

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 8, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on April 8, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Matthew Goodman, Chris Nelson, and Peter Orazem. Tim Gartin arrived at 7:03 p.m. *Ex officio* Member Alexandria Harvey was also present.

PROCLAMATION FOR ADMINISTRATIVE PROFESSIONALS WEEK: April 20-26, 2014, was proclaimed as Administrative Professionals Week by the Mayor. On behalf of the Ames Chapter of the Iowa Association of Administrative Professionals, Micci Gillespie and Sally Houser accepted the Proclamation.

PROCLAMATION FOR FAIR HOUSING MONTH: Mayor Campbell proclaimed April as Fair Housing Month. Accepting the Proclamation were Steve Eggleston, Director of the Housing and Urban Development (HUD) Iowa Field Office; Kris Brend, Central Iowa Board of Realtors; Cindy Jorgensen, Professional Property Management, representing Ames' landlords; and Devita Harden, a member of the Ames Human Relations Commission. Mr. Eggleston said that his office is responsible for enforcement, education, and outreach efforts; however, it could not do that without local Civil Rights Commissions or communities such as Ames.

Several of the children who had participated in the Fair Housing Month Poster Contest were present. City Housing Coordinator Vanessa Baker-Latimer announced the 1st, 2nd, and 3rd place winners (from over 40 entries) in this, the first annual, Contest for youth in 3rd through 8th grades. She. All of the participants' artwork will be displayed on the first floor of City Hall during the month of April.

Mayor Campbell announced that the City Council would be working off of an Amended Agenda. Added was an item for the Library pertaining to its staffing levels.

CONSENT AGENDA: Council Member Betcher asked to pull Item No. 6c from the Consent Agenda (Liquor License renewal for Dangerous Curves) for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of March 25, 2014, and Special Meetings of March 18, 2014, and April 1, 2014
3. Motion approving Report of Contract Change Orders for March 16-31, 2014
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Special Class C Liquor – India Palace, 120 Hayward Avenue
 - b. Class E Liquor, C Beer, & B Wine – Dahl's Foods, 3121 Grand Avenue
 - c. Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Road
 - d. Class C Liquor w/ Outdoor Service – Cyclone Experience Network, Hilton Coliseum
5. RESOLUTION NO. 14-163 setting date of hearing for April 22, 2014, for vacation of Open Space Easement and Storm Water Flowage Easement at 3910 Maricopa Drive
6. RESOLUTION NO. 14-164 approving updated Affirmative Action Compliance Plan
7. RESOLUTION NO. 14-165 approving contract and bond for 2013/14 Downtown Pavement Improvements (5th Street - Duff Avenue to Burnett Avenue)

8. RESOLUTION NO. 14-166 approving contract and bond for Furnishing of 15kV Outdoor Metalclad Switchgear and 69kV Control Panels for Ames Plant Distribution Substation
9. RESOLUTION NO. 14-167 approving Change Order with Alstom Power, Inc., for Repairs to Unit No. 8 Boiler Tubes in the amount of \$11,445.61
10. RESOLUTION NO. 14-168 approving Plat of Survey for 2200 Hamilton Drive
11. RESOLUTION NO. 14-169 approving Plat of Survey for 138 and 142 Hyland Avenue
12. RESOLUTION NO. 14-170 approving Plat of Survey for 3521 Jewel Drive
13. RESOLUTION NO. 14-171 approving Final Plat for Sunset Ridge Subdivision, 5th Addition Roll
Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

CLASS C LIQUOR LICENSE RENEWAL FOR DANGEROUS CURVES: Council Member Betcher said that she had asked that this item be pulled from the Consent Agenda for separate discussion after noting the number of violations that had been issued to Dangerous Curves. Police Chief Chuck Cychosz brought the Council members' attention to the details contained in the memo distributed to them as part of their meeting packet. He advised that officers check the premises in question as part of their regular bar patrol. Five lap dance violations and been issued (four to entertainers employed by the establishment and one to a customer). City Attorney Judy Parks said that some violations of the City's Prohibited Touching Ordinance had occurred. Those cases resulted in convictions; however, the bar has appealed the validity of the City's Ordinance. The appeal is pending; therefore, the Ordinance on the books is valid. At the inquiry of Council Member Gartin, Ms. Parks advised that those types of violations (those other than for liquor violations) may be considered when a renewal of a Liquor License is requested, as any violations do tap the resources of the Policy Department and other departments. According to Ms. Parks, the violation numbers at this type of establishment are not so far out of line from other establishments over a year's time; however, the type of entertainment occurring at Dangerous Curves is not going on in any other establishment.

Moved by Goodman, seconded by Orazem, to approve renewal of the Class C Liquor License for Dangerous Curves, 111-5th Street.

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

PUBLIC FORUM: No one came forward to speak, and Mayor Campbell closed Public Forum.

FRANCHISE UPDATE FROM ALLIANT ENERGY: Annette Renaud, Account Manager for Alliant Energy, distributed a copy of Alliant's Annual Report for 2013 to the Mayor and City Council. She provided the highlights of the Report, noting that Alliant is an employer and a taxpayer in the City. Ms. Renaud reported that Alliant's natural gas infrastructure investment last year was \$667,000, and it will increase in 2014.

2013/14 AMES ANNUAL OUTDOOR SCULPTURE EXHIBITION SELECTIONS (AAOSE): Heather Johnson, member of the Public Art Commission, informed the City Council that the Commission had received a record number of submissions (70 entries by 33 artists from 14 states, including two countries). The entries were evaluated by a jury of three Ames residents, who selected five sculptures as their top choices along with four alternates, if availability or other issues prevent installation of one or more of the top selections. Installation of the exhibits will be coordinated through the City Manager's Office and will occur during late April and early May.

The sculptures shown and described by Ms. Johnson were as follows:

1. "Life," by Zach Bowman
2. "Solitary Nomad," by Skip Willits
3. "Help Another," by James Bearden
4. "Wings of Change II," by Holde Debruyne
5. "Industrial Revolution II," by John Brommel

The four alternates were shown and described, as follows:

1. "Thrust from the Earth," by Steve W. Huffman
2. "Point Defiance," by Beth Nybeck
3. "Everything," by Nathan Pierce
4. "Words/Action," by Leslie Burning

Moved by Betcher, seconded by Goodman, to approve RESOLUTION NO. 14-172 approving the 2013/14 Ames Annual Outdoor Sculpture Exhibition selections, as recommended by the Public Art Commission.

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

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING COMPANY: Moved by Goodman, seconded by Orazem, to approve a 5-day Class C Liquor License for Olde Main Brewing Company at ISU Alumni Center.

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

6-MONTH CLASS B BEER & B NATIVE WINE PERMIT WITH OUTDOOR SERVICE FOR AMES JAYCEES AT BANDSHELL PARK: Moved by Goodman, seconded by Corrieri, to approve a 6-Month Class B Beer & B Native Wine Permit with Outdoor Service for Ames Jaycees at Bandshell Park.

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

OUTDOOR SERVICE PRIVILEGE FOR CHARLIE YOKE'S: Chief Cychosz introduced Lieutenant Jeff Brinkley as the officer who oversees the bar checks. Lieutenant Brinkley expressed concerns about adding an Outdoor Service privilege to Charlie Yoke's at 2518 Lincoln Way. He reported on the violations that had occurred at this establishment in the past few weeks. Lieutenant Brinkley reminded the Council members that, on January 28, 2014, they had approved a 6-Month Liquor License for Charlie Yoke's. Only nine weeks have elapsed, and there have been eight additional violations at that establishment. Two were called in by bar employees, which do not count against the bar. However, there have been five more on-premises citations, and an employee was charged with allowing under-age persons onto the premises. According to Lieutenant Brinkley, the Police Department is not recommending approval of the Outdoor Service privilege for Charlie Yoke's. Lieutenant Brinkley stated that an Outdoor Service area would be an additional challenge to the establishment, i.e., to try to keep minors out when they are already struggling with that.

Council Member Goodman asked Lieutenant Brinkley if he thought there were physical improvements that could be made to the Service area that could make it less-challenging for the bar. Lieutenant Brinkley said the Police Department would like to see the railing system be a couple feet

higher with a trellis-type topper above that as well as installing a gate where an employee would be stationed to prevent people from being allowed in the back gate.

At the inquiry of Council Member Orazem, Assistant City Attorney Jessica Spoden explained that the Outdoor Service Area is an additional privilege to an existing license, not a separate license. She said that if the Outdoor Service Area were to be approved at this meeting, it would run concurrently with the liquor license.

Council Member Gartin, noting that extensive conversation had occurred in January about this same location, asked Lieutenant Brinkley if the bar owner/manager appeared to get the message that Council attempted to send when it approved a 6-Month License, instead of a 12-Month License. Lieutenant Brinkley replied that he felt the management of the bar had realized the message, but he did not know if the ownership was completely on board. Currently, the establishment is showing a pattern of non-compliance in certain areas.

Council Member Orazem noted that this bar had recently moved to a new location and asked if that had any bearing on the number of violations. Lieutenant Brinkley answered that the establishment's compliance should be easier at the new location as they are not running a kitchen there. There is no under-21 business at this bar since it moved from its former location. The Police Department has not seen a change in the non-compliance pattern in the new location since coming before the City Council nine weeks ago.

Jason Crimmins identified himself as the owner of Charlie Yoke's, 2518 Lincoln Way. Mr. Crimmins alleged that the number of violations that had been issued to Charlie Yoke's in the first quarter of this year were not significantly more than other establishments. He acknowledged that when the 6-Month License was issued, the number of violations at Charlie Yoke's was significantly higher than other violations; however, that has not been the case in the last nine weeks. Mr. Crimmins alleged that Charlie Yoke's was being held to a higher standard.

Council Member Gartin pointed out that the Police Department has made it clear that it is strongly opposed to the granting of an Outdoor Service Area privilege. He asked why the Council should not defer to the officers who have to enforce the regulations. Mr. Crimmins said that he then expects that an Outdoor Service Area or Liquor License not be granted to any other establishment that had violations in the same time period. Mr. Gartin then asked Mr. Crimmins to explain why the Police Department was wrong in its recommendation. Mr. Crimmins said it was because it was being based on a "difficulty to control" while, at this meeting, the City Council had granted an Outdoor Service Area to an establishment "that has a chain hanging on a public right-of-way." According to Mr. Crimmins, Charlie Yoke's has a 5'8" high barrier surrounding its patio; yet that establishment has no barriers. Mr. Crimmins said that his bar is running in a similar manner like all other bars in Campustown.

Mr. Gartin said that he wants Mr. Crimmins' business to be successful, and the Police Department wants the establishment to be in compliance with the regulations.

Concerning the allegation made by Mr. Crimmins that Charlie Yoke's was being held to a higher standard, Lieutenant Brinkley replied that there is a continual failure to comply with regulations on the part of Charlie Yoke's. He specifically referenced an incident that occurred on March 15, 2014, when two minors were found on the premises who had been let into the establishment by an employee. Lieutenant Brinkley noted that no one wanted to be held accountable for what was occurring at the bar that night; there is a continuing failure to comply with the expectations the

Police Department has in the owner to “own” the violations and then taking appropriate steps to correct them.

Council Member Gartin asked if there was a way that the Police Department could be supportive of an Outdoor Service Area if the layout could be redesigned. Lieutenant Brinkley advised that there should be at least six feet of barrier measured from the parking lot (not from the floor of the patio) and some sort of physical door that is staffed keep under-age people from entering the premises.

Council Member Gartin asked what would happen if the application was denied tonight. Assistant City Attorney Spoden advised that Charlie Yoke’s would have the right to appeal to the Alcoholic Beverages Division and they also have the right to come back to the Council at a future meeting. Mr. Gartin suggested that Charlie Yoke’s be given an opportunity to work with the Police Department to come up with a satisfactory structural design. Ms. Spoden told the Council that it also had the right to approve the Outdoor Service Area with whatever conditions it felt were necessary.

Moved by Gartin, seconded by Goodman, to approve the Outdoor Service Area contingent upon the Ames Police Department approving the plans for the layout of the Outdoor Service Area.

Council Member Orazem indicated that he saw two issues: design and performance. He indicated that he was not comfortable approving the additional privilege at this point because of the number of violations. According to Mr. Orazem, the current Liquor License doesn’t expire until August 2014, so the bar has some time to get a decent record of compliance going. If that would be the case in August, and a design of the Area could be agreed upon, the bar would have a chance to get approval at that time.

Mr. Crimmins reiterated that he was aware he only had a 6-Month License, so in essence, he was on probation, and that would be up for debate in August when he seeks renewal of the Liquor License. He said that he was asking now to sell alcohol on one part of his property versus another, and he believed that was governed by the Inspections Division. Mr. Crimmins stated that he would be willing to work with anyone from the Police Department if he/she had suggestions, but he did not understand how he would be required to have a six-foot fence when other establishments are allowed to serve on the sidewalk. Mayor Campbell reminded Mr. Crimmins that he was asking for an additional privilege while his bar was on probation.

Council Member Betcher asked to know the relationship between the Building Code and the privilege in this case. Ms. Spoden noted that the Inspections Division had signed off; however had some additional requirements that they wanted to see installed. Inspections wanted to make a final inspection prior to any approval being sent to the State. She again told the Council that it was in the City’s discretion to approve or deny the additional privilege. Ms. Spoden noted that there had been approvals made with conditions in the past.

Lieutenant Brinkley reported that the Police Department believes that the employee involvement in some of the violations sets this apart from what the Department had seen in other establishments.

Vote on Motion: 2-4. Voting aye: Gartin, Goodman. Voting nay: Betcher, Corrieri, Nelson, Orazem. Motion failed.

Seanna Perkins, Building Official, advised that an inspector had visited the area outside of the building proper today. That inspector had noted handrail and guardrail issues. Ms. Perkins advised

that the Building Code only applies for commercial occupancy of the space. Ms. Spoden added that the City currently does not have an Outdoor Service Area ordinance.

REQUEST FROM IOWA STATE UNIVERSITY STUDENT SOCIETY OF LANDSCAPE ARCHITECTS FOR WAIVER OF PARKING METER FEES FOR SPACE 50 ON CHAMBERLAIN STREET: Nicholas Gulick and Devan Clark, Vice-President and President, respectively, of the Student Society of Landscape Architects (SSLA) at Iowa State University requested suspension of parking regulations and enforcement in one metered space on Chamberlain Street to install a “parklet” to be on display from April 24 through August 30, 2014. Students will be maintaining the space over the summer months.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 14-173 approving the request from Iowa State University Student Society of Landscape Architects for waiver of parking meter fees for Space 50 on Chamberlain Street from April 24 - August 30, 2014, for demonstration of a “parklet.”

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

REQUESTS FROM AMES CHAMBER OF COMMERCE FOR AMES MAIN STREET FARMERS’ MARKET: LoJean Petersen, 304 Main Street, Ames, Manager of the Ames Main Street Farmers’ Market, requested the Council to waive the parking meter fees for the 300 and 400 blocks and a portion of Burnett Avenue. She noted that that the Market’s budget is extremely tight and the payment of \$1,800 in parking fees would greatly impact its operations. According to Ms. Petersen, the Market is totally funded by sponsorships and fees. She listed many of the expenses that are associated with Market operations.

At the inquiry of Council Member Gartin, Ms. Petersen advised that between 2,200 and 2,500 people attend the Market. They have had occasions when upwards of 4,000 had attended. Ms. Petersen stated that she had obtained 74% approval from the Main Street Cultural District business owners.

It was noted that the Market coordinators had also requested a waiver of parking meter fees for the 300 and 400 Blocks and a portion of Burnett Avenue. A total of 77 parking spaces would be closed each day of the Market, which would result in an estimated potential loss of revenue to the Parking Fund in the amount of \$1,800.

Assistant City Manager Bob Kindred reported that, in previous years, the City Council has required reimbursement for lost parking meter revenue because the Market is a recurring event using public space to benefit for-profit vendors, and to waive those costs completely may set a difficult precedent. According to Mr. Kindred, the 2013 Market closures cost \$455, but due to the location being expanded and the duration being longer, the costs would be much greater. City staff believes that on a typical Saturday, only 80% of the parking spaces may be filled, so the actual revenue loss may be \$1,440.

Council Member Goodman offered his opinion that the Ames Market is in its beginning stages. He noted the community’s desire to have the Market. Mr. Goodman suggested that a policy be set to waive fees for a period of three years and then revisit it. Council Member Betcher noted that the Market had paid fees in the past, albeit not as large as what is anticipated for this year. She pointed out that the Market is being expanded this year, with more vendors, and she did not believe that no parking fees should be reimbursed. She recommended that some configuration of fee be established.

Moved by Goodman, seconded by Nelson, to approve the following requests from Ames Chamber of Commerce for Ames Main Street Farmers' Market from May 3 to October 25, as follows:

1. RESOLUTION NO. 14-174 approving closure of 300 and 400 blocks of Main Street, and Burnett Avenue from Main Street north to the alley, from 5:30 a.m. to 1:30 p.m.
2. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
3. RESOLUTION NO. 14-175 approving waiver of fee for blanket Vending License
4. RESOLUTION NO. 14-176 approving request to waive parking enforcement in CBD Lots X and Y during the Market

Moved by Goodman, seconded by Nelson, to adopt Resolution No. 14-177 to require the Farmers Market to pay \$900 in parking meter fees in the 300 and 400 Blocks of Main Street and a portion of Burnett Avenue and electric usage fees.

Roll Call Vote: 4-2. Voting aye: Betcher, Gartin, Goodman, Orazem. Voting nay: Corrieri, Nelson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

FIREWORKS PERMIT FOR RESIDENCE HALL WEEK ON CENTRAL CAMPUS: Moved by Goodman, seconded by Betcher, to approve a Fireworks Permit for a ground effects fireworks shoot for Residence Hall Week on Central Campus at 11:59 p.m. on April 26, 2014 (with a rain date of May 3, 2014).

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

CY STATUE AGREEMENT WITH AMES CHAMBER OF COMMERCE: Operations Manager Corey Mellies reminded the Council that, at its February 25, 2014, meeting, direction was given for staff to prepare an agreement with the Chamber of Commerce to allow placement of the Cy statues on City property. Mr. Mellies added that the only responsibilities of the City are to work with the Public Art Commission and coordinate locations for the statues. The Chamber of Commerce will be providing the necessary liability insurance.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 14-178 approving the Cy Statue Agreement with the Ames Chamber of Commerce.

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

HEARING TO ESTABLISH WATER CONNECTION FEE DISTRICT WITH RESPECT TO CERTAIN PROPERTIES IN NORTHERN GROWTH AREA: Mayor Campbell opened the public hearing. There was no one who wished to speak, and the hearing was closed.

Civil Engineer Eric Cowles summarized that there would be three Sanitary Sewer Connection Districts with separate fees per acre. There is one Water Connection District being established. The costs have been based off of the utility construction projects that Council approved preliminary plans and specifications for at its last meeting. The bids will be read on April 16, 2014, with the results reported to the Council at its meeting of April 22, 2014.

Moved by Nelson, seconded by Orazem, to pass on first reading an ordinance establishing a Water connection Fee District with respect to certain properties in the Northern Growth Area.

Council Member Orazem asked if any existing property owners had responded positively to the City's offer of special inducement to hook up. Mr. Cowles said the City had not gotten any buy-in with the exception of the properties to the north (the Frames). Assistant City Manager Bob Kindred

reported that there was still discussion occurring between City staff and property owners. Their final opportunity to avail themselves of that opportunity will take place when the Hunziker South Annexation occurs. According to Mr. Cowles, by *Iowa Code*, if you are within 200 feet of a municipal utility and the septic system fails, the property owner would be required to hook up to the City's main.

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

HEARING TO ESTABLISH SANITARY SEWER CONNECTION FEE DISTRICT WITH RESPECT TO CERTAIN PROPERTIES IN NORTHERN GROWTH AREA: The Mayor opened the public hearing and closed same after there was no one wishing to speak.

Moved by Orazem, seconded by Nelson, to pass on first reading an ordinance establishing a Sanitary Sewer Connection Fee District with respect to certain properties in the Northern Growth Area.

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

HEARING ON NUISANCE ASSESSMENTS: The public hearing was opened by Mayor Campbell. She closed the hearing as there was no one who asked to speak.

Moved by Orazem, seconded by Goodman, to adopt RESOLUTION NO. 14-179 assessing the costs of mowing and snow/ice removal and certifying assessments to Story County Treasurer.

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

HEARING ON VACATION AND RELOCATION OF PEDESTRIAN EASEMENT FOR SUNSET RIDGE, 4TH ADDITION: Mayor Campbell opened the public hearing and closed it after no one came forward to speak.

Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 14-180 approving vacation of a Pedestrian Easement located in Sunset Ridge, 4th Addition.

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

PROCESS FOR BRECKENRIDGE DEVELOPMENT WORKSHOP: Planning and Housing Director Kelly Diekmann reported that City staff had proposed May 6, 2014, as the date for the Special Council Workshop. It was also proposed by staff that the City Manager and the Planning and Housing Director meet separately in advance with the developer and with neighborhood representatives to discuss priorities and the chief interests concerning development of the three sites. Staff would also reach out to Iowa State University representatives to confirm their priorities. A summary of the priorities and interests of each group will be prepared prior to May 6, 2014. Staff has talked to the applicant, who is willing to meet with staff. The Old Middle School/College Creek Neighborhood Association is also willing to meet with City staff prior to May 6, 2014.

Moved by Goodman, seconded by Orazem, to set May 6, 2014, as the date for the City Council workshop on Breckenridge sites and direct staff to meet separately with the developer and with neighborhood representatives to clarify their respective priorities in advance of the workshop.

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

WESTWOOD VILLAGE LANDSCAPE PLAN AMENDMENT: Planner Jeff Benson reported that the Westwood Village Plan was approved by the Council in 2006 to build the final apartment

building in that Planned Residence District (PRD). The Plan showed a few Oak trees to be removed. The developer had been informed that Westwood Village had an approved landscape plan that included the requirement for an amended landscape plan to be submitted prior to any additional trees being removed. Mr. Benson advised that during the past month, ten Oak trees were removed from the property. A revised Landscape Plan was then submitted that showed the ten trees already removed and several other trees that they wanted to have removed. According to Mr. Benson, staff had identified some replacement trees to be planted, and some of those were included in the Plan.

Mr. Benson said that the Ordinance allows staff to approve a Minor Amendment to such a Plan if it doesn't change the overall landscape design of the project. However, before a change is approved, a revised Plan must be provided. In this case, a revised plan was not provided before the trees were removed. Staff's proposal is to allow the developer to remove two additional Oak trees that are close to the building; however, two others were to remain until they were deemed dangerous. The Council was told that if it agrees with staff's assessment (that this would constitute a Minor Amendment), it should direct staff to approve the Minor Amendment. If Council believes the changes would constitute a Major Amendment, it should direct staff to submit the Plan as an amendment to a Major Site Development Plan. It would then go to the Planning and Zoning Commission to later be brought back to the City Council at a hearing.

Council Member Betcher asked, how, given the PRD Agreement, the developer managed to remove so many extra trees when the Landscape Plan required only the removal of four trees. She felt it was a case that "it was easier to apologize rather than ask permission." Developer Brent Haverkamp answered that the Landscape Plan was approved in 2006. When they began construction of the building, it became clear, by both the condition of the trees and the proximity of the trees to the building, that it was unsafe to leave the trees. Mr. Haverkamp said had he known that they were required to request approval of the removal of the additional trees, he would have asked permission. Ms. Betcher said she felt it was hard for her to believe that he was unaware of his responsibilities since there had been so much discussion by the City Council in 2013 over the removal of the trees.

Mr. Haverkamp told the Council that the Construction Manager on this project had a specialist from Iowa State assess the trees. The trees that were diseased were removed. Some trees that would have died because of root problems as a result of the construction were also removed.

Council Member Goodman asked to know the age of the trees that had been removed. Planner Benson said the age of the removed trees is not really known, but it is thought that they were between 80 to 100 years old. He said that they are asking the developer to plant 50% more trees than the number that was removed. The trees that will be planted will be approximately 15' tall. Mr. Benson noted that Oak trees are very slow-growing.

Council Member Goodman expressed his frustration that the Council had made its expectations known to the developer; however, there was no recourse when those were not followed by the developer. Council Member Betcher agreed.

LAND USE POLICY PLAN AMENDMENT INITIATION REQUEST FOR 516 SOUTH 17TH STREET: Director Diekmann stated that the developer of the land in question is interested in pursuing a change of approximately 12 acres of land from Highway-Oriented Commercial to High-Density Residential. The subject area is an undeveloped parcel at the west end of S. 17th Street in the Aspen Business park. The site is located between Highway 30 and S. 16th Street in the areas of a possible future extension of Grand Avenue.

Mr. Diekmann noted that much of the background information had been provided in his memo to the City Council on February 24, 2014. On March 18, 2014, the City Council had directed staff to place this item on a future City Council Agenda. If the process moves forward, the Council needs to determine if the process would be a Major or a Minor LUPP Amendment.

According to Mr. Diekmann, staff identified issues related to development of the area that may influence future decisions about appropriate land use:

1. Lack of direct access to CyRide transit service at this site and the fact that the adjacent route along S. 16th Street already exceeds ridership capacity
2. Accommodation of a potential future Grand Avenue extension from S. 16th Street across Highway 30 to Airport Road
3. General traffic circulation and congestion along S. 16th Street
4. Supply of well-oriented commercial land for office and retail vs. demand for high-density residential land
5. Housing availability for non-student development

Options available to the City Council were presented by Director Diekmann, as follows:

1. If the Council believes that the site is suitable for commercial uses and does not have interest in allowing for additional residential uses in this area, it should deny the request.
2. If the Council believes there is potential interest in additional high density residential uses for the site, subject to evaluation of commercial land needs, residential land needs, and project site development interests, it could elect to allow the applicant to move forward with the LUPP Amendment. If the request proceeds, a decision on the timing or type of amendment must also be made.

Director Diekmann reminded the Council that a LUPP Amendment may be categorized as a Minor Amendment or a Major Amendment, or it may be deterred until the next five-year review of the LUPP. It was noted that timing and scope for the next LUPP Update has not been determined by the Council, but will be discussed as part of the LUPP Overview at a workshop scheduled for May 20, 2014. Mr. Diekmann noted that the council could wait until after the LUPP Overview to decide if it wanted to proceed with the request independent of a LUPP update.

Council Member Betcher expressed her opinion that this request needed to be part of a larger LUPP discussion partly because of the land-locked nature of the property in question.

Council Member Goodman said, in his opinion, the property owner's request to change the land to High-Density Residential fits with the development that has been allowed in the recent past in the area in question. Mr. Betcher said she was willing to consider the request, but felt it should be done in context with the larger scope. She also conveyed her concerns that CyRide was already running at capacity on South 17th Street and that South 17th Street was an institutional road and Iowa State University has indicated that he had no funding budgeted for improvements to that road.

Jeff Cook, CPM Development, 2919 Knox Avenue South, #200, Minneapolis, Minnesota, said his company specializes in high-density housing developments. He said his company was looking for property that directly abuts high-density residential areas within proximity to the University. Mr. Cook said they located the property in question. It had no access road, so it was felt that it would not be appealing to a retailer. He asked the Council to direct staff to allow this proposal to move

forward as a Minor Amendment to the LUPP. Mr. Cook told the Council that currently, the land yields approximately \$182 in property taxes; however, when developed as being proposed, the area would generate over \$450,000 in property taxes annually. It is hoped that the project could be completed in 2015.

Moved by Goodman, seconded by Corrieri, directing that staff begin the process of a Minor LUPP Amendment for this project.

Council Member Betcher said that she did not necessarily think this was a bad project for the area or that the developer would not perform, but given the fact that she has not seen “any teeth” in prior agreements, she was hesitant to agree to that. Council Member Gartin pointed out that he felt the City did “have teeth” in that “if Kelly’s signature is not on the document, no one moves in.”

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

The meeting recessed at 9:03 p.m. and reconvened at 9:10 p.m.

URBAN RENEWAL PLAN INITIATION FOR SOUTHEAST 16TH STREET: Director Diekmann recalled that, at its March 4, 2014, City Council meeting, staff was directed to initiate steps to provide support for the redevelopment of properties along SE 16th Street between South Duff Avenue and Dayton Avenue. This step was in anticipation of establishing a Reinvestment District under the Iowa Reinvestment Act. The principal steps needed for the project proposal were to endorse a preliminary application submitted to the Iowa Economic Development Authority and to initiate the steps for creating an Urban Renewal Area for the 23-acre site. The proposed development by Iowa Destination Developers is an approximately \$48 million commercial development consisting of a Menard’s, a new restaurant and hotel, and a Field Station Dinosaurs Museum/Camp. Mr. Diekmann noted that the City has no financial commitment or support associated with a Reinvestment District, since it is solely funded by the state. Upon formal approval of the incentive application by the IEDA Board, the City may then adopt an ordinance establishing the Reinvestment District to facilitate the project. The Council was told by Director Diekmann that, at this time, the City Council is being asked to set the date for a public hearing on the proposed Urban Renewal Plan to facilitate the Reinvestment District redevelopment project and to refer the Urban Renewal Plan to the Planning and Zoning Commission for its recommendation. Upon receipt of the Commission’s recommendation, the City Council will hold a public hearing to gather input on the Urban Renewal Plan. After following those steps, the Council would be in a position to approve a resolution adopting the Urban Renewal Plan.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-181 directing staff to prepare the Urban Renewal Plan and forward the Plan to the Planning and Zoning Commission for its recommendation and setting the date of public hearing for May 27, 2014.

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

TRANSMISSION MEMBERSHIP APPLICATION AND AGREEMENTS WITH MIDCONTINENT INDEPENDENT SYSTEM OPERATION (MISO): Donald Kom, Director of Electric Services, told the Council that, in 2009, there were two general types of transmission service: network service and point-to-point service. With the City generating most of its electricity needs locally and little qualifying transmission investment, the City chose point-to-point service at that time. According to Mr. Kom, in September 2013, changes were made to MISO’s network

service program that caused the City to re-evaluate its options. Qualified 69kV transmission facilities can now be included in the credit calculation. Other benefits were also created, including additional wind-generated capacity and decreased staff time to meet transmission scheduling demands. Based on staff's calculations, network service is now the lowest cost option for transmission service, falling below \$500,000/year in cost. As the City's new 161kV transmission facilities are placed in service and included in the investment calculation, the City's net transmission cost will continue to fall each year. The City could reach a point where its investments fully offset its cost, and the utility would begin to receive monthly payments for its investments. However, to be granted network transmission service and receive transmission credits, the utility must become a Transmission Owner in MISO. As a Transmission owner, the City would turn over "functional control" of its transmission system to MISO. It will prove to be much more cost-effective with the new line and 69kv facility to move from point-to-point transmission service to the new MISO services.

Moved by Orazem, seconded by Betcher, to adopt RESOLUTION NO. 14-182 approving the Transmission Membership Application and specified agreements with the Midcontinent Independent System Operator (MISO), authorizing the MISO membership fee payment of \$15,000, and authorizing termination of the City's membership in the Midcontinent Area Power Pool.

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

FRIENDS FOUNDATION REQUEST REGARDING CONSUMPTION OF ALCOHOL INSIDE PUBLIC LIBRARY DURING PRE-OPENING GALA ON SEPTEMBER 5, 2014:

Kevin Stow, President of the Ames Public Library Board of Directors, explained that the Board was approached by the Ames Public Library Friends Foundation (APLFF) with a request to hold an event at the site of the renewed Library prior to its grand opening on September 14. The Friends group would like to host a gala on the evening of September 5 to serve as a celebration of the new building. As part of the gala, the APLFF would like to serve alcohol at the 21-and-over event. Support of the City Council is being sought prior to the liquor license request from either APLFF or a caterer coming before it.

Moved by Goodman, seconded by Orazem, to support the request regarding consumption of alcohol inside the Public Library during the Pre-Opening Gala on September 5, 2014.

Council Member Goodman reported that, for him, a big piece of this request was that the Library would not yet be open to the public at the time of the gala.

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

LIBRARY MILLWORK: Lynne Carey, Library Director, noted that the bid of the lowest bidder, Iowa Prison Industrials of Des Moines, Iowa, was deemed unresponsive.

Moved by Orazem, seconded by Gartin, to adopt RESOLUTION NO. 14-183 awarding a contract to SBD Commercial Interiors of Jackson, Michigan, for Library Millwork in the amount of \$423,413.

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

CHANGE IN LIBRARY STAFFING LEVEL: Director Carey reported that the Public Library had undertaken a staff reorganization to ensure excellent customer service in its renovated and expanded facility. A team had been assigned to review the organizational structure for the Library. The team

determined that the duties of the Assistant Library Director should be redistributed among five manager positions, and the budget for the Assistant Library Director position should be reallocated to a combination of reclassifications and creation of new positions. It was also determined that approximately \$93,000 of the funds from temporary salaries could be combined with remaining funds from the former Assistant Library Director position to create several more new permanent positions with no overall additional expense to the budget. Ms. Carey explained that the request was for elimination of the Assistant library Director and the addition of a Client Support Technician, a Resource Support Services Clerk, two half-time Youth Services Clerks, and three half-time Customer Account Services Clerks. This presents the opportunity to replace one Full-Time-Equivalent (FTE) with 3.75 FTE with no change to the bottom line of the Library's budget.

Moved by Corrieri, seconded by Nelson, to adopt RESOLUTION NO. 14-184 approving elimination of Assistant Library Director (1 FTE) and addition of Client Support Technician (.75 FTE), Resource Support Services Clerk (.5 FTE), two half-time Youth Services Clerks (1 FTE), and three half-time Customer Account Services Clerks (1.5 FTE).

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

2013 DEVELOPMENT PROCESS SURVEY: City Business Development Coordinator Tiffany Coleman presented the results of the City's 2013 Development Process Survey.

Council Member Orazem asked if staff could break down the responses by local and out-of-town customers. It was determined that that could be done. Mr. Orazem noted that part of the goal was to improve the City's reputation with its customers.

Council Member Betcher said the results were interesting, but wondered how they were used. Ms. Coleman explained that she had reviewed the comments with the applicable Division and Department Heads. Council Member Orazem pointed out that the Survey was initiated in 2011 and is used as a tool to continually improve processes. Assistant City Manager Kindred noted that if the City Council members had any comments or requests concerning services, they should bring those forward.

ORDINANCE CHANGING PARKING REGULATIONS ON TWAIN CIRCLE: Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance changing the parking regulations on Twain Circle.

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

POST-CONSTRUCTION STORM WATER ORDINANCE: Moved by Goodman, seconded by Orazem, to pass on second reading the Post-Construction Storm Water Ordinance as Chapter 5B of the *Municipal Code*.

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

ORDINANCE MAKING ZONING TEXT AMENDMENT TO CHANGE REQUIRED PARKING FOR OTHER OFFICE USES (EXCLUDING MEDICAL AND DENTAL OFFICES): Moved by Nelson, seconded by Orazem, to pass on second reading an ordinance making a zoning text amendment to change required parking for other office uses (excluding medical and dental offices).

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

ORDINANCE AMENDING SECTION 23.407 PERTAINING TO STORM WATER MANAGEMENT REGULATORY STANDARDS: Moved by Orazem, seconded by Nelson, to

pass on second reading an ordinance amending Section 23.407 pertaining to storm water management regulatory standards.

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

ORDINANCE AMENDING SECOND 23.502 PERTAINING TO STORM WATER MANAGEMENT REGULATORY STANDARDS: Moved by Orazem, seconded by Nelson, to pass on second reading an ordinance amending Section 23.502 pertaining to storm water management regulatory standards.

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

ORDINANCE AMENDING SECTION 29.406 PERTAINING TO STORM WATER MANAGEMENT REGULATORY STANDARDS: Moved by Orazem, seconded by Nelson, to pass on second reading an ordinance amending Section 29.406 pertaining to storm water management regulatory standards.

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

ORDINANCE AMENDING SECTION 29.1502 PERTAINING TO STORM WATER MANAGEMENT REGULATORY STANDARDS: Moved by Orazem, seconded by Nelson, to pass on second reading an ordinance amending Section 29.1502 pertaining to storm water management regulatory standards.

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

COUNCIL COMMENTS: Mayor Campbell announced that tonight was *ex officio* Member Alexandria Harvey's last City Council meeting. She will be pursuing a Master's degree in Public Administration. Ms. Harvey was thanked for her service over the past year.

Moved by Betcher, seconded by Orazem, to direct staff to prepare a brief report comparing the maximum densities in the Floating Zones to the maximum densities in the standard Residential Zones.

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

Moved by Orazem, seconded by Corrieri, to refer to staff the letter of John and Julie Larson to answer whether there is a way to allow the Larsons to build a three-season porch and still allow for the easement.

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

Assistant City Manager Kindred announced that the RISE grant application of ISU Research Park had been approved.

ADJOURNMENT: Moved by to adjourn the meeting at 10:07 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor