

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

AMES, IOWA

OCTOBER 25, 2016

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 25th day of October, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem were present. *Ex officio* Member Sam Schulte was absent.

Mayor Campbell announced that the Council would be operating from an Amended Agenda. Added to the Consent Agenda was an item pertaining to the 2016/17 Accessibility Enhancement Improvements Program, specifically awarding a contract to T. K. Contracting of Pella, Iowa; and approving its contract and bond.

**PROCLAMATION FOR “NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK,” NOVEMBER 12-20, 2016:** Mayor Campbell proclaimed November 12-20, 2016, as “National Hunger and Homelessness Awareness Week.” Vanessa Baker-Latimer, City Housing Coordinator, introduced Hope Metheny, representing Youth and Shelter Services; Shannon Bardole, representing The Hunger Collaboration; Haley Losoff, representing the Ames Community School District; and Nick Anderson, representing the Emergency Residence Project. Those individuals accepted the Proclamation as representatives of four of the 11 agencies participating in National Hunger and Homelessness Awareness Week. Ms. Baker-Latimer invited the public to the annual “Scoop a Soup” event to be held on November 15 from 11:30 A.M. to 1:30 p.m. in front of City Hall.

**CONSENT AGENDA:** Mayor Campbell noted that she had been asked to pull Items 10, 11, and 13 from the Consent Agenda for separate consideration.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of October 11, 2016, and Special Meeting of October 18, 2016
3. Motion approving Report of Contract Change Orders for October 1 - 15, 2016
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class B Beer - Mongolian Buffet, 1620 South Kellogg Avenue, Suite 103
  - b. Special Class C Liquor - Le’s Restaurant, 113 Colorado Avenue
5. Motion approving revision to Outdoor Service Privilege for Tip Top Lounge, 201 East Lincoln Way
6. Motion approving new 5-day (November 12-16) Special Class C Liquor License for Orchestrate Management at ISU Alumni Center, 420 Beach Avenue, pending dram shop insurance
7. RESOLUTION NO. 16-616 approving Quarterly Investment Report for quarter ending September 30, 2016
8. RESOLUTION NO. 16-617 accepting Ames Municipal Utility Retirement Report
9. RESOLUTION NO. 16-624 awarding contract to Bobcat of Ames, of Ames, Iowa, in the amount of \$64,383.03 for purchase of Utility Work Vehicle and Attachments for Water Plant Operations
10. 2016/17 Accessibility Enhancement Improvements Program:
  - a. RESOLUTION NO. 16-646 awarding contract to T. K. Concrete of Pella, Iowa
  - b. RESOLUTION NO. 16-647 approving contract and bond
11. RESOLUTION NO. 16-626 approving Change Order No. 2 for Geotube Filter Bag Hauling to Boone County Landfill with Chitty Garbage Service, Inc., of Nevada, Iowa
12. RESOLUTION NO. 16-627 approving Change Order No. 8 for Natural Gas Conversion Equipment, including Burners, Igniters, Scanners, Thermal Analysis, and Computer Modeling
13. RESOLUTION NO. 16-628 approving partial completion of public improvements for Crane Farm Subdivision and revised security amount

14. Water Pollution Control Facility Street Repairs Project:
    - a. RESOLUTION NO. 16-629 approving Change Order No. 1
    - b. RESOLUTION NO. 16-630 accepting completion
  15. RESOLUTION NO. 16-631 accepting completion of 2015/16 Concrete Pavement Improvements Program #1 (Friley Road)
  16. RESOLUTION NO. 16-632 accepting completion of 2015/16 Water System Improvements Program #1 - Water Main Replacement (Country Club Boulevard)
  17. RESOLUTION NO. 16-633 accepting completion of 2015/16 Shared Use Path System Expansion (South Dakota Avenue)
  18. RESOLUTION NO. 16-634 accepting completion of 2014/15 Downtown Street Pavement Improvements (5<sup>th</sup> Street)
  19. RESOLUTION NO. 16-635 accepting completion of 2015/16 Traffic Signal Program (U.S. Highway 30/University Boulevard)
  20. RESOLUTION NO. 16-636 approving Plats of Survey for 2320 and 2338 Lincoln Way
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ADDITIONAL FUNDING TO HOPKINS AND HUEBNER FOR OUTSIDE COUNSEL SERVICES:** Council Member Betcher asked City Attorney Judy Parks for an update on the dollar amount that has been approved for outside legal counsel. Ms. Parks stated that they have gone through slightly less than \$75,000. The bulk of that has been spent on the prosecution functions that are being handled by Megan Flynn. Ms. Parks explained that there was a split of the money between prosecution services and the Hopkins and Huebner Law Firm, who is handling time-sensitive, non-prosecution work. There is about \$7,000 left in that fund; however, there are projects already in the hands of Hopkins & Huebner that will expend that amount and more. Therefore, the additional \$25,000 would allow them to continue working on the items that the City sends them.

Ms. Betcher also questioned how the recruitments for additional legal staff were going. City Attorney Parks answered that they had finished the paralegal recruitment and were expecting to make a hire soon. They are about to post the Assistant City Attorney position; however, given the time frame of the steps still needing to be accomplished, that position is not expected to be filled until January.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 16-618 approving additional funding to Hopkins and Huebner for outside legal counsel services in the amount of \$25,000. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**REQUESTS FROM MAIN STREET CULTURAL DISTRICT FOR SNOW MAGIC:** Council Member Betcher asked to hear an update on the new lights that will be used during the Snow Magic event.

Cindy Hicks, Director of the Main Street Cultural District, 304 Main Street, Ames, stated that the official turning on of the lights will be held on November 11. They are still working on a few electrical issues to ensure that the lights are all powered correctly, but they will be ready to go by November 11. Ms. Hicks noted that new lights were not installed on the Sheldon Munn due to construction being done on that building, but lights will be installed when that has been completed.

Moved by Betcher, seconded by Corrieri, to adopt the following requests from Main Street Cultural District for Snow Magic:

- a. Motion approving Blanket Temporary Obstruction Permit in Central Business District for November 11 through December 24
- b. Motion approving Blanket Vending Permit in Central Business District for November 11
- c. RESOLUTION NO. 16-619 approving waiver of permit fee
- d. RESOLUTION NO. 16-620 approving usage of electricity for holiday activities/lighting from November 11 through January 1, and approving waiver of electricity costs
- e. RESOLUTION NO. 16-621 approving closure of 14 parking spaces from 5 p.m. to 8 p.m. in Central Business District on November 11 and approving waiver of parking meter fees
- f. RESOLUTION NO. 16-622 approving closure of Kellogg Avenue from Main Street to 5<sup>th</sup> Street on November 11 from 5 p.m. to 8 p.m.; 8 a.m. to 1 p.m. on November 26; and 8 a.m. to 1 p.m. on December 10
- g. RESOLUTION NO. 16-623 approving suspension of parking regulations and enforcement for Central Business District on Friday, November 11, and every Saturday from November 12 through December 24, and approving waiver of fees

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

**CONTRACT AND BOND FOR 2015/16 AIRPORT IMPROVEMENTS PROGRAM (AMES NEW EXECUTIVE TERMINAL BUILDING):** Council Member Betcher stated that she had requested that this item be pulled from the Consent Agenda to give the two Council members who had voted against the project in the past an opportunity to do so again if they so desired.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-625 approving the contract and bond for the 2015/16 Airport Improvements Program (Ames New Executive Terminal Building). Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Mayor Campbell opened Public Forum. Martin Edelson, 2417 Duff Avenue, shared that he had just been elected as the point of contact for the newest Ames Neighborhood Association: the Inis Grove Neighborhood Association. Mr. Edelson said that he had communicated information about the Association via an email message to the Mayor and City Council members; however, he wished to reiterate one element of that message. He noted that several issues had precipitated the forming of a new neighborhood association; however, one such issue was the safety concerns about pedestrians crossing Duff Avenue (due to traffic and speeding vehicles). When canvassing the neighborhood to gauge interest in forming a neighborhood association, it was determined that those concerns were shared by many of the residents. Mr. Edelson commented that one benefit of forming the Association was having the assistance of the City's Neighborhood Liaison and Planner Julie Gould. At the Association's last meeting, Ms. Gould had shared that there had been a bicycle lane/pedestrian traffic study done for Duff, which indicated that a four-way stop sign on the corner of 24<sup>th</sup> and Duff was warranted. Mr. Edelson said he just wanted to use this opportunity to call this to the attention of the Mayor and City Council members and hoped that they would make this a priority.

No one else came forward to speak, and the Mayor closed Public Forum.

**MIRACLE LEAGUE FIELD AND ALL-INCLUSIVE PLAYGROUND:** Parks and Recreation Director Keith Abraham provided the background for this project. In summary, representatives of the Arc of Story County and Friendship Ark Homes, in July 2015, had contacted him to discuss the possibility of adding an All Inclusive Playground to the City's Park System. This type of Playground means that 100% of the components are accessible to everyone. Other organizations indicated an interest in pursuing the Playground, and an Exploration Committee was formed. There is no playground like

this or Miracle League Field in Story County to address the needs of children and adults with intellectual or developmental disabilities. A Miracle League Field was defined as a small baseball/softball field with outfield fences 150-175 feet from home plate. The Committee developed the scope and goals for the potential project. It was determined in January 2016 that there was enough interest within the community for pursuing the project.

Mr. Abraham summarized the results of the various locations for the Ballfield/Playground that had been investigated. He stated that all parks were reviewed. Three of the locations that were determined to best fit the needs of the project were: Lloyd Kurtz Park on Bloomington Road, Ames Middle School site off of Mortensen Road, and Inis Grove (two options) off of 24<sup>th</sup> Street. He listed the location selection criteria that were used by review potential sites and gave the pros and cons of the locations.

Mr. Abraham defined neighborhood parks, which are much smaller in area, have a smaller service area, and do not contain public restrooms. Community parks are designed to service a larger area of the City's population, are larger in geographic area, and are equipped with public restrooms.

The history of changes to Inis Grove Park since 1985 was given by Mr. Abraham. He showed what the Park would look like with the addition of both options for this project. If Inis Grove Park is the approved location, the project might include adding paths, storm water detention, parking modifications, landscaping, and lights. A new restroom would replace the one near Shagbark Shelter and the restroom located adjacent to the west parking lot would be renovated.

According to Mr. Abraham, the Parks and Recreation Commission had requested the opportunity to review the design before plans and specifications are presented to the City Council for approval. They had made this request in order to understand how the neighbors' concerns were being addressed. Mr. Abraham explained an outline of the proposed project design process. It was noted that there had already been multiple public meetings that had provided an opportunity for residents to express their opinions. There will be several more opportunities for public input as this project moves forward.

Mr. Abraham advised that current Department policy does not allow advertising on ballfield fences, and it is not anticipated that that policy would change.

Council Member Betcher pointed out that the old ballfields in Inis Grove were not lighted; the tennis courts and volleyball courts are both lighted.

Martin Edelson, 2417 Duff Avenue, Ames, speaking for the Inis Grove Neighborhood Association, shared that he had had a conversation today with a person on the Ankeny Parks and Recreation Commission, who is very familiar with its Miracle League Field and All-Inclusive Playground. That person told Mr. Edelson that that was the best experience he had ever had with his ten-year tenure with the Commission. He noted that the Ballfield/Playground really provided the first opportunity that the children had had to engage with each other, and he enjoyed watching the volunteers interact with the children and had heard how that carried over the next day in school. Mr. Edelson was told by the gentleman that the Ballfield/Playground provided a remarkable bridge between what could be two distinct worlds and make connections between people with disabilities and others. That gentlemen contrasted his experience with the DM Miracle League Field, which Mr. Edelson found out is only used ten to 15 times per year, is fenced off and locked up, and does not contain a playground. According to Mr. Edelson, Ankeny deliberately placed its field by other sports fields, which further facilitated interaction between those with disabilities and those without.

Mr. Edelson shared that the vast majority of neighborhood residents are in favor of the Playground and Miracle Field; however, the issue is whether Inis Grove is the best place for the facilities. According

to Mr. Edelson, many of the residents believe that they have not received sufficient information on the proposed project, e.g., detailed studies of traffic, etc, have not been done. For that reason, he asked that the City Council table the first resolution listed on the Agenda that specifies the location as Inis Grove Park.

At the inquiry of Council Member Gartin, Mr. Edelson advised that he had knocked on 56 doors; 55 people had signed the petition to form a neighborhood association. Since that time, two people had asked to drop out.

Larry Ebbers, 220-24th Street, Ames, said he wanted it known that he is not a complaining member; he is a concerned neighbor - and that means Inis Grove Park. He stated that he was a former Parks & Recreation Commission Director. He referenced a recent newspaper article concerning tonight's meeting that stated this issue was not a neighborhood concern, but a City concern. Mr. Ebbers presented an additional 27 signatures "to add to the nearly 600 signatures" that had already been submitted at the last Parks and Recreation Commission meeting in opposition to placing the Ballfield/Playground in Inis Grove Park. He commented that the Ballfield/Playground would fundamentally alter the Park. Mr. Ebbers alleged that the statement that had been made that it will take only 25% of the Park is inaccurate; it will take almost half of the Park. He believes that the Park is becoming a sports complex instead of a park, with the addition of tennis courts, sand volleyball courts, basketball courts, and now a ballfield.

Mr. Ebbers said that he wants the Ames Middle School to be looked at again for the location of the Playground and Field and believes that it should be the School Board and City Council who make the decision, not the Director of the programs. He specifically asked that the Council members consider the concerns that have been brought before them tonight, and in particular, to not approve lights. Mr. Ebbers alleged that the only person wanting lights in the Miracle Field is the Parks and Recreation Director. He said that there is no way to negate the effect of lights on 17 front yards of the residents living adjacent to the Park. According to Mr. Ebbers, if the consultants are not told specifically to exclude lights, they will include lights.

Mayor Campbell noted that it was not the idea of the Parks and Recreation Director to place lights in the project.

Susan Teas, 2003 Polk Drive, Ames, stated that she and her husband have been residents of Ames for 37 years. She said that their four children, who were involved in a variety of sports, were raised in Ames. The children played baseball and soccer at Inis Grove Park. Parking and traffic were challenging, but were not problems. Ms. Teas pointed out that now the baseball and soccer fields are gone, replaced by beautiful greenspace. In Ms. Teas' opinion, it is just that: greenspace; there is nothing inviting that calls people to come play at the Park. She noted that steep ravines could prove hazardous to her and others, but just because a person has a diagnosis of autism does not mean that steep ravines are a hazard. Ms. Teas commented that anyone supervising a person with disabilities would take the responsibility to ensure their safety. She pointed out that an All-Inclusive Playground is not a playground just for those with disabilities; an exclusive playground that does not exclude a person because of his or her disabilities. She encouraged the Council to include lights and a portable microphone at the new Inclusive Playground and Miracle League Park. It was pointed out by Ms. Teas that technology has advanced for lightbulbs and the type of light that they give off, so she believes it would not be a problem for the residents living adjacent to the Park.

Marianne Russell, 3314 Polaris Drive, Ames, told the Council that she has a disability and asked the Council to approve the Field and Playground in Inis Grove. She said she was present to stand up for those with disabilities. Ms. Russell pointed out that people with disabilities are a part of the Ames community too.

Mary Jane Brotherson, 1206 Michigan Avenue, Ames, said that she is the mother of Marianne Russell, who had just spoken. She said that she has been a teacher, researcher, mother, and advocate for those with disabilities for over 40 years. Ms. Brotherson explained how they have worked through the years to enhance the lives with those with disabilities. The Ballfield/Playground would provide a true opportunity for those with disabilities to feel a part of the community and not be excluded.

Tom Russell, 1206 Michigan Avenue, Ames, said that he is the father of Marianne Russell and the husband of Mary Jane Brotherson. He believes that the Middle School is not the place for the Ballfield/Playground because it would not just be for kids. Mr. Russell believes that it is time to move forward to get this Ballfield/Playground in place in Inis Grove Park. He thanked Keith Abraham and the Parks Commission, who unanimously chose Inis Grove Park as the site for this project.

Bill Haas, 2313 Broadmoor, Ames, noted that the neighborhood association of which he is a member is in favor of the Ballfield/Playground. He said his main criticism with what he has seen happen so far is that he does not see leadership from the City Council. He sees people waiting around just waiting to stamp something. He does not see the Council directing the Parks and Recreation Department with a long-range plan that is followed. Mr. Haas said he has seen the Parks and Recreation Commission consider acquiring land for this facility. He asked about the long-time vision for the facility in an existing park; and asked what the plan was for those in the community with disabilities – questioning whether it is a “one-and-done.” Mr. Haas does not want the City to just settle and asked what a consultant would advise. He thinks that a facilitator should be hired to help the City “dream.”

Lauren Wernau, 205 Dotson Drive, Ames, commented that she knows several families who travel very far to use the Ankeny All-Inclusive Playground and Miracle Field. She believes that those families would come to Ames. In her opinion, that could bring also bring economic benefits to Ames. Ms. Wernau sees Inis Grove as the best location; it would be easy to navigate to and children love to go to that Park. Her opinion is that it is important to locate the Miracle Field/All-Inclusive Playground in an existing park. She noted that there is not an existing park at the Middle School. If built there, it would have a stigma that it was built for handicapped people. In the experience of Ms. Wernau, Middle Schoolers are not the nicest people. She has coached Special Olympians and she does not understand why anyone would advocate for placing of the Playground/Miracle Field at the Middle School. Ms. Wernau believes that having a portable PA system would not create sound pollution that would be anything similar to a regular ballgame. It was noted by Ms. Wernau that there would still be a lot of greenspace in Inis Grove, even with the Miracle Field and All-Inclusive Playground. She suggested that neighborhood residents get involved with those who have disabilities so that they can understand that they just want a chance to be included in the community.

Tricia Crane identified herself as the Executive Director of the Arc of Story County, 130 South Sheldon. She said she initially thought that Ames was trying to do something special with the proposed Ballfield/Playground; however, she no longer feels that way as so many other communities have passed Ames by and are already done with their projects. Ms. Crane pointed out that Inis Grove is a 42-acre park; the Playground and Field would use fewer than two acres. She also noted that, although it was stated that placing the Ballfield/Playground in Inis Grove Park was a community concern, persons from other towns (Webster City/Fort Dodge) had signed the petition opposing it as did over 100 Iowa State students living in the dorms. She asked what they cared about locating the Ballfield/Playground at Inis Grove Park. Ms. Crane believes that each child deserves an opportunity for personal growth and placing the Ballfield/Playground in Inis Grove Park would provide that. Ms. Crane concurred with the previous speaker that all children love Inis Grove Park, and it is the best location for the Miracle League Field and All-Inclusive Playground.

Kathy Schnable, 3629 Woodland Street, Ames, expressed support for this project and its location at Inis Grove. She said that is an opportunity for Ames to show that it values all members of the community. Ms. Schnable commented that the Steering Committee had done an exhaustive search of many locations; that search found that Inis Grove was the best location. Ms. Schnable pointed out that Ames has a Park Master Plan, and it states that community parks are the appropriate locations for playgrounds and recreational facilities. Ms. Schnable asked the Council to approve Inis Grove Park as the location and send the message that Ames values all people.

Mary Christy, 2825 Clayton Drive, Ames, expressed her excitement about the opportunity for this project. She stated that she has a son with special needs and her family had to go elsewhere so that their two sons could play together. This Park would give people with disabilities to play and interact with others. Ms. Christy stated her belief that the community can work hard together to alleviate concerns. She asked the Council to vote affirmatively to approve Inis Grove as the location so they can move forward with the design and begin the fund-raising efforts.

Shelley Jaspering, 823 Duff Avenue, Ames, stated that she is very excited for the opportunity that she might get to play softball with her friends and co-workers. She added that the location of Inis Grove is close to Mary Greeley, which is important for those with health concerns. Ms. Jaspering said having the Field at the Middle School would be awkward for her; she is 39 years old and would not go to the Field if it was placed there.

Drew Kamp, 304 Main Street, Ames, noted the 102-page staff report, which he said is symbolic of the work of the Parks and Recreation Director and Steering Committee. He pointed out that the sound system would be a portable system. It would give pride to those playing on the Field when they heard their name. Mr. Kamp also believes that it is important to add the lighting in the design process. According to Mr. Kamp, MUSCO Lighting would donate 50% of the cost of the system. Addressing options outside of Inis Grove, Mr. Kamp said the issue is that several of the locations are located in the floodplain. He noted that flooding waters would do irreparable damage to the type of surface used on the Miracle Field, and he believes fund-raising for the facility to be placed at any of those locations would be an issue. According to Mr. Kamp, on the subject area of Duff, there had been an average of 1.4 accidents/year, which to him, is not such a great number that it would rule-out Inis Grove. Inis Grove has 130 spots for parking; at most, 75 would be needed for the Ballfield/Playground, so parking should not be an issue. Mr. Kamp also noted that the storm water system and storm water detention are already in place. It was stated by Mr. Kamp that of the Park's 42 total acres; 21 are undeveloped. He pointed out that public input had been heard along the way, and they are committed to continued public input throughout the design process. It was also noted by Mr. Kamp that Inis Grove is a community park and is intended to be used and for the benefit of the entire community. Those with mental and physical disabilities are a part of the community. Mr. Kamp asked the City Council to move forward with Alternative 1.

Martin Edelson provided further information relevant to comments made by a previous speaker. He said that a lot of ISU students volunteer in Ankeny and work to help those persons using the Miracle Field. Mr. Edelson thought those students might volunteer to help in Ames as well. So he felt it was appropriate that they could have signed the petition. He acknowledged that persons from Webster City and other persons outside of Ames had signed the petition. Since the Field and Playground were purposed to be a regional attraction that will bring persons from other communities to Ames, he felt that out-of-town residents could also have signed the petition. Regarding any potential economic development, the person with whom Mr. Edelson had spoken to from Ankeny said he didn't see any likelihood that it would bring any economic development in Ames. Mr. Edelson also commented that the continued development on North Grand, Walmart, Northern Lights, and Ada Hayden will bring additional traffic.

Allen Bierbaum, 1504 Curtis, Ames, stated that he is a member of the Ames Parks and Recreation Commission. Mr. Bierbaum complimented Director Abraham and staff on thoroughly seeking out locations and possibilities. He said that while it is true that there might be other locations, through a thorough process, it has been determined that Inis Grove is the best place. Mr. Bierbaum believes that lighting should not be precluded at this time. He pointed out that there might be procedures that could be put into place when the lights could be used. Mr. Bierbaum noted that this project is in keeping with several of the current goals of the City Council, i.e., promotes the sense of One Community, strengthens human services, and promotes healthy lifestyles. He believes that this is a wonderful project and a way to do it must be found. He agreed that the project is going to change the character of the Park, but that is not a bad thing; it will enhance it.

Council Member Nelson asked Director Abraham if portable PA/sound systems are precluded by park rules or policies. Mr. Abraham stated that they are currently allowed.

Council Member Betcher asked if it would be possible that people would have to ask permission to use lights. Mr. Abraham said that would definitely make things much more difficult to manage. He stated that technology has come a long way and believes that it would be possible to focus the lights in a certain way so as not to create a problem for adjacent property owners. According to Mr. Abraham, there is now software available that allows programming the lights to come on and go off at certain times; that is already being done at the sand volleyball courts and at South River Valley. Ms. Betcher also asked how much experience the City has with mitigating light pollution. Mr. Abraham answered that the City does not have experience with that; however, that is one of the reasons a consultant needs to be on board. He noted how the lights are set up at the Ankeny Miracle League Park.

Council Member Gartin noted that Mr. Edelson had questioned staff's due diligence with respect to children's safety, traffic, storm water and storm detention. He noted Mr. Abraham's expertise in park development and asked that he comment about the risks. Mr. Abraham acknowledged that there are always safety concerns and risks no matter where the facility would be located. Nothing will eliminate all risks, but the risks must be managed as much as possible. The City has learned from the construction of a similar facility in Ankeny. Conversations have occurred between Parks and Recreation Department and the Public Works Department staff. Public Works has indicated that the project is do-able at Inis Grove Park.

Mr. Gartin asked Director Abraham to address the allegations of Mr. Ebbers that the proposed project would take 50% of Inis Grove Park. Mr. Abraham showed a map of the Park and the area that would be taken up by the Playground and Field to show that they will take approximately 25% of the open greenspace.

Council Member Gartin noted the suggestion made earlier that non-park land be considered. Mr. Abraham noted that land is at a premium in Ames. He stated that the Steering Committee had considered non-City sites. There was nothing out there that was feasible due to the cost or not being sufficient in size.

Council Member Nelson asked if the actual size of the Miracle Field would be much smaller than a typical Little League field. Mr. Abraham replied in the affirmative.

Council Member Betcher referenced her experience in living next to one sports complex and one about a block away. She said she was convinced, after reading the staff report and hearing the information, that due diligence has been done by the staff and Commission. Ms. Betcher commented that she would like to see the Park in one of the River Valley Parks because that is where they already play ball.



However, if this project is going to be located next to a low-density neighborhood, she did not want to include lights or install a permanent sound system. If the facility is going to be located in Inis Grove Park, she urged her colleagues not to include lights or a permanent sound system. She also does not want a consultant to include those elements in the design concept.

Moved by Betcher, seconded by Beatty-Hansen, to approve Alternative 1 with the stipulation that lighting and a permanent sound system not be included in the design.

Council Member Orazem noted that Ames is the home of Iowa Special Olympics; it has been hosted here for 46 years. He would have liked Lloyd Kurtz Park to be the location because it is closer to Iowa State University where many of the Special Olympics events are held. However, that site has been determined to not be large enough, and that it would have been a stand-alone facility if it were to be located there. Mr. Orazem said he wanted to know if lighting could be included at Inis Grove, and he wants it included in the design concept.

Vote on Motion: 2-3-1. Voting aye: Beatty-Hansen, Betcher. Voting nay: Gartin, Nelson, Orazem. Abstaining due to conflict of interest: Corrieri. Motion failed.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-637 approving the placement of the Miracle League Field and All Inclusive Playground in Inis Grove Park (Alternative 1) and RESOLUTION NO. 16-638 approving an appropriation of \$50,000 from the Park Development Fund for project design.

Council Member Gartin thanked the neighbors who spoke at tonight's meeting for their civility and perspectives. He thanked the members of the community and those who want to use the facilities who offered input and the members of the Parks and Recreation Commission. Mr. Gartin noted that it is the role of the Commission to explore options to come up with the best option.

Noting a comment made earlier at this meeting on a lack of leadership on the part of the City Council, Mr. Gartin said he believed that Council Member Amber Corrieri had demonstrated tremendous leadership pertaining to this project.

Vote on Motion: 4-1-1. Voting aye: Beatty-Hansen, Gartin, Nelson, Orazem. Voting nay: Betcher. Abstaining due to conflict of interest: Corrieri. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

The meeting recessed at 8:08 p.m. and reconvened at 8:15 p.m.

**SOUTH DUFF SAFETY AND ACCESS PROJECT:** Traffic Engineer Damion Pregitzer explained the actions needed to be taken by the City Council at this meeting. He stated that there are still items that will need to be finalized at the November 22, 2016, meeting. Staff will work to secure the cross-access, easement agreement on Walmart's property. It was noted by Mr. Pregitzer that the cross-access easement on U-Haul's property has been secured. As part of the contract rezoning, U-Haul is required to construct a driveway within the easement area connecting from Walmart's property south to the last property north of Squaw Creek within two years of the date of approval of the contract.

At the inquiry of Council Member Orazem, Mr. Pregitzer clarified that Walmart will contribute land plus \$85,000. He noted particular paragraphs of the Development Agreement.

James Howe, 912 Clark Avenue, Ames, stated that his business is located at 811 South Duff, and he has been in business for 30 years. His biggest concern is whether he will be able to continue to conduct his

business at its current location due to the size of trucks that will be needing to go in and out of his property. According to Mr. Howe, it is going to be very, very, very tight for those trucks to make the turns. Mr. Howe said that he has been told that the timing the lights will be possible to allow for that access and egress. He doesn't see how that will be possible with the size of trucks that his business services. Mr. Howe noted that he is more than willing to work with the City, but wanted to convey his concerns.

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 16-639 approving the Iowa Department of Transportation grants for Traffic Safety Improvement Program funds in the amount of \$450,000 and for Urban-State Traffic Engineering Program funds in the amount of \$400,000.

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

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 16-640 approving preliminary plans and specifications for the 2016/17 U. S. 69 Improvements Program, and setting November 16, 2016, as the bid due date, and November 22, 2016, as the date of public hearing.

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

**ACCESS EASEMENT AT 436 SOUTH DUFF AVENUE (PANDA EXPRESS):** Council Member Nelson commended City staff on foreseeing future needs and being proactive.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-641 approving the Agreement to provide an Access Easement at 436 South Duff Avenue, subject to signature and recording of the Agreement.

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

**STAFF UPDATE ON LANDSCAPE ORDINANCE CONCEPT PROVISIONS:** Council Member Nelson advised that he had received feedback from development community that they would like more time to digest the changes.

Planning and Housing Director Kelly Diekmann said he would like a few minutes to walk through the changes that Council had requested to ensure that what was being recommended met with Council's direction given to staff on August 16, 2016. Staff had been directed to meet with the landscape workgroup to further refine the 50-point scoring system being proposed and consult with the workgroup on the flexibility of the system and clarify or simply its requirements. Mr. Diekmann reported that feedback from the stakeholder group indicated a desire for a simplified scoring system that consisted of a lower overall required point total and either simplified categories or a lesser number of categories. Specifically, the group believed that achieving the proposed 50-point total would be problematic under the current proposal with the categories and presents a large increase in costs depending on the circumstance. Additionally, there were comments to try and have an achievable total point requirement when the ordinance is adopted initially and then review its performance after a year to evaluate changes in scoring. There was also some discussion about having no categories and just a broad suite of points.

Council Member Orazem asked about awarding points for possible designs outside of the norm. He doesn't want staff to have to decide on what aesthetics are acceptable.

According to Mr. Diekmann, after the August 16<sup>th</sup> City Council workshop and from the September workgroup meeting, staff prepared two additional scoring system options. Those options were

explained to the Council. It was noted by Mr. Diekmann that a substantial amount of work related to amending the Zoning Ordinance would be needed no matter what option is selected. Director Diekmann said that, although there is no particular urgency being created, staff would like to have the ordinance in place before the next construction cycle. An ordinance will be needed to be prepared.

Moved by Nelson, seconded by Gartin, to postpone this item until the next Regular Meeting.

Council Member Corrieri noted that she had received very little feedback from developers. She encouraged interested parties to contact the Council members.

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

**STAFF REPORT ON REQUEST OF CUSTOMER FOR ADJUSTMENT TO UTILITY ACCOUNT:** Finance Director Duane Pitcher stated that the City had received a request from a customer at 1101 Carroll Avenue requesting an adjustment to her utility account. The customer had been out of town from June 20, 2016 to July 14, 2016. When she returned home, she found water running and several inches of water in her basement. It was discovered that a pipe had separated from the water heater and had run for several days. The water had flowed down a floor drain connected to the sanitary sewer system. Mr. Pitcher noted that the Sewer Rate ordinance allows the City Manager to approve an adjustment to a customer's bill when 2,000 cubic feet or more of water is used in such a way that the water does not reach the sanitary sewer system. However, in this instance, the customer is not eligible for an adjustment to the sewer charges since the water flowed into a floor drain that is connected to the sanitary sewer system. There is currently no provision in the Water Rate Ordinance that would allow for an adjustment to her water charges.

It was pointed out by Mr. Pitcher that the water, yard water, and irrigation rates are seasonal with higher rates during the summer billing period. The higher summer rates were intended to encourage voluntary conservation of outdoor water usage and have been successful in reducing voluntary usage. However, an unintended consequence of the seasonal rate is that customers who experience high water usage as the result of a malfunction are charged significantly more than if the malfunction would have occurred during the winter billing period. This customer's situation is an example of an unintended consequence. The customer would have been billed \$1,063.62 for water charges instead of \$2,737.55 if this incident would have occurred a month earlier.

Mr. Pitcher noted that there are two issues: (1) whether an adjustment to the customer's utility account should be made and (2) whether a policy change should be made to authority the City Manager to make the decision as to whether or not to adjust the rate when the water usage was unintentional. According to Mr. Pitcher, staff is recommending that the rate be adjusted in this case because it was an unintentional use.

Council Member Orazem asked how quickly the City can tell if a customer has usage outside the norm. Mr. Pitcher answered that there are occasions when the meter is read (once a month) that the City can tell immediately.

Moved by Gartin, seconded by Corrieri, to approve Option 3 and reduce the outstanding financial obligation for the water portion of the bill from \$2,737.55 to \$1,063.62.

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

Council Member Nelson asked for clarification of whether or not the policy change had been included in the motion. City Manager Steve Schainker said that the policy will come back to the Council for approval.

**REQUEST OF MAIN STREET CULTURAL DISTRICT (MSCD) FOR FUNDING FOR NATIONAL REGISTER OF HISTORIC PLACES NOMINATION APPLICATION:** Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-642 approving an allocation of \$3,000 from the Contingency Account as a match to the Main Street Cultural District's contribution to complete the application for the National Register of Historic Places nomination.

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

**RESULTS OF RESIDENT SATISFACTION SURVEY:** Public Relations Officer Susan Gwiasda presented the results of the City's 34<sup>th</sup> Annual Survey. She explained the distribution of the Survey and

noted that 496 responses had been received [out of the 2,600 (1,350 utility bill and 1,250 emailed to ISU students) surveys]. Ms. Gwiasda noted that the very good ranking rose this year. Overall, the responses indicated a 99% good or very good ranking of City services.

Council Member Betcher suggested that Ms. Gwiasda share the Survey results with ZLR.

Council Member Beatty-Hansen noted that the response rate from students was so much higher than from the other respondents. She hoped that an electronic survey could be made available to all possible respondents in the future.

**HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR 2617 BOBCAT DRIVE:** Director Diekmann told the Council that the Preliminary Plat needs to be approved by the City Council before the Major Site Development Plan is approved.

Preliminary Plat. City Planner Justin Moore explained that the subject site is currently Outlot A in the 4<sup>th</sup> Addition of the Ringgenberg Park Subdivision. It is currently addressed as 2617 Bobcat Drive; the request is from Friedrich Land Development Company, LLC. The Preliminary Plat would subdivide 1.45 acres into 13 buildable lots totaling 1.28 acres and two outlots totaling .27 acres. The subject site is located on the north side of Bobcat Drive west of Cedar Lane with existing apartments to the west and south, single-family homes to the southeast, Village Co-Op apartments directly to the east, and a farmstead to the north.

According to Mr. Moore, the developer of the site proposes a single-family attached residential development configured with four groups of single-family attached homes, each on its own lot. Staff has included a condition on approval that a Final Plat for Ringgenberg 5<sup>th</sup> Addition must be approved to create the required lots for the single-family attached units (otherwise, the structure would be classified as apartments and would require different site improvements for parking and landscaping).

Two key policy items need to be addressed. The proposed lots do not front on a public street. Waivers to the lot, block, and street requirements would need to be granted. The second issue is that the current outlot serves as the open space for the Ringgenberg Subdivision, 4<sup>th</sup> Addition, as required by the FS-RM Zoning District.

Council Member Nelson asked for staff to explain the sidewalk that is being required between Lots 6 and 7. Planner Moore said that a mid-block cut-through at least every 660 feet (Subdivision Code and zoning requirements) is required. The sidewalk between Lots 6 and 7 would provide pedestrian access through the parking lot to Cedar. According to Director Diekmann, staff is requesting that the Council approve a condition that prior to the Final Plat being approved, a five-foot private sidewalk from Bobcat to Suncrest Drive between Lots 6 and 7 of the 4<sup>th</sup> Addition be completed or financially secured with

written acknowledgment of the property owner to authorize its installation. It was noted that that condition was listed as Condition D under Alternative 1 in the Council Action Form.

Kurt Friedrich, 100 Sixth Street, Ames, told the Council that this development would provide much-needed reasonably priced work-force single-family attached housing. He addressed the additional sidewalk that is being required by City staff. The proposed sidewalk would run 150 feet or more through the existing parking lot. Vehicular parking would be coming through that parking lot to the covered parking area and handicapped-parking area. Mr. Friedrich stated that the developer believes that a section of sidewalk between Lots 6 and 7, as proposed by staff, would be redundant and create an unsafe condition for pedestrians. All the sidewalk connections would already be on the west side of the property to the north/south existing path that leads to Oakwood. Sidewalk connections to the east along the property owned by the Village Co-Op will be installed all the way to Cedar Lane. Mr. Friedrich also noted that the section of sidewalk between Oakwood and Suncrest that was to be installed about a year ago has not yet been installed. According to Mr. Friedrich, the developer has completed all of the segments that had been required of it, and it is crucial that the segment to be constructed by the City get done. Director Diekmann advised that the contract for the Oakwood path and Cedar segment was just awarded by the City Council at its last meeting; it should be finished late this fall or early next spring.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-643 approving the Preliminary Plat for Ringgenberg Park Subdivision, 5<sup>th</sup> Addition, including a waiver of Subdivision Code standards for lot design, block length, and public street improvements for lighting, curbs and gutter, and sidewalks with the following conditions (A through C):

- A. Prior to Final Plat approval, the private sidewalk connection to Cedar Lane connection shall be completed or financially secured with written acknowledgment by the property owner (Village Co-Op) to authorize its installation.
- B. Prior to Final Plat approval, to recognize bobcat Drive as a private street, the developer shall provide a common maintenance agreement among all beneficiaries of the cross-access easement within the Ringgenberg 4<sup>th</sup> and 5<sup>th</sup> Additions. The Agreement is to be reviewed and accepted by the City of Ames and recorded prior to recording of the Final Plat.
- C. Prior to Final Plat approval, the developer shall provide evidence to the City that all lots within the Ringgenberg, 4<sup>th</sup> Addition, and the proposed 5<sup>th</sup> Addition have a legal right to use and enjoy the common spaces within the Ringgenberg PRD and participates in its maintenance and upkeep. The documents shall be reviewed and accepted by the City prior to recording of the Agreements and the Final Plat.

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

Major Site Development Plan. City Planner Justin Moore explained that the developer is requesting approval of a Major Site Development Plan amendment to the Plan previously approved on October 14, 2014, and revised on May 26, 2016. The amendment would allow for development of 13 single-family attached homes on an area previously noted as landscaped open space. The subject site is currently designated as Outlot A within the Ringgenberg Park Subdivision, 4<sup>th</sup> Addition, and is addressed as 2617 Bobcat Drive. According to Mr. Moore, Bobcat Drive is a 26-foot-wide concrete paved section similar to a local public street improvement, but does not include sidewalks, street trees, or street lights. Additionally, Bobcat Drive exceeds the 600-foot zoning standard for block length and the Subdivision Code street length of 1,320 linear feet. Bobcat Drive as measured from Cedar Lane through the site to

Oakwood Road is approximately 1,650 feet with an existing sidewalk connection from Bobcat to Oakwood Road at approximately 800 feet from Cedar Lane. The proposed improvements with the Plat include the construction of a sidewalk along Bobcat Drive for the length of the subject site connecting to a sidewalk to the west that leads to Oakwood Drive and to the east leading to Cedar Lane. Sidewalks are not proposed along the remaining length of Bobcat Drive. The proposed connections address the minimum expectations for pedestrian circulation to provide connectivity to existing sidewalks.

Mayor Campbell opened the public hearing. There being no one wishing to speak, the Mayor closed the hearing.

Moved by Orazem, seconded by Gartin, to approve the amendment to the Major Site Development Plan for 2617 Bobcat Drive, with the following conditions:

- A. Prior to a Building Permit being issued, a Final Plat must be approved by the City Council and recorded with Story County.
- B. Prior to issuance of a Building Permit, the developer must provide an updated landscape plan with small enhancements for a gathering area as part of Outlot B of Ringgenberg, 4<sup>th</sup> Addition, for staff approval. The improvements must be in place or secured by the developer to be completed within one year of the issuance of the first Building Permit.
- C. The developer will maintain existing significant trees along the north property line in accordance with the approved landscape plan.

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

**HEARING ON ELECTRIC ADMINISTRATION AND DISTRIBUTION BUILDINGS ROOF REPLACEMENTS:** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-645 approving final plans and specifications and awarding a contract to Central States Roofing of Ames, Iowa, in the amount of \$235,000.00.

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

**ORDINANCE REZONING, WITH REVISED MASTER PLAN, 5571 GRANT AVENUE (NOW KNOWN AS HYDE AVENUE) [ROSE PRAIRIE]:** Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance rezoning, with Revised Master Plan, 5571 Grant Avenue, now known as Hyde Avenue, (Rose Prairie) from Agricultural (A) to Suburban Residential Low Density (FS-RL), Suburban Residential Medium Density (FS-RM), and Convenience General Service (CGS).

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

Moved by Orazem, seconded by Corrieri, to suspend the rules necessary for the adoption of an Ordinance.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Motion failed.

**ORDINANCE REZONING, WITH MASTER PLAN, 3115, 3119, 3301, 3325, 3409, AND 3413 SOUTH DUFF AVENUE:** Moved by , seconded by , to pass on second reading an ordinance rezoning,

with Master Plan, of 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue from Highway-Oriented Commercial (HOC) and Agricultural (A) to Residential High Density (RH) and Highway-Oriented Commercial (HOC).

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

**ORDINANCE REGARDING PERMITTED USES AND MIXED-USE DEVELOPMENT STANDARDS IN CAMPUSTOWN SERVICE CENTER:** Moved by Corrieri, seconded by Nelson, to pass on second reading an ordinance regarding permitted uses and Mixed-Use Development Standards in Campustown Service Center.

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

**ORDINANCE CREATING MINOR AMENDMENT PROCESS FOR MAJOR SITE DEVELOPMENT PLANS AND SPECIAL USE PERMITS:** Moved by Gartin, seconded by Orazem, to pass on second reading an ordinance creating Minor Amendment Process for Major Site Development Plans and Special Use Permits.

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

**ORDINANCE REZONING 2728 LINCOLN WAY, 112 AND 114 SOUTH HYLAND AVENUE, AND 115 SOUTH SHELDON AVENUE:** Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4275 rezoning 2728 Lincoln Way, 112 and 114 South Hyland Avenue, and 115 South Sheldon Avenue from Residential High Density (RH) and University West Impact Overlay (O- UIW) to Campustown Service Center (CSC).

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 Beatty-Hansen, seconded by Corrieri, to refer to staff for placement on a future agenda the letter from MICA for dental clinic funding.

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

Moved by Gartin, seconded by Beatty-Hansen, to refer an email referencing an Airbnb to the City Attorney for review regarding issues of compliance with the existing Rental Housing Code.

Mr. Gartin noted that the property in question is not lived in by the owner and is currently being marketed as an Airbnb.

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

Moved by Corrieri, seconded by Gartin, to refer the memo from Z & Z Farms, Inc., pertaining to flooding on Kennedy Street to Public Works staff for inclusion in the list of properties damaged and for the staff report.

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

**ADJOURNMENT:** Moved by Gartin to adjourn the meeting at 9:47 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor