

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

AMES, IOWA

JUNE 28, 2016

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 28th day of June, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem were present. *Ex officio* Member Sam Schulte was absent.

**PROCLAMATION FOR “PARKS AND RECREATION MONTH:”** Mayor Campbell proclaimed the month of July 2016 as “Parks and Recreation Month.” Accepting the Proclamation were Parks and Recreation Commission Chairperson Ed Moran, Parks and Recreation Director Keith Abraham and Parks and Facilities Superintendent Joshua Thompson.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of June 13, 2016, and Regular Meeting of June 14, 2016
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for June 1-15, 2016
5. Motion approving 5-day (July 12-July 16) Class C Liquor License for Olde Main at the ISU Alumni Center, 420 Beach Avenue
6. Motion approving 5-day (July 13-July 17) Class C Liquor License for Olde Main at the CPMI Event Center, 2321 North Loop Drive
7. Motion approving 5-day (July 2-July 6) Special Class C Liquor License for Olde Main at Reiman Gardens, 1407 University Boulevard
8. Motion approving new Class E Liquor License, Class B Native Wine & Class C Beer Permit for Casey's General Store #2560, 3020 South Duff Avenue
9. Motion directing City Attorney to draft ordinance regarding parking regulations on Eaton Avenue
10. RESOLUTION NO. 16-368 approving and adopting Supplement No. 2016-3 to *Municipal Code*
11. RESOLUTION NO. 16-369 approving appointment of Paola Sepulveda, Olivia Madison, Jess Calhoun, and David Faux to fill vacancies on Public Art Commission
12. RESOLUTION NO. 16-370 authorizing continued health insurance benefits to temporary employee at Electric Services through July 2017
13. RESOLUTION NO. 16-371 approving Commission On The Arts Fall 2016 Special Project Grants
14. RESOLUTION NO. 16-372 setting date of public hearing for July 12, 2016, for sale of City-owned properties at 1125 Maxwell and 306 Wellons Drive
15. RESOLUTION NO. 16-373 approving Memorandum of Understanding with Story County to apply for grant funding under 2016 Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant Program and authorizing application
16. RESOLUTION NO. 16-374 approving Professional Services Agreement with HDR Engineering for final design associated with North River Valley Well Field Project

17. RESOLUTION NO. 16-375 approving preliminary plans and specifications for CyRide - Interceptor Pit Upgrades 2016; setting July 28, as bid due date and August 9, 2016, as date of public hearing
  18. RESOLUTION NO. 16-376 approving contract and bond for Maintenance Facility Roof Replacement, Phases 2 & 3
  19. RESOLUTION NO. 16-377 increasing purchase order for Waste Disposal operations for Resource Recovery
  20. RESOLUTION NO. 16-378 approving Change Order to crane truck rental for Electric Services
  21. RESOLUTION NO. 16-379 approving Change Order with FOX Engineering for Resident Project Review work associated with construction of new Water Treatment Plant
  22. RESOLUTION NO. 16-380 approving Change Order No. 4 with GE Energy Control Solutions of Longmont, Colorado, for Bid No. 1 Turbine Control System
  23. RESOLUTION NO. 16-381 accepting final completion of 2014/15 Concrete Pavement Improvements Contract #2 (Ridgewood Avenue)
  24. RESOLUTION NO. 16-382 approving Plat of Survey for 202 Southeast 5<sup>th</sup> Street
  25. Scenic Valley Subdivision, 2<sup>nd</sup> Addition:
    - a. RESOLUTION NO. 16-383 approving partial completion of public improvements
    - b. RESOLUTION NO. 16-384 approving Major Final Plat
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Mayor Campbell opened Public Forum. Paul Livingston, Vice-President of the Main Street Cultural District (MSCD), referenced an e-mail that had been sent to the Mayor and City Council from a person who had concerns over an incident that had occurred during Bike Night on Main Street. The person's concerns specifically pertained to a vendor at Bike Night who had displayed paraphernalia that she and many others had found to be offensive, including a Confederate Flag. Mr. Livingston apologized to the City Council and to the public. He advised that the MSCD is working on a policy that will, in the future, prohibit vendors from displaying anything that would be overtly racist or offensive. Ms. Campbell noted that the City was not a funder of the event.

Public Forum was closed after no one else came forward to speak.

**CRANE FARM SUBDIVISION (896 SOUTH 500<sup>th</sup> AVENUE):** Planning and Housing Director Kelly Diekmann advised that Pinnacle Properties, which is representing the owners of 896 South 500<sup>th</sup> Avenue, is requesting approval of a Major Final Plat for the Crane Farm Subdivision. The Subdivision lies north of Highway 30 on the east side of South 500<sup>th</sup> Avenue. Mr. Diekmann said that the Final Plat includes Lot 1 (totaling 8.825 acres) for development of apartments and three additional outlots for future development and open space. The three outlots total 38.28 acres; Outlot A will be open space, Outlot Y will be for future development, and Outlot Z will be for future development and open space that will contain a yet-to-be-constructed bus turnaround in the northwest corner. Public improvements, including streets, sidewalks, sanitary sewer, water, storm sewer system, street lights, trails, sub-drains, and seeding for storm water detention basins are

required as part of the Major Subdivision. At the time of the Preliminary Plat approval, the developer had indicated a desire to enter into a Development Agreement to coordinate the City's sharing of costs for over-sizing of Mortensen Road and the responsibility of the developer. Said Development Agreement has been prepared, and if the City Council approves it, it alters the applicant's improvement requirements that were conditions of the Preliminary Plant approval. If the City agrees to over-sizing the construction of Mortensen Road as a minor arterial street, the developer will have no obligations for off-site or frontage improvements and must only complete improvements on the site. It was noted that this is in the Southwest Allowable Growth Area. At the inquiry of Council Member Gartin, Director Diekmann explained the City's investment strategy in Allowable Growth Areas.

At the request of Council Member Nelson, Mr. Diekmann explained the provisions of the Development Agreement.

Alex Galyon, G. W. Land Holdings, 121 North Russell, Ames, noted that this proposed Subdivision was in the Southwest Allowable Growth Area, which is an Area where the Council has been attempting to get development to occur for quite some time. It is in the Ames School District. He emphasized that the City will benefit from its sharing in the costs for over-sizing Mortensen Road.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 16-385 approving the Development Agreement.

Director Diekmann advised that if the Development Agreement is not approved, the conditions of the Preliminary Plat and financial security requirements for the First Addition of this Subdivision would not be adequate.

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

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-386 approving the Major Final Plat of the Crane Farm Subdivision, First Addition.

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

**HEARING ON REZONING PROPERTY LOCATED AT 104 SOUTH HAZEL AVENUE:**

City Planner Justin Moore explained that the owner of 104 South Hazel Avenue is Story County, and it is requesting to rezone approximately 1.24 acres from Government/Airport (S-GA) to Neighborhood Commercial (NC). Mr. Moore stated that the County no longer uses the property or building for government services and wants to sell it to a private social services organization known as Optima. He reported that, in the past, Story County primarily used the site as an office building. Changing the zoning to NC would allow small-scale commercial uses on the property, which would be subject to conformance with zoning standards. If the property maintains its current zoning, it could only be used for government-related activities and would considerably narrow the range of

potential tenants or buyers. Story County will continue to retain ownership of a group home facility on the property immediately south of the subject location. The applicant believes that the use of the site supports rezoning to NC because of the existence of a modern commercial office building on the property. Mr. Moore noted that the LUPP does describe the NC zoning district as being integrated with residential neighborhoods.

According to Planner Moore, staff had contacted the County to discuss if it would be willing to enter into a Contract Rezoning to limit the use of the property to office and social service providers. Those two uses best reflect the past 25 years pattern of use of the site. County representatives had indicated to staff that they would be willing to contract rezone the property and has agreed to enter into such an arrangement. The contract rezoning would have to be formally agreed to prior to the third reading of the Ordinance rezoning the property. Mr. Moore advised that the NC zoning district has standards in place and requirements for a Special Use Permit to ensure any future changes would be designed to be compatible with the neighborhood.

Upon being questioned, Director Diekmann advised that the site would need to contain a professional office use of up to 80%, but must include 20% social services. Council Member Gartin asked if there were other properties similar to this. Director Diekmann stated that there are a total of nine properties that have zoning similar to this property.

The public hearing was opened by Mayor Campbell.

Ethan Anderson, Assistant Story County Attorney, stated that Story County has operated in the building on the subject site for over 26 years. Due to regionalization of health services, the County has been outsourcing mental health services since 2015. Mr. Anderson advised that the southern one-third of the property will retain its current use.

Bill Dodds, representing Optima, 602 E. Grand Avenue, Des Moines, reported that the agency has been operating in the building for the past 14 months. Optima has no issues and is happy to be providing services to the residents of Ames.

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

Moved by Gartin, seconded by Corrieri, to pass on first reading an ordinance rezoning property located at 104 South Hazel Avenue from Government/Airport (S-GA) to Neighborhood Commercial (NC).

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

**HEARING ON VACATION OF ROADWAY PRESERVATION EASEMENT AT 3599 GEORGE WASHINGTON CARVER AVENUE (SCENIC POINT SUBDIVISION):** Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-387 approving the vacation of a Roadway Preservation Easement located at 3599 George Washington Carver Avenue (Scenic Point Subdivision).

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

**HEARING ON SALE OF VACATED PORTION OF ALLEY BETWEEN NORTH DAKOTA AVENUE AND DELAWARE AVENUE BETWEEN TORONTO STREET AND RELIABLE STREET:** The public hearing was opened by Mayor Campbell. There being no one wishing to speak, the hearing was closed.

Council Member Betcher noted that there was still one small piece on the north side of the vacated alley available. She would like staff to reach out to adjacent property owners to see if there was any interest in purchasing it.

Upon being asked, Engineer Eric Cowles advised that the City did retain an easement for utilities through the alley.

Moved by Nelson, seconded by Gartin, to adopt:

- a. RESOLUTION NO. 16-388 approving a Quit Claim Deed to Cheryl Kruger for Piece A
- b. RESOLUTION NO. 16-389 approving a Quit Claim Deed to John Fisher and Kasandra Somers for Piece B
- c. RESOLUTION NO. 16-390 approving a Quit Claim Deed to Le and Joan Lubka for Piece C

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

**HEARING ON 2016/17 PAVEMENT RESTORATION PROGRAM - CONTRACT 1: CONCRETE JOINT REPAIR PROGRAM:** Mayor Campbell opened the public hearing and closed same after no one came forward to speak.

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 16-391 approving final plans and specifications and awarding a contract to Cedar Falls Construction Company, Inc., of Cedar Falls, Iowa, in the amount of \$106,400.

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

**HEARING ON 2016/17 PAVEMENT RESTORATION PROGRAM - CONTRACT 2: SLURRY SEAL PROGRAM:** The public hearing was opened by the Mayor. She closed the hearing when there was no one wishing to speak.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-392 approving final plans and specifications and awarding a contract to Fort Dodge Asphalt Company of Fort Dodge, Iowa, in the amount of \$100,931.46.

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

**HEARING ON 2015/16 STORM SEWER IMPROVEMENTS PROGRAM (VARIOUS LOCATIONS):** Mayor Campbell opened the hearing and closed it after no one requested to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 16-393 approving final plans and specifications and awarding a contract to Synergy Contracting, LLC, of Bondurant, Iowa, in the amount of \$206,040.

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

**HEARING ON SOUTH SKUNK RIVER BASIN WATERSHED IMPROVEMENT (CITY HALL PARKING LOT RECONSTRUCTION):** The Mayor opened the public hearing.

Eric Cowles explained that the City had received one bid that, due to an omission of required information, was deemed unresponsive.

Discussion ensued as to why there was so little interest by bidders on this project. Mr. Cowles explained that contractors had indicated to him that they were already booked-out. According to Mr. Cowles, City staff is in the process of evaluating and revamping plans for this project. Ideally, the City would like to complete this project this fall.

After no one else wanted to speak, the hearing was closed.

Moved by Gartin, seconded by Betcher, to reject the bid and direct staff to re-bid the project at a future date

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

**REPORT FROM SUSTAINABILITY COORDINATOR REGARDING FY 2015/16 ACTIVITIES:** Merry Rankin, Sustainability Coordinator, presented the FY 2015/16 End-of-Year Sustainability Report related to the contract between the City of Ames and Iowa State University. Ms. Rankin noted that, at the City Council's direction during FY 2015/16, the Contract's Scope of Services targeted priority areas related to energy consumption reduction as well as adding waste reduction and diversion. The five priority tasks were detailed by Ms. Rankin. She also reviewed the planned work for FY 2016/17 for each of the priorities. Due to a concerns related to ensuring confidentiality of customer information within the current Information Technology System, Task 4, creating an "Energy Yardstick" (a residential energy consumption comparison tool), has been placed on hold.

Council Member Betcher noted the list of collaborative partners under one of the Priorities and asked if the MSCD could also be included. Ms. Rankin said that it could definitely happen, especially relating to marketing. She explained that the collaborative partners were named based on location; however, there is always a need for volunteers.

Discussion ensued about the City's Rummage Rampage event. Council Member Gartin asked if there were any assurances that donated furniture was not infested with bugs. Ms. Rankin reported that visual inspections are conducted. She indicated that she would check with Iowa City to see how it handles it.

Moved by Betcher, seconded by Beatty-Hansen, to accept the Report.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 16-394 approving the Contract with Iowa State University for Sustainability Advisory Services from July 1, 2016, through June 30, 2017, in an amount not to exceed \$25,000.

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

**ARTSPACE CONSULTING:** City Manager Steve Schainker recalled that, on June 14, 2016, the City Council had directed staff to place on the next meeting agenda the request from Council Member Beatty-Hansen to consider soliciting the services of Artspace Consulting to come to Ames to analyze existing buildings that could be transformed into live/work affordable space for artists. He noted that many buildings might be considered; however, special attention could be given to the two vacant Ames School District buildings (Crawford and Edwards Elementary Schools) along with the City's 6<sup>th</sup> Street site.

According to Mr. Schainker, Artspace is a non-profit company based out of Minneapolis that focuses on developing affordable space that meets the live/work needs of artists through adaptive reuse of historic buildings or new construction. Its programs fall into three broad categories:

1. Property Development. To date, the company has completed 35 major projects involving adaptive reuse of older buildings and new construction.
2. Asset Management. Artspace owns or co-owns all of the buildings it develops. Its portfolio currently comprises real estate valued at over \$500 million. It manages properties that are affordable to low- and moderate-income artists.
3. Consulting Services. Artspace serves as a consultant to communities, organizations, and individuals seeking information and advice about developing affordable housing and work space for artists, performing art centers, and cultural districts.

City Manager Schainker pointed out the list of clients (cities) that had consulted with Artspace. It was noted that Dubuque, Iowa, was one. Other cities in the Midwest included Wichita, Kansas, Minneapolis, Minnesota; and Monmouth, Illinois. Council Member Beatty-Hansen said she would like to know what the other cities that have contracted with Artspace for its services have thought of the product they received.

Mayor Campbell suggested that this topic could be put on the Council's next goal-setting session. She does not know if there would be any competitors to the Artspace group.

Ms. Beatty-Hansen offered her opinion that the timing might work well for the adaptive reuse of the vacant school buildings. Mayor Campbell stated that the City had received an indication from the Crawford School group that it is not interested in such a proposal at this time.

Moved by Beatty-Hansen, seconded by Betcher, to request staff to contact the cities that have used or are currently using Artspace's services to find out how it has worked for them.

Council Member Orazem shared his concern about school properties being used for such a purpose due to their locations in the middle of residential districts. He noted specifically that there would not be a lot of pedestrian traffic such as what there would be in a commercial district. It seems to him that such a building should be integrated with the Octagon or ISU Design building that is now located on Main Street.

Council Member Gartin commented that he had many concerns about this. In general, the City does not reach out to developers to ask them to do these types of services and offer them a certain amount of money. He would be opposed to treating Artspace differently than any other potential vendor. Mr. Gartin stated that, if the City likes the concept being offered by an agency such as Artspace, it should go through a Request for Proposals process, not just offer it to one vendor. He would be willing to support the motion to find out how the concept has worked for other cities.

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

**ORDINANCE PERTAINING TO RESIDENTIAL LOW-DENSITY PARK ZONE MINIMUM BUILDING SETBACK AT EXTERIOR BOUNDARY LINE:** Moved by Nelson, seconded by Gartin, to pass on second reading an ordinance pertaining to Residential Low-Density Park Zone minimum building setback at the exterior boundary line.

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

**ORDINANCE REVISING PORTIONS OF CHAPTER 28 AND APPENDIX Q PERTAINING TO FATS, OILS, AND GREASE CONTROL PROGRAM:** Moved by Betcher, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4263 revising portions of Chapter 28 and Appendix Q pertaining to the Fats, Oils, and Grease Control Program.

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

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Nelson, to ask staff whether there are other adjacent property owners who would want to purchase the remaining small piece of the vacated alley between North Dakota Avenue and Delaware Avenue (between Toronto Street and Reliable Street).

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

Referencing the incident that had occurred on Main Street during the Bike Night event, Council Member Betcher commented that she would like to have the Human Relations Commission get involved in creating some kind of community discussion about this issue. Council Member Gartin pointed out that what happened, i.e., a vendor showed up with a Confederate flag, was one incident at one event. Ms. Betcher added that she had been told that the MSCD was already in the process of setting up a policy, and she felt this was an opportunity for discussion.

Moved by Betcher, seconded by Beatty-Hansen, to ask the Human Relations Commission to convene a meeting with the MSCD, ACVB, the Chamber, and the CAA to have a discussion about policies that might be set to create events that would be welcoming to everyone, which would be followed by a series of community discussions on issues such as Freedom of Speech, racism, and any other topics that it deems appropriate, in an effort to have continuing community engagement.

Council Member Gartin offered that he felt it would be helpful to have a representative of the City's Legal staff attending any such meetings.

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

Moved by Betcher, seconded by Gartin, to refer to staff for a memo the request of the MSCD to waive electricity fees for the lighting that has been installed on Main Street.

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

Council Member Corrieri referenced the recent Joint Meeting between the City Council and the School Board. She recalled that, at the end of the meeting, the School Board asked the City if it were interested in partnering with the School District. Ms. Corrieri commented that at the end of the meeting, she and other Council members had expressed frustration over the lack of information that had been provided to the City Council. She indicated that she was going to make a couple motions because she believes that the City owes the community a response.

Moved by Corrieri, seconded by Orazem, to:

1. Ask staff to ask the group spearheading the Healthy Life Center (which would be minus the School District because it has already opted-out) concept to provide the Council with a more firm time line of its plans.

2. Ask the City Manager to talk to the School Board and/or the Administration for firm numbers on the amount of money that it would be willing and able to contribute towards the construction and annual operating costs of a multi-basin facility.
3. Indicate whether or not the Board is willing to partner on a multi-basin facility that would include a 30-meter pool in the event that the Council would determine that a 50-meter pool is not feasible.

Council Member Orazem said he wants to know the amount that the City could afford given its other ongoing commitments.

City Manager Schainker stated that the School Board wants a response within two months. The Healthy Life Center group would only have a concept - it won't have numbers - that could possibly be provided in the next four months.

Mayor Campbell added that the current indoor pool is still usable. She pointed out that the School Board also has to determine whether it will renovate the current High School or build a new one and if it builds new, where it would be located. The Mayor suggested that the motions be separated.

Motion withdrawn.

Moved by Corrieri, seconded by Orazem, to ask the Healthy Life Center group to provide, in no more than four months, a concept and more firm time line.

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

Moved by Corrieri, seconded by Orazem, to ask the School Board or Administration for firm numbers on the estimated amount of the operating costs for a 50-meter pool, a 30-meter stretch, and a 25-meter pool and what they would be willing to contribute to the construction and annual operating costs.

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

Moved by Corrieri, seconded by Orazem, to ask the School Board if it would be willing to partner with the City on a multi-basin facility that includes a 30-meter stretch pool if the City determines that a 50-meter basin is not feasible.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 7:51 p.m.

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

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Ann H. Campbell, Mayor

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Diane R. Voss, City Clerk

