

**MINUTES OF THE SPECIAL MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

MAY 16, 2017

The Ames City Council met in special session at 6:00 p.m. on the 16th day of May, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor ProTem Orazem presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson. *Ex officio* Member Rob Bingham was also present. Mayor Campbell was absent.

CAMPUSTOWN/DOWNTOWN BUSINESS DISTRICT, INTERMODAL FACILITY, AND SURROUNDING NEIGHBORHOOD PARKING REVIEW: City Manager Steve Schainker recalled that the City Council established as one of its objectives (under the goal to Strengthen Downtown and Campustown) to re-examine the parking regulations and fees in the Campustown Business District and surrounding neighborhoods. The Council then made a referral to the staff requesting a review of the parking requirements in the Downtown Business District. Mr. Schainker noted that the discussions at this Workshop would center around four areas: Downtown, Campustown, the neighborhoods around Campustown, and the neighborhoods around Downtown. With the extensive redevelopment that is occurring in Campustown and the recent interest being expressed in the redevelopment in the Downtown, the issue of parking is a critical topic. The intent of this Workshop was to provide the City Council a comprehensive review of the following parking issues:

1. Inventory of Public Parking Spaces
2. Parking Fee and Fine Structures
3. Enforcement/Violation Trends
4. Estimated Utilization of the Public Parking System
5. Off-Street Parking Requirements in the Business Districts
6. On-Street Parking Regulations in the Neighborhoods Surrounding the Business Districts

Also present were Mark Miller, who is in charge of the Intermodal Facility; Damion Pregitzer, CityTraffic Engineer; John Joiner, City Public Works Director; Kelly Diekmann, City Planning and Housing Director; Chuck Cychosz, Ames Police Chief; and McKinlee Ritter, Public Works Analyst.

Traffic Engineer Damion Pregitzer shared the philosophies that should guide development of the Parking System. These included:

1. Minimize Spillover/Storage of Vehicles
2. Encourage Turnover
3. Breakeven (Operations vs. Capital)
4. Business and/or Neighborhood-Friendly
5. Prioritize Customers
6. Simplicity and Clarity
7. Ease of Payment

Council Member Gartin would like to make handicapped-accessible parking a priority.

Council Member Beatty-Hansen asked to add that the parking system should encourage the use of the Intermodal Facility.

A discussion ensued about the philosophy of breaking even. It was noted that revenue from parking fees

is used for parking lot maintenance. There is nothing budgeted for capital. City Manager Schainker said that improvements to parking lots are deferred as long as possible; patching is done, as needed. Ms. Betcher noted that changing regulations might require additional enforcement costs. She pointed out that the breakeven point is not really known.

Mr. Pregitzer noted that parking options within the Downtown/Campustown Business Districts that offer a variety of parking options for users, including on-street metered parking with time limits of one, two, four, and ten hours; off-street metered parking with four and ten hours; off-street free parking limited to two or four hours; and reserved parking rented by the month. The types of parking, quantity, restrictions, utilization, and fees were summarized by Mr. Pregitzer for the Downtown Business District and Campustown Business District.

Mr. Miller reviewed the quantity and fees for the Intermodal Facility. Council Member Orazem said that the costs of parking at the Intermodal Facility are higher than meter fees in the area. He sees that as a disincentive to parking there versus elsewhere on Campus. Mr. Orazem suggested that perhaps City meter fees needed to be increased.

At the inquiry of Council Member Gartin, Mr. Miller explained the philosophy behind the pricing structure at the Intermodal Facility. He advised that capital costs are built into the fee structure.

Council Member Orazem asked about the utilization of the 40 covered metered parking. Mr. Miller advised that those are full on the weekends, but not during the weekdays. It was noted that even though the Facility is only approximately a block and a-half from Campus, complaints have been received that it is too far away. Mr. Miller also commented that University staff can park right on Campus for \$170/year. Council Member Corrieri added that Council members had also heard comments that it was too far away from the businesses. Mr. Miller said that if credit cards can be used to pay the fees, the utilization of the Facility increases.

City Manager Schainker pointed out that the City and Iowa State University entered into a partnership to build the Intermodal Facility; breaking even is the desired result. If it doesn't break even, the City and University have to contribute equally to cover any deficit.

Police Chief Chuck Cychosz reviewed parking regulations and enforcement. The fines are set by Ordinance. There is one full-time Enforcement Officer and nine part-time Community Safety Officers. Chief Cychosz stated that much of the illegal parking outside of Campustown and Downtown is complaint-driven.

Chief Cychosz said that the most notable change in the Downtown is the increase in citations on the east end. A majority of this change came from increases in Lot S, Lot Q, and Lot Z. Most of that is attributed to decreased parking activity around the Public Library during the construction period. Beyond that, there continues to be a relatively stable level of Downtown parking violations. Neighborhood violations were relatively stable through that period.

Council Member Gartin said he would like the City to look at the availability of parking for employees who work in Downtown and Campustown and might not get off until after 2 AM.

Concerning parking in surrounding neighborhoods, Chief Cychosz said that parking in neighborhoods can be affected by activity in nearby businesses, entertainment, or other commuter activities. It can also become a scarce resource when residents own more vehicles than the available supply of parking. Chief Cychosz noted that many residents adjacent to Campustown have expressed concerns with parking in

their neighborhoods and have worked with previous City Councils to develop a wide variety of parking regulations; that variety has led to very complex rules that often change from block to block. The complexity of the regulations has made it difficult for visitors to interpret the regulatory signs. The regulations have evolved as various stakeholders sought priority access to parking, particularly in those areas adjacent to their residences.

Chief Cychosz also commented that there have been occasional discussions of Neighborhood Permit Parking (NPP). He noted that in other communities in the Midwest, NPPs have been used as a tool to manage parking in neighborhoods; however, that strategy can be viewed as adding an additional layer of regulation for parking users. According to Chief Cychosz, the options being employed in other college communities vary tremendously, in large part due to differing philosophies about parking and differences in customer demand for parking. Other permit systems allow overnight parking only for neighborhood residents in order to accommodate on-street parking for residents with insufficient parking at their residences. It was emphasized by Chief Cychosz that permit systems do not expand available parking nor do they eliminate competing demands for parking. Permit systems also come with the overhead costs of determining eligibility, issuing permits, canceling or renewing permits, issue visitor or utility passes, and responding to complaints about the permit system.

Off-street zoning requirements for parking were reviewed by Planning and Housing Director Diekmann. He noted that all new developments must meet off-street parking requirements, which are determined by the size of the use and the zoning district. Existing buildings that are enlarged or have a change of use are required to provide additional parking if those changes trigger a ten-percent increase in their parking requirements. Parking requirements in the Downtown Service Center (DSC) and Campustown Service Center (CSC) are the same. Residential uses require one parking space per dwelling unit. Parking for apartments is based on the number of bedrooms. In the DSC and CSC, commercial uses (offices, retail, restaurants, bars) do not require any parking. Hotels, auditoriums, theaters, and sports practice facilities do have parking requirements. University-Impacted zoning districts are overlay districts that are combined with the High-Density Residential districts adjacent to Campustown. Those residential overlay zones require 25% more parking than High-Density Residential (RH). The RH zone requires one parking space per bedroom for units over two bedrooms while the overlay district requires 1.25 parking spaces per bedrooms for units over two bedrooms. Both RH and overlay districts require 1.5 parking spaces for one-bedroom units.

According to Director Diekmann, all uses in all zones have to provide all required parking on their own lot. There are two provisions that allow a development to provide fewer than their required number of spaces. Two possibilities are to enter into a Joint Use Parking Agreement and a Remote Parking Agreement; both have to be approved by the Council.

Council Member Gartin pointed out that there has been a lot of redevelopment in Ames. The developers have had to meet the requirements and have spent a great deal of money doing so. Mr. Gartin noted that there appears to be a cultural shift in the usage of vehicles. He asked if Ames requirements are in concert with those in its peer communities in the Midwest. Director Diekmann answered that he had not reviewed that in detail; however, for the most part, they are. An exception would be the University-Impacted Area.

Discussion ensued over the number of citations issued in neighborhoods. Council Member Betcher shared that she had found in an on-line source of the best college towns to have a car that Ames had been listed No. 4 because the parking fines are so cheap. Ms. Betcher stated that she would like Ames to not be on that list as she would like to encourage more usage of the Intermodal Facility.

City Manager Schainker told the Council members that, after reviewing the information presented at this

meeting, they might want to consider changing current fee and/or regulations. Some of the possible policy changes that the Council might want to direct were described as:

1. Increase on-street meter fees in the Campustown Business District to influence more use of the Intermodal Facility.
2. Increase on-street meter fees in both the Downtown or Campustown Business Districts to generate sufficient revenue to cover operating costs, to cover repairs/renovation of the existing parking lots, to accumulate funds to assist with the construction of new parking ramps in the Business Districts, or to influence parking demand/prioritize customer demand.
3. Standardize and simplify on-street parking regulations in the surrounding Campustown neighborhoods to make them easier to understand.
4. Reduce the off-street parking requirements for dwelling units in the Campustown and/or Downtown Business Districts.
5. Allow the residential and commercial parking spaces in Campustown and Downtown business Districts to be shared.
6. Other issues to be identified by the City Council.

Council Member Betcher asked if parking could be offered for public parking if it is found that there is an area with excess parking. Director Diekmann noted that there are parking requirements based on use. Ms. Betcher stated that it is evident that there are spaces in apartment buildings that are obviously not being used. The only way that could occur, according to Director Diekmann, is to still have the parking requirement with new development, but not make it exclusive to the property.

Ms. Betcher raised the possibility of creating a Parking Benefit District. She said that the concept is that the District is less likely to be concerned of the higher rates, as long as they get the benefits. City Manager Schainker said that the City is having a hard enough time to have sufficient fees to cover the City's costs of the parking system.

Barbara Pleasants, 516 Lynn Avenue, Ames, said that she is the President of the South Campustown Neighborhood Association (SCAN). She said that she is a 32+-year resident of Lynn Avenue. Ms. Pleasants noted that parking violations on Lynn Avenue have increased; parking problems have been increasing since the University increased its enrollment. Her neighborhood has become a parking lot for students. It is clear that it is the students parking on the street because when classes are over, the cars are gone. Ms. Pleasants said that her street has alternate-side parking. There is also a four-hour limit; however, that is never enforced. The alternate-side parking regulation needs to remain or the cars would never move. According to Ms. Pleasants, safety is also an issue. Council Member Betcher asked Ms. Pleasants if she had a feel for how her neighborhoods would feel about one-side parking only or Parking Permits. Ms. Pleasants said she had brought that up before; she believes there should be neighborhood meetings.

Martha Atkins, 419 Pearson, Ames, believes that there are fewer citations on Pearson because it is only a two-block street. Police have been very responsive when they have called in violators; however, that requires residents to get up at 4 AM and see if the cars have moved.

1. Signage needs to be consistent all over the low-density neighborhoods.

2. There must be no overnight parking from Midnight to 6 AM all over the low-density neighborhoods. She noted that the University added a large dorm, but it took no responsibility to include parking.
3. Must have alternate-side parking with four-hour parking, and the money to enforce the restrictions.

At the inquiry of Council Member Beatty-Hansen, Ms. Atkins said they don't want the parking only to be on one side; they want it to be alternating. Some residents do not want the cars parked on their side of the street every day. Alternating sides is fair to the residents. Ms. Atkins commented that six-hour parking is worthless because it is seldom enforced.

Ms. Atkins said that it is the City's responsibility to recognize that this is a residential neighborhood; it is not a parking storage area for the University. She asked the Council to seriously consider the three recommendations she has made.

Sarah Cady, 2812 Arbor Street, Ames, noted that she lives very closely to the 2700 Lincoln Way project. She noted that Arbor and Hyland have the alternate-side parking restriction and four-hour limit. Her primary concern is regarding storage parking in her neighborhood for the residents of the 2700 Lincoln Way project. There is not enough parking for that project. Residents will park in her neighborhood rather than pay the fee for parking at 2700 Lincoln Way. Ms. Cady said that she has noticed that the Intermodal Facility does not seem to be utilized, yet her neighborhood is full of vehicles. According to Ms. Cady, it is not just students parking on the street. Ms. Cady stated that Arbor, Wood, Hunt, Hyland all allow overnight parking. She suggested making a time shift in the alternate-side parking restriction to morning hours, instead of 9 PM. There is a need for residents to be allowed to park their vehicles on the street overnight in her neighborhood. Ms. Cady said that, in general, she is in favor of a permit system.

Ryan Jeffrey, 116 Welch Avenue, Ames, said that he was speaking on behalf of the Campustown Action Association. He said one subject that has been the topic of discussion is the variability of meters in the District. There should be consistency in the time and fees. Personally, he believes that increasing the parking meter rates in Campustown could be done. Mr. Jeffrey noted that the rates in Campustown are cheaper today than what was charged in Iowa City when he was there over a decade ago. Also, he believes that most people are in favor of having the ability to utilize unused spaces in apartment complexes for others, but he wants neighborhoods to be protected first. Mr. Jeffrey pointed out that if people have cars, they are going to use them.

Nitin Gadia, 2124 Main Street, Apartment 1, Ames, asked what it meant by breaking event. He said that he looked into this a couple years ago, and he believes that what the City is really saying is that because the money is being spent, they are breaking even. He gave an example that if there is \$100,000 in meter revenue, \$50,000 is spent on parking, \$20,000 is spent on administration, and \$30,000 is spent on residential. City Manager Schainker noted that the parking revenues do not always cover expenses break even; the revenues are spread over all parking areas, not just certain areas.

Mr. Gadia asked the Council if it would consider abolishing the minimum parking requirement in Downtown and Campustown. He believes that fewer people are owning cars and not as much parking is needed. Mr. Gadia said that he lives in an area where almost no one lives because of the parking requirements; there are dozens of apartments on Main Street that are empty. He asked if there was something that could be done. Ms. Beatty-Hansen noted that some people have opted not to have vehicles, but that is not the desire of everyone. Mr. Gadia commented that the addiction to vehicles will not change as long as it is made easy. Council Member Orazem referenced the new ISU dormitory, stating that there was an "experiment with 800 beds without any parking provided," and it is not working.

Shelby Ebel, 327-22nd Street, Ames, noted that she likes to ride her bike and is frustrated by the lack of bicycle parking. She encouraged the Council to require bicycle parking. Ms. Ebel noted that in a community she formerly lived had a requirement for one bicycle parking space for every ten parking spaces.

Council Member Orazem suggested that the City make it more expensive to violate the law with stepped-up fines.

Council Member Corrieri requested to know the cost to convert all meters to smart meters.

Council Member Betcher said she would like to know how much it would take to enforce the four-hour limit in Campustown. She would like to know what the breakeven cost would be.

City Manager Schainker asked if the Council liked the idea of differential pricing (directly in front of a business, rather than a few blocks away).

Moved by Beatty-Hansen, seconded by Nelson, directed staff to investigate increasing on-street and parking lot meter fees in the Campustown and Downtown Districts with the goals of increased revenue for capital and increased enforcement efforts and altering the relationship with how people use the Intermodal Facility.

City Manager Schainker clarified that this was to help prepare for next year's budget.

Council Member Gartin noted that there were no representatives of the University. The City should reach out to the University, Main Street Cultural District, and Campustown Action Association at this meeting.

Vote on Motion: 6-0.

Moved by Corrieri, seconded by Betcher, to direct staff to investigate increasing the cost of parking violations.

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

Moved by Betcher, seconded by Beatty-Hansen, requested that Chief Cychosz provide an estimate in the near future on what it would cost to enforce the regulations that are already in place in the Campustown neighborhoods.

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

Moved by Corrieri would like to have a discussion scheduled about the use of a Permitting Process and other options. Council Member Orazem said that he would have serious reservations about a Permitting Process. Council Member Nelson noted that there are many steps to take before it would get to that point, by doing some of these other things first, perhaps a change in behavior will be seen.

Council Member Betcher said that she would like this to go to the Campus and Community Commission for creation of a Task Force. Assistant City Manager Brian Phillips advised that appointment to that Commission had not yet been made.

Moved by Beatty-Hansen, seconded by Gartin, to direct staff to investigate and provide a memo back to Council on what other cities have done as far as requirements for bicycle parking.

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

Moved by Betcher, seconded by Beatty-Hansen, to adopt the philosophies outlined by staff to be used as guidelines for the Parking System with the addition of encouraging multi-modal transportation as (h) and find a means of incorporating the disability accommodation issue as part of the philosophies.
Vote on Motion: 6-0. Motion declared carried unanimously.

Regarding the neighborhood issue, Ms. Betcher said that once the Campus and Community Commission is operating, she plans to bring forward a motion to refer this discussion to that Commission. Council Member Corrieri said she was fine with that, but felt that they had to be given a specific task and a time line.

Moved by Gartin, seconded by Beatty-Hansen, to ask staff to engage with the Main Street Cultural District and Campustown Action Association to weigh in on whether the hours of enforcement are appropriate or need to be adjusted.

Mr. Gartin explained that he wanted that to take into consideration those who have to work shift hours that extend into the early-morning hours, and to ensure that they have safe access to their cars in the area.

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

The meeting recessed at 8:50 p.m. and reconvened at 8:56 p.m.

DISCUSSION OF NEW STATE FIREWORKS LAW: City Attorney Judy Parks explained that the City has been getting inquiries and receiving comments about the new fireworks legislation (SF 489).

Assistant City Attorney Mark Lambert advised that the new legislation allows cities to have ordinances prohibiting or limiting the use of consumer fireworks. The state law also specifies that using fireworks in violation of a city ordinance prohibiting or limiting fireworks use is a simple misdemeanor with a \$250 minimum fine. Mr. Lambert noted that the City already has an Ordinance (Section 17.6) that makes it unlawful for people to use fireworks in Ames. He advised the Council that the first question is whether the Council wants to stay with the current Ordinance in light of the new law or if it wants to repeal it. If Council decides to retain the Ordinance, it is recommended that:

1. The municipal infraction language needs to be removed because the new state law states that violations are a simple misdemeanor. The state law now says that the fine for violating carries a minimum fine of \$250; that would have to be added.
2. The *Municipal Code* reference to the 1987 *Code of Iowa* definition of fireworks needs to be updated. This would ensure that the City's definition matches the new state law, which has new definitions of categories of fireworks.
3. Remove language in the Ordinance that allows consumer fireworks use with a permit from the City, but retain the provision for displaying fireworks. The Ordinance was really written with permission to display fireworks.

According to Mr. Lambert, if the Council wants to repeal the Ordinance, it would need to decide if there are safety requirements and/or zoning regulations that it would like to put in place.

Council Member Betcher asked if any of the towns that are considering ordinances are college towns.

Mr. Lambert said he was not aware of all the cities that are considering ordinances. He noted that Sioux City, West Des Moines, Urbandale, and Newton had taken the steps to adopt or strengthen fireworks ordinances.

Shelby Ebel, 327-22nd Street, Ames, asked the Council to change the ordinance and allow fireworks. She said that she moved here from California and was disappointed that they are not allowed to be sold or shot off in Ames. They return to California over the 4th of July for the past four years for her family's fireworks. She noted that, in living in California for 30 years, she never got hurt or even came close to getting hurt. Ms. Ebel said she was a Planner and explained the fireworks process used by the city where she had worked. She would be fine if the Council put some restrictions on them, but would like the Council to change the Ordinance to allow fireworks.

Mike Warnick, 610 S. Main, Roland, Iowa, said that at the heart of this issue is safety. He noted that Iowa is coming out of over 80 years of not allowing fireworks, so education is key. In states that have had legalized fireworks, the education is passed down from parents to their children. Mr. Warnick said he and his partner are starting up a fireworks business; however, they do not really want to sell fireworks in a community where they cannot be shot off. Mr. Warnick believes that if fireworks are not allowed to be shot off in Ames, people will skate around the law, go outside the City limits away from emergency services, and shoot off the fireworks. He believes that that would cause more problems. Since 1980, injuries from fireworks have been going down while fireworks usage is going up. Council Member Gartin asked Mr. Warnick why so many doctors and medical groups are raising concerns about the safety of children around fireworks. Mr. Warnick said he felt that there is a stigma about fireworks. Mr. Gartin asked if it is a stigma or if it is fact. Doctors and medical groups unanimously oppose this, so do the statistics on injuries represent facts or fiction. Mr. Warnick answered that the injuries occur because they misuse the product or because they don't have the education. He stated that if fireworks are used improperly, accidents can occur, but he doesn't believe that banning fireworks is the answer; people will just go to where they are able to shoot them off.

David Hohbach, 4901 Waller Street, Ames, said that he grew up on a farm about an hour away from South Dakota. He said he has lived in Ames for 25 years, and in Ames, he sees fireworks being shot off illegally in his neighborhood. Mr. Hohbach would like the Ordinance changed to allow fireworks, but with a limited time period, i.e., July 1 to July 7; not used by people while intoxicated; and no children. Mr. Hohbach said he sees fireworks as being similar to firearms; they should be treated the same way.

Tam Lorenz, 311 South Maple, Ames, has a concern that in some years, it would be too dry to shoot off fireworks; she is very concerned about fire hazards. If Ames decides to allow fireworks, she would like the City to restrict the use during exceptionally dry years. She also has pets. Ms. Lorenz said that she enjoys the fireworks display every year, but doesn't appreciate the after-effects - the smoke left from fireworks; that is a health hazard.

Council Member Betcher said that she did not have any will to change the Ordinance, except to update the reference to the *Iowa Code*. She pointed out that she lives in Campustown and is concerned about the noise. She has already received complaints from neighborhood residents about the many Fireworks Permits that the Council has approved for display in her neighborhood. The noise in her neighborhood will go up exponentially if Council repeals its Ordinance. Ms. Betcher is also concerned about fireworks being shot off when alcohol is being consumed.

Council Member Gartin said it was about safety to him, particularly children. When the healthcare

community is uniformly concerned about this, he believes their concerns are genuine; they are not making those things up. Over time, he said he might change his mind, but since this is in the first year, he would like to wait and see how this goes.

Council Member Corrieri noted that statistics show that as communities have relaxed their laws, more injuries result. She also stated that statistics show that more than one-third of the injuries seen in emergency rooms are to children under the age of 15. Ms. Corrieri said that it is even worse when fireworks are mixed with alcohol and by those who are inexperienced in using them. She believes that there is just too much risk involved.

Council Member Orazem said he believes that if fireworks are legalized, it would result in more, not less, responsibility. He also feels that people will go outside the city limits to shoot fireworks.

Moved by Gartin, seconded by Beatty-Hansen, to adopt the proposals of the Legal Department, as follows:

1. Remove municipal infraction language. Specify that violations are a simple misdemeanor
2. Update the reference to the 1987 *Code of Iowa* definition of fireworks
3. Clarify that consumer fireworks get a Permit from the City. Retain the language in the Ordinance that allows the display of fireworks use with a Permit from the City.

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

Moved by Corrieri, seconded by Nelson, to adopt the following:

1. Require a setback from temporary fireworks stands from nearby buildings

Mr. Lambert said he is unsure at this time how much setback should be required. He will check with the Fire Chief. The Ordinance will be brought back to the Council for its review.

2. Require fireworks retailers to inform customers that exploding fireworks within the City limits is prohibited and is a simple misdemeanor with a \$250 minimum fine.

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

Council Member Beatty-Hansen, said that, in general, she is not sure how she feels about fireworks. She believes that this topic might be worth revisiting in a year's time.

Council Member Corrieri thinks that the Council should discuss fireworks and zoning. She asked if it would be legal to sell fireworks in all zoning districts. Director Diekmann said that fireworks would be viewed a Retail Sales and Service Trade Use. Retail Sales is permitted within all commercial zoning districts, and in limited industrial areas, with the exception of the Research Park. Mr. Diekmann also stated that residential zones would not permit retail sales; however, someone could request Zoning Board of Adjustment approval of a Special Home Occupation, although it would be difficult to meet the performance standards for a home occupation. Duff Avenue, HOC, allows for outdoor sales. Fireworks could be sold in a building almost anywhere, except in the Research Park.

Council Member Corrieri said she would like to limit temporary outdoor tent-like sales. She noted that West Des Moines just passed an ordinance limiting sales to a certain area.

Mr. Lambert told the Council that there was also a timing issue here. He advised that the new state law

says that fireworks may be sold in buildings on June 1, and on June 13 in temporary locations. Director Diekmann noted that the Ordinance cannot be adopted and published before those dates.

Moved by Gartin, seconded by Nelson, to request a memo from the Legal Department to provide options for how to zone temporary outdoor locations for sales and establish setbacks.

Mr. Lambert pointed out that the temporary stands will already be in place before an Ordinance could be adopted. Council Member Betcher noted that the opportunity has been lost.

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

COUNCIL COMMENTS: Moved by Orazem, seconded by Beatty-Hansen, in reference to the request of Aspen Heights Partners, to direct staff to initiate a text amendment to the Sign Code for commercial signs in residential zones.

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

ADJOURNMENT: Moved by Beatty-Hansen to adjourn the meeting at 9:54 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor