

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

AMES, IOWA

OCTOBER 23, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 4:47 p.m. on October 23, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and David Martin. *Ex officio* Member Allie Hoskins was also present.

Council Member Chris Nelson arrived at 4:49 p.m.

**PRESENTATION FOR AN ALTERNATE CONCEPT FOR RESIDENTIAL SUBDIVISIONS:** Mayor Haila explained that he was shown the concept of pocket neighborhoods and different ways of doing developments and wanted to have Mr. Pulliam present City Council with some different concepts.

Development Consultant Robert Pulliam, Rhinehart Pulliam & Company, mentioned the presentation will show what some of the possibilities will be in regards to architecture, planning, and development. He believes that quality architecture, quality developments, habitats that peoples live in, need to be for everyone, not just in big cities or for people that can afford it. Mr. Pulliam explained that a Development Community he helped develop was Saranbe. Saranbe is a Planned Community that was designed to preserve the natural environment. He then proceeded to show a presentation with different types of architecture and how houses are set up to be within walking distance to stores. Mr. Pulliam noted that there are three fundamental words that he feels are founding principles that guide his work, creativity, vision and authenticity.

Council Member Nelson asked if a copy of the presentation could be available to Council Members.

Council Member Gartin appreciates what was presented by Mr. Pulliam but wanted to know what is unique about the Saranbe approach that Council should take away from the presentation. Mr. Pulliam stated that Council needs to have a “ground up” way of thinking, understanding of what already exists, and to work with nature.

Council Member Beatty-Hansen questioned what the top three standards are that each city needs to change in order to make the Saranbe concept work. Mr. Pulliam noted that Saranbe could not have been built with the zoning that was already in place and had to legally create their own town. He stated the other two would be to have flexibility and creativity.

Council recessed at 5:46 p.m.

Council reconvened at 6:03 p.m.

**PROCLAMATION FOR NATIONAL PLANNING MONTH:** Mayor Haila proclaimed the month of October as “Community Planning Month.” Accepting the Proclamation was Planning and Housing Director Kelly Diekmann. Mr. Diekmann mentioned that the Planning Department has a Transportation Planner and they do Community Planning.

**CONSENT AGENDA:** Moved by Betcher, seconded by Corrieri, to approve the following items on the Consent Agenda

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of October 9, 2018, and Special Meeting of October 11, 2018
5. Motion approving Report of Contract Change Orders for October 1-15, 2018
6. Motion to set the following City Council meeting dates/times:
  - a. December 18, 2018, as Regular Meeting Date and canceling December 25, 2018, Regular Meeting Date
  - b. January 15, 2019, at 5:15 p.m. for CIP Workshop
  - c. February 1, 2019, at 2:00 p.m. for Budget Overview
  - d. February 5, 6, and 7, 2019, at 5:15 p.m. for Budget Hearings
  - e. February 12, 2019, at 5:15 p.m. for Budget Wrap-Up
  - f. March 5, 2019, at 6:00 p.m. for Regular Meeting and Final Budget Hearing
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - g. Class E Liquor, B Wine, & C Beer - CVS Pharmacy #10452, 2420 Lincoln Way, #104
  - h. Class C Liquor - Arcadia Café, 116 Welch Ave.
  - i. Class C Beer & B Wine - Aldi, Inc. #48, 108 S. 5<sup>th</sup> Street
  - j. Class E Liquor, C Beer, & B Wine
  - k. Class C Liquor - North Grand Cinema, 2801 Grand Ave., Ste. 1300
8. Motion approving Carry-Out Wine Privilege for Class C Liquor - Bar la Tosca, 400 Main Street
9. RESOLUTION NO. 18-577 setting date of public hearing for November 13, 2018, on Development Agreement with Barilla America, Inc., with tax increment rebate incentives and project development requirements, not to exceed \$3 million
10. RESOLUTION NO. 18-578 approving Quarterly Investment Report for period ending September 30, 2018
11. RESOLUTION NO. 18-579 approving award of 2018 Edward Byrne Memorial Justice Assistance Grant by the Police Department
12. South Grand Extension Project:
  - a. RESOLUTION NO. 18-580 approving Purchase Agreement for two Walter Estate properties
  - b. RESOLUTION NO. 18-581 approving Purchase Agreement for Tall Timber property
  - c. RESOLUTION NO. 18-582 approving Purchase Agreement with Stone Court Apartment Corporation Housing Association
13. RESOLUTION NO. 18-583 approving Amendment to Professional Services Agreement

- with WHKS regarding Flood Mitigation - River Flooding
14. RESOLUTION NO. 18-584 approving waiver of parking enforcement and meter fees at polling locations with metered parking
  15. RESOLUTION NO. 18-585 approving street closure of northbound lane of Clark Avenue to facilitate installation of new domestic water service and fire line to 602 Clark Avenue
  16. RESOLUTION NO. 18-586 approving street closure of northbound lane of Welch Avenue to facilitate installation of new domestic water service and fire line to 206 Welch Avenue
  17. RESOLUTION NO. 18-587 awarding contract to Ames Ford of Ames, Iowa, for the purchase of four 2018 Ford Focus Sedans for Customer Service Division in the total amount of \$62,435.04
  18. RESOLUTION NO. 18-588 approving preliminary plans and specifications for WPC Screw Pump Drive Replacement Project; setting November 28, 2018, as bid due date and December 11, 2018, as date of public hearing
  19. RESOLUTION NO. 18-589 approving preliminary plans and specifications for Unit 7 Boiler Repair Project; setting December 19, 2018, as bid due date and January 8, 2019, as date of public hearing
  20. RESOLUTION NO. 18-590 approving contract and bond for WPC Facility Digester Improvements, Phase 2
  21. RESOLUTION NO. 18-591 accepting completion of City Hall Parking Lot project (South Skunk River Basin Watershed Improvements)
  22. RESOLUTION NO. 18-592 accepting completion of the contract with Electrical Engineering and Equipment Co., for the FY2017/18 Motor Repair Contract at a total cost of \$60,402.77
  23. RESOLUTION NO. 18-593 accepting completion of the contract with ProEnergy Services LLC for the FY2017/18 Power Plant Maintenance Services Contract at a total cost of \$4,250.00
  24. RESOLUTION NO. 18-594 accepting completion of the contract with Tri-City Electric Company of Iowa, for the FY2017/18 Electrical Maintenance Services Contract for the Power Plant at a total cost of \$124,654.72
  25. RESOLUTION NO. 18-595 accepting completion of the contract with All American Scaffold, LLC, for the FY2017/18 Scaffolding and Related Services and Supplies for the Power Plant contract at a total cost of \$74,938.06
  26. RESOLUTION NO. 18-596 accepting completion of the contract with Clean Harbors Environmental Services, Inc., for the FY 2017/18, Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services contract at a total cost of \$31,739.36
  27. RESOLUTION NO. 18-597 accepting partial completion of public improvements and reducing amount of security being held for conservation management for Quarry Estates Subdivision, 2<sup>nd</sup> Addition
  28. RESOLUTION NO. 18-598 accepting partial completion of public improvements and reducing amount of security being held for The Irons Subdivision
  29. RESOLUTION NO. 18-599 accepting completion of public improvements and releasing security for Aspen Heights (Breckenridge)

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

**PUBLIC FORUM:** Mayor Haila opened Public Forum. No one came forward to speak, and Public Forum was closed.

**SHORT-TERM RENTALS:** Planning and Housing Director Kelly Diekmann stated over the past few months they have reviewed other city's Ordinances regarding short-term rentals. He explained that some of the decisions they were looking for tonight are an understanding of the definitions and the description of how short-term rentals will be licensed or permitted. Mr. Diekmann noted that depending on which direction is given will set up how the code is written, where it goes in the *Municipal Code*, and who and how it is administered. He wanted to point out in the standards that there was a conflict as to how they define the occupancy limit for the vacation rentals, and their intent was to match the rental code.

Council Member Martin inquired as to what the criteria would be for a Special Use Permit. Mr. Diekmann stated they did not write any unique criteria for the Special Use Permit and will default to the basic use standards. He further explained that the Zoning Board of Adjustment will have to define what type of use the applicant is going to have. Ms. Corrieri asked to clarify if someone is already an active rental that has a Letter of Compliance, and wanted to become a short-term rental then they would need to apply for a Special Use Permit. Planner Ms. Sahlstrom stated that would be correct and there would also be a public hearing so neighbors would be notified. Mr. Martin asked if the neighborhood said they didn't want a short-term rental in their area would that be enough for the Zoning Board of Adjustment to decline the application. Ms. Sahlstrom explained that the neighborhood would have to provide evidence as to why they didn't want the application to be approved. Mr. Diekmann then read aloud the criteria for zoning in a residential area and explained what works on one street may not work for another.

Council Member Gartin stated that an effort was made by the Planning Department to see what other communities are doing. He wanted to know if the Planning Department could address how the proposal, being presented tonight, is consistent or inconsistent with peer communities. Ms. Sahlstrom explained what she found were trends: definitions of short-term rentals as 30 days or less, requiring an annual license, and cities that offer short-term rentals offer the Hosted Home Share option. She noted that West Des Moines only allowed the Hosted Home Share option. None of the Big 12 cities offer the Home Share option. Ms. Sahlstrom stated that she also found that cities are creating clear policies, which are easily enforced, and easy for the applicant to understand.

Council Member Gartin stated that having a requirement is only as good as the ability to enforce and wanted to know if the city is going to enforce the policies. Ms. Sahlstrom explained that one way to enforce is to have the property owner be required to show proof that the home is their primary residence before they are allowed to register it with the city. She also mentioned that another possibility would be to have the applicant provide a register for visitors to log their stay that can be reviewed anytime by the city. She noted that the reason why the Home Share option is not used that frequently is because it is hard to enforce. Mr. Martin explained that there were a few software options that might be available to help monitor the occupancy of the residences but would have to ask staff to investigate the different options. Mr. Diekmann stated that part of tonight is to find out

how much effort, in terms of licensing and monitoring, is expected as they proposed the minimum in their report. He further explained that they could ask the applicant to use a register and when they renew in a year they would need to provide documentation, and the rest of the year compliance is done by neighbor complaints. Further discussion ensued regarding enforcement.

Council Member Gloria Betcher asked about the area that is Hospital/Medical Zoned. She stated that Mary Greeley owns a number of homes in that zone and currently the STR Ordinance doesn't cover this area at all. She would like the Planning Department to look into this in the future to see if there are other homes in this zone that may want to become rentals. Mr. Diekmann stated that there are about four to five residential homes that are in that area and doesn't see a problem with them being apart of a rental.

Mayor Haila asked for clarification on what a home owner could do if they lived in one of the Rental Concentration Cap Neighborhoods. Mr. Diekmann stated they would be able to do any of the options except for a vacation rental, however; if the property is already licensed as a rental then they would be able to do a vacation rental.

Council Member Martin noted that the original proposal did not include duplexes but the Planning and Zoning Commission wanted to include duplexes. He explained further that in the three types of short-term rentals each one had to have an owner-occupied requirement. If the owner lives on one side of a duplex then they would need to register th property as an active rental.

Mr. Martin questioned how children were not counted in occupancy and counting children is different from long-term and short-term rentals. If someone was traveling to Ames for a sporting event, the children are not counted. Ms. Sahlstrom stated children are not counted but if City Council wanted to include this option they can.

Public Comment was opened: 6:47 p.m.

Jeff Hart, 1123 Harding Avenue, Ames, has had an airbnb since June 2016. He has a two-bedroom house where he lives. He has the quarter's upstairs and when his son moved out he decided to do an airbnb. He noted he has worked with the Rental Inspections Department to get a Letter of Compliance, even though he was told he didn't need one, as he would like to be as up front as possible. Mr. Hart is getting married in December and will be looking to buy another home and wants to know what he can and can't do. He explained that the people he has had stay with him, have been excellent, some are professors, students, and parents visiting their kids at Iowa State University. All tenants are either temporarily in town or waiting for a long term housing option to open up. Mr. Hart stated that when people come to stay with him, he recommends places for the visitors to go to in Ames, his desire is to work alongside the City of Ames. Mayor Haila inquired what Mr. Hart is anticipating to do with the home he is going to buy. Mr. Hart explained he would be looking at doing a bed and breakfast per his conversations with Planning and Housing.

Jim Ryken, 4002 Laura Court, Ames, bought a house as an investment property, and is currently

using it as a short-term rental. He noted that when he and his wife travel, they only need a place that has a couple bedrooms. Under the proposal presented tonight they would need to find a house that is bigger than what they normally stay in. He would like Council to consider how the maximum occupancy is based for short-term rentals.

Shannon Stack, 1613 24<sup>th</sup> Street, Ames, has been present at every meeting concerning rentals. She asked for clarification on how a duplex can be used regarding short-term rental and long-term rentals. Ms. Stack stated the City will lose a lot of people that have Hosted Home Shares due to the number of occupants they can have. She does rent to a lot of students but with rental codes she is restricted to what she can do. She explained she averages about 60 airbnb rentals throughout the year.

Ryan Houck, 65697 190<sup>th</sup> Street, Nevada, has spoken a few times before about rentals and is for airbnb's. He knows there are a lot of hosts in town that want to comply, and would like to see a set of rules that would be enforceable. Mr. Houck is in support of alternative one in the staff report.

Public Comment was closed at 7:01 p.m.

Council Member Nelson wanted to know from the previous discussions about excluding apartments and condos, was it staff or Council driven. Ms. Sahlstrom noted that she has the report from March 2018, and it wasn't clear from the table what the direction was. Mr. Diekmann stated he doesn't believe an in depth conversation was had about including or excluding apartments and condos from short-term rental.

Council Member Beatty-Hansen asked about the hotel/motel tax and how properties are required to charge this. Mr. Diekmann stated they don't collect the tax as that goes to the state but they can do an educational piece when an application is being turned in to make sure the homeowner is aware of the tax requirement. Ms. Beatty-Hansen stated that is an element that they would like to see somehow in the renewal process.

Council Member Betcher inquired if they would be looking at doing proactive enforcement instead of reactive enforcement. She would like to see Council doing something a little more proactive with enforcement instead of being just compliant based. Ms. Sahlstrom stated that once the recommendation is adopted they will have a 60-90 day compliance window, where during this time some notifications can be sent out to get airbnb's to register, and then seeing if software is needed after that for further compliance.

Moved by Betcher, seconded by Beatty-Hansen, to have staff prepare a memo on the different options for proactive enforcement.

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

Moved by Gartin, seconded by Martin, to select Option 4, to have City Council request additional

information and defer taking action.

Council Member Gartin doesn't feel Council is in a position to take action tonight because there are areas of rentals that have not been addressed yet, and would like Ms. Hoskins to reach out to students to get their opinion.

Mr. Gartin amended his motion to get more information about what is being done so far and what the potential is for STR. Further discussion ensued regarding where each Council Member stood on their thoughts regarding the current motion.

Vote on Motion: 3-3. Voting aye; Gartin, Betcher, Martin. Voting nay; Nelson, Corrieri, and Beatty-Hansen. Motion failed.

Moved by Betcher, seconded by Beatty-Hansen, to select option one to have City Council direct staff to publish notice for a public hearing and finalize the attached draft text amendments allowing short-term rentals within single-family and two-family dwellings, by establishing zoning definitions and standards (hosted home shares, home shares, bed & breakfast establishments, and vacation rentals), and create a new Municipal Code Chapter to address licensing, fees, and enforcement procedures for short-term rentals.

Vote on Motion: 2-4. Voting aye: Betcher, Beatty-Hansen. Voting nay: Nelson, Martin, Gartin, Corrieri. Motion failed

Moved by Beatty-Hansen, seconded by Nelson, to defer taking action tonight and ask for staff to bring back the following information on the November 13, 2018 Agenda:

1. How would Planning Staff categorize multi-family apartments and condos, would it be the same as a single-family dwelling.
2. What is currently being done by Mary Greeley with their properties within the hospital/medical zone and what other homes are rentable in the area under the STR language?

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

**PRESENTATION OF 2018 RESIDENT SATISFACTION SURVEY RESULTS:** Public Information Officer Susan Gwiasda presented highlights from the 36<sup>th</sup> Annual Residential Satisfaction Survey. She noted that overall the results are similar to last years. The overall rating for the City was 98% being very good or good.

**FLOOD MITIGATION - RIVER FLOODING:** Mayor Haila noted that this item was initiated by a letter that Council referred to staff regarding the Tom Carney property. Chuck Winkleblack had asked the Mayor to table this item to the November 27, 2018, City Council Meeting.

Moved by Nelson, seconded by Betcher, to table the flood mitigation-river flooding agenda item until the City Council meeting on November 27, 2018.

Vote on Motion: 6-0 Motion declared unanimously.

**HEARING ON ZONING TEXT AMENDMENT RELATED TO DEVELOPMENT STANDARDS OF THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT:** Mr. Diekmann noted that Council looked at this item in a previous staff report and the only thing that had changed was what could be outside.

The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, to pass on first reading an ordinance related to Development Standards of the Neighborhood Commercial Zoning District.

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

**HEARING ON ZONING TEXT AMENDMENT TO ALLOW ALTERNATIVE LANDSCAPE PLAN APPROVAL IN CONJUNCTION WITH A SPECIAL USE PERMIT:** The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Gartin, to pass on first reading an ordinance to allow Alternative Landscape Plan approval in conjunction with a Special Use Permit.

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

**HEARING ON AMENDMENT TO MAJOR SITE DEVELOPMENT PLAN FOR GREEN HILLS PLANNED RESIDENCE DISTRICT:** Council Member Nelson indicated he will be abstaining from the vote on this item.

Planning and Housing Director Kelly Diekmann pointed out that he had given Council members a memo asking that Alternative One be amended to add a condition of approval. He explained that when they wrote the Council Action Form last week it was under the impression that the vacation of the public water main, at the south end of the site, would be on the agenda tonight to set a date of Public Hearing, however; this was not done.

Planner Justin Moore explained that Green Hills originated as a retirement community as part of a conceptual master plan with the nearby Gateway Hotel in 1979. The overall complex has gone through five major expansions since the original development, with the last significant revision in 2014 to expand the residential, parking, and administrative areas. The 2014 approval included a phasing plan for subsequent development. The major site plan amendment in 2014 included the following phasing plan as noted below in the following timeline:

1. Independent Living Addition - 1 to 2 years
2. Commons Addition and Remodeling - 1 to 2 years
3. Independent Living Alternate - 3 to 5 years
4. Future Commons Remodeling - 3 to 5 years



#### 5. Future Commons Phase - 5 to 10 years

An extension of the timeline in the phasing plan was approved by City Council in 2015, which allowed the phasing timeline to begin at the time the extension was granted. The proposed residential tower and care facility amenity additions were contemplated as Phase 2 of planned expansions in 2014. The addition of the twin home is a new proposal not included in the initial Phase 2 approval.

Mr. Moore stated that the Planning and Zoning Commission recommended an additional condition of approval by City Council that Green Hills meet with nearby neighbors to address their questions and concerns. On October 4 representatives of Green Hills met with area neighbors to hear comments and concerns related to the proposed project. A concern that was brought up by neighbors was regarding an area, known as the limited development zone, is a buffer area that first showed up on the Green Hills Master Plan in 1983. The buffer zone is a 60' wide area that only provides limited uses and no structures. He displayed a Site Development Plan from 1983, and indicated the buffer zone. A 1985 Site Plan amendment was displayed showing the limited development zone in more detail in regards to outlots. Council Member Gartin asked if there were any other written documents that accompanied the 1985 Site Plan, which might shed a little more light on the use of the property. Mr. Moore stated that there was a Resolution from 1986 that indicated what was permitted within the limited development zone. This was in conjunction with some of the neighboring property owners, their desire to purchase outlots; to date only three of the outlots has been purchased. Mr. Moore noted that in writing the limited development zone is explained as an area that is along the south and west areas of the site and provides a buffer between the properties. Council Member Betcher asked if there was any record of how they went from the 1979 plan to the 1983 version. Mr. Diekmann stated that there are records and files but there is no explanation as to the thought process of why the amendments were done the way they were. Mayor Haila inquired if there was anything in writing showing that the neighbors acknowledged the understanding of what the parcels were for. Mr. Moore said that they did have a document from 1986 with signatures from the neighbors. The document is their agreement as to what uses are allowed within the limited development zone. Further discussion ensued regarding documentation and the abstracts.

Mark Stephenson, 2337 Woodview Drive, Ames, bought his house in 2013 from one of the original owners. He asked that Council enforce the PUD that was filed on July 31, 1986. He displayed a Site Development Plan and stated he believes the 60' wide limited development zone goes from the south to the west and all the way down and across the bottom of the Site Plan as there was no line cutting off the zone. Mr. Stephenson then showed a Landscape Concept Plan that was drawn in July 1983 and date stamped in 1986.

Mike Schmidt, 2325 Woodview Drive, Ames showed a map from 1979 that showed a minimum of 60 foot green space and there is a line that showed some different markings of the 60' area. He would like Council to honor the agreements that were made in 1983 and amended slightly in 1986.

Cathy Smelser, 2309 Woodview Drive, Ames, explained that what Mr. Stephenson and Mr. Schmidt presented, was the understanding, that with the original document, that because of the different residential communities they would provide a 60' buffer between the two areas. She noted that the

majority of the residential owners support the action that the PUD as originally agreed upon.

Rod Copple, 4938 Hemingway Drive, Ames, Green Hills Executive Director for the past 18 years. He was taken back by the bitterness that was displayed at the Planning and Zoning meeting. He asked to support the staff recommendation without the condition that was added from the memo. Mr. Copple stated that work for the water easement is in process and will get done. He would like to get amenities started before the weather gets worse. Green Hills was opened in 1986 and has had four major changes in their community and each time they have followed the policies of City Council and doesn't feel that should go back to a plan from 1979 when other amendments were approved years after that date. Mr. Copple stated that Green Hills has more than 200 residents and they want to make their neighbors happy. He showed the Landscape Concept Plan from 1983 there are town homes that in the drawing that are closer than 60 feet, the garden on the map is shown in three different locations and only shows one building that had been built, as the process moves forward the drawings change. The 1986 Site Development Plan was shown again where Mr. Copple indicated in the limited development zone the arrows point up and never point to the right or the south, he feels if there was intent that it was to expand to the south side of the Campus or to the west then arrows would have been marked in those areas. Mr. Copple explained they have added shrubs and removed the some parking to make it better for their neighbors. He noted that with the water issue they will be spending between \$30,000 to \$70,000 extra to help the neighborhood with the storm water run off.

Council Member Gartin asked for the map that showed the defined arrows to be displayed again. He explained he has seen about 1,000 plat maps and wanted to verify that if the standard is that if the document delineates where that exists does not necessarily have to have an arrow pointing it out. Scott Renaud stated that he believes that since the subsequent documents later indicate the arrows there was some clarification that was asked for and that is why the later version has the more defined arrows. Mr. Gartin wanted to clarify that just because there aren't other arrows going to the other locations is determinative by itself. Mr. Renaud stated that is true.

Cathy Smelser, 2309 Woodview Drive, Ames, noted that the outlots were proposed by the ISU foundation and she does have a letter stating that if any of the property owners were interested in purchasing the 60 foot at that time but it had no regards to the 60' buffer.

The public hearing was closed by Mayor Haila since there was no one else wishing to speak.

Council Member Gartin asked City Attorney, Vicki Feilmeyer if anything she has heard tonight that would be helpful for Council to know from a legal perspective. Ms. Feilmeyer stated there was not.

Council Member Martin noted that this request is complicated and some of the documents he has seen tonight, is the first time he has seen them. He is concerned with the pace that the information is coming and none of the information resolves where the limited development zone is. He proposed that Council delay making a decision on the request tonight for the twin home and continue with the amenity's portion only.

Mayor Haila asked for Mr. Diekmann to comment on clarifying if it is appropriate to pull apart Plannings recommendation on the Amendment to the Major Site Development Plan for the Green Hills Community. Mr. Diekmann stated his advice is to keep the recommendation as one but, can do a separate motion but may have to start over.

Council Member Betcher stated she has the same concerns as Mr. Martin and wanted to know if she were to make motion would it be to deny the proposed text amendment or ask for additional information. Mr. Diekmann said the Council can make any motion for any alternative that they wish to do. Ms. Corrieri wanted to know what other information is needed. Ms. Betcher explains that she doesn't need more information but a clarification on which map precedes the other. Mr. Gartin noted he would like a legal opinion from the City Attorney in case there is a lawsuit over the decisions made tonight. Further discussion was had by Council as to if they could separate their motion from the amenity and twin home options.

Moved by Betcher, seconded by Gartin to continue the hearing for the Amendment to the Major Site Development Plan for the Green Hills Community Planned Residence District Zone until the next Council meeting on November 13, 2018.

Rod Copple stated he doesn't think Council is going to find any different answers from what was presented if they choose to postpone tonight's decision. He wanted to move forward with everything but is more than willing to move forward with at least the amenity's portion and then continue the discussion on the twin home.

Motion withdrawn.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-600 approving the Amendment to the Major Site Development Plan for the amenities building portion with the stipulation that prior to issuance of a building permit for construction in the water line easement area, the City has commenced with the vacation of the water line easement and the applicant has completed the work to install a new water line and appropriately abandon the existing line.

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Gartin, Corrieri, Betcher, Martin. Abstaining: Nelson.

Moved by Betcher, seconded by Gartin, to move the twin homes portion to the next City Council meeting on November 13, 2018 to get a legal opinion on the documents.

Assistant City Attorney Victoria Feilmeyer stated that after reviewing the Council Action form and the seeing the presentations tonight, if there was an actual agreement then it would have been recorded with the abstract. She explained that she does not think there is going to be any new information she can provide. Ms. Feilmeyer noted that the Planning Department has done a through analysis of the Site Development Plan along with the Planning & Zoning Commission.

Motion withdrawn.

Moved by Corrieri, seconded by Beatty-Hansen to adopt RESOLUTION NO. 18-603 approving the Amendment to the Major Site Development Plan for the twin home portion.

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

**HEARING ON 2017-18 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER):** Housing Coordinator, Vanessa Baker Latimer noted before Council is the CAPER report from fiscal year 2017-2018. The report shows they spent \$444,951; served 87 low-income housing residents, and received \$41,232 in program income. The Report needs to be submitted to HUD by October 31, 2018 to be compliant.

The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 18-601 approving the 2017-18 Consolidated Annual Performance and Evaluation Report (CAPER).

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

**HEARING ON LEASE AGREEMENT WITH YOUTH AND SHELTER SERVICES FOR PARKING LOT P:** The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 18-602 approving the Lease Agreement with Youth and Shelter Services for Parking Lot P.

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

**ORDINANCE REGARDING EXCEPTIONS TO MINIMUM STORIES AND MINIMUM FLOOR AREA RATIO FOR THE DOWNTOWN SERVICE CENTER:** The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance to allow Exceptions to Minimum Stories and Minimum Floor Area Ratio for the Downtown Service Center.

Roll Call Vote: 5-1. Voting aye: Betcher, Nelson, Beatty-Hansen, Gartin, Corrieri. Voting nay: Martin.

**ORDINANCE TO ALLOW REMOTE PARKING AS AN ACCESSORY USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT:** The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO.4372 allowing remote parking as an accessory use in the Neighborhood Commercial Zoning District.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Moved by Gartin, seconded by Corrieri, to send a letter denying taking any action on the letter from Jedidiah Bartlett to consider a cap rent per month related to the value of rental properties.

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

Moved by Gartin, seconded by Corrieri, to send a letter denying taking any action on the letter from Charisma Langford regarding the request for the City to look into how early leasing agents are requiring tenants to renew their lease.

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

Moved by Betcher, seconded by Beatty-Hansen, to not pursue the memo from Planning and Housing Director, Kelly Diekmann regarding the original request from Justin Dodge of Hunziker Companies to request a Zoning Text Amendment to create front yard landscaping tree substitution standards for commercial/industrial sites.

Vote on Motion: 4-2. Voting aye: Betcher, Martin, Beatty-Hansen, Corrieri. Voting nay: Nelson, Gartin.

**COUNCIL COMMENTS:** Mayor Haila commented that most of the Council members serve on another Board, and would like to see in hear comments from Council as to what is going on with the Board they are serving.

Council Member Beatty-Hansen did let Council know that from her Watershed Board meeting anyone going into the river should bathe afterwards as the e-coli numbers are high.

Council Member Betcher stated that the Human Relations Commission is cosponsoring RACE: The Power of an Illusion, a free learning exchange on November 10, 2018, at the Ames Public Library, from 9:15 a.m. to 3:45 p.m. Registration is required by November 5, 2018. This event will explore how institutional and structural racism impact decisions, policies, and practices in child welfare and the perpetuation of stereotypes about children and families of color.

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 9:23 p.m.

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Amy L. BColwell, Deputy City Clerk

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John A. Haila, Mayor