

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

AMES, IOWA

JUNE 23, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 23<sup>rd</sup> day of June, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present were Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

Mayor Campbell announced that the Council would be working from an Amended Agenda. Items revised or added were under Item No. 16 pertaining to requests from the Main Street Cultural District for its *Foodies & Brew* event.

**PROCLAMATION FOR PARKS AND RECREATION MONTH:** Mayor Campbell proclaimed the month of July 2015 as Parks and Recreation Month. Accepting the Proclamation were representatives of the Parks and Recreation Department Keith Abraham, Director, and Kelly Omlid, Recreation Superintendent; and Parks and Recreation Commission Member Julie Johnston. Ms. Omlid highlighted a few of the events to be held in Ames throughout the month of July as part of the 30<sup>th</sup> Anniversary of the national observance of Parks and Recreation Month.

**CONSENT AGENDA:** The Mayor stated that staff had requested that Item No. 12 (pertaining to increasing the issuance of Essential Corporate Purpose General Obligation Bonds for 2015) be pulled for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of June 9, 2015
3. Motion approving Report of Contract Change Orders for June 1-15, 2015
4. Motion authorizing Mayor to sign authorization requested by the Main Street Cultural District for military fly-over on July 4
5. Motion approving request from Young Professionals of Ames for Fireworks Permit for display from ISU Lot G7 on July 3, 2015, with a rain date of July 5, 2015
6. Motion approving 5-day (July 10-July 14) Class C Liquor License for Briggs Woods Golf Course at Reiman Gardens, 1407 University Boulevard
7. Motion approving new Special Class C Liquor License for Szechuan House, 3605 Lincoln Way
8. RESOLUTION NO. 15-371 approving and adopting Supplement No. 2015-3 to *Municipal Code*
9. RESOLUTION NO. 15-372 adopting New and Revised Fees pertaining to Ames Municipal Cemetery
10. RESOLUTION NO. 15-373 approving request for additional .25 FTE in Library Customer Account Services Division
11. RESOLUTION NO. 15-375 approving Memorandum of Understanding with Story County to apply for grant funding under the 2015 Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant Program and authorizing application
12. RESOLUTION NO. 15-376 approving 2014/15 Contract for Human Services with American Red Cross
13. RESOLUTION NO. 15-377 approving 2015/16 Contract with Iowa State University for Sustainability Advisory Services from July 1, 2015, through June 30, 2016 in an amount not to exceed \$25,000
14. Requests from Main Street Cultural District for Foodies & Brew on August 14, 2015:
  - a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
  - b. RESOLUTION NO. 15-378 approving closure of the 400 block of Douglas Avenue from 12:00 p.m. to 2:00 a.m. and closure of the 200 block of 5<sup>th</sup> Street from 3 p.m. to 2 a.m.

- c. RESOLUTION NO. 15-379 approving closure of 13 metered parking spaces on the 400 block of Douglas Avenue from 9:00 a.m. Friday to 2:00 a.m. Saturday and closure of 29 metered parking spaces on the 200 block of Fifth Street from 3:00 p.m. Friday to 2:00 a.m. Saturday; and waiver of parking meter fees
- d. RESOLUTION NO. 15-380 approving waiver of fee for Blanket Vending License
- 15. RESOLUTION NO. 15-381 approving Certificate of Consistency with City's 2014-2018 CDBG Consolidated Plan on behalf of Non-Profit Organizations Receiving Emergency Shelter Grant Funds
- 16. RESOLUTION NO. 15-382 waiving formal bidding requirements and approving software maintenance contract with Sungard/HTE for joint public safety network
- 17. RESOLUTION NO. 15-383 waiving formal bidding requirements and approving software maintenance contract with Sungard/HTE for Information Services
- 18. RESOLUTION NO. 15-384 awarding contract to OneNeck IT Solutions of Urbandale, Iowa, for Replacement of Core Enterprise Network Infrastructure in the amount of \$100,869.43
- 19. RESOLUTION NO. 15-385 approving preliminary plans and specifications for Control Room Installation General Work Contract; setting July 22, 2015, as bid due date and July 28, 2015, as date of public hearing
- 20. RESOLUTION NO. 15-386 approving preliminary plans and specifications for Mechanical Installation General Work Contract for Power Plant Fuel Conversion; setting July 23, 2015, as bid due date and July 28, 2015, as date of public hearing
- 21. RESOLUTION NO. 15-387 approving preliminary plans and specifications for 2014/15 Downtown Street Pavement Improvements (5<sup>th</sup> Street - Burnett to Grand); setting July 22, 2015, as bid due date and July 28, 2015, as date of public hearing
- 22. RESOLUTION NO. 15-388 approving preliminary plans and specifications for 2014/15 Sanitary Sewer Rehabilitation (Manhole Rehabilitation – Basins 1 & 5); setting July 22, 2015, as bid due date and July 28, 2015, as date of public hearing
- 23. RESOLUTION NO. 15-389 approving contract to Electronic Engineering Co. to provide 800-MHZ trunked radio equipment, pagers, and related equipment and services for City departments from July 1, 2015, through June 30, 2017
- 24. RESOLUTION NO. 15-390 awarding contract to Neese, Inc., of Grand Junction, Iowa, for Zetor Proxima Power 120 Tractor and optional equipment (for Public Works Grounds), as part of Fleet Replacement Program, in the amount of \$64,850
- 25. RESOLUTION NO. 15-391 awarding contract to Murphy Tractor and Equipment of Des Moines, Iowa, for John Deere 644K Hybrid Wheel Loader and extended warranty (for Resource Recovery) as part of Fleet Replacement Program in the amount of \$272,137
- 26. RESOLUTION NO. 15-392 approving contract and bond for Grant Avenue (Hyde Avenue) Pavement Improvements
- 27. RESOLUTION NO. 15-393 approving Change Order No. 1 to Cornerstone Commissioning, Inc., of Boxford, Massachusetts, for LEED Commissioning for Public Library in the amount of \$17,800
- 28. RESOLUTION NO. 15-394 approving Change Order No. 1 to Stock Equipment Company of Chagrin Falls, Ohio, for Precipitator Control Replacement in the amount of \$19,414.08
- 29. RESOLUTION NO. 15-395 approving Change Order No. 2 to Custodial Services for City Hall Contract with Klean Rite
- 30. RESOLUTION NO. 15-396 accepting partial completion and lessening security for South Fork Subdivision, 7<sup>th</sup> Addition
- 31. RESOLUTION NO. 15-397 accepting final completion of Fire Station #3 HVAC Modifications
- 32. RESOLUTION NO. 15-398 approving Plat of Survey for 307 Ash Avenue
- 33. RESOLUTION NO. 15-399 approving Plat of Survey for 413 Northwestern Avenue and 910 and 914-5th Street

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

**ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS:** City Manager Steve Schainker advised that, since the time that the budget was adopted and the public hearing was held for the bond sale, bids were received on a current year bond-funded project to pave Grant Avenue. The total cost for that project is now estimated to be \$468,812 above the amount budgeted for the project. Mr. Schainker reminded the Council that the cost of that project is being shared by developers and the City, but the funding is to all come from bond proceeds with the developers' shares being repaid through assessments. The City's share of the additional cost of the project will be \$107,827; however, staff has identified savings from other bond-funded projects to cover its portion. The developers' share of the \$468,812 increase is \$360,985, which will be funded by bond proceeds from the upcoming issue and repaid through assessments.

Also, according to Mr. Schainker, staff has not been able to complete the negotiations with Central Iowa Water Association (CIWA) regarding water service territory pertaining to the East Industrial Area Sewer Extension. The proposed bond issue included \$2,000,000 for that project (to extend sanitary sewer under the Interstate and hasten the City's ability to serve eastern industrial growth). Council had previously indicated that the sewer extension should not occur until the City had reached an agreement with CIWA. Staff has held several meetings with CIWA staff in recent weeks and is optimistic that an agreement can be reached within the next two months, which would allow the sewer extension to move forward. In the event, however, that an unexpected delay were to occur in the sewer project, the \$2,000,000 budgeted in G. O. funding could be redirected to other priority projects in 2016/17. The 2016/17 bond issue would then be decreased by the same amount.

Mr. Schainker also apprised the Council that the lowest site work bid for the Terminal and Hangar Improvements came in \$83,000 over budget. He had also received news that the new estimate for the Terminal Building is coming in higher than expected. Staff recommends continuing with this project, and he will be meeting with members of the private sector and Iowa State University to discuss the overage.

Finance Director Duane Pitcher gave the Council members several options. He pointed out that they had already held a hearing on the preliminary amount of bonds. The bonding attorneys are planning for an August 11, 2015, sale. Once the hearing is held, it will set the date of the issuance amount. City Manager Schainker recommended that the City Council adopt a Resolution increasing the bond issuance by an amount not to exceed \$395,000 and set the date of public hearing for July 14, 2015.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 15-374 increasing the issuance of Essential Corporate Purpose General Obligation Bonds for 2015 in an amount not to exceed \$395,000 and setting the date of public hearing for July 14, 2015.

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

**PUBLIC FORUM:** Mayor Campbell opened the Public Forum.

Dan DeGeest, 4212 Phoenix Street, Ames, representing the Ames Bicycle Coalition (ABC), showed a map of the greenway trail concept that the ABC had proposed to the Planning Department about a year ago. The greenway starts at the Intermodal, goes west along Arbor, then through the Middle and North parcels currently owned by Breckenridge, then continues through Franklin Park and behind HyVee to Beedle Drive. Mr. DeGeest said he wanted the Council to have this information prior to it making a

decision on the proposed settlement with Breckenridge. According to Mr. DeGeest, the route is also one of the possibilities included in the draft update to the Long-Range Transportation Plan under Alternative SUP6, and it scored very high on the scoring matrix.

Mr. DeGeest explained to the Council that the construction of the greenway trail would provide a much-needed dedicated route to Campustown from West Ames, a safe route to the new Middle School by connecting to current improvements on Dotson, and would complete a great inter-urban bike/pedestrian loop with connections to existing trails further south and through the Arboretum.

The Council was asked to carefully consider ABC's proposed greenway trail concept as it is working through the Breckenridge settlement process.

The Mayor closed Public Forum after no one else requested to speak.

**WATER SERVICE CONNECTION FOR 230 SOUTH DAYTON AVENUE:** Eric Cowles, Civil Engineer, explained that the Council members had, on April 28, 2015, referred to staff the letter from Jeanee Moore requesting a water service connection fee waiver for 230 South Dayton. The Council's attention was brought to the letter, which specified the reasons why Ms. Moore believed the fee should be waived. Mr. Cowles advised that Appendix F of the *Municipal Code* requires a water main tapping fee of \$18/linear foot of property frontage. In this case, the property frontage is approximately 550 linear feet, which would require a tapping fee of \$9,900. Property owners are also required to cover all plumbing costs associated with making the water main tap, setting the water meter, constructing the copper service line, and installing a pressure reduction device or any back-flow prevention required by the Plumbing Code. According to Mr. Cowles, the tapping fee was established to ensure that the Water Fund and its city-wide customers were reimbursed for up-front costs involved with the extension of water mains across the City. The fee is paid when a new water customer/property owner chooses to take advantage of the City's existing water distribution system.

Mr. Cowles had provided three options to the Council:

1. Require the property owner to pay the tapping fee shown in *Municipal Code* Appendix F.
2. Require the property owner to pay a tapping fee for an average residential lot frontage of 80 feet (\$1,440) and execute an agreement that the balance (\$8,460) be paid if any additional taps are required due to future subdivision/additional development.
3. Waive the tapping fee in its entirety.

Council Member Goodman commented on Option 2, noting that it was similar to the option provided to private property owners on Grant Avenue during its recent annexation process. Mr. Cowles advised that it had been offered as an incentive for some property owners to annex.

Moved by Nelson, seconded by Corrieri, to require the property owner to pay a tapping fee for an average residential lot frontage of 80 feet (\$1,440) and execute an agreement that the balance (\$8,460) be paid if any additional taps are required due to future subdivision/additional development.

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

**McFARLAND SUBDIVISION:** Planning and Housing Director Kelly Diekmann advised that Ames Associates is requesting approval of a Final Plat for a Minor Subdivision for property located at 3600-3800 Lincoln Way. If approved, it would allow for the sale of the property (Lot 2) that contains the McFarland Clinic building.

Mr. Diekmann explained that in the HOC zone, a minimum building side-yard setback of five feet is

required at the new proposed property line. To achieve that required setback, the applicant has proposed that a single commercial bay be demolished to meet the minimum setback requirement of the Zoning Code at the new lot line. Director Diekmann said that, typically, staff would look for the property to meet the minimum zoning requirement prior to platting the new lots; however, in this case, the applicant is requesting that the platting of the lot precede the demolition to allow for closing on the sale of the property. To facilitate that, a Development Agreement has been signed, which requires that the demolition of the required portion of the building be completed within six months of the recording of the new subdivision. The Agreement has been secured with a Letter of Credit in the amount of the estimated cost of demolition and reconstruction of the end walls of the two buildings. It will allow the demolition of a portion of the building to be deferred for six months after recording of the Final Plat.

Dan DeGeest asked if the proposed redevelopment of this area would impact the possible bike path route (running behind the Clinic, Goodwill Store, and HyVee) that he had just shown to the Council. Mr. Diekmann advised that the City does not have the right to request a right-of-way easement for a bike path at this time since a bike path is not currently shown on the Final Plat.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 15-400 approving the Development Agreement.

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

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 15-401 approving the Minor Final Plat.

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

**LAND USE POLICY PLAN (LUPP) UPDATE - REQUEST FOR PROPOSALS (RFP):** Planning and Housing Director Kelly Diekmann reviewed the Council's past directives regarding the Request for Proposals for the LUPP Update. He listed the tasks that were to be included in the Update. Mr. Diekmann commented that the list was diverse in scope, ranging from re-writing and clarifying purposes of the LUPP to assessing details on specific issues of housing to considering sub-area plans that guide future development.

According to Director Diekmann, staff is now recommending that not all of the listed items be included in the RFP for the initial update. He explained that efforts for specific master plans and sub-area plans for the Lincoln Way Corridor, Growth Areas, East Industrial Master Plan, and Hospital-Medical District would be better suited to be individual projects or as implemental tasks of an updated LUPP. He noted that Council had already agreed to separate the Lincoln Way Corridor Plan from the LUPP Update and prioritized it as a project to begin this fall. According to Mr. Diekmann, staff was also recommending that the item that includes reviewing infill housing opportunities and constraints to affordable housing would be better suited as separate projects. Also, staff will review land use designations across the City as part of the LUPP update, but is not intending to do site-specific assessments. He noted that the Council had already prioritized related issues for affordable housing within the Department's Work Plan for the next 12 months. If the Council wants to change the directives already given to the staff, Mr. Diekmann asked that he be informed of that at this meeting.

Director Diekmann explained the staff's recommended approach for the RFP specifically pertaining to text changes, Land Use Map and Growth Area review, public outreach, and process for review. According to Mr. Diekmann, there would be a significant contrast between the public input process utilized in the 1997 LUPP process and the process now being proposed. He summarized the approach used in 1997 and said that public input on this Update will be solicited regarding the specific

amendments and updates that will be developed by the consultant. Mr. Diekmann emphasized that the outreach on this Update will be much narrower in scope than some of the City's other city-wide planning efforts; that was being recommended in recognition of the Council being comfortable with the Vision and Goals of the existing LUPP.

The selection process of the consultant was explained to the City Council. A staff-led Review Team will score the proposals. The team will include members from multiple City departments to review the proposals and provide comments. In addition, the Planning and Zoning Commission will appoint one member to the Review Team. After the proposals are scored, staff will negotiate terms of a contract and return for Council approval of the contract tentatively by the end of September.

Council Member Goodman expressed his concerns about not "pulling people into the process." He noted that a lot of things had changed since 1997, and he was not comfortable with expanding the horizon of the 1997 Plan without a lot of public outreach. He said that if the City's intent is just to refine the Plan, however, he was comfortable with what staff was proposing. Mr. Goodman suggested that, if this Update was only to refine the existing Plan, the Plan should be redone in its entirety in the near future. Director Diekmann also noted that the City was planning out to 2040 in its Long-Range Transportation Plan. Council Member Goodman said he was comfortable with the infrastructure portion being out to 2040.

Council Member Betcher raised the issue of Goal No. 6, which is to increase the supply of housing and provide a wider range of housing options. Mr. Diekmann stated that would not be part of the Update; it would be done under a separate work plan.

Director Diekmann confirmed that staff would be continuing with the separate work plan items of the East Industrial Expansion and Lincoln Corridor Study concurrently with the LUPP Update.

Council Member Goodman said it was his understanding that the Update would leave the Goals and Objectives alone.

Mr. Diekmann noted that if the horizon were to be out ten (10) years, he might make different recommendations than if it were going to be out 25 years. He said that the first task for the Council members is to decide if they wanted to retain the existing Vision and Goals. If that is the case, then he would recommend moving forward with the staff's recommended approach.

Council Member Betcher asked what the time line would be if the Council wanted to change the Plan's Vision and Goals. Director Diekmann said it would depend on what the Council's expectation is. Council Member Goodman said that if it were the intent to make these changes and then not revisit the Plan for many years, then he would want to start the long-term process. At the inquiry of Mayor Campbell, Director Diekmann answered that if the Council were changing the scope of the planning horizon, he would not want the Council to give direction tonight on the RFP. City Manager Schainker asked if it was the Council's intention to have the ability to grow the City for the short term (five to ten years). Council Member Betcher commented that she would like to see the Council work on the new Plan halfway into the ten-year horizon.

Pointing out the large population increase in the recent past, Council Member Nelson wants to ensure that the City has a means to address similar increases in the future. Director Diekmann said that, in the short-term, they would be not changing policy; they would just be implementing it.

Moved by Goodman, seconded by Corrieri, to ask staff to go back and look at the RFP structure that is

focused more near-term, i.e., ten years, and also that staff anticipate a broader Plan conversation at the end of that process.

At the question of Council Member Gartin, Director Diekmann advised that LUPP amendments would address its short-term needs.

Speaking as a representative on the Transit Board, Mr. Gartin stated that he wanted to go this route, but then move aggressively towards a longer planning horizon.

Council Member Nelson asked how that action would impact the budget set aside for the LUPP Update. Mr. Diekmann said it would significantly lower the costs.

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

**DISCUSSION OF STAFF REPORT PERTAINING TO E-CIGARETTES:** Management Analyst Brian Phillips reminded the Council that it had, on May 26, 2015, requested this topic be placed on a future agenda for discussion. He stated that since that date, staff had learned that on June 16, the City of Iowa City had passed on first reading an ordinance restricting the use of e-cigarettes in the same public places that tobacco cigarettes are restricted. The University of Iowa has also recently taken action on this topic, including e-cigarettes in the list of products that may not be used on Campus effective August 24, 2015.

Denise Denton, 902 Douglas, Ames, representing the Story County Prevention Policy Board, spoke. According to Ms. Denton, research has shown that Electronic Nicotine Delivery Systems (ENDS), a/k/a e-cigarettes, are dangerous to the public. Ms. Denton noted that it was her understanding that Iowa City's ordinance, which passed last week, would prohibit the use of ENDS in places where traditional tobacco smoking is not allowed.

Cheryl Langston, 1710 Northwestern Avenue, Ames, spoke on behalf of Healthiest Ames. The mission of Healthiest Ames is to have Ames named as the healthiest city in Iowa, and in that quest, she wants the Council to ban the use of e-cigarettes in public spaces. Ms. Langston asked for the Council's support of that.

Judie Hoffman, 3820 Quebec, Ames, said she was speaking on her own behalf. She noted that, many years ago, she was part of the City Council that passed an ordinance prohibiting smoking in public places and restaurants. She believes that Ames has been known as a leader in the State of Iowa, and she believes that the City should be that again and pass an ordinance prohibiting the use of e-cigarettes in public places.

Doris Hodgson, Boone, advised that she owns *Vape-On* in Ames. She invited the public to stop by her shop and ask questions; she would be happy to provide information on the e-cigarette product. Ms. Hodgson said that people do use them to lower their nicotine intake and eventually stop the use of nicotine altogether. She does not believe that the usage of e-cigarettes should be banned in parks, sidewalks, or outside.

Council Member Gartin asked to hear from Police Chief Chuck Cychosz. Chief Cychosz said that it is important to determine the health risks of ENDS before regulations are proposed.

Council Member Goodman asked City Attorney Judy Parks if it would be enough to simply direct staff to prepare an ordinance similar to that adopted in Iowa City. Ms. Parks said that it would be preferable for the Council to direct that an ordinance be created to include certain things.

Council Member Orazem said a downside to adopting regulations piecemeal is that when there are local bans, people can still drive to an area where there is no regulation. From what he has been given, the research done does not have a second-hand smoke damage component. He would be very hesitant to pass an ordinance when there are down sides.

Moved by Goodman, seconded by Nelson, to direct the City Attorney to return to the Council with options in different categories.

Council Member Gartin asked that the City Attorney work with Iowa State University to find out what it is doing or planning on doing in this regard.

Council Member Corrieri expressed her desire for the Council to be more specific with its directive; it either wants to ban the use of e-cigarettes in all public spaces similar to tobacco or only in certain places.

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

**HEARING ON ELECTRIC SERVICES UNIT #7 CRANE REPAIR:** The public hearing was opened by Mayor Campbell. There being no one wishing to speak, the Mayor closed the hearing.

Donald Kom, Director of Electric Services, explained that none of the local companies showed up for the pre-construction meeting. The only company showing an interest was from Texas. Also, staff has been told by electrical contractors that they are very busy right now.

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

**HEARING ON AMES MUNICIPAL AIRPORT TERMINAL BUILDING AND HANGAR (PHASE I - SITE WORK):** Mayor Campbell opened the public hearing. She closed same after no one came forward to speak.

Moved by Corrieri, seconded by Betcher, to approve the final plans and specifications, accept the report of bids, and delay award of the contract.

Council Member Goodman expressed his discomfort at approving the final plans and specifications at this point. Traffic Engineer Damion Pregitzer explained that approval of the final plans and specifications was required at this meeting because there are federal funds involved; it is a federal requirement. No contract would be approved at this time.

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

**ORDINANCE REVISING REGULAR COUNCIL MEETING TIME:** Moved by Goodman, seconded by Nelson, to pass on second reading an ordinance revising Regular Council Meeting times. Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE MAKING A ZONING TEXT AMENDMENT TO EXCLUDE PARKING STRUCTURES FROM THE DEFINITION OF FLOOR AREA RATIO (FAR):** Moved by Goodman, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4220 making a Zoning Text Amendment to exclude parking structures from the definition of Floor Area Ratio (FAR). Roll Call Vote: 5-0-1. Voting aye: Betcher, Corrieri, Goodman, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Ordinance declared adopted, signed by the Mayor, and

hereby made a portion of these Minutes.

**ORDINANCE MAKING A ZONING TEXT AMENDMENT TO ALLOW FOR A LINCOLN WAY MIXED-USE OVERLAY ZONE:** Moved by Nelson, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4221 making a Zoning Text Amendment to allow for a Lincoln Way Mixed-Use Overlay Zone.

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 Betcher, seconded by Goodman, to refer to staff the letter from Chuck Winkleblack dated June 18, 2015, pertaining to the Developer's Agreement for Dayton Park LLC in the TIF District on South Bell Avenue.

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

Sam Schulte noted that a letter had been sent by the College of Design requesting to use different areas in Ames to install designs, which would be used as community awareness banners for the Ames Public Library.

Moved by Goodman, seconded by Orazem, to refer to staff the letter dated June 17, 2015, from Patience Lueth, Iowa State University Instructor (Design 340).

It was noted that Ms. Lueth was asking to install the designs by July 9 and the City Council is not scheduled to meet again until July 14; therefore, direction from the Council could not be provided in time. Mr. Schulte pointed out that an alternate week was given by Ms. Lueth, which is August 23 - 29.

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

**CLOSED SESSION:** Moved by Goodman, seconded by Betcher, to hold a Closed Session, as provided by Section 21.5(1)©, *Code of Iowa*, to discuss matters presently in litigation.

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

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

The meeting resumed in Open Session at 8:57 p.m.

Moved by Orazem, seconded by Gartin, to direct staff to take actions that are consistent with the Council's discussion in Closed Session.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 9:02 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor