

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 14, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on the 14<sup>th</sup> day of April, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present were Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, and Chris Nelson. *Ex officio* Member Lissandra Villa was also present. Council Member Peter Orazem arrived at 7:05 p.m.

Mayor Campbell recognized the dedicated service of Lissandra Villa, *ex officio* Member. Ms. Villa's term on the City Council would end at the conclusion of this meeting.

**PROCLAMATION FOR FAIR HOUSING MONTH:** Mayor Campbell proclaimed the month of April as *Fair Housing Month*. Housing Coordinator Vanessa Baker-Latimer introduced Steve Eggelson, Field Officer for the Housing and Urban Development. He thanked the City of Ames for its participation in the Fair Housing efforts. Accepting the Proclamation were Kris Brend, representing the Central Iowa Board of Realtors; Devita Harden, representing the Human Relations Commission; and Cindy Jorgensen, representing Professional Property Management and the Ames Rental Property Managers Association. Ms. Baker-Latimer highlighted the Fair Housing public awareness campaign that includes signs on CyRide buses and a billboard on South Duff Avenue.

**PROCLAMATION FOR ARBOR DAY:** April 24, 2015, was proclaimed by Mayor Campbell as Arbor Day. Dave Brotherson and Bill LaGrange accepted the Proclamation. Mr. Brotherson thanked the City of Ames for providing funding for the Arbor Day activities since 1992.

**PROCLAMATION FOR MENTAL HEALTH AWARENESS MONTH:** Mayor Campbell proclaimed the month of May 2015 as *Mental Health Awareness Month*. Kathy Dinges, Director of Eyerly Ball; Sally Carnes, Operations Director of Community and Family Resources (CFR); and Jason Haglund, Director of Treatment Services at Youth and Shelter Services (YSS), accepted the Proclamation. Ms. Dinges advised that the 1<sup>st</sup> Annual Mental Health Expo would be held on May 2, 2015, at the North Grand Mall. She listed some of the activities that will be offered at the Expo. Mr. Haglund mentioned the 30<sup>th</sup> Annual YSS Risky Business Conference that will be held at the end of April. He also issued an invitation to the First Aid Courses that are held at YSS. Ms. Carnes expressed appreciation to the City Council for its support. She added that CFR is very pleased to be taking part in the Mental Health Expo.

**PRESENTATION OF 2015 LOREN HORTON COMMUNITY HISTORY AWARD:** Jim Black, Co-Chair of the Ames Sesquicentennial Steering Committee (Ames 150), 3416 Valley View Drive, Ames, presented the 2015 Loren Horton Community History Award from Historical Society of Iowa to the City Council in recognition of the Ames 150 Celebration. He asked that the Award be displayed at the Ames Historical Society. Mr. Black thanked the City Council for its support, the donors, other members of the Steering Committee, and volunteers who worked to make the Sesquicentennial a success.

**CONSENT AGENDA:** Council Member Goodman pulled No. 27 (Summerfest in Campustown), and Council Member Betcher pulled Item No. 20 (Tom Evans Plaza Mural) from the Consent Agenda for separate consideration.

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 March 24, 2015, and Special Meetings of March 31, 2015, and April 9, 2015
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for March 16-31, 2015
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Special Class C Liquor – India Palace, 120 Hayward Avenue
  - b. Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
  - c. Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Road
  - d. Class C Liquor & Outdoor Service – Cyclone Experience Network, Hilton Coliseum
6. Motion approving Special Class C Liquor License & Native Wine for Southgate Expresse, 110 Airport Road
7. Motion approving Outdoor Service Privilege for The Mucky Duck Pub, 3100 South Duff Avenue
8. Motion approving 6-month Class B Beer Liquor License and Outdoor Service for the Ames Jaycees “Ames on the Half Shell” in Bandshell Park, 6<sup>th</sup> Street and Duff Avenue
9. Motion approving 5-day (May 1-May 5) Class B Beer & Outdoor Service License for Crossroads Tavern at Zylstra Harley Davidson, 1219 McCormick Avenue
10. Motion approving 5-day (May 2-May 6) Class C Liquor License for Christiani’s Events at the Christiani Event Center, 2516 Mortensen Road
11. Motion approving 5-day (June 6-June 10) Class B Beer & Outdoor Service for Fighting Burrito at Summerfest 2015, 200 Block of Welch Avenue
12. Motion approving 5-day (April 25-April 29) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
13. Motion approving application for participation in Department of Justice Office of Justice Programs Bulletproof Vest Partnership Program
14. 2015/16 Community Development Block Grant (CDBG):
  - a. Motion approving time extension for submitting Annual Action Plan
  - b. RESOLUTION NO. 15-177 setting date June 9, 2015, as date of public hearing
15. RESOLUTION NO. 15-178 approving appointment of Charles Ricketts to fill vacancy on Civil Service Commission
16. RESOLUTION NO. 15-181 Iowa Department of Agriculture and Land Stewardship (IDAL)Water Quality Initiative Urban Conservation Demonstration Project Grant Agreement
17. Requests from Heartland Senior Services to modify ASSET budget allocation:
  - a. RESOLUTION NO. 15-182 approving/motion denying amendment to FY 2014/15 contract to move \$1,677.52 from Friendly Visitor allocation to Outreach (service coordination)
  - b. RESOLUTION NO. 15-183 approving/motion denying amendment to FY 2015/16 allocation to move \$2,671 from Friendly Visitor to Outreach (service coordination)
18. Requests from Student Society of Landscape Architects to install two parklets from April 25 to September 5, 2015:
  - a. Motion approving Temporary Obstruction Permit
  - b. RESOLUTION NO. 15-184 approving closure of parking spaces 50 (on Chamberlain Avenue), 296, and 297 (on Main Street)
  - c. RESOLUTION NO. 15-185 approving request to waive parking meter fees.
19. RESOLUTION NO. 15-186 approving request from ChildServe to modify FY 2014/15 ASSET funding allocation
20. RESOLUTION NO. 15-187 approving allocation of up to \$1,500 from Local Option Sales Tax Fund for HIRTA Demand Response Service facilitation

21. RESOLUTION NO. 15-188 authorizing expenditure of City funds for Police Officer to attend Memorial Service in Washington, DC, in honor of Sergeant Howard Snider
22. RESOLUTION NO. 15-193 approving 2015/16 Ames Annual Outdoor Sculpture Exhibitions selections
23. RESOLUTION NO. 15-194 setting April 28, 2015, as date of public hearing for vacation of Public Utility Easement between 1615 South Kellogg Avenue and 317 South 17<sup>th</sup> Street
24. RESOLUTION NO. 15-195 approving preliminary plans and specifications for ISU Research Park Phase III Roadway Paving Project; setting May 6, 2015, as bid due date and May 12, 2015, as date of public hearing
25. RESOLUTION NO. 15-196 approving preliminary plans and specifications for Grant Avenue (Hyde Avenue) Pavement Improvements; setting May 6, 2015, as bid due date and May 12, 2015, as date of public hearing
26. RESOLUTION NO. 15-197 approving preliminary plans and specifications for 2014/15 Downtown Pavement Improvements Project (5<sup>th</sup> Street, Burnett Avenue to Grand Avenue); setting May 6, 2015, as bid due date and May 12, 2015, as date of public hearing
27. RESOLUTION NO. 15-198 approving preliminary plans and specifications for 2013/14 and 2014/15 Resource Recovery System Improvements (HVAC Improvements); setting May 7, 2015, as bid due date and May 12, 2015, as date of public hearing
28. RESOLUTION NO. 15-199 approving preliminary plans and specifications for Specialized Heavy-Duty Cleaning Services for Power Plant Boilers; setting May 13, 2015, as bid due date and May 26, 2015, as date of public hearing
29. RESOLUTION NO. 15-200 approving preliminary plans and specifications for WPC Elbow Replacement Project; setting May 14, 2015, as bid due date and May 26, 2015, as date of public hearing
30. RESOLUTION NO. 15-201 awarding contract to La Marche Manufacturing Company of Des Plaines, Illinois, for purchase of Inverters for Power Plant in the amount of \$70,090.70, with applicable sales taxes
31. RESOLUTION NO. 15-202 awarding contract to GE Energy Control Solutions, Inc., of Longmont, Colorado, for Bid No. 1 Turbine Control System in the amount of \$814,920
32. RESOLUTION NO. 15-203 awarding contract to General Electric International, Inc., of Omaha, Nebraska, for Bid No. 2 Turbine Steam Seal System for Unit 8 in the amount of \$186,320
33. Inventory Items (Poles) for Electric Services:
  - a. RESOLUTION NO. 15-204 awarding contract to RESCO of Ankeny, Iowa, in the amount of \$4,467.25 for 25-foot Anchor Base Fiberglass Poles
  - b. RESOLUTION NO. 15-205 awarding contract to Fletcher-Reinhardt Company of Cedar Rapids, Iowa, in the amount of \$3,267.99 for 30-foot Aluminum Poles
  - c. RESOLUTION NO. 15-206 awarding contract to Kriz-Davis Company of Ames, Iowa, in the amount of \$61,466.69 for 30-foot and 35-foot Galvanized Steel Poles
34. Inventory Items (Cable and Wire) for Electric Services:
  - a. RESOLUTION NO. 15-207 awarding contract to WESCO Distribution of Des Moines, Iowa, in the amount of \$40,311.18 for Aluminum Triplex Cable
  - b. RESOLUTION NO. 15-208 awarding contract to Kriz-Davis Company of Ames, Iowa, in the amount of \$289.17 for AWG 12 Copper Cable
  - c. RESOLUTION NO. 15-209 awarding contract to Power Line Supply of Williamsburg, Iowa, in the amount of \$211.86 for AWG 4 Solid Bare Copper Wire
  - d. RESOLUTION NO. 15-210 awarding contract to RESCO of Ankeny, Iowa, in the amount of \$820.69 for AWG 2 Solid Base Copper Wire
  - e. RESOLUTION NO. 15-211 awarding contract to Kriz-Davis Company of Ames, Iowa, in the amount of \$6,944.09 for 4/0 19 Strand Covered Copper Wire

35. Inis Grove Park Sand Volleyball Lighting Project:
    - a. RESOLUTION NO. 15-212 authorizing reallocation of \$30,000 from FY 2014/15 New Playground Structure at Inis Grove Red Oak Shelter
    - b. RESOLUTION NO. 15-213 approving contract with VanMaanen Electric, Inc., of Newton, Iowa, for the base bid in the amount of \$85,909
  36. RESOLUTION NO. 15-214 approving renewal of contract for FY 2016 Custodial Services for City Hall/ Community Center with Klean Rite of Ames, Iowa, in the amount of \$57,511, plus \$20.20/hour for emergency callback and additional work as authorized
  37. RESOLUTION NO. 15-215 approving renewal of contract for FY 2016 Custodial Services at Ames Public Library with PCI in the amount of \$63,869.08
  38. RESOLUTION NO. 15-216 approving renewal of contract for FY 2016 for Hauling and Related Services from Resource Recovery Plant to Boone County Landfill with Waste Management of Ames, Iowa, in the amount of \$.3802/mile/ton
  39. RESOLUTION NO. 15-217 approving renewal of contract for FY 2016 Hauling of Ferrous Metals for Resource Recovery Plant with Waste Management of Ames, Iowa, in the amount of \$.1052/mile/ton
  40. RESOLUTION NO. 15-218 approving contract and bond for Cooling Tower Replacement Project
  41. RESOLUTION NO. 15-219 approving Change Order to Engineering Services Agreement with Foth Engineering for Skunk River Trail Expansion
  42. RESOLUTION NO. 15-220 accepting completion of WPC Raw Water Pump Station Painting Project
  43. RESOLUTION NO. 15-221 accepting completion for Furnishing Control Panels for Haber Road Substation
  44. RESOLUTION NO. 15-222 approving Plat of Survey for 2120 East 13<sup>th</sup> Street
  45. RESOLUTION NO. 15-223 approving Final Plat for Westar Subdivision
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

**TOM EVANS PLAZA MURAL:** Council Member Betcher stated she knew that, in the past, the community had been very concerned about the Mural and there had been discussions about the trees in front of the Mural. She wanted to ensure that the community was aware that the deaccession of the Mural was on the Agenda and that the Council would vote tonight on whether to move it forward to a public hearing.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 15-179 approving deaccession of artwork.

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

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 15-180 setting April 28, 2015, as the date of public hearing on vacating the Wall Easement.

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

**REQUESTS FOR SUMMERFEST IN CAMPUSTOWN ON JUNE 6, 2015:** Council Member Goodman stated that he had pulled this item from the Consent Agenda in order for him to abstain from voting due to a conflict of interest.

Moved by Gartin, seconded by Corrieri, to approve the following:

- a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License for Campustown District
  - b. Motion approving 5-Day Class B Beer Permit & Outdoor Service
  - c. RESOLUTION NO. 15-189 approving closure of 200 block of Welch Avenue between 7:00 a.m. and 11:00 p.m.
  - d. RESOLUTION NO. 15-190 approving closure of parking spaces in the 200 block of Welch Avenue, Welch Lot T, and Chamberlain Lot Y from 12:01 a.m. to 11:00 p.m. and a waiver of parking meter fees
  - e. RESOLUTION NO. 15-191 approving usage of electricity and waiver of costs
  - f. RESOLUTION NO. 15-192 approving waiver of the fee for a Blanket Vending License
- Roll Call Vote: 5-0-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

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

Mr. Jan Flora, 1902 George Allen Avenue, Ames, representing A Mid-Iowa Organizing Strategy (AMOS), advised that members of AMOS were working with a coalition of groups to plan a Housing Conference to be held next fall. The name of the Conference will be "A Place Called Home: Options for Housing in Ames and Story County. The purpose of the Conference will be to educate people about housing instability in Ames and Story Council. The group wants to help people fulfill their dreams of living in Ames. It also wants to figure out appropriate transportation for those who work in Ames, but live outside of Ames. In addition, they want to build goodwill among various groups who will help in bringing about policies. Mr. Flora said they hope to bring in groups, such as developers, realtors, ISU housing and financial departments, various not-for-profit organizations that have links to housing, the City of Ames, neighborhood organizations, and transportation entities. He said that AMOS hopes that the City Council will endorse the Conference at a later date after more details are known.

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

**BIKE COMMUTER CONTINENTAL BREAKFAST AT CITY HALL:** Moved by Goodman, seconded by Gartin, to approve hosting a bike commuter continental breakfast at City Hall on Monday, May 11, as part of National Bike-to-Work Week (May 11-15).

Carol Williams, 628 -8<sup>th</sup> Street, Ames, representing the Ames Bicycle Coalition (ABC), stated that the City of Ames had been asked to participate in activities that promote recreational and commuter biking, and specifically, to host a breakfast on the morning of May 11; that is the first day of National Bike-to-Work Week (May 11 - 15).

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

**CAMPUSTOWN FACADE GRANTS:** City Planner Jeff Benson stated that the goal of the proposed Campustown Facade Program is to promote diverse building styles and increased activity and commercial use. The proposed Program supports enriching the individual detail and character of each building within the context of a pedestrian-oriented commercial district.

Mr. Benson recalled that the City Council had approved design concepts for facade enhancements in November 2014 and budgeted \$32,000 for two pilot projects in the 2014/15

fiscal year. Council had also directed staff to solicit grant requests and carry out two pilot improvement projects based on five criteria: Transparent Campustown; Social Campustown, Diverse Campustown, Identifiable Campustown, and Historic Campustown. The Campustown Service Center zoning district south of the ISU Campus and Neighborhood Commercial zoning district on West Street were identified by the City Council as the areas within which properties would be eligible for the pilot project grants. City staff, Facade Working Group, and the City's architectural consultant (Haila Architecture Structure Planning) then worked with the two building owners who submitted applications. There are two projects; however, there are actually three facade grant requests as one project has requested two grants due to the costs to be incurred in the improvements.

Mr. Benson described the two applications that had been submitted: 2810-2812 West Street (home of West Street Deli), and 103 Stanton (the Cranford Building). He reiterated that two facade grants have been requested by the owner for 103 Stanton: one for the facade for Jeff's Pizza and one for the facade at The Singer Station due to the costs of the improvements.

Council Member Betcher asked if there was anything prohibiting applying for two grants for one project. Mr. Benson answered that there was nothing prohibiting that; it was up to the City Council. After further questioning by Council Member Orazem, Planner Benson said that it was more like one grant for each business. City Manager Schainker reminded the City Council that there had been \$50,000 budgeted per year for the next five years in the Capital Improvements Plan for Campustown Facade Grants.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 15-224 approving \$16,000 for a Campustown Facade pilot project for 2810-2812 West Street and \$16,000 for a Campustown Facade pilot project for the Jeff's pizza facade at the Cranford Building (103 Stanton.)

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

#### **HIGHWAY-ORIENTED COMMERCIAL FLOOR ARE RATIO (FAR) REQUIREMENTS:**

Council Member Gartin advised that he would be abstaining from the discussion and vote for this item due to a conflict of interest.

Planning and Housing Director Kelly Diekmann recalled that the City Council had directed staff on March 9 to provide an overview of the FAR limitation of Highway-Oriented Commercial (HOC) zoning district in response to a developer request. The developer is seeking relief from FAR limitations as they apply to parking structures for a project proposed to be developed on a four-acre HOC site on SE 5<sup>th</sup> Street. Mr. Diekmann defined FAR as the amount of gross floor area in relation to the amount of the lot area. It is determined by dividing the gross floor area of all buildings on a lot by the area of that lot. It can be stated as either a percentage or in a decimal format.

According to Mr. Diekmann, FAR is a zoning regulation (development standard) with two purposes: used to limit the intensity of use of a site or to control the massing of the building. Other related zoning standards to intensity and massing include maximum building coverage, minimum required setbacks, minimum landscaped/open space area, and maximum height limits. Director Diekmann further advised that FAR often correlates to parking standards and the number of stories of a building in its relationship to design.

Mr. Diekmann told the Council that the key question regarding the definition of FAR is whether to consider it as a measure of the intensity of activity on a site or as a building design regulations. In circumstances where the overall size of a building is a concern, certain uses (large corporate lobbies, accessory amenity spaces of dining facilities or fitness areas, bike lockers and showers, or parking structures) would not be exempted from floor area because they would increase the amount of building area on a lot and increase the size of a building.

The Council was advised by Director Diekmann that FAR is helpful in promoting the City's goals for intensification and character in the CSC and DSC zoning districts; however, it has had limited applicability in other areas of the City. When considering how FAR works for HOC zoning, it can be viewed as both an infill area and a growth area due to the diverse areas of the City that are zoned HOC.

Five options for parking structure FAR exemptions for the HOC District were provided by Director Diekmann: (1) exempt parking structures for definition of FAR; (2) exempt parking structure for definition of a building; (3) create an exception process to exceed FAR limits; (4) raise the FAR to 1.0; and (5) create a Planned Commercial Zoning Overlay.

Council Member Betcher noted that her main concern about the type of HOC that is on South Duff is that there may be more impediments to water flow if parking structures are exempt. Council Member Nelson noted that it could actually be better dependent on the design.

Council Member Nelson noted the staff report stated that staff believes that exempting parking structures is a simple and direct solution that is not a time-consuming project due to its small definitional change. Director Diekmann noted that a more comprehensive tool to address the proposed project's interest and future projects would be to create a tool for individual review, such as the Planned Commercial Overlay. This would provide a tool with greater flexibility and discretion and may have more use in the redevelopment of sites in the future as well as for creative new development.

According to Mr. Diekmann, if Council directs staff to prepare a text amendment for parking structures, it would have a minor effect on the Planning Division's work plan. However, if the Council wished to pursue a different text amendment that requires community outreach, it would likely take substantially more than 12 hours of time and would need to be prioritized as a work plan item.

Moved by Orazem, seconded by Nelson, to approve Option 1: to exempt parking structures for definition of Floor Area Ratio.

It was noted by City Manager Schainker that parking structure design would still need to comply with all other building and site standards, such as setbacks, 15% landscaped area, and 50% building coverage limitations. Mr. Diekmann stated that this approach would consider FAR as a measure of intensity rather than massing.

Council Member Goodman said he would like to ask that, if the 0.5 FAR level of HOC is exceeded, staff would make sure that the parking structure in the Floodway Fringe would impede the water flow as much as possible. Director Diekmann said he would rather bring that back when potential floodplain regulations are discussed. Mr. Goodman clarified that he wanted it to be that if you build a parking structure and want the FAR exemption, the parking structure

must be built in such a way that it does not impede water flow. Mr. Diekmann stated that it would then perhaps be better for the Council to with go with Option 3: “Create an Exception Process to Exceed FAR Limits.”

Council Member Orazem stated that he preferred to go with Option 1 with the additional restriction suggested by Council Member Goodman.

Vote on Motion: 4-1-1. Voting aye: Betcher, Corrieri, Nelson, Orazem. Voting nay: Goodman. Abstaining due to a conflict of interest: Gartin. Motion declared carried.

**PRELIMINARY PLAT FOR QUARRY ESTATES:** Planner Jeff Benson recalled that the property in question was annexed in December 2013. A rezoning request to FS-RL (Suburban Residential Low Density) and FS-RM (Suburban Residential Medium Density) was approved with a Master Plan on October 14, 2014. The proposed Subdivision consists of 79 acres plus 6.5 acres of County road right-of-way and is located north of Ada Hayden Heritage Park and south of 190<sup>th</sup> Street.

According to Planner Benson, development of the site in question is the first project to request approval under the Conservation Subdivision standards of Chapter 23 of the *Ames Municipal Code*. The intent of the standards is to protect the quality of water in Ada Hayden Lake, protect existing surface drainage systems, promote interconnected greenways, provide a minimum of 25% of area as commonly owned open space and conservation areas, and protect such areas in perpetuity.

Mr. Benson showed a map of the proposed lot layout and outlots. He noted the location of the conservation easement. The revised Master Plan was also shown. Planner Benson reported that the applicant is proposing a Preliminary Plat that contains some revisions to the buffer. It is being proposed to be a conservation easement within each of the private lots for the 14 lots south of Ada Hayden Drive. The other areas would remain as outlots. The applicant is proposing this arrangement to address concerns about rear setback and developable areas of lots. Since it would be an easement, rather than an outlot, there would be additional developable area on each lot that is not impacted by the rear setback from the property line. By doing so, the minimum setback of 20 feet would fall within the conservation easement. The Conservation Management Plan will require that the Homeowners’ Association maintain the buffer and its representatives meet with City staff periodically to identify management activities needed. Staff believes that this will protect the steep slopes along the north edge of the park from erosion, from informal foot paths into the Park, and from private improvements encroaching into the Park.

According to Planner Benson, within the standards for approval of the Subdivision, staff focused on three additional aspects of the proposed Preliminary Plat: traffic safety improvements where this development and the Rose Prairie development access Grant Avenue; the interface between the city park and residences along is north edge of the park; and adequate lighting where the new streets connect to the existing county/city road (190<sup>th</sup> Street).

Per Mr. Benson, in order to ensure that reasonable lighting occurs for intersections, staff has proposed a condition of approval that street lighting plan be submitted prior to final plat approval that places a street light in the 190<sup>th</sup> Street right-of-way with spacing initiated from north to south into the development. In addition, to ensure appropriate space is reserved for street trees and off-street parking coordinated with driveway placement staff proposes a condition of approval that



before approval of the Final Plat that includes Quarry Drive, a Coordinated Plan is provided to the Planning and Housing Department.

At the inquiry of Council Member Betcher, Director Diekmann advised that staff had concluded that the nature and volumes of the future traffic justifies requiring left-turn lanes at the intersection with Ada Hayden to improve safety and reduce traffic delays. No turn lanes are recommended for 190<sup>th</sup> Street.

Mr. Diekmann said that staff recommends a condition of approval for the Plat to have the applicant design and construct turn lane improvements at the time Ada Hayden Road connects to Grant Road. Council Member Gartin said that it seemed like a costly improvement when it is yet unknown the development to the west will actually occur. Director Diekmann said staff recognizes that the intersection will also likely serve development to the west in Rose Prairie. In the event that Quarry Estates develops prior to Rose Prairie, the City will seek reimbursement to the developer of Quarry Estates of 50% of the 150-foot left-turn lane construction costs. In the event that Rose Prairie develops first, Quarry Estates would provide reimbursement of 50% of the cost to Rose Prairie.

Kurt Friedrich, 100 Sixth Street, Ames, said the developers are trying to re-create prairie that existed approximately 150 years ago before the property was farmed; that would include Lots 75 through 85. Mr. Friedrich noted that he proposal in question represents the first conservation subdivision in Ames. Referencing the comments made by Council Members Gartin and Nelson about imposing more improvements to be made by the developers, Mr. Friedrich asked that the Council be slow to impose additional requirements because with those come additional costs. It is a goal of developers that enough housing be available so that those persons who work in Ames would be able to live in Ames. According to Mr. Friedrich, there is a shortage of housing in Ames.

After being questioned by Council Member Goodman, Mr. Friedrich stated that he believes that the impacts to the users of Ada Hayden will be minimal; only approximately 20 of the 160 homes in the Subdivision would actually be adjacent to the Park.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 15-225 approving the Preliminary Plat for Quarry Estates (at 904 W. 190<sup>th</sup> Street) with the following conditions:

1. Provide a northbound turn lane and also a southbound turn lane with minimum storage of 150 linear feet where Ada Hayden Road intersects Grant Avenue.
2. Prior to the Final Plat, a Street Lighting Plan that includes a light at each intersection of Ada Hayden Road and McFarland Avenue with 190<sup>th</sup> Street and continue the regular spacing between lights from into the Subdivision.
3. Before approval of the Final Plat that includes Quarry Drive, a Plan with the placement of street lights, street trees, hydrants, and driveways for Quarry Drive must be provided to the Planning and Housing Department.

Roll Call Vote: 5-1. Voting aye: Betcher, Corrieri, Gartin, Goodman, Orazem. Voting nay: Nelson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**E-CIGARETTES:** Police Chief Chuck Cychosz presented a report on enforcement of e-cigarette prohibitions. He noted that in Fall 2014, the City Council had requested staff to assess the enforcement and constitutional issues potentially associated with enacting a new ordinance banning the use of electronic nicotine delivery devices in public places. Chief Cychosz noted that currently, there are actions being considered at both the state and federal levels that would regulate alternative nicotine products or vapor products. He said that while none of the state or federal actions would prohibit public use of the devices, there does seem to be an effort to better define the risk associated with nicotine vapors, additives, and the consequences of exposure. Mr. Cychosz noted that, when the State Legislature passed the statewide regulation of smoking in public places, it intentionally dedicated the enforcement role to the Iowa Department of Public Health. Ames does not have a Public Health Inspector, and the responsibilities for enforcement then fall to the Ames Police Department.

Ames Assistant City Attorney Jessica Spoden referenced the Ordinance prohibiting smoking that was adopted in 2001 in public places. She noted that the Supreme Court had held that the City was preempted from establishing more stringent standards on smoking in public places than those established by state law, and it had declared the Ordinance unconstitutional. However, in 2008, the state legislature enacted the Smokefree Air Act. In that legislation, the state chose to eliminate the provision on uniform application. The state does not regulate alternative nicotine products and vapor products. Since Chapter 453A does not address regulations related to prohibiting the use of those products in public places and The Smokefree Air Act does not include a provision on uniform application, the City is likely not preempted from enacting local regulation on this specific issue.

Denise Denton, Story County Policy and Prevention Board, told the Council that there are 225 communities in the United States that have ordinances prohibiting the use of e-cigarettes. She believes that this type of ordinance would work well in Ames. At the inquiry of Mayor Campbell. Ms. Denton indicated that all the cities that had such an ordinance had a Board of Health. She shared that the Story County Policy and Prevention Board would be able to help with the education component. Ms. Denton clarified that the Policy and Prevention Board had taken its request for an ordinance to the Story County Board of Health, not the Story County Board of Supervisors.

Council Member Goodman said that, before he would move ahead with an ordinance, he would like to know what the data are as to whether the product is dangerous to its users before the City would move to enacting regulation. Council Member Orazem questioned what the public good would be in regulating the use of the devices. If the City were to regulate the usage, he would want it to be somewhat limited, e.g., public buildings (schools, libraries, city buildings).

Before requesting an ordinance, Council Member Goodman said it was important to him to see what the data says right now as to whether these types of devices are dangerous to their users. Council Member Orazem said that the obvious question was “What’s the public good?” in regulating the product.

Moved by Goodman, seconded by Corrieri, to request that staff, using existing literature, get a memo back to the City Council on the health risks associated with e-cigarettes to anyone inhaling the product and if there is a second-hand risk.

Council Member Gartin expressed his frustration that the City of Ames Attorney and Police

Chief were never contacted by the County regarding a proposal that would impact Ames citizens. He noted that he had attended the meeting at the County and specifically requested that Ames staff be contacted; however, they were not.

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

**ORDINANCE AMENDING SUBDIVISION REGULATIONS:** City Planner Charlie Kuester noted that in January 2014, the City Council directed staff to research and prepare amendments to the Municipal Code to require the installation of missing infrastructure at the time of site plan review and approval. Planning staff returned on February 24, 2015, asking for specific direction on three issues concerning right-of-way improvements. The direction given by the Council was reviewed.

Mr. Kuester explained the proposed changes to sidewalk specifications, street lights, and gaps in street tree and sidewalk installation. Mr. Kuester noted that the City's practice to not secure financial security for sidewalks and street trees sometimes results in gaps in the sidewalk system that may last several years.

According to Planner Kuester, staff had prepared a Code change that sidewalks be required the earliest of two years following Final Plat approval or when occupancy of a house is sought, or when construction had occurred on 50% of the lots on a block. That approach would expedite sidewalk installation and allow for full pedestrian mobility more rapidly. If the Council is not in favor of that proposed change, another alternative to expedite installation of the improvements would be to bring the City's practices in line with the current Code, which requires that sidewalks be installed at the time of Final Plat approval or that financial security be provided and installation be completed no later than two years after Final Plat approval. If the City Council wants only to remove the inconsistency that exists between the Code requirements and current practice, then the *Municipal Code* could be revised to exempt sidewalks from financial security and to require installation only at occupancy of a house.

Director Diekmann distributed a document that listed the sidewalk requirements for Ankeny, Johnston, Des Moines, Iowa City, Cedar Rapids, and Dubuque. Street light requirements for Des Moines were also included. According to Mr. Diekmann, most cities do not have specific language about perimeter lighting.

Proposed amendments to the Subdivision Code were reviewed by Planner Kuester, as follows: Installation of street lights on interior as well as adjacent streets would be required; five-foot sidewalks on both sides of the street would be required; sidewalks will be required the earliest of two years following Final Plat approval, when occupancy of a principle structure is sought, or when 50% of the lots on a block face have sidewalks installed.

Scott Renaud, FOX Engineering, said that he is confused by some of the amendments. He advised that sidewalks and street trees will be destroyed if the construction is not complete. According to Mr. Renaud, two years is too short for requiring the improvements because if it is approved in January, it could result in only one construction cycle. Street trees are even more complicated because some homeowners do not want trees or they don't want a tree in the location where it was planted. Mr. Renaud noted the amount of property taxes that the City would receive as a result of a development, citing that he felt the City should pay for the street lights. Pertaining to improvements in Commercial zones, Mr. Renaud stated his opinion that to

require sidewalks where they would not be used results in undue costs for the developer and business owner. Mr. Renaud cited his approval of the five-foot-wide sidewalk requirement.

Chuck Winkleblack, Hunziker & Associates, 105 S. 16<sup>th</sup> Street, Ames, stated his preference that the new requirements not pertain to any subdivision that had already been started in 2015. He also noted that when the land is platted, they do not know where the driveways are going to be or where the trees are going to be planted. If that is required, sidewalks and street trees will be destroyed during construction. Mr. Winkleblack pointed out that requiring five-foot-wide sidewalks mean more costs to install. Also, currently, it is understood that immediate connectivity of sidewalks will not happen. It was also the request of Mr. Winkleblack

Director Diekmann noted that staff was recommending that the text amendments would apply to any Final Plat for which a Preliminary Plat had been approved after January 1, 2015.

Moved by Goodman, seconded by Corrieri, direct that five-foot-wide sidewalks be required for new development from January 1, 2015.

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

Moved by Goodman, seconded by Corrieri, to direct that sidewalks be required on both sides of the street in all zoning districts.

Council Member Nelson expressed his opinion that there would be instances where great lengths of sidewalk would not be necessary for industrial uses. Those industrial uses have lots of frontage, e.g., 1,600 square feet would equate to an expense around \$80,000 for sidewalks. Director Diekmann pointed out that that could be a case where a deferral could be requested. Mr. Nelson also offered his opinion that there are some residential streets where there is very little traffic so sidewalks on one side of the street would suffice.

Vote on Motion: 3-3. Voting aye: Betcher, Corrieri, Goodman. Voting nay: Gartin, Nelson, Orazem. The Mayor chose not to break the tie as four votes will be needed to pass on the Ordinance. Motion failed.

Discussion ensued regarding streetlights. Mr. Diekmann advised that one more simple change would be to create a minimal expectation to require lighting at intersections.

Moved by Nelson, seconded by Orazem, to require lighting at intersections on perimeter streets. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Orazem cited his belief that arterials are for the benefit of the City, and street lights should be at the City's expense.

Moved by Goodman to direct staff to figure out a way to apportion the costs of streetlights in new developments among the developers.

Motion failed for lack of a second.

Director Diekmann noted that street trees would be tied to occupancy.

Moved by Goodman, seconded by Corrieri, to place the time frame of three years for installation of improvements on new plats.

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

**SECONDHAND GOODS ORDINANCE:** Police Chief Cychosz stated that the City Council had directed staff to develop an ordinance requiring electronic reporting of secondhand goods purchases.

Scott Nichols, 619 - 18<sup>th</sup> Street, Ames (owner of Chester's Coins, 221 Main Street, Ames), stated that there are some provisions in the Ordinance that simply won't work. Specifically, Mr. Nichols said that he cannot enter the data on the same day that he makes the purchase; he needs three to five days to enter that data. He pointed out that a transaction might occur just a few minutes prior to closing, and he would then have to stay late to get the data entered on the same day that the transaction occurred. Mr. Nichols also expressed his frustration over the time that it will take to record every transaction. He believes that many portions of the Ordinance do not make sense; specifically, putting a customer's name and address on the Internet. He believes that it is entirely wrong to put that information out there for the whole world to see.

Mr. Nichols recommended that the process for creating a new ordinance start over. He suggested that a committee of users and law enforcement be formed to work on a new ordinance. Mr. Nichols noted that he would like the ordinance to be similar to that in effect in Des Moines.

Commander Huff noted that the information is for law enforcement use only; the public would not have access to it.

Moved by Corrieri, seconded by Orazem, to pass on first reading the Secondhand Goods Ordinance.

Council Member Orazem noted that pawnbrokers already have to comply with most of the requirements of the proposed new Ordinance. To him, the new Ordinance levels the "playing field."

Council Member Gartin asked about the time frame for entering transactions. He pointed out that the proposed Ordinance states "by the end of the business day." Mr. Gartin said that he thought it was reasonable to give more time in which to get the purchasing data entered. Council Member Goodman suggested that 24 hours be used.

Moved by Gartin, seconded by Corrieri, to amend the motion to change Section 3A of the proposed Ordinance to create a 24-hour window for entering transactions.

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

Roll Call Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

**WATER AND SEWER RATE ORDINANCE:** Moved by Goodman, seconded by Corrieri, to pass on first reading the Water and Sewer Rate Ordinance.

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

**HEARING ON ANNEXATION OF 3599 AND 3601 GEORGE WASHINGTON CARVER:** Mayor Campbell opened the public hearing.

Kent Spillers, 3439 George Washington Carver, Ames, expressed his frustration over the "transparency piece." He just bought the property 16 months ago. Mr. Spillers noted that it had

been very difficult to get answers as to how the annexation will affect them. He and his wife are very frustrated by the process. After listening to the discussion over subdivision requirements at this meeting, he said he is even more confused and concerned. Director Diekmann told Mr. Spillers that the only thing that will change upon annexation is that the taxes would be different; they would have a City levy. If they stay as one house on one lot, the City has no proactive requirements.

Council Member Nelson asked to know the risks of just doing a boundary lot adjustment. Director Diekmann said that certainly was an option. He showed a map of areas where the City wanted to grow. The intent of a boundary line adjustment would be to take in only the land that is needed for the proposed development.

Mayor Campbell noted that there are no “penalties” for coming into the City; there is no financial reason not to annex.

At the inquiry of Council Member Goodman, Mr. Diekmann indicated that current City policy is not to annex rural development with as low of density as what the Fromms’ and Spillers’ properties would represent.

Mr. Diekmann indicated that the process would move faster if it was not an 80/20 annexation. It would then be 100% voluntary and would not need to go before the City Development Board at the state level.

The hearing was closed after no one else came forward to speak.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 15-226 approving the annexation of 3599 and 3601 George Washington Carver.

Council Member Goodman noted that when properties are close to the city limits of a community, there is always the possibility that the property might be annexed into an adjacent city. He stated his belief that it is difficult to predict when annexation might be requested; however, to not bring in the land at this time could create challenges in the future.

Council Member Betcher shared that she has difficulty seeing the benefits of bringing in all the property that is represented by the 80/20 annexation. Council Member Goodman said that it does not make a big difference now, but it might in the future. He reiterated that you cannot predict when someone will want to come into the City and you can’t create islands.

Roll Call Vote: 3-3. Voting aye: Corrieri, Gartin, Goodman. Voting nay: Betcher, Nelson, Orazem. Resolution failed.

Moved by Goodman, seconded by Orazem, to decide against an 80/20 Annexation and take no final action on the annexation petition until the applicant has completed a boundary line adjustment to create one parcel for annexation that does not, under the Code of Iowa, create an island out of the Fromm or Spillers property.

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO ALLOW SMALL PRODUCTION FACILITIES, INCLUDING MICRO BREWERIES, IN COMMERCIAL ZONES:** The public hearing was opened by Mayor Campbell. The Mayor closed the hearing after no one requested to speak.

Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance to allow small production facilities, including micro breweries, in commercial zones.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**HEARING ON NUISANCE ASSESSMENT:** The Mayor opened the hearing and closed same after no one came forward to speak.

Moved by Corrieri, seconded by Goodman, to approve assessing the costs of snow/ice removal and certifying the assessment to the Story County Treasurer.  
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 BIO-SOLIDS STORAGE TANK AND HANDLING IMPROVEMENTS:** The public hearing was opened by Mayor Campbell. There was no one who requested to speak, and the Mayor closed the hearing.

Moved by Nelson, seconded by Betcher, to reject all bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON WPC PLANT INTERIOR LIGHTING REPLACEMENT PROJECT:**  
Mayor Campbell opened the hearing. No one came forward to speak, and the hearing was closed.

Moved by Corrieri, seconded by Goodman, to approve the cancellation of the solicitation of bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON 2014/15 RIGHT-OF-WAY RESTORATION PROGRAM:** The Mayor opened the hearing. It was closed after no one asked to speak.

Moved by Nelson, seconded by Goodman, to adopt RESOLUTION NO. 15-228 approving final plans and specifications and awarding a contract to Miner Hardscape and Landscape of Grimes, Iowa, in the amount of \$160,440.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Corrieri, to place on a future agenda the report written by Building Official Seana Perkins regarding curbside garbage container options.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Lissandra Villa reflected on her year as the City Council *ex officio*. She also made known her recommendations as to certain initiatives that she would like to see be introduced or be continued.

**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 Gartin, seconded by Goodman, 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 11:43 p.m.

**ADJOURNMENT:** Moved by Goodman, seconded by Betcher, to adjourn the meeting at 11:44 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor