

**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE  
AND REGULAR MEETING OF THE AMES CITY COUNCIL  
COUNCIL CHAMBERS - CITY HALL**

**AMES, IOWA**

**NOVEMBER 13, 2012**

**MEETING OF THE AMES AREA METROPOLITAN  
PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 7:00 p.m. on the 13th day of November, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Ann Campbell, Wayne Clinton, Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Dan Rediske, Victoria Szopinski, and Tom Wacha. Rudy Koester, City of Ames Transportation Planner, and Craig O'Riley, Iowa Department of Transportation, were also present. Voting Member Mike O'Brien, Boone County Supervisor, was absent.

**METROPOLITAN PLANNING (MPA) BOUNDARY ADJUSTMENT:** Transportation Planner Rudy Koester explained that, at a minimum, the MPA must cover the urbanized area and the contiguous geographic areas likely to become urbanized within the 25-year forecast period covered by the Long-Range Transportation Plan. He stated that this expanded urbanized area now includes Gilbert and a greater portion of Story County. According to Mr. Koester, creating the new boundary only necessitates that the AAMPO include the new areas in transportation planning activities. The map change does not shift or expand the jurisdiction or funding responsibility of any or the associated governmental bodies. Mr. Koester advised that the AAMPO staff worked collectively with the Iowa Department of Transportation (IDOT) and Federal Highway Administration (FHWA) in drafting the proposed MPA boundary adjustment.

Supervisor Clinton stated that he and the County Engineer had several questions about the MPA boundary adjustment. They were concerned as to how the boundary adjustment would affect the funding that would go to the County and to the unincorporated areas. Mr. Clinton specifically asked why Squaw Valley, a rural subdivision located northwest of Ames, was taken into consideration when it is located outside of the urban area. Mr. Koester advised that the previous boundary had not followed Census geography. The new boundary does follow Census geography and takes into account the growth projections and population increases for the next 25 years. Mr. Koester projected that there will be a slight shift in funding to the MPO to account for transportation needs based on population.

Referencing former discussions relating to paving Grant Avenue, and specifically the extension that goes into Gilbert, Supervisor Clinton reported that the Supervisors had hoped the County and City of Ames could work together on the segment of Grant Avenue south of 190<sup>th</sup> into Ames. He pointed out that he had learned from the IDOT that the dollars that would flow through CIRTPA could not necessarily be used for the road into Ames north of 190<sup>th</sup> because it is not a federally designated road. Elaborating, he said that, even though the AAMPO is increasing its funding capacity because of the expanded urbanized area, that type of funding could not be used for that particular project. That being known, the County wants to enter into a discussion about plans to pave Grant Avenue and the link into Ames. Currently, there is no money allocated by Story County for that paving; it will be discussed in its five-year plan.

Mayor Campbell noted that paving of Grant Avenue was not a topic on the Agenda. Mr. Clinton said he realized that, but the MPA boundary encompasses that area.

Moved by Goodman, seconded by Davis, to approve the MPA boundary adjustment for submission to the Iowa DOT and FHWA.

Vote on Motion: 9-0. Motion declared carried unanimously.

**COMMENTS:** Mr. Clinton stated that Story County is eager to work with the City of Ames regarding infrastructure and transportation needs that would pertain to both the City and County in the future. He asked that the County be informed when the City discusses its Long-Range Transportation Plan.

**ADJOURNMENT:** Moved by Davis, seconded by Szopinski, to adjourn the AAMPO meeting at 7:12 p.m.

Vote on Motion: 9-0. Motion declared carried unanimously.

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

Mayor Campbell called the Regular Meeting of the Ames City Council to order at 7:20 p.m. with Davis, Goodman, Larson, Orazem, Szopinski, and Wacha present. *Ex officio* Member Sawyer Baker was also present.

**PROCLAMATION FOR CITY OF SERVICES:** Mayor Campbell proclaimed Ames as a *City of Services*. Accepting the Proclamation were Jean Kresse, Shellie Orngard, and Carolyn Jons, representing the *Ames Reads* Steering Committee. Ms. Kresse named the agencies comprising the Committee. The purpose of that group is to find ways to engage youth in reading activities and increase their learning. Its goal is to establish grade-level reading by 3<sup>rd</sup> Grade. Ms. Jons described activities that *Ames Reads* had been involved in since 2008. Since that time, the readiness of children in literacy coming to Kindergarten had increased from 48% to 74%. She stated that much had been accomplished; however, one in four children still needs help. *Raising Readers in Story County* is one of the organizations contributing to the increase in literacy rates. Copies of its Annual Report were distributed to the City Council. Ms. Orngard explained ways that volunteers can become involved in *Raising Readers* and other groups within the community.

**CONSENT AGENDA:** Mayor Campbell noted that Item No. 6, the memo from the Police Department pertaining to renewal of beer and wine permits and liquor licenses, lists Café Mood; however, it will be dealt with separately under Permits, Petitions, and Communications. Also, the Mayor pulled Item No. 8 pertaining to Hospital Revenue Bonds from the Consent Agenda for separate discussion.

Moved by Wacha, seconded by Davis, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of October 16, 2012, and Regular Meeting of October 23, 2012
3. Motion approving Report of Contract Change Orders for October 16-31, 2012
4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
  - b. Class B Liquor – Country Inn & Suites, 2605 SE 16<sup>th</sup> Street
  - c. Class C Liquor – Fuji Japanese Steakhouse, 1614 S. Kellogg Avenue
  - d. Class C Liquor & Outdoor Service – Outlaws, 2522 Chamberlain
6. RESOLUTION NO. 12-578 approving Affirmative Action Plan Update
7. RESOLUTION NO. 12-580 approving renewal of Hangar Lease with Hap's Air Service
8. RESOLUTION NO. 12-581 approving Human Services Contract with HIRTA for FY 2012/13
9. RESOLUTION NO. 12-582 approving CyRide Intermodal Facility Change Order No. 66

10. RESOLUTION NO. 12-583 awarding of contract to Baker Electric of Des Moines, Iowa, for the WPC Motor Control Center #1 Replacement in the amount of \$81,842
  11. RESOLUTION NO. 12-584 awarding contract to LawnPro, LLC, of Colo, Iowa, for 2012/13 Winter & Summer Tree Trimming in the amount of \$55,000
  12. RESOLUTION NO. 12-585 approving contract and bond for 2008/09 Traffic Signal Program (Lincoln Way and Sheldon Avenue)
  13. RESOLUTION NO. 12-586 approving contract and bond for 2009/10 Traffic Signal Program (Lincoln Way and Ash Avenue)
  14. RESOLUTION NO. 12-587 approving contract and bond for 2010/11 Traffic Signal Program (28<sup>th</sup> Street and Grand Avenue)
  15. RESOLUTION NO. 12-588 approving contract and bond for 2010/11 Traffic Signal Program (Southeast 16<sup>th</sup> Street and South Dayton Avenue)
  16. RESOLUTION NO. 12-589 approving contract and bond for Flood Damage - Bank Erosion (326 North Riverside Drive and Stuart Smith Park)
  17. RESOLUTION NO. 12-590 approving contract and bond for MEC 161-kV Transmission Line Construction
  18. RESOLUTION NO. 12-591 accepting completion of Unit No. 7 Stack Repair
  19. RESOLUTION NO. 12-592 approving Plat of Survey for 2122 and 2130 McCarthy Road
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HOSPITAL REVENUE BONDS:** City Attorney Doug Marek explained that the Hospital Board of Trustees has independent authority for the operation of the Hospital, but does not have authority to issue bonds for financing the improvements; that authority is reserved for the City Council. Mr. Marek recalled that the public hearing was held on September 11, 2012; however, this meeting is when the Council will approve the proceedings for authorizing the sale of the bonds, the agreement, and the indenture agreement that will allow the sale of bonds to go forward. The bonds are in an amount not to exceed \$26,000,000 for hospital improvements.

Mike Tretina, Vice-President and Chief Financial Officer for Mary Greeley Medical Center, told the Council that the bonds are anticipated to close at a 2.1% interest rate. A portion of the \$26 million bond issue includes refunding the 2003 Series Bonds, which will provide a savings of \$1.4 million. The Hospital went through Piper Jaffray as an investment bank. There were 40 banks solicited through a Request for Proposal; eight banks responded. MB Bank of Illinois best matched the parameters with a 15-year term.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-579 authorizing the sale and issuance of Hospital Revenue Bonds, setting parameters and approving a Second Supplemental Indenture of Trust, Bond Purchase Agreement, and other documents in connection therewith.

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

**PUBLIC FORUM:** No one came forward to speak during this time.

**JINGLE BELL RUN ON DECEMBER 2, 2012:** Moved by Szopinski, seconded by Goodman, to adopt RESOLUTION NO. 12-593 approving closure of portions of Main Street, 5<sup>th</sup> Street, Kellogg Avenue, Burnett Avenue, and Clark Avenue from 10:30 a.m. to Noon to facilitate the Jingle Bell Run for Arthritis.

At the inquiry of Council Member Wacha, Management Analyst Brian Phillips advised that the City requires that the Event Planner provide a minimum of \$500,000 combined single-limit liability insurance policy that names the City as an additional insured for any special event that occurs on City property or in the rights-of-way. Mr. Phillips advised that the City also has the prerogative to cancel the event in the case of treacherous weather conditions.

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

**REVISION TO MUNICIPAL CODE SECTION 22.3 PERTAINING TO VENDING STANDS AND OUTDOOR CAFES:** Assistant City Manager Melissa Mundt stated that staff had been working with the Main Street Cultural District (MSCD) and Campustown Action Association (CAA) on possible revisions to the Vending chapter of the *Code*. Twelve items were presented to the Council for consideration.

According to Ms. Mundt, the current *Code* does not provide staff clear guidance pertaining to vending stands, vendor persons, motor vehicles (ice cream trucks), sidewalk cafes and sidewalk sales on public rights of way. In addition, the CAA had requested consideration of several changes to the sidewalk café section. The first is clarification about food service regulations and the second pertains to how sidewalk cafe areas are to be delineated. Specifically, the CAA would like language added to the *Code* that would allow for service of alcoholic beverages. Ms. Mundt also reported that the City had received complaints about vending stands. After a referral by the City Council, staff began reviewing Chapter 22 of the *Municipal Code*.

Ms. Mundt advised that staff had contacted and solicited comments from CAA, Main Street Cultural District, and Somerset Commercial Property Owners Association to determine if there were strong feelings or concerns about how to regulate sidewalk cafes and vending stands in particular. Given the purpose of the regulations, staff proposed to provide administrative policies and separate applications for each of the six uses laid out in the *Code*: Vending Stands, Vendor Persons, Motorized Vehicles, Sidewalk Cafes, Newspaper Dispensers and Sidewalk Sales.

Ms. Mundt reviewed 12 staff recommendations for the Council to consider:

Consideration No. 1: Limiting the area for operation to Downtown Service Center, Campustown Service Center, and Village-Town Center Zoning Districts (e.g., Somerset); and allowing ice cream trucks to operation in all zoning districts.

Antonio Roddy, 103 Stanton Avenue, Ames, owner/operator of Munchie’s Snack Stop (hot dog stand) on Welch Avenue, said he did not know all that was being recommended, but asked that no rules be created that would prevent the current vendors and the “common man from making a living.”

Planner Jeff Benson stated that the *Code* section being discussed pertained only to public rights-of-way in the Highway-Oriented Commercial.

Council Member Goodman reported that he had gotten an email inquiry about vending on West Street – that would be in the area of Thumbs, West Street Deli, and Mother’s. Planner Benson said that the zoning designation recognizes the unique character of that area; it is zoned Neighborhood Commercial.

Moved by Wacha, seconded by Orazem, to approve the staff recommendation under Consideration No. 1: Allow for vending stands, vendor persons, and sidewalk sales only in the Downtown Service Center, Campustown Service Center, and Village-Town Center Zoning Districts that are pedestrian-oriented commercial centers, and to leave ice cream trucks' language as is.

Council Member Orazem asked to know the definition of a vendor motor vehicle and where the point of sale was in cases such as pizza deliveries. Ms. Mundt advised that she was unsure as to what constituted the point of sale; however, staff was recommending that home deliveries be moved from this *Code* section.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 2: Items being sold from stands, motor vehicles, or vendor persons.

Assistant City Manager Mundt told the Council that there was some delineation in the current *Code* as it pertains to motor vehicles; it refers to motor vehicles only as ice cream trucks, from which ice cream and other frozen treats may be sold. However, that definition is not carried consistently throughout the Chapter. Staff was proposing to limit what may be sold from motorized vehicles to food and non-alcoholic beverages. Ms. Mundt pointed out that there is a special events process that encompasses regulations for selling alcoholic beverages.

Ms. Mundt noted that the Campustown Action Association was generally supportive of the changes with the exception of vendor persons selling in the Campustown area. Kim Hanna, Director of the Campustown Action Association, stated that it was generally supportive of the staff's recommendation, but is not fully supportive of merchandise sales on sidewalks.

Trevin Ward, 3611 Chilton Avenue, Ames, stated that he works for a street vendor in Campustown. He advised that there are food vendors that have sold merchandise, i.e., shirts: Currently, the vendor Pyro Grille sells t-shirts as well as food; that vendor sets up near the Post Office on Welch Avenue.

After being questioned by Council Member Larson, Ms. Mundt answered that the *Code* currently delineates sidewalk sales, newspaper vending, and sidewalk cafes separately. This particular section would not impact sidewalk sides.

Council Member Szopinski noted that there was no indication in the report as to what other cities are doing and what potentially could be of concern to Ames. She did not see it a good use of time to guess what might or might not be a problem for Ames. Ms. Mundt said that staff had researched how other university communities handle vending, sidewalk sales, and sidewalk cafes. She noted that Ames generally has less restrictive space requirements, but is not outside the norm for any of the types of vending. Ms. Szopinski said she was particularly concerned about merchandise sales.

Council Member Goodman said that, typically, Council members attempt to solve problems that they have seen or have been brought to their attention. In his opinion, this discussion is occurring primarily because (1) the CAA had a member interested in sidewalk café activity and felt that the *Code* was confusing and (2) a Downtown vendor caused issues by making unique choices that were within the confines of the current *Code*. He believed that one incident in the

past 20 years had prompted a broad detailed discussion on every point. Mr. Goodman encouraged the Council to consider that it cannot think of every item that might be requested to be sold; there might be items that would add to the quality of life in Campustown and Downtown that are not considered food. He asked that Council ensure that it is improving the quality of life by its choices to limit someone else's future business venture. Council Member Davis agreed that it is impractical for the Council to think that it will know what is going to be requested to be sold in the future and what will or will not cause problems.

Moved by Davis, seconded by Larson, to continue to allow for sales of food, beverage, or other merchandise from a stand, motor vehicle or from vendor persons.

Council Member Wacha asked how alcohol sales were currently handled; specifically, if alcohol was allowed to be sold at a food stand. Ms. Mundt answered that alcohol is not allowed to be sold from food stands. Planner Benson elaborated that the *Code* prohibits alcohol consumption in public rights-of-way.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

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Consideration No. 3: Scale of operations.

Ms. Mundt recalled that one of the reasons the Vending section was being reviewed was due to a situation where a vendor had parked a "trailer" over the sidewalk in the Downtown area; it was not a cart or stand. After conferring with the MSCD, CAA, and others affected, staff came up with a suggestion that would address its safety concerns; i.e., look at a footprint by defined space.

Noting that he has been in the vending business for a long time, Council Member Goodman said that he had often thought that it would great if he could motorize the vending cart as long as it did not add to its scale; thus, removing the need for a truck to get a vending stand to its approved location. Although not impacting him directly, he did not see the language pertaining to "motorized" eliminating the problems intended to be remedied; it just creates an additional limitation.

Moved by Wacha, seconded by Orazem, to change "stand" to "vending cart," which is a non-motorized wheeled carrier with handles for pushing or pulling the carrier not designed for human enclosure or occupancy.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

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Consideration No. 4: Whether selection criteria were necessary to provide equal opportunities for the commercial use of public rights-of-way.

Ms. Mundt noted that vendors sometimes ask for the same location. Currently, if a vendor applies within 60 days, the Vending License is renewed for the same location. Staff recommended that Council direct staff to develop a selection system based on predetermined spaces that involves a committee with representation from each District to assist in assigning vendors to spaces based on a scoring criteria. According to Ms. Mundt, some cities have a lottery system to determine what vendor gets what spot.

Council Member Davis asked who would determine who serves on the committee, if there would be an appeal process, and who would make the decision on an appeal. Ms. Mundt stated that all still needed to be determined.

Antonio Roddy again spoke, asking the Council not to have a lottery system. He said that he is a small business owner who put everything he had into his vending business. As long as he meets all the requirements, he needs to be guaranteed the spot that had been approved and for which he had been granted a Vending License.

Ryan Jeffrey, President of the CAA, said he believed that randomness makes for poor business. He had been told by business persons involved in retail sales as well as vending persons that, not having confidence that they will be able to continue operations in their current locations as long as they abide by all the regulations deters people from starting a business. In the opinion of the CAA, as long as the vendor adheres to all the requirements, the CAA would like him or her to be allowed to continue vending at the same location.

A map of the approved Downtown Vending Sites was shown by Ms. Mundt. She said that there is a vending location map for Campustown as well. The vending sites shown meet all the space requirements. If a vendor requests a site that is not listed on the map, staff would visit the site and ensure that the spot meets all the requirements. If it is approved, the map would be revised.

Moved by Larson, seconded by Orazem, to leave the renewal process as stated in the current version of Chapter 22, Division III, but to direct staff to determine spaces that meet all municipal requirements for safety and other necessary regulations for use of public rights-of-ways; leave the current renewal process in place as a first-come/first-served and adjust only the vendors that are in locations that would not be permitted when their renewal comes up; require an annual review of compliance of the terms of the Permit with input from the CAA and/or MSCD; and direct staff to include the reasons when the Permit may be revoked.

Ms. Mundt suggested that the Licenses be valid annually for a calendar year and the renewal not be based on the date of approval. By doing that, the MSCD or CAA could review them all at once. Mr. Larson said staff could bring that back to the Council.

Council Member Goodman disagreed with the recommendation that MSCD or CAA evaluate the License renewals, as he believes it puts those organizations in an awkward position.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 5: What priority should a stand have compared to a sidewalk café.

Ms. Mundt reported that the current *Code* is silent when it comes to competition for space between stands and sidewalk cafes. There are few areas in Downtown and Campustown that can accommodate either use without pedestrian conflict, and there are very few spaces in either area that can accommodate more than a two-seat bistro-style table and chairs. Sidewalk cafes are required to be adjacent to the restaurant.

Corey Mellies showed an option of offset cafes, which is currently allowed on public rights-of-way in Iowa City. Council Member Davis noted that those are possible when there is 14 feet of sidewalk; there are no sites meeting the criteria currently existing in Ames.

Council Member Larson said that he personally had no preference; however, since sidewalk space is so limited, especially in Campustown, and vending carts take up less room, he felt it might be advisable to give preference to vending carts.

Ryan Jeffrey again spoke on behalf of the CAA noting that it did not strongly recommend either Option. Tom Drenthe, Executive Director of the MSCD, advised that the District had preferred Option 2 so that property-tax-paying businesses would be given priority over vending carts. However, the District recognized the value of vending carts as well and would hope that they could make both work.

Council Member Davis asked how many times a conflict had occurred. Ms. Mundt said it had never occurred; however, if it ever did, there would be no guidance in the *Code*. Council Member Wacha felt that the City Council would receive a letter if and when this is a problem. Council Member Larson agreed, stating that the discussion on this item was premature.

Moved by Orazem, seconded by Davis, to leave the provision as currently stated in Section 22, Division III.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

#### Consideration No. 6: Times of operation of vending stands.

Assistant City Attorney Mundt advised that the Police Chief preferred that vending stands close when the bars close. There have been times when the vending stands had remained open for hours after bar close; that causes other situations to occur, specifically in Campustown, that are not healthy for the neighborhood.

Moved by Wacha, seconded by Orazem, requesting staff to add language that restricts the hours of operation for Vending Stands: to no longer than one hour after the closure of bars and no restriction on months of operation; Sidewalk Cafes: to when there is food service available and do not restrict months of operation (if the kitchen is not open, the sidewalk café needs to stop outdoor service); Sidewalk Sales: to normal business hours with no restriction on months; Ice Cream Truck Sales: from 9 AM to 8 PM and provide no restriction on months; Vendor Persons: from 9 AM to 9 PM and no restrict on months of operation.

Trevin (T. J.) Ward, 3611 Chilton Avenue, Ames, stated that he works for Smyles and Gyros street vending and that they close no later than 4 AM, but guide their closing time based on the demand for business. He pointed out that non-street-vending establishments are not forced to close at any time for food sales, e.g., convenience stores, gas stations. Mr. Ward sees that as benefitting businesses over street vendors, but not impacting the crowd at all.

Antonio Roddy shared that Welch Avenue changes a lot; business is good during football season and not good in summer, and allowing them to be open when restaurants are closed helps vendors stay in business.

Council Member Davis disagreed that the vendors should be forced to close down at a certain time. He believes that could actually create angst in the crowd and cause problems.

Chief Chuck Cychosz said that trying to police a group of individuals on the street is different from trying to police a group in a building. The larger the crowd and the longer they stay pose



challenges for the Police Department. Allowing a definite shut-down time presents ways to get through the volatile bar close period when the Police Department receives many calls. Council Member Goodman advised it had been his experience that vendors close down when the Police Department asks them to do so. Chief Cychosz said that the Police Department had had great cooperation from street vendors.

T. J. Ward added that crowds do not always correlate to the vendors' hours of operation., and negative activities caused by crowds can occur at any time.

Antonio Roddy pointed out that many of the people comprising the crowd are not there as customers of vendor.

Vote on Motion: 1-4-1. Voting aye: Wacha. Voting nay: Davis, Larson, Orazem, Szopinski. Abstaining due to a conflict of interest: Goodman. Motion failed.

Moved by Orazem, seconded by Davis, to leave as currently stated in Section 22, Division III, and allow other areas of the *Code* to regulate as necessary.

Vote on Motion; 4-1-1. Voting aye: Davis, Larson, Orazem, Szopinski. Voting nay: Wacha. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 7: Restrictions on the types of electric devices that could be used for patron comfort (heaters, fans, etc.) at sidewalk cafes.

Moved by Orazem, seconded by Davis, requesting staff to draft language that allows the use of electric devices (outdoor heaters, fans, air conditioners, amplified sound, and/or speakers) for patron comfort in a safe and responsible manner.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 8: Restrictions on types of devices that can be used at or on vending stands or motor vehicles (ice cream trucks).

Moved by Larson, seconded by Wacha, requesting staff to draft language that allows the use of outdoor heaters, fans, refrigeration units, amplified sound or speakers in a safe and responsible manner.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 9: Table service for a sidewalk café.

Moved by Szopinski, seconded by Orazem, to request staff to draft language that allows for table service, but does not include outdoor food preparation, service stations, or storage of used table service items.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 10: Proper delineation of a sidewalk café in lieu of barriers.

Moved by Orazem, seconded by Goodman, to request staff to draft language that allows delineation of sidewalk cafes in a safe and responsible manner in lieu of barriers.

At the inquiry of Council Member Goodman, Mr. Mellies said that delineation complies with ADA requirements so sight-impaired persons can tell there is a sidewalk café at that location. Council Member Orazem noted that it also keeps chairs from infringing into the pedestrian walkway.

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

Consideration No. 11: Special events and home deliveries.

Moved by Orazem, seconded by Davis, to request staff to remove home deliveries from Section 22, Division III, of the *Code*.

Vote on Motion: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

Consideration No. 12: Permitting alcohol at sidewalk cafés.

Ms. Mundt explained that the CAA had requested that alcoholic beverages be allowed at sidewalk cafes.

Council Member Goodman asked Chief Cychosz to address the issue. Chief Cychosz noted that time of day and location has a bearing on the challenge. Allowing alcohol at sidewalk cafes would bring the already complicated bar dynamics out onto the sidewalk.

Council Member Davis said he believed the laws governing allowing alcohol at sidewalk cafes were set by the State of Iowa as part of its permitting process, i.e., Outdoor Service privilege.

Moved by Goodman, seconded by Szopinski, to direct staff to work with interested business owners and Ames Police Department to develop criteria to make selling alcohol at sidewalk cafes a safe initial effort.

Council Member Wacha said that he is concerned about allowing alcohol at sidewalk cafes, especially in a college town and specifically in Campustown. He is very concerned about controlling alcohol at a sidewalk café environment. Council Member Szopinski noted that there are businesses where the sidewalk café is located on the restaurant's private property; that gives those establishments an advantage over the sidewalk cafes located on public property. Council Member Larson agreed with Council Member Wacha, stating that it would be very difficult to control alcohol at Campustown sidewalk cafes if they were located on public property.

Terry Stark, 63184 - 260<sup>th</sup>, Nevada, Iowa, said he was speaking as a business owner in Ames. He noted that there are laws governing alcohol in Ames, and he does not see a need to create additional laws pertaining to allowing alcohol at sidewalk cafes.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: Wacha. Motion declared carried.

Assistant City Manager Mundt described additional items that staff intended to add to vending requirements in the future. Sawyer Baker urged City staff, when looking at the four feet needed for pedestrian traffic clearance on sidewalks for vendors and cafes, to take into consideration the lines of people outside bars. She pointed out that some of the bars put their own rope lines out to keep the line closest to the building.

**RENEWAL OF CLASS C LIQUOR LICENSE FOR CAFÉ MOOD:** Police Commander Geoff Huff highlighted certain items from the Liquor License Renewal Criteria Form. There had been 18 citations/arrests during the past 12-month period. He noted a specific incident that had occurred during VEISHEA. The bar had also been cited three times for violating the Noise Ordinance. Due to the number and frequency of violations, the Police Department had recommended a 6-Month License be issued.

Rajan Devan, 116 Welch Avenue, Ames, identified himself as a partner in Café Mood. He reported that they have hired a professional security company, Home Point Security Group from Clive, Iowa. Mr. Devan advised that he had signed a two-year lease for the business, and he urged the Council to issue a 12-month renewal.

Kyle Holland, Home Point Security Service, explained that all employees are certified security officers and have gone through the alcohol training.

Moved by Davis, seconded by Larson, to deny the 12-month renewal and recommend a 6-Month Class C Liquor License for Café Mood, 116 Welch Avenue.

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

**NEW CLASS C LIQUOR LICENSE FOR THE CAVE:** Moved by Davis, seconded by Goodman, to approve a new 12-month Class C Liquor License for The Cave, 124 Welch Avenue.

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

**5-DAY SPECIAL CLASS C (BW) LIQUOR LICENSE FOR OLDE MAIN BREWING:** Moved by Davis, seconded by Szopinski, to approve a 5-Day Class C (BW) Liquor License for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue.

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

**CONTRACT WITH AMES COMMUNITY ARTS COUNCIL FOR ARTISTIC BIKE RACKS:**

Corey Mellies introduced Barbara Walton, representing the Ames Community Arts Council (ACAC). Mr. Mellies advised that, in 2011, staff was approached by the ACAC about the possibility of placing artistic bike racks in the Main Street Cultural District. Staff worked with ACAC and the Main Street Cultural District to identify potential locations for the bike racks that would benefit bicyclists and fill a need in the Main Street Cultural District for more bike racks.

Ms. Walton, Co-President of the ACAC, 801 Northwestern Avenue, Ames, introduced Jim Wilcox, the other Co-President. She said that ACAC had presented the plans to the City's Public Art Commission to receive input on and support for the project. ACAC's contemplated program would entail the City ultimately becoming the owners of the bike racks.

It was stated by Ms. Walton that ACAC had been working to identify outside funding for the bike racks and took the initial step of putting out a call to artists for the design of six bike racks; those are due December 31, 2012. According to Ms. Walton, some grants and donations have been received. Pictures of decorative bike racks were distributed to the Council.

Jim Wilcox, 320 Ninth Street, Ames, said that almost half of the money needed had been received. Once the designs have been chosen, he believes it will be easier to seek donations. Ms. Walton said that approximately \$4,000 has been received; \$10,000 is needed.

Greg Fuqua, Co-Chair of the Public Art Commission, expressed support for the project. As part of the fundraising effort, the Public Art Commission had agreed to seek Council's approval to reallocate unspent funding to this project.

According to Mr. Mellies, should Council approve, the parties' respective roles and responsibilities would be confirmed in an agreement for approval by the City Council. In accordance with established Council policy, the artistic bike rack designs that are ultimately selected will be brought before the Public Art Commission for its recommendation and to the City Council before actually being commissioned.

Moved by Davis, seconded by Szopinski, to authorize staff to develop a contract with the Ames Community Arts Council for placement of artistic bike racks in the Main Street Cultural District.

Council Member Orazem noted that when the City placed bike racks on its property or in the rights-of-way, the City's Public Works Department had been responsible for their costs and installation. He recommended that the City bear the cost of the bike racks as well as their installation. Council Member Goodman concurred. Council Member Larson noted that there is a component of funding already anticipated to come from the Public Art Commission, one component to come from fundraising, and perhaps there could be a third component that could come from the Public Works budget.

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

**2011/12 PUBLIC ART COMMISSION FUNDS:** Greg Fuqua, representing the Ames Public Art Commission (PAC), presented two budget requests dealing with the previous (FY 2011/12) fiscal year:

1. Permission to roll-over unspent funds in the amount of \$2206.05 from the 2011/12 Art in the Parks allocation

According to Mr. Fuqua, due to the scope of the Art in the Parks projects, rolling over the funds for at least three to four years is sometimes necessary. Mr. Fuqua elaborated on several potential avenues for the future use of the funds.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-594 approving rolling-over unspent 2011/12 Public Art Commission funds.

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

2. Permission to use \$1600 in unused funds from two other programs from last fiscal year – \$850 left over from the Education/Information Committee and \$750 from the Operations budget - to help develop public art projects for the City. Specifically, the funds would be used toward the purchase of one or two artful bike racks from the Art Bike Rack Competition currently being developed by the ACAC. Mr. Fuqua stated that the PAC feels that this is an important project and partnership for the city, and aligns with PAC's goals of further development of the arts and culture in downtown Ames.

Moved by Orazem, seconded by Szopinski, to adopt RESOLUTION NO. 12-598 approving using \$1,600 in unused funds to be used toward the purchase of one or two artful bike racks from the Art Bike Rack competition of the ACAC.

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

**SIGN ORDINANCE MODIFICATIONS:** Management Analyst Brian Phillips advised that, on October 23, 2012, Council referred to staff a letter from the Building Board of Appeals expressing an interest in revising the City’s regulations pertaining to signs (Sign Code). According to Mr. Phillips, over the past several years, staff had experienced a number of difficulties in administering the Sign Code, which have caused confusion for both customers and staff in determining what meets Code requirements. There are issues that warrant Code clean-up and more comprehensive issues that warrant more in-depth discussion.

Mr. Phillips specifically identified issues justifying the Code cleanup, as follows:

1. In 2010, when the Sign Code was moved from Chapter 5 of the *Municipal Code* to Chapter 21, several references in the new Sign Code chapter became incorrect. Staff has identified five locations in the Sign Code where references are made to the incorrect chapter and should be updated. In another location, one of the City’s base zones should be updated to its present name.
2. Because the fine schedule does not currently refer to the correct chapter, a violation of the Sign Code has been charged on the standard municipal infraction schedule (\$30 per violation). In correcting the reference to its original intent, a violation of the Sign Code would revert to its original fine of \$500 per violation.
3. In 1997, the City updated one component of the Sign Code to remove exceptions for non-commercial signs and political signs. This was done in response to an Iowa Attorney General’s opinion that such exceptions violated “content neutrality” and could, therefore, be ruled unconstitutional if challenged in a court of law. Staff had identified two similar references that should have been removed at the same time, but were overlooked.

An additional set of issues where the law had been unclear to staff or customers, but the solution would be more complex than simple Code clean-up, was described by Mr. Phillips. Those items may require a more in-depth discussion of the Sign Code’s intent. Mr. Phillips defined the additional challenges and potential strategies to address the issues.

Council Member Larson said that many of the items had not caused problems, and he did not want to “open a can of worms.” Council Member Davis noted that staff has much higher priorities to work on rather than these issues. Council Member Wacha shared that he had had complaints about the signs on South Duff. Sara Kramer, Neighborhoods Inspector, explained that the Iowa Department of Transportation has sign regulations that may be enforced on state highways, such as Duff Avenue. She gave an example of the Dairy Queen truck being parked on South Duff, away from its store, which is in violation of the state’s regulation. Ms. Kramer also referenced “wrap signs” being placed in store fronts and on vehicles.

Council Member Larson said he would like to have feedback from the Chamber, MSCD, CAA, and the public; perhaps a workshop on the topic would be best.

Moved by Larson, seconded by Wacha, to direct staff to prepare an ordinance correcting the issues identified by staff as Code clean-up.

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

Moved by Goodman, seconded by Larson, to direct staff to explore what other communities are doing to regulate the brightness and motion of LED signs.

Council Member Goodman said he would place that as a low priority for staff.

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

**ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE STUDY:** Vanessa Baker-Latimer, Housing Coordinator, explained that, as a requirement of the federal Community Development Block Grant (CDBG) Program, entitlement communities are required to conduct an Analysis of Impediments to Fair Housing Study of their jurisdictions at least once during their Three- or Five-Year Consolidated Plan period. The purpose of the Analysis is to identify the impediments and barriers to Fair Housing within the respective entitlement communities. The Analysis information is then used to create a “working document” for how the said barriers and impediments can be addressed and/or eliminated within the programs and projects outlined in the Annual Action Plans.

According to Ms. Baker-Latimer, in 2008, the City contracted with Hanna, Keelan & Associates, P.C. of Lincoln, Nebraska, in the amount of \$18,000 to complete the City's first study. The City is currently in the fourth year of a Five-Year (2009-2014) Consolidated Plan. Ms. Baker-Latimer described the information that the study sought to collect. Staff had been assisting in updating the City's overall Affirmative Action Plan and Limited English Proficiency (LEP) Policy and completing an update of the Analysis of Impediments to Fair Housing Study. According to Ms. Baker-Latimer, this would greatly assist in generating needed data to formulate the policies and guidelines for the Affirmative Action Plan and LEP Policy Update. From the initial study, six recommendations were formulated from the opinions and perceptions of persons who participated in the Housing Survey and the Listening Sessions, along with staff's response to each of the recommendations.

Ms. Baker-Latimer advised that, to ensure that the items are properly implemented, staff has reached out to ISU Community and Economic Development (CED) and Institute for Design Research and Outreach to assist with this stage of the update. This same group assists the City in conducting our annual Resident Satisfaction Survey and had agreed to perform the needed survey work for a fee of \$5,000, which could be paid from the CDBG administrative allocation.

Moved by Davis, seconded by Wacha, to adopt Resolution No.12-597 approving an agreement in the amount of \$5,000 with the ISU Community and Economic Development (CED) and Institute for Design Research and Outreach to assist the City in updating the Analysis of Impediments to Fair Housing Choice Study.

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

**HEARING ON LEASE WITH HEARTLAND SENIOR SERVICES FOR PROPERTY LOCATED AT 205 SOUTH WALNUT:** Mayor Campbell opened the hearing.

John Klaus, 2167 Ashmore Drive, Ames, spoke as the President of the Heartland Senior Services Board. He expressed his appreciation to the City for its past support and requested that the City Council approve a new 25-year lease for the property located at 205 South Walnut. He noted that

the current lease will not expire until June 30, 2013, but HSS had requested that the City renew the lease early as they need to make a major investment in the roof and wanted assurance on the continuance of the lease.

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

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-595 approving the 25-year lease with Heartland Senior Services for property located at 205 South Walnut.

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

**HEARING ON WPC FACILITY RAW WASTEWATER PUMPING STATION PIPE REPAINTING PROJECT:** The public hearing was opened by the Mayor. She closed same after no one asked to speak.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-596 approving final plans and specifications and awarding a contract to L & P Painting of Cedar Rapids, Iowa, in the amount of \$48,975.00.

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

**HEARING ON STEAM TURBINE NO. 8 OVERHAUL:** The Mayor opened the public hearing. There being no one wishing to speak, the hearing was closed.

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

**HEARING ON REZONING PROPERTY LOCATED AT 1519 TOP-O-HOLLOW ROAD:** City Planner Ray Anderson advised that the applicant proposed to rezone property at 1519 Top-O-Hollow Road for the purpose of creating a lot for the construction of a single-family dwelling. The parcel currently does not have frontage on a public street, and without such frontage, the parcel would not be buildable. If the rezoning is approved, a subdivision plat would be necessary. The parcel, as well as all others adjacent to it, are designated as Low-Density Residential. According to Mr. Anderson, the property owners currently live in the house on the parcel between the subject property and Top-O-Hollow Road.

Mr. Anderson explained why the property in question was zoned Agricultural: It was voluntarily annexed into Ames in October 2001 and automatically brought in with an Agricultural designation.

Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Larson, to pass on first reading an ordinance rezoning property located at 1519 Top-O-Hollow Road from Agricultural (A) to Residential Low-Density (RL).

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

**ELECTRIC RATE ORDINANCE:** Finance Director Duane Pitcher reminded the Council that, on May 22, 2012, the City Council approved the first reading of an electric utility rate ordinance based on the results of cost-of-service and rate studies. Since it was the first significant change in the electric rate structure in several years, the Council delayed the second and third readings to allow staff time to provide information to customers on the new rates and to provide customer feedback to the Council.

Electric Services Director Donald Kom reviewed the feedback received. He said feedback had been received from large industrial customers and faith-based organizations. Changes in rates would create, in some cases, an increase of 20 to 30% for faith-based organizations.

Mary Jean Baker, 821 Tennyson Avenue, Ames, said she represented Interfaith Creation Care of Ames. After comparing costs, she said her greatest concern was for churches that used only slightly over 50 KW. One church faced an increase of 46%. The increase will come as a “jolt” for many faith-based organizations.

Mr. Kom advised that customers who use over 50 KW fall out of the small customer into the large customer class. He stated that Electric Services staff plans to meet with the organizations that fall into that category to see if their peak consumption could be lowered. According to Mr. Kom, Ms. Baker had asked staff to delay adoption of the Ordinance for a year to see if those customers could lower their demand. He does not believe that is necessary as peaks usually occur in July, and staff is proposing to use the next six months to work with the customers falling into that category. Mr. Kom noted that four of the organizations out of the 170 in that category are churches.

Council Member Davis asked if the City could send a letter to the approximately 170 customers advising them of the potential impact. Mr. Pitcher stated that many of those customers are small restaurants and will not see large increases. Mr. Kom said that they will be corresponding with the four faith-based organizations.

At the inquiry of Council Member Davis, once a customer goes over 50 KW, they remain at that rate for 12 months.

Council Member Wacha noted that every time rates change, there will be people who pay a little less, a little more, and some who pay the same. He believes that the rate structure is doing what it was intended to do.

Moved by Wacha, seconded by Larson, to pass on second reading the Electric Rate Ordinance.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE ESTABLISHING SOUTHEAST 16<sup>TH</sup> STREET FIRST URBAN REVITALIZATION AREA:** Moved by Davis, seconded by Orazem, to pass on second reading an ordinance establishing the Southeast 16<sup>th</sup> Street First Urban Revitalization Area.

Roll Call Vote: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

**ORDINANCE PERTAINING TO OFFENSE OF PUBLIC URINATION:** Moved by Larson, seconded by Davis, to pass on second reading an ordinance removing misdemeanor from *Municipal Code* Section 11.4, “Public Urination,” so offense may be charged as misdemeanor or municipal infraction.

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

**ORDINANCE AMENDING IOWA CODE REFERENCE PERTAINING TO CRUELTY TO ANIMALS:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4128 amending the *Iowa Code* reference pertaining to cruelty to animals.

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



**ORDINANCE APPROVING REDUCTION IN MEMBERSHIP FOR HUMAN RELATIONS**

**COMMISSION:** Moved by Davis, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4129 approving a reduction in membership for the Human Relations Commission.

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 Wacha, seconded by Goodman, to request staff to contact the Ames Chamber of Commerce to notify them of the City's outside funding application, specifically, regarding the request for \$2,200 from the City to share in the cost of having conceptual designs created of more prominent signage for the community along Interstate 35.

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

Council Member Wacha said that he had received many complaints from Ames residents about chickens being raised within the City limits.

Moved by Wacha, seconded by Goodman, to direct staff to provide a brief report to the City Council regarding *Code* regulations pertaining to chickens in the City limits.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Szopinski, Wacha. Voting nay: Orazem. Motion declared carried.

Council Member Wacha announced that he and his family have listed their home for sale. The home they hope to purchase is in Ward 1, so he will be able to continue to serve the residents of that Ward.

Moved by Davis, seconded by Larson, to refer to staff the request of Doug Pyle pertaining to a waiver of subdivision regulations for 125 Hyland, 118 and 122 Campus for inclusion on a future agenda.

Vote on Motion: 5-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: Goodman. Motion declared carried.

Moved by Larson, seconded by Davis, to refer the email message dated October 22, 2012, from Monte Parrish, President of Stone Brooke Homeowners Association, pertaining to storm water issues from a small creek that goes through that area being exacerbated by a newer development east of Stone Brooke.

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

Moved by Larson, seconded by Goodman, to place on a future agenda the request from the City of Kelley for water service from Ames.

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

Moved by Larson, seconded by Goodman, to refer to staff for placement on a future agenda for discussion the issue of fraternities and sororities not going through the true inspection process for rental housing.

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

Moved by Orazem, seconded by Goodman, to refer to staff for a report on the email from a citizen pertaining to illegal parking around Jack Trice Stadium, specifically whether a surcharge should be instituted, and directing staff to investigate other cities' regulations.

It was noted that this issue had already been discussed at a City Council meeting. City Attorney Marek reviewed the legality of a surcharge. After checking with Mr. Marek, Council Member Goodman said that property owners could call the police and have a car towed if the car was blocking their driveway.

Vote on Motion: 1-5. Voting aye: Wacha. Voting nay: Davis, Goodman, Larson, Orazem, Szopinski. Motion failed.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:52 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor