

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MAY 12, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on the 12th day of May, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present were Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

PROCLAMATION FOR “PEACE OFFICERS’ MEMORIAL DAY:” Mayor Campbell proclaimed May 15, 2015, as “Peace Officers’ Memorial Day.” Accepting the Proclamation were Ames Police Commander Huff, Lieutenant Tom Shelton, Officers Amber Christian, Steve Spoon, Clint Hertz, and Dispatcher Pam Dodd.

PROCLAMATION FOR “NATIONAL PUBLIC WORKS WEEK:” May 17 - 23, 2015, was proclaimed as “National Public Works Week” by Mayor Campbell. On behalf of the Ames Public Works Department, Director John Joiner, Municipal Engineer Tracy Warner, Traffic Engineer Damion Pregitzer, and Civil Engineer Eric Cowles accepted the Proclamation.

CONSENT AGENDA: Mayor Campbell announced that Item No. 18, an Ames Intermodal Facility Commercial Tenant Lease with Jefferson Lines, and Item No. 19, the Intergovernmental Agreement with HIRTA for Dial-A-Ride Bus Service, had been pulled by staff.

Council Member Gartin requested to pull Item No. 13, the 2015/16 Annual Commission on The Arts (COTA) Grants for separate discussion. Mr. Gartin indicated that he made that request due to a conflict of interest.

Moved by Betcher, 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 April 28, 2015
3. Motion approving Report of Contract Change Orders for April 16-30, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Special Class C Liquor – Mongolian Buffet, 1620 South Kellogg Avenue, #103
 - b. Class E Liquor, C Beer, and B Wine – Walgreen’s #12108, 2719 Grand Avenue
 - c. Class B Beer – Jeff’s Pizza Shop, 2402 Lincoln Way
 - d. Class C Liquor – Mother’s Pub, 2900 West Street
 - e. Class C Liquor – Bar La Tosca, 400 Main Street
 - f. Special Class C Liquor – Chicha Shack, 131 Welch Avenue
 - g. Class C Beer & B Native Wine – Tobacco Outlet Plus #530, 204 South Duff Avenue
 - h. Special Class C Liquor – Octagon Center for the Arts, 427 Douglas Avenue
5. RESOLUTION NO. 15-279 approving appointment of Council Member Tim Gartin to Ames Transit Agency Board of Trustees
6. Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 25, 2015:
 - a. RESOLUTION NO. 15-280 closing south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for staging parade
 - b. RESOLUTION NO. 15-281 approving closure of 5th Street from Grand Avenue to Clark Avenue from 9:00 a.m. until 11:00 a.m. for line-up and start of parade
 - c. RESOLUTION NO. 15-282 approving temporary closure of Clark Avenue (from 5th Street to 9th Street), 9th Street (from Clark to Maxwell), 6th Street (at Clark) and Duff Avenue (at 9th Street), as parade moves through intersections
7. Motion approving temporary transfer of Class C Liquor License & Outdoor Service for Cyclone Liquors (back room only) from 626 Lincoln Way to 1800 South 4th Street

8. Motion approving Ownership Change of Class A Liquor License & Outdoor Service for Green Hills Residents' Association, 2200 Hamilton Drive, Suite 100
9. Motion approving Ownership Change of Class C Liquor License for Mother's Pub, 2900 West Street
10. Motion approving 5-day Special Class C Liquor License and Outdoor Service for Main Street Cultural District for the following events:
 - a. Firefly Country Night, July 7-July 11
 - b. Bike Night, June 18-June 22
 - c. Oktoberfest, September 18-September 22
11. RESOLUTION NO. 15-284 approving purchase of sculptures for the Neighborhood Art Program
12. RESOLUTION NO. 15-285 approving Agreement for temporary remote parking at 119 Stanton Avenue for apartment units at 111 Lynn Avenue
13. RESOLUTION NO. 15-286 approving one-year Lease extension for Welch Avenue Parking Lot T
14. RESOLUTION NO. 15-287 approving Ames Intermodal Facility Commercial Tenant Lease with Executive Express
15. RESOLUTION NO. 15-290 approving Agreement with Iowa Department of Transportation for Skunk River Trail Extension, Phase 2 (South River Valley Park to East Lincoln Way)
16. RESOLUTION NO. 15-291 approving Engineering Services Agreement with Veenstra & Kimm of West Des Moines, Iowa, in an amount not-to-exceed \$76,700 for 2014/15 West Lincoln Way Intersection Improvements (Lincoln Way and Franklin Avenue)
17. RESOLUTION NO. 15-292 awarding contract to ASK Studio for CyRide On-Call Architectural Services
18. RESOLUTION NO. 15-293 approving preliminary plans and specifications for 2014/15 Seal Coat Street Pavement Improvements; setting June 3, 2015, as bid due date and June 9, 2015, as date of public hearing
19. RESOLUTION NO. 15-294 awarding contract to Independent Salt Company of Kanopolis, Kansas, for Purchase of Rock Salt for 2015/16 Ice Control Program for Public Works Department in the amount of \$67.74/ton
20. RESOLUTION NO. 15-295 awarding contract to Stock Equipment Company of Chagrin Falls, Ohio, for Precipitator Control Replacement in the amount of \$91,843 (inclusive of applicable Iowa sales tax)
21. RESOLUTION NO. 15-296 approving renewal of contracts for purchase of Electric Distribution Padmounted Transformers with RESCO of Ankeny, Iowa, and for purchase of Overhead Transformers with Wesco Distribution of Des Moines, Iowa, for period from April 1, 2015, through March 31, 2016
22. RESOLUTION NO. 15-297 approving new Task Order to HDR Engineering, Inc., of Des Moines, Iowa, for Pipeline Route Study (associated with Source Water Expansion Project) in an amount not to exceed \$37,500
23. RESOLUTION NO. 15-298 approving contract and bond for 2014/15 Right-of-Way Restoration Program
24. RESOLUTION NO. 15-299 approving contract and bond for 2013/14 Asphalt/Seal Coat Street Rehabilitation Program (Ashmore Drive, Ashmore Circle, Ashmore Court, and South Franklin Avenue)
25. RESOLUTION NO. 15-300 approving contract and bond for 2012/13 Concrete Pavement Improvements Program #3 (Lincoln Way Frontage Road)
26. RESOLUTION NO. 15-301 approving contract and bond for 2013/14 Concrete Pavement Improvements Program #2 (North 2nd Street)
27. RESOLUTION NO. 15-302 approving contract and bond for WPC Facility Make-Up Air Unit and Heat Recovery Units Replacement
28. RESOLUTION NO. 15-303 approving Change Order No 1 to Boone County Landfill for Waste Disposal Operations in the amount of \$110,490

29. RESOLUTION NO. 15-304 approving Change Order No. 2 with Knutson Construction Services, Inc., for New Water Treatment Plant - Contract No. 2
30. RESOLUTION NO. 15-305 approving Change Order No. 3 with Alstom Power, Inc., for Natural Gas Conversion Equipment, including Burners, Igniters, Scanners, Thermal Analysis, and Computer Modeling
31. RESOLUTION NO. 15-306 accepting partial completion of public improvements and reducing security for Brookview Place West Subdivision, 4th Addition
32. RESOLUTION NO. 15-307 accepting partial completion of public improvements and reducing security for South Fork Subdivision, 6th Addition
33. RESOLUTION NO. 15-308 accepting partial completion of public improvements and reducing security for Somerset Subdivision, 25th Addition
34. RESOLUTION NO. 15-309 accepting completion of MEC Interconnection 161-kV Line Construction
35. RESOLUTION NO. 15-310 approving Plat of Survey for 2257 - 240th Street (Boone County)
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

2015/16 ANNUAL COMMISSION ON THE ARTS (COTA) GRANTS: Moved by Goodman, seconded by Corrieri to adopt RESOLUTION NO. 15-283 approving the 2015/16 Annual Commission on The Arts (COTA) Grants.

Roll Call Vote: 5-0-1. Voting aye: Betcher, Corrieri, Goodman, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Joe Rippetoe, 419 Pearson Avenue, Ames, spoke about the action taken by the Mayor and City Council members on March 10, 2015, to remove his request for a review of drive-thrus in Campustown from the Planning Department's program of work. Mr. Rippetoe presented a chronology of events since November 26, 2013, when the majority of the then-Council had agreed that the issue he had raised was important and had referred it to staff for review. He had been assured that a review would be done. However, on March 10, 2015, the commitment of the earlier Council was rescinded when his request was removed from the list of Planning Department referrals. Mr. Rippetoe noted that it was not put on a list to be addressed at some point in the future; it was removed entirely from future consideration. He said that he cannot find any past incidents of such actions being taken by the City Council. In addition, Mr. Rippetoe had been told that the Council had directed staff to send him a letter explaining the removal of the referral from the Planning Department's program of work; however, no such letter has ever arrived. As an individual citizen, Mr. Rippetoe believed that he did not get the same consideration as commercial developers are given. He again noted that his was the only citizen-initiated request on the list of 30, and he believes that citizen-initiated requests should receive the same treatment as developer requests.

No one else 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 2014 to the Mayor and City Council. Ms. Renaud specifically highlighted that Alliant had given 3,326 rebates, providing \$706,658.16 in customer rebate incentives. She also noted that Alliant is an employer and a taxpayer in the City; 94 people from Ames and the surrounding area are employed in the Ames facility. Ms. Renaud reported that Alliant's natural gas infrastructure investment last year was \$1,735,941, and Alliant is currently working on two large gas projects in Ames.

CURBSIDE GARBAGE CONTAINER OPTIONS: At the inquiry of Council Member Gartin, Building Official Seana Perkins advised that, from Spring 2014 to the present, there had been one complainant who had contacted the Inspections Division 11 times with 130 garbage container issues occurring on rental properties.

Ms. Perkins pointed out that the only regulation currently in the *Municipal Code* regulating refuse, garbage, and other organic waste is in Chapter 13, which is the Rental Housing Code. Therefore, staff is only able to regulate the placement of approved garbage containers on rental properties. According to Ms. Perkins, Inspections Division staff enforces violations on a complaint-only basis. If compliance is not achieved after City staff works with the property manager, a Municipal Infraction may be issued. The fine for the first offense is set by *Municipal Code* Section 5.501: \$500 for the first offense, \$750 for the second, and \$1,000 for the third. Ms. Perkins advised that the Inspections staff works hard to educate residents so that a Municipal Infraction is not necessary.

Council Member Betcher stated her concerns that the regulation only pertains to rental properties. She also advised that one of her constituents had emailed her suggesting that the City attempt to educate renters through the *Rent Smart* Web site, emphasizing the Ames Resource Recovery Plant services, and recycling opportunities.

Council Member Gartin pointed out that there was only one complainant, albeit calling Inspections 11 times with 130 issues about garbage containers. He did not feel that one complainant warranted additional regulations.

Ms. Perkins clarified that if the City receives a complaint about garbage not in a container at owner-occupied homes, the City will investigate.

Moved by Goodman, seconded by Nelson, to ask staff to look at how this regulation can be made unified across all properties, i.e., rental and owner-occupied.

Ex officio Member Sam Schulte requested that it be clarified in the *Code* when the 24-hour time frame actually begins.

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

Council Member Orazem felt that the fine is out of line with the actual offense.

Moved by Orazem, seconded by Goodman, to set the fine for the first offense at \$50.

City Attorney Judy Parks stated that usually the Municipal Infraction fine is uniform unless specifically called out in the *Code*.

Motion withdrawn.

Moved by Orazem to request that staff come up with a graduated fine structure.
Motion died for lack of a second.

Moved by Orazem, seconded by Gartin, to receive information from staff regarding lowering the fine to be more in line with other Municipal Infractions.

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

AFFORDABLE HOUSING REPLACEMENT OF 519-521 6TH STREET: Housing Coordinator Vanessa Baker-Latimer reported that in July 2014, the City acquired three properties at 519 - 601 6th Street (formerly Ames Community Preschool). The properties were purchased with Community Development Block Grant funds. The structures on the site have now been demolished and the three lots are ready for redevelopment as affordable housing. The properties total approximately 27,000 square feet and are zoned Residential Medium-Density with a Single-Family Conservation Overlay (RM O-SFC). At its meeting of February 24, 2015, the City Council supported development of household living uses as rental housing.

Ms. Baker-Latimer reported that staff had sent meeting invitations to property owners within 200 feet of the site so as to glean their input. On March 15, 2015, staff met with four interested neighbors. According to Planning and Housing Director Kelly Diekmann, the primary concerns of the neighbors were: parking quantity and access and fearing that parking will be along the alley; affordability levels and types of households living in the units; increased traffic through the alley and through the Church parking lot to the alley; option to access the lots not using the Church entrance on 6th Street; number of units being built; appearance of duplexes vs. townhomes; and rental versus ownership housing options.

A summary of the major components proposed to be included in the RFP was given by Ms. Baker-Latimer. Discussion ensued on preferences wanted to be included in the RFP. Council Member Gartin expressed his desire to tailor this to the areas in the community that have the greatest need. According to Ms. Baker-Latimer, a lack of affordable housing for families with children was the area of greatest need. Mr. Gartin said that, given that information, all ten units should include that preference. Ms. Baker-Latimer pointed out that the affordability housing programs have typically given preference to families with children, elderly persons, and disabled persons. She noted that the Department of Housing and Urban Development (HUD) defines an individual elderly person or a disabled person as a “family;” however, students would not qualify under HUD’s definition. Ms. Baker-Latimer stated that income levels would be set and monitored by the City.

Raising the issue that parking facilities take up valuable land, Council Member Goodman asked staff to investigate and understand what the ratios are regarding the number of parking spaces/unit for affordable housing units.

Ms. Baker-Latimer reported that, in support of the development of affordable housing, the City will consider one or both of the following incentives for the selected developer, if a need is proven: (1) Offer the site at a reduced cost or no cost to the developer, and (2) Offer property tax abatement through creation of an Urban Revitalization Area consistent with the limitations of Chapter 404 of the *Code of Iowa*.

Ms. Baker-Latimer reviewed the selection criteria upon which all applications would be scored. The steps to be utilized after the preferred developer has been selected were explained by Ms. Baker-Latimer. She also outlined the proposed time frame. If directed by the City Council, staff would also proceed with a rezoning application to remove the O-SFC Overlay to allow for a development application to proceed. The rezoning would be complete prior to final selection of a developer.

Mary Jane Button-Harrison, representing the First Christian Church, voiced her concerns that the Church’s parking lot would become the parking lot for the new housing units if there is a lack of parking spaces for the units. Ms. Button-Harrison also advised that there are motorists who go the wrong way through the Church parking lot to access 6th Street; that creates a safety concern.

Moved by Gartin, seconded by Corrieri, to approve the criteria for the redevelopment of the City-owned properties at 519 - 521 6th Street in connection with the CDBG 2014/15 Acquisition/Reuse for

Affordable Housing Program and authorize staff to issue a Request for Proposals, which gives preference to families with children, and the elderly, and disabled; and direct staff to initiate rezoning of the properties from RM/O-SFC to RM.

Director Diekmann expressed his concern over including priority for the elderly and disabled because that would mean a certain type of housing would have to be built.

Moved by Goodman, seconded by Gartin, to amend the motion to state that, in addition to giving preference to families with children, preference to the elderly and disabled would also be given as long as those criteria can be integrated without impacting the design.

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

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

RIGHT-OF-WAY IMPROVEMENTS: Director Diekmann advised that the City Council had directed staff on February 24, 2015, to research and prepare amendments to the *Ames Municipal Code* to require the installation of missing infrastructure at the time of development if a project is not already covered by an infrastructure installation agreement. The amendments were not to apply to single-family or two-family construction, but would apply to commercial, industrial multi-family residential, and institutional uses. Mr. Diekmann reported that staff had developed options in response to Council's direction; however, needs clarity on two issues: Industrial Sidewalk Placement and Infrastructure Triggers needed to be given.

Moved by Goodman, seconded by Corrieri, to require sidewalks in industrial areas on both sides of the street.

Council Member Goodman said that he had run the numbers for Barilla, and the costs of the installation of sidewalks compared to the total cost of the development were minimal. He emphasized that sidewalks would provide access to industrial areas for those in the community without vehicles and handicapped persons.

Council Member Orazem stated his desire to require the owner(s) whose property is located on the side where sidewalks are not required to fill in the gaps in existing infrastructure.

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

Moved by Goodman, seconded by Orazem, to direct that sidewalks be integrated into the north and east sides of the street in the Industrial zone with criteria for exceptions.

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

Moving to Issue 2, Infrastructure Triggers, Director Diekmann asked Council to provide direction to staff on the definition of substantial improvement as it relates to additions and remodeling. Four options were presented for the Council's consideration.

City Manager Steve Schainker pointed out that, when reviewing 2014 Building Permit records, there were seven Minor Site Plan projects that were described as additions, while there were 43 properties that had Building Permits for remodeling alterations or additions in excess of \$100,000. Staff believes that while more projects are captured and gaps filled through a valuation threshold, it might lead to more customer consternation as it would apply to Building Permit projects.

Moved by Goodman, seconded by Orazem, to define “substantial improvement” as improvements valued at \$100,000 or greater.

Ex officio Member Schulte noted that staff might want to consider the aggregate total for the improvement to discourage property owners from breaking down the improvement into amounts less than \$100,000 and applying for successive Building Permits.

Director Diekmann noted that the City Council might want to add a hardship clause. It was understood that staff would work on the specifics of that and bring it back to the Council.

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

ARBOR ON THE GREEN POND: Civil Engineer Eric Cowles noted that, on January 13, 2015, the Council had referred to staff a letter from Patrick Brooks, Arbor on the Green Homeowners’ Association (HOA) President, 2881 Greensboro Circle, Ames. The letter had requested that the City assume management of the Pond via an easement, instead of the Pond being managed by the HOA. He stated that a City Neighborhood Improvement Grant had been granted in 1997 to improve the Pond and make it into a “public” space.

According to Mr. Cowles, the City currently maintains control of the storm water system upstream and downstream of the existing Pond and has made significant investments in recent years in those areas. The Pond at Moore Memorial Park was recently improved (2012/13 Flood Response and Mitigation Project and the 2009/10 Storm Water Facility Rehabilitation Project) with a new outlet structure and additional storage, including a forebay to reduce the amount of solids and nutrients that pass through the Pond. Mr. Cowles also noted that currently, the creek bank along the rear of the properties on Pinehurst Drive is under construction to stop erosion in the area.

Mr. Cowles said that, under current requirements, a subdivision would have to meet all the requirements outlined in the new Post Construction Storm Water Management Ordinance. Property owners of residential, commercial, and industrial properties are responsible for short- and long-term maintenance of all water quality practices. It was emphasized by Civil Engineer Cowles that the current condition of the Pond in regards to the extent of siltation is not known. Mr. Cowles stated that the existing pond was not developed as a required storm water management feature with the subdivision. The 1993 site plan for development of townhouses to the north shows the pond as existing and the Final Plat places the pond in Outlot A. There are no existing storm sewer connections directly into the Pond other than the pass-through flow from Moore Memorial Park, which is considered “public” water.

Patrick Brooks, 2881 Greensboro Circle, Ames, said that the Pond was built at the time of the Subdivision. He noted that the City had cooperated and participated with the Homeowner’s Association in the past to dredge the Pond.

Moved by Gartin, seconded by Orazem, to direct staff to work with Legal to draft an easement giving the City the long-term maintenance responsibilities of the existing pond.

It was clarified that if that motion passes, the City would be responsible for the dredging, or deepening of the pond should it become necessary while the HOA would retain the responsibilities of short-term care, such as, but not be limited to, mowing and general maintenance of the area and its amenities. The City would be responsible for sediment removal, and the project would need to be prioritized within the Capital Improvements Plan.

Moved by Goodman, seconded by Orazem, to amend the motion to include in the language that the easement means that the City would have the right to effectively treat the storm water, if need be.

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

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

LOCATION FOR AMES MUNICIPAL AIRPORT TERMINAL BUILDING AND HANGAR:

Traffic Engineer Damion Pregitzer provided a summary of the actions taken by the City Council on February 10, 2015, and February 24, 2015. It is still the intent for Iowa State University (ISU) and the private sector to construct the hangar portion of this project during Summer 2015. Mr. Pregitzer acknowledged that that was a very aggressive schedule; however, the project is still on schedule at this time.

Mr. Pregitzer explained that a project focus group had been established to help guide the design process. That focus group is comprised of a wide range of Airport users representing all levels of business and recreational uses. The first meeting of the focus group was held on April 27, 2015, with its first and foremost task being to make a recommendation on the location of the new terminal building.

According to Mr. Pregitzer, the existing approved 2008 Airport Master Plan had anticipated that a new terminal building would be located at a central point at the southernmost point of the buildable area on Airport property. The focus group agreed with the general location reflected in the Master Plan to move the terminal building to the center of the property because of two key benefits: it allows the Fixed Based Operator staff working in the facility to have a nearly unobstructed view of the entire airside operational area (runways and taxiways) and it provides clear direction to customers where to go for services when entering the property. From the focus group discussions, the City's airport consultant engineers Bolton & Menk put together two conceptual layouts: Concept A and Concept B.

The consultants and City staff believe that Concept A is the most efficient and cost-effective design that incorporates the highest potential for future expansion. It also provides significant improvement for access to the terminal building by way of a new drop-off area. Concept B is different mainly in that it has tried to keep a south-facing orientation for the hangar building. However, by doing so, the hangar would forever be physically separate from the terminal building. Concept B also requires more paving around the buildings, rather than utilizing the existing apron areas.

Moved by Orazem, seconded by Betcher, to approve Concept A for the Airport Terminal and Hangar layout and direct staff to move forward with site design.

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

STORM WATER RETENTION EASEMENT AT 1515 INDIANA: Civil Engineer Eric Cowles reported that he had been working with the Homeowners' Association, the Larsons, and the City's Legal staff to determine the best way to handle this to allow the Larsons to build a porch onto their home. This process had been going on for over a year. All had concurred that the best way to handle this was to get an individual easement on the Larson's property. If other property owners come to the City, each will be handled individually.

Moved by Goodman, seconded by Corrieri, to direct staff to secure an easement for only the property at 1515 Indiana.

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

Since there would no longer be a need for vacating an easement, the hearing that was continued on February 24, 2015, was canceled.

HEARING ON REVISION TO MAJOR SITE DEVELOPMENT PLAN FOR OLD ORCHARD MOBILE HOME PARK: Planner Jeff Benson explained that Grand Center, Ltd., is proposing to construct a maintenance building within its Old Orchard Manufactured Home Park (1100 block of S. 16th Street). The maintenance building is proposed to be built at 97 Peach lane near the southwest corner of the site. The property is zoned Residential Low-Density Park (RLP), which requires that the City Council approve a Major Site Development Plan revision to switch from a residential use of a lot to add the proposed maintenance building. Maintenance buildings are permitted in the RLP zone. The proposed Plan includes the one-story 1,280 square-foot maintenance building located in conformance with the setback requirements. The building is proposed to be accessed via an existing non-conforming gravel driveway from an existing gravel road to the west. According to Mr. Benson, staff has found that the proposed maintenance building does not change the compliance of the Old Orchard Major Site Development Plan with the exception of the proposed use of the current gravel driveway paving. Planner Benson told the Council that the Zoning Ordinance requires that all vehicle areas be hard-surfaced. The applicant has provided photographs documenting that the existing drive served a house that was on the site before the standard was enacted. Therefore, staff concurs that the driveway is legally non-conforming. The applicant has also submitted a letter from the project engineer stating that it is impractical to pave the driveway because it abuts an unpaved street. Staff believes, however, that it is practical to end the non-conformity and pave the existing driveway at this time, which would be consistent with general City standards for all new construction.

Discussion ensued as to whether a condition that the driveway be paved should be added to any approval of the maintenance building. Mr. Benson noted that the existing gravel road is a remnant of a county road that existed before the manufactured housing park was developed and the area was subsequently annexed. He stated that that gravel road is not likely to be paved in the foreseeable future. According to Planner Benson, the Planning and Zoning Commission, at its meeting of April 15, 2015, recommended approval of the revision to the Plan without the requirement to pave the driveway.

Mayor Campbell opened the public hearing.

Bob Holland, Bolton & Menk, representing the owner, indicated that there is no intent to improve the gravel driveway.

No one else came forward to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 15-288 approving a revision to the Major Site Development Plan for the Old Orchard Mobile Home Park to add a maintenance building, without conditions, at 97 Peach Lane.

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

HEARING ON IOWA STATE UNIVERSITY RESEARCH PARK PHASE III - ROADWAY PAVING: The public hearing was opened by Mayor Campbell. She closed same after no one came forward to speak.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 15-289 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$4,607,745.60

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

HEARING ON GRANT AVENUE (HYDE AVENUE) PAVEMENT IMPROVEMENTS: Civil Engineer Eric Cowles advised that the lowest bid still came in over \$400,000 over the Engineer's estimate. Staff is in the process of scheduling a meeting with the developers to review the cost impacts to all parties. Additionally, staff is working with the consulting engineer to determine if there are any options to reduce costs. According to Mr. Cowles, staff prefers that the hearing be continued until the next Regular Meeting to allow the project to be further analyzed and to come up with a recommendation as to how to proceed.

The Mayor opened the public hearing.

Moved by Goodman, seconded by Corrieri, to accept the report of bids and approve final plans and specifications.

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

Moved by Goodman, seconded by Corrieri, to continue the hearing to May 26, 2015.

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

HEARING ON 2014/15 DOWNTOWN PAVEMENT IMPROVEMENTS (5TH STREET - BURNETT AVENUE TO GRAND AVENUE) Mr. Cowles advised that, on May 6, 2015, bids for the project were received. There was one bidder, and the amount came in over \$200,000 higher than the engineer's estimate. As a result of the bid, staff is working with the consulting engineer to determine if there are any options to reduce costs or to find alternative funding sources. Staff would like the hearing to be continued to the next Regular Meeting to allow time for staff to ascertain if there are any possible options to reduce the costs of the project.

Mayor Campbell opened the hearing.

Moved by Goodman, seconded by Betcher, to accept the report of bids, approve final plans and specifications, and to continue the hearing to May 26, 2015..

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

HEARING ON 2013/14 AND 2014/15 RESOURCE RECOVERY SYSTEM IMPROVEMENTS (HVAC IMPROVEMENTS): The Mayor declared the public hearing open. No one requested to speak, and Mayor Campbell closed the hearing.

Moved by Goodman, seconded by Betcher, to accept the report of no bids.

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

HEARING ON VALVE MAINTENANCE AND RELATED SERVICES AND SUPPLIED FOR THE POWER PLANT: The public hearing was opened by Mayor Campbell. There being no one asking to speak, the hearing was closed.

Moved by Goodman, seconded by Betcher, to accept the report of bids and delay award.

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

ORDINANCE REVISING CHAPTER 23 OF THE *MUNICIPAL CODE* PERTAINING TO SUBDIVISIONS: Moved by Goodman, seconded by Corrieri, to pass on first reading an ordinance

revising Chapter 23 of the *Municipal Code* pertaining to subdivisions.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE PERTAINING TO CHILD RESTRAINT SYSTEMS: Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance pertaining to child restraint systems.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTIES AT 130 SOUTH SHELDON AVENUE, 119 HAYWARD AVENUE, AND 2622 LINCOLN WAY: Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance rezoning properties located at 130 South Sheldon Avenue, 119 Hayward Avenue, and 2622 Lincoln Way from Government-Airport (S-GA) to Campustown Service Center (CSC).
Roll Call Vote: 6-0. Motion declared carried unanimously.

SECONDHAND GOODS ORDINANCE: Moved by Corrieri, seconded by Gartin, to pass on third reading and adopt the SECONDHAND GOODS ORDINANCE NO. 4214.

Council Member Betcher advised that she had been contacted by constituents who were not clear as to where collectibles would fall under Ordinance. Ms. Betcher believes that there needs to be a definition of collectibles in the Ordinance. Management Analyst Brian Phillips advised that collectibles would fall under the category of antiques, which are excluded from the Ordinance. Ms. Betcher suggested that if the intent is to exclude collectibles, that should be made clear in the Ordinance. Ms. Phillips felt that the Ordinance was clear on collectibles since an antique dealer is defined as someone who buys and sells collectible objects. City Attorney Judy Parks said that if language were added to the Ordinance at this point, the process would have to start over. Council Member Corrieri voiced her opinion that the Ordinance was clear.

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

WATER AND SEWER RATE ORDINANCE: Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt a WATER AND SEWER RATE ORDINANCE NO. 4215.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE TO ALLOW SMALL PRODUCTION FACILITIES, INCLUDING MICRO BREWERIES, IN COMMERCIAL ZONES: Moved by Goodman, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4216 to allow small production facilities, including micro breweries, in commercial zones.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Referencing the comments made by Joe Rippetoe during Public Forum, Council Member Betcher asked if there was a policy governing referrals. City Manager Schainker advised that there is not a policy; however, staff attempts to follow-up on every referral. Director Diekmann acknowledged that he did not send a letter to Mr. Rippetoe. Council Member Goodman said he now wishes that Council would have just kept Mr. Rippetoe's letter in the "parking lot."

Moved by Betcher, seconded by Goodman, to direct staff to send Mr. Rippetoe a letter explaining its removal of the referral from the list and including an except of the Minutes from that meeting as they

pertain to that referral.

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

Moved by Goodman, seconded by Gartin, to refer to staff for a memo addressing the request from Jessica and Jon Brandon for a sidewalk that connects South Dakota and Dickinson along Mortensen Road.

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

CLOSED SESSION: Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

Moved by Gartin, seconded by Goodman, to hold a Closed Session, as provided by Section 21.5(1)(a) and ©, *Code of Iowa*, to discuss items pending litigation or presently in litigation.

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

The meeting resumed in Regular Session at 10:42 p.m.

Moved by Gartin, seconded by Corrieri, to direct staff to continue negotiations consistent with the Council's discussion in Closed Session.

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

ADJOURNMENT: Moved by Gartin, seconded by Goodman, to adjourn the meeting at 10:48 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor