Ordinance is adopted, specifically, if the banner would have to be taken down. Ms. Parks believes that the banner would be allowed to be put up on the building, but not on the encroaching structure. She said her recollection about signage in this zone talks about size limitation, but not verbiage limitations; therefore, they might be allowed to put it on the premises if it meets the size limitations. Ms. Betcher clarified that her question was whether the City would retroactively apply the new ordinance to that real estate sign. Ms. Parks advised that signs would have to be applied for pursuant to a Sign Permit. When it came time for renewal, and it did not meet the requirements, it would have to come down.

CITY COUNCIL MEETING TIMES: *Ex officio* Member Villa stated that 5:30 p.m. would not be the best for her. She has class until 5:00 p.m. Ms. Villa said that she is not sure whom her replacement will be, so she doesn't know that person's class schedule. Council Member Betcher indicated that she also has class until 5:00 p.m.; therefore, she prefers a 6:00 p.m. meeting time.

Discussion ensued about limiting the length of meetings. No action was taken on this possibility.

The Mayor noted that hearings had already been scheduled up to May 15, 2015, so the new start time could not take effect until after that meeting.

Moved by Goodman, seconded by Betcher, to change the standard City Council meeting time for Regular and Special meetings to 6:00 p.m., effective after May 15, 2015 (except for budget hearings).

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

Council Member Goodman requested that Public Relations Officer Susan Gwiasda inform the public.

HEARING ON COOLING TOWER REPLACEMENT PROJECT: Mayor Campbell opened the public hearing. She closed same after no one came forward to speak.

Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 15-174 approving final plans and specifications and awarding a contract to Evaptech, Inc., of Lenexa, Kansas, in the amount of \$2,810,000.

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

HEARING ON GT1 RETURN-TO-SERVICE PROJECT: 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 Betcher, to approve the report of bids and delay award of the contract.

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

HEARING ON 2011/12 AND 2012/13 RETAINING WALL RECONSTRUCTION PROJECT:

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

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO.15-175 approving final plans and specifications and awarding a contract to Miner Hardscape of Granger, Iowa, in the amount of \$63,899.40.

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

ORDINANCE PERTAINING TO LITTERING: Moved by Goodman, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4211 pertaining to littering.

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

REZONING 710 SOUTH DUFF AVENUE: Moved by Goodman, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4212 rezoning property at 710 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC).

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

COUNCIL COMMENTS: Moved by Goodman, seconded by Betcher, to request staff to bring an agenda item involved with removing the allowance of remote signage in the DCSC.

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

CLOSED SESSION: Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

Moved by Goodman, seconded by Gartin, to hold a Closed Session, as provided by Section 21.5(1)(c), *Code of Iowa*, to discuss matters presently in litigation.

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

The meeting reconvened in Regular Session at 9:40 p.m.

ADJOURNMENT: Moved by Goodman, seconded by Betcher, to adjourn the meeting at 9:41 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor