

**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY COMMITTEE AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**JANUARY 9, 2018**

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE MEETING**

The Ames Area Metropolitan Planning Ordinance (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:00 p.m. on the 9th day of January, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; David Martin, City of Ames; Chris Nelson, City of Ames; Lauris Olson, Story County; and Bill Zinnel, Boone County Supervisor. AAMPO Administrator and Ames Public Works Director John Joiner, City of Ames Transportation Planner Tony Filippini, and City of Ames Transit Director Sheri Kyras were also present. Voting members Jonathan Popp, Gilbert Mayor; and the Transit Representative were absent.

**HEARING ON AMENDMENT TO FY 2015-2019 PASSENGER TRANSPORTATION PLAN (PTP):** Administrator John Joiner explained that, in October 2017, HIRTA announced its plan to implement a customer service portal where customers will be able to book their own trips online, change their account status, check on their trip status, pay for trips online, etc. HIRTA is implementing this for its passengers throughout the service area including Story County and the Ames area. There is 5310 funding available within the existing annual Dial-A-Ride Service budget due to unspent funds from previous fiscal years, which can be used to support this one-time project implementation of the HIRTA portal. Therefore, there is no additional funding needed. The only action needed is to specifically identify the project within the Plan. No other changes area being proposed to the PTP Plan.

Mayor Haila opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to approve the Amendment to the FY 2015-2019 Passenger Transportation Plan.

Vote on Motion: 9-0. Motion declared carried unanimously.

**HEARING ON AMENDMENTS TO FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** Mr. Joiner advised that the Amendment to the Fiscal Year 2018 - 2021 Transportation Improvement Program includes the addition of a new project for FY 2018. The project is for the Ames Traffic Network Master Plan with a total project cost of \$100,000. It was awarded Iowa Clean Air Attainment funds in Spring 2016 and programmed in FY 2017 of the FY 2017 - 2020 TIP. The project was anticipated to be under development during 2017 and was not included in the FY 2018 - 2021 TIP. Due to the project delay, the

current TIP needs to be amended to add it into the 2018 fiscal year. Since the project does not appear in the current TIP, adding the project to 2018 constitutes an amendment to the Program. There are no additional funds needed; however, because it was programmed in the previous TIP. According to Mr. Filippini, the comment period was opened on December 12, 2017. As of January 5, 2018, staff had not received any comments regarding the proposed amendment.

Mayor Haila opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Olson, seconded by Beatty-Hansen, to approve the Amendment to the FY 2018-2021 Transportation Improvement Program.

Vote on Motion: 9-0. Motion declared carried unanimously.

**2014-2018 SAFETY PERFORMANCE TARGETS:** The members were told by Transportation Planner Filippini that, as required by the FAST Act, the Iowa Department of Transportation (Iowa DOT) was required to establish safety measures for five metrics. On September 1, 2017, the Iowa Department of Transportation submitted the State Highway Safety Improvement Program (HSIP) Annual Report to the Federal Highway Administration. That Report included the State's 2014-2018 safety targets for the performance measures. The AAMPO is required within 180 days of the State's submission of the safety performance measures (by February 27, 2018) to adopt safety performance targets that either:

1. Support the state's target by agreeing to plan and program projects so that they contribute toward the accomplishment of the Iowa DOT target for that performance measure; or,
2. Set quantifiable targets for that performance measure for the MPO's planning area.

Upon approving safety measures, the AAMPO will be required to reflect the performance measures and targets in all Long-Range Transportation Plans (LRTP) and Transportation Improvement Programs updated after October 1, 2018. Each update to the LRTP will report system performance measure progress towards achieving these targets. The TIPs will be required to describe how implementation of the TIP anticipates making progress towards achieving the targets.

Moved by Olson, seconded by Zinnel, to approve supporting the safety performance targets established by the Iowa Department of Transportation in coordination with Iowa Metropolitan Planning Organizations.

Vote on Motion: 9-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Betcher, seconded by Gartin, to adjourn the AAMPO Transportation Policy Committee Meeting at 6:10 p.m.

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

The Regular Meeting of the Ames City Council was called to order by Mayor Haila at 6:12 p.m. on January 9, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri,

Tim Gartin, David Martin, and Chris Nelson. Ex officio Member Rob Bingham was also present.

**PROCLAMATION FOR SLAVERY AND HUMAN TRAFFICKING PREVENTION AND AWARENESS WEEK:** Mayor Haila proclaimed the week of January 9 - 16, 2018, as Slavery and Human Trafficking Prevention and Awareness Week. Accepting the Proclamation were Dr. George Belitsos, Board Chair of the Iowa Network Against Human Trafficking and Slavery; Jan and George Beran, representing “Protecting our Children;” Virginia Greisheimer, Interim Executive Director for ACCESS (Assault Care Center in Ames); and Natasha Doyle, Story County Sexual Abuse and Human Trafficking Advocate at ACCESS.

Dr. Belitsos stated that Ames has been a leader in the fight against human trafficking. The Council was asked by Dr. Belitsos to consider an ordinance to monitor the massage businesses in the Ames community, which the Iowa Network Against Human Trafficking believes will help stop human trafficking and prostitution.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular City Council Meetings of December 12, 2017, and December 19, 2017, and Special Meeting of January 3, 2018
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for December 1-15, 2017, and December 16-31, 2017
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class B Liquor – Quality Inn & Suites, Starlite Village Conference, 2601 E. 13th Street
  - b. Class C Liquor & Outdoor Service – Café Beau, 2504 Lincoln Way
6. Motion approving 5-day (January 27-31) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
7. Motion approving 5-day (January 19-January 23) Class C Liquor License for McFly’s at the Hansen Ag Student Learning Center, 2508 Mortensen Road
8. Motion approving 5-day (January 20-24) Class C Liquor License for Gateway Market MLK at ISU Alumni Center, 420 Beach Avenue
9. RESOLUTION NO. 18-002 approving application for procurement cards for Mayor John Haila and Council Member David Martin and setting transaction limits
10. RESOLUTION NO. 18-003 approving appointment of David Martin to Ames Convention & Visitors Bureau Board of Directors
11. RESOLUTION NO. 18-004 approving designation of City representatives to Central Iowa Regional Transportation Planning Alliance (CIRTPA)
12. RESOLUTION NO. 18-005 setting date of public hearing for State Revolving Fund Clean Water Loan in an amount not to exceed \$1,001,000 for WPC Bar Screen Improvements
13. RESOLUTION NO. 18-006 approving request from Main Street Cultural District for waiver of parking meter fees and enforcement for January Dollar Days, January 25-27, 2018
14. RESOLUTION NO. 18-007 approving contract and bond for 2016/17 Storm Water Erosion Control Program (South Skunk River - Carr Park to Homewood Golf Course) - Contract A

15. RESOLUTION NO. 18-008 approving Change Order No. 2 for 2015/16 & 2016/17 Seal Coat Street Pavement Improvements

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 Haila opened Public Forum. No one came forward to speak, and the Mayor closed Public Forum.

**ORDINANCE LIMITING RENTAL OCCUPANCY IN SINGLE- AND TWO-FAMILY RESIDENCES:** Moved by Betcher, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4332 limiting rental occupancy in single- and two-family residences.

Council Member Martin said that he had two questions pertaining to the proposed Ordinance. He presented a hypothetical situation where one family or three adults had been allowed to rent a single-family or duplex in the RL zone, but it has what now would be considered, under the new Ordinance, nonconforming parking. That unit had previously been evaluated by the City and had been granted an exception of some kind that allowed them to rent that property and had a Letter of Compliance. Mr. Martin asked, under the proposed Ordinance, how many adult occupants would be allowed to rent that apartment. Building Official Sara VanMeeteren answered that three people would still be allowed to rent the apartment. She explained that the Rental Code allows for Retroactive Conversion Permits for non-conforming residences that met certain criteria. If a Letter of Compliance had been issued to that residence, the new Ordinance would not change that. Mr. Martin then asked how the proposed Ordinance would affect tenants who have current Lease Agreements. City Attorney Mark Lambert advised that no law impairing a current contract may be passed. He noted that there is a huge amount of case law governing this answer: the City cannot apply the proposed Ordinance to leases currently in place.

Council Member Betcher inquired as to the leases that have been signed, but the lease period has not become effective, Mr. Lambert stated that those leases where the lease period has not been begun would be governed by the proposed new Ordinance, if adopted.

Council Member Gartin questioned about any existing lease that would not be in conformity with the now-existing Ordinance. Mr. Lambert advised that those leases would be invalid and thus void because they would be in violation with the current Ordinance.

Council Member Nelson commented that he still has concerns about the proposed Ordinance and believes that there will be some unintended consequences if it were to be adopted. He acknowledged that he had changed his vote from the first and second passages of the proposed Ordinance. Mr. Nelson asked what the Council's path will be moving forward. Mayor Haila announced that the City Council will be holding a Council workshop on February 20, 2018, that will be dedicated to continued discussions on the Ordinance limiting rental occupancy in single- and two-family residences. The Mayor stated that public input will be accepted during that workshop.

Council Member Betcher offered her perspective that the State Legislature had invalidated the City's designator for rental ordinance. She noted that the City currently does not have an

ordinance in place, which places the City in limbo. Council Member Corrieri pointed out that tenants and landlords are signing leases now that will not take effect until next August. Ms. Betcher acknowledged that, but said she believes that it is better to have a more restrictive ordinance right now, rather than imposing those restrictions later.

*Ex officio* Bingham noted that adding off-street parking spaces after the moratorium expires won't do any good if bedrooms are not allowed to be added. Council Member Corrieri said it was her understanding that staff will be bringing information back to the Council as to how additional bedrooms might be considered.

Council Member Corrieri asked if what had already been referred back to staff would be discussed at the workshop, namely, additional bedrooms, additional parking, "air bnbs." Mayor Haila said it was appropriate for Council to identify all of the issues that they wish to have discussed.

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Betcher, Gartin, Martin, Nelson. Voting nay: Corrieri. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Council Member Corrieri asked what issues were already on a list. City Manager Schainker identified the following issues that staff had been made aware of: air bnbs, multiple violations, concentration of rental units, increased number of bedrooms, and increased number of parking spaces. Council Member Corrieri reiterated that she thought staff was going to bring information back to Council as to how additional bedrooms might be added. She also wanted to get direction from staff on what the Council would not want to allow. City Manager Schainker asked if it was the Council's intent to apply the new Ordinance to all parts of the City zoned RL. He also questioned if the Council thought other zoning districts should be added. Mr. Schainker clarified that, right now, the new Ordinance applies to all single-family and duplexes in all parts of the city in all zoning districts. Council Member Betcher questioned whether the Ordinance should apply City-wide versus the overlay districts only or should the Ordinance apply by type of dwelling or zoning district. Council Member Gartin stated that he believes there should be an Ordinance; however, it should be different for areas outside of the moratorium area; he does not think it should be the same for all parts of the community. Mr. Gartin noted that the Council had heard many concerns about over-occupancy; however, those concerns were not uniformly felt all over Ames, so he is going to suggest that the Ordinance be tweaked. City Manager Schainker said what he was hearing is that the Council might want to consider changing in what zoning districts, just RL, or RL and RM, the Ordinance would apply. Mayor Haila encouraged the Council members to email Mr. Schainker with issues, other than those that had been identified, they might want to have considered. Council Member Martin asked to add one more issue: the case where a young adult who was not yet 18 when the lease was signed, but became 18 years old. He would like to find a way to allow that person to remain living in that residence.

Council Member Gartin noted the importance of reaching out to stakeholders. City Manager Schainker stated that they would be inviting Neighborhood Associations, the Ames Rental Housing group, and rental property owners. Council Member Betcher asked Mr. Schainker if the City had the email addresses for all the people who had written to the Council to explain

their circumstances. Council Member Corrieri suggested that all those who have Letters of Compliance should be invited. Building Official VanMeeteren noted that that would equate to approximately 2,500 properties. She advised that the City does have their email information. Mayor Haila stated that the City should also engage the Student Government. He clarified that the Ordinance will not be rewritten in its entirety; the goal is to discuss specifically the situations that have arisen due to unforeseen issues.

**415 STANTON AVENUE (OLD CRAWFORD SCHOOL) [TABLED FROM 12/19/17]:**

Kelly Diekmann, Planning and Housing Director, recalled that this item was tabled on December 19, 2017. He noted that the Council had directed that at least one person in the unit be age 55 or older, and staff prepared the Contract Rezoning Agreement to reflect that requirement. The developer has signed and returned the Agreement.

Luke Jensen, 2519 Chamberlain, Ames, asked that the City Council not take action on the Contract Rezoning Agreement or the third reading of the Ordinance rezoning the property. He explained that the developers have a long-standing relationship with the SCAN as it relates to the property in question. Mr. Jensen advised that, this afternoon, the developer had a meeting with the Neighborhood representatives and now more fully understand their concerns. The developer will be proposing an adjustment to the Contract Rezoning Agreement to include a provision governing the minimum age of any second occupant who is not 55 years of age or older. The developer believes that any changes would still meet all other federal, state, and local laws, including the Fair Housing Act.

Council Member Gartin indicated that he was uncomfortable setting a minimum age and asked if there were any downsides to doing so. He asked what was driving the requested change. Council Member Betcher noted that she had brought this up at the last Council meeting. She was concerned that if only one occupant needed to be 55, residents might be living there with young family members. Ms. Betcher commented that she had suggested setting a minimum age to Council, but had not discussed that with any SCAN representatives.

Mayor Haila stated that there were representatives of SCAN who had indicated a desire to speak on this issue. He noted that public input was not typically allowed at the third reading of an ordinance and asked the Council members if they wished to accept additional public input. No one indicated any opposition to allowing the SCAN representatives to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to defer the third reading and provide staff with different direction on the Contract Rezoning Agreement.

Director Diekmann pointed out that this development was no longer being treated as an independent senior living facility. Staff had moved away from that and was treating this proposed project as an apartment complex with extra restrictions on it. It has to comply with RH standards. It will not affect anything else in the City.

Leslie Kowaler, 2121 Hughes, Ames, explained that the SCAN would prefer that a minimum age be included in the Contract Rezoning Agreement. SCAN's concern is about the possibility of abuse where a parent or grandparent occupies the unit along with their ISU student and the

grandparent or parent spends most of their time in Florida. They believe that setting a minimum age would solve that problem and would prefer setting a minimum age requirement. While they acknowledge that such situations could be addressed in the Homeowners' Association Covenants, those Covenants can be changed. SCAN would prefer the protection of a minimum age being set in the Contract Rezoning Agreement. Ms. Kowaler said that she had done a little research into this and believes that the project would qualify as "Housing for Older Persons," and as such, there would be no age-discrimination issue.

Moved by Beatty-Hansen, seconded by Gartin, to amend the motion to direct staff to set a minimum age of 30 for all occupants.

Council Member Gartin commented that he had seconded the motion to allow for discussion.

*Ex officio* Member Bingham offered his opinion that the minimum age of 30 appears to be arbitrary. He brought up the scenario where an older person would have a younger caregiver, who may or may not be 30 years of age or older.

Council Member Corrieri commented that she believed that was something that could be determined by the Homeowners' Association. The Association would be the ones who would be setting and administering the rules.

Council Member Gartin indicated that he was not in favor of the minimum age requirement. He offered that, to him, setting the minimum age of the second occupant has the appearance of age discrimination. Because it was designated as a senior living facility, requiring occupants to be 55 years of age or older is accepted; however, to disqualify someone who is 55 to live there because they have someone younger than 55 living there is questionable. He agreed with Council Member Corrieri that the Homeowners' Association should regulate this.

Council Member Betcher stated that she did not understand how setting the minimum age of the second occupant was different that the action that the Council had taken to only require one of the occupants to be age 55 or older. Council Member Corrieri noted that the Council had concerns initially with doing that as well.

Council Member Nelson asked if this development was going to be owner-occupied or rental. Mr. Jensen indicated that the developer is approaching this as the units being for sale; it could, however, be both.

At the inquiry of the Mayor, Mr. Jensen indicated that there might be other methods to restrict occupancy other than setting a minimum age; however, those might not be acceptable to SCAN.

Barbara Pleasants, 516 Lynn Avenue, Ames, President of SCAN, gave the history of the property located at 415 Stanton Avenue, which was formerly Crawford School. She said that there were 50 SCAN residents at the first meeting held last spring regarding the future disposition of the former school. They were "thrilled" that the Jensens had bought the property and were proposing that the property be developed as housing for 55 and older. The SCAN saw this as stabilizing the neighborhood. Ms. Pleasants indicated that the SCAN does not want this to be regulated by the Homeowners' Association because the nature of the residents/tenants can

change and can lead to abuse. Ms. Pleasants indicated that there could be a provision in the Agreement to allow licensed caregivers.

Mr. Jensen stated that it is important for this to come back to the Council on January 23 for further discussion. The developers want to continue to move forward with this project.

Council Member Betcher said that she wanted assurances that setting a minimum age of 30 would not be a violation of anything.

Council Member Gartin asked if what is being proposed (minimum age of the second occupant) is being allowed in any other communities. Mr. Jensen said that he had not researched whether it is common or not.

City Manager Schainker stated that when the partnership between the developer and the Neighborhood was formed, the two goals for the Neighborhood were: (1) to re-use the building and (2) that the type of use was very important. There was an understanding that this would not be like any other apartment complex. Mr. Schainker noted that tax abatement had been requested and approved based on the fact that it wasn't like any other apartment building.

Council Member Nelson agreed with Council Member Corrieri that setting a minimum age could be done by the Homeowners' Association.

Vote on Amendment: 4-2. Voting aye: Beatty-Hansen, Betcher, Martin, Nelson. Voting Nay: Corrieri, Gartin. Motion declared carried. Vote on Motion, as Amended: 4-2. Voting aye: Beatty-Hansen, Betcher, Martin, Nelson. Voting Nay: Corrieri, Gartin. Motion declared carried.

Moved by Betcher, seconded by Beatty-Hansen, to table 18b until January 23, 2017.

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

**APPEAL OF REMOVAL OF TREES AT 427 LYNN AVENUE:** Parks and Recreation Director Keith Abraham and Parks and Facilities Superintendent Joshua Thompson were present. Mr. Abraham explained that staff had received an email from the owner of 427 Lynn Avenue regarding sidewalk concerns on their property, specifically along Baker Street. Staff then visited the site and noticed that there were also sidewalk concerns along Lynn Avenue. It was determined that tree roots from two street trees (a Hackberry and Silver Maple) were the cause of the heaving sidewalks. Photos were shown depicting the location of the trees and showing the sidewalk issues. The first issue to resolve was to determine if the sidewalk areas affected by the two trees needed to be repaired or replaced. The second issue to resolve was to inspect the trees and determine what course of action was needed. Mr. Abraham reviewed the staff's findings.

Mr. Abraham pointed to *Municipal Code* Section 27.3(3), which states... "To remove a street tree for any reason other than (sic) those contained in Sections 27.3(1) or (2), the City Manager shall cause a notice of intention to do so to be posted on the subject tree(s). The notice shall remain posted for a period of not fewer (sic) than 15 days, during which period any local resident may file a written objection with the City Manager. If no objections are filed after 15 days' notice, the City Manager may cause or permit the tree to be removed. If objections are filed within the 15



days' notice, they shall be referred to the City Council and a hearing held thereon at its next regular meeting; and the Council may...sustain the objection or authorize the tree removed as is deemed in the best interest of the public.”

Director Abraham advised that staff posted the trees on December 15 giving notice that the trees were going to be removed. After the posting, staff received a phone call from a neighborhood resident objecting to the removal and the process for appeal was explained to that person. Two other letters objecting to the removal were received in the City Manager's Office on December 22. Due to the appeal, nothing has been done to the trees pending direction from the City Council.

It was noted by Director Abraham that there are 160 trees in rights-of-way that are not Ash trees from Ash to Stanton and Knapp to Storm. He also advised that he had met with Jeff Eyles, Chair of the Horticultural Department at Iowa State University. Mr. Eyles recommended that the trees be removed. Mr. Abraham said that the Hackberry appears to be healthy; however, in order to repair the sidewalk in its current location, the roots would need to be pruned, which will result in the decline of the tree. The Silver Maple is concerning due to the decay and “included bark” in the crotch of the tree. In the last six months, there have been two incidents where limbs have fallen off trees and on to vehicles. Staff believes that removing that tree would be a proactive action to prevent something potentially bad happening were the tree to split.

Mr. Abraham said that he had spoken with Lisa Prichard, one of the persons protesting the removal of the trees. She could not be present at this meeting; however, told Mr. Abraham that she would like to have a landscape architect address this situation.

Council Member Betcher said that she is concerned that Ms. Prichard could not be present at this meeting. In addition, Ms. Prichard had told her that she had just received notification yesterday from the City about this meeting.

Moved by Betcher, seconded by Beatty-Hansen, to table this item to January 23, 2018.

City Manager Schainker indicated that there might be people present who would like to speak on this topic.

Council Member Betcher withdrew her motion.

Director Abraham noted that if the trees were pruned when they were younger, these situations might not happen. He advised that the City will be hiring a forester, who will hopefully initiate a program for pruning street trees. It was also stated by Mr. Abraham that trees could be planted to replace those that would be removed. The City attempts to diversify the species of trees planted; however, there are trees that don't spread their roots; perhaps that species could be planted.

Mayor Haila stated that this could be precedent-setting. He would like to have staff set a policy.

Moved by Betcher, seconded by Beatty-Hansen, to table this item to January 23, 2018, so as to receive public input from those protesting the removal of trees.

Council Member Gartin said he can't think what more they would have to say other than what's in their letters. Council Member Betcher said she saw no harm being done by postponing the decision for two weeks. Council Member Gartin acknowledged the amount of time City staff had already put into this item.

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

The meeting recessed at 8:07 p.m. and reconvened at 8:19 p.m.

**REQUEST TO ALLOW INSTALLATION OF PUBLIC ART IN FRONT-YARD SETBACKS:** Director Kelly Diekmann explained that the Council had, at its December 19, 2017, meeting referred to staff a request from Pat Brown for a Zoning Text Amendment to allow installation of public art on commercial properties along South Duff Avenue. Ms. Brown would like the installation of art (statuary) in the front-yard setback along South Duff in order to promote its visibility and aesthetic interest.

Council Member Gartin said he is concerned about having a very large feature that would be advertising what is being offered for sale at the commercial property.

Pat Brown, 3212 West Street, Ames, noted that there is a lot of interest in this proposal by the Public Art Council. She noted that there is a South Duff Business group, which has been inactive for too long; she thinks it is time to reactivate it.

According to Mr. Diekmann, if public art pieces were allowed to be installed in front-yard setbacks, a property owner would propose an easement on their property that the City would need to accept as an area for the display of public art to allow for the front-yard setback exception. The property owner would then need to place a public art feature in this area and signage would not be allowed. The benefit of this approach is to allow more flexibility on the front-yard exception, but to also provide more definition on the type and location of installation that would occur.

Council Member Martin stated his preference to delegate the decision of what is installed to the Public Art Commission.

Moved by Gartin, seconded by Nelson, to accept Option 2 (to direct staff to create an exception that does not prescribe limits on height or size if it is in a defined area of a "public art easement" granted to the City) and ask staff to come back with a process for approval of the art by the Public Art Commission.

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

**321 STATE AVENUE AFFORDABLE HOUSING DEVELOPMENT (OLD MIDDLE SCHOOL):** Director Diekmann advised that the developer (JCorp) has concerns about two

particular sections of the Development Agreement: Sections VII and VIII. Section VII pertains to the requirements of the developer, and Section VIII deals with General and Administrative Provisions. According to Mr. Diekmann, the developer has indicated a willingness to continue discussions on the Development Agreement.

Duane Jensen, JCorp,, 708 North Highway 69, Huxley, Iowa, asked the Council to direct staff to work towards finding a way to make the project have a sunset so that he doesn't have to continue to carry the debt for six or seven years or more. Council Member Gartin asked Mr. Jensen if he felt he and the City were close enough that it was do-able. Mr. Jensen indicated that he felt it was primarily two sections. Council Member Corrieri pointed out that it is difficult to find qualified LMI home buyers and construct the homes in three years, which was the time frame proposed by the developer for the "sunset clause." City Manager Schainker commented that what is being asked for by the developer may not be possible. Director Diekmann said that staff's position is that the City would have to be willing to put additional City funds into the project, because there is no guarantee that there will be enough qualified buyers within three years.

Council Member Betcher stated that she, too, was very concerned that the City will be able to certify LMI home buyers within the developer's requested time line. She is not comfortable with any commitment that involves a lot more funds than what were anticipated and from a lot of different sources. Housing Coordinator Baker-Latimer noted that staff would do its best to find qualified buyers; however, there was no guarantee that there will be enough qualified LMI buyers. Director Diekmann indicated that the City has not tried to find this many buyers since Bentwood, which has been well over 20 years ago. He also pointed out that that program was through HUD, and the City was allowed to have higher income limits.

Council Member Gartin noted that there has not been any housing offered at the proposed price point in Ames for some time. He believes the demand is there.

Council Member Martin indicated his concern that the developer is requesting that the City buy-out the project in three years; that is something that had not been discussed before. Mayor Haila pointed out that another concern would be to find another contractor to finish the project if JCorp gets bought-out by the City after three years, but the project is not finished.

Council Member Gartin said that the Council had not discussed any alternatives if the proposal by JCorp did not work out. Director Diekmann noted that staff had presented additional options last January.

Mayor Haila asked if there is the risk of the City losing CDBG funds. Housing Coordinator Baker-Latimer stated that there is a timeliness schedule that has to be met every year. She is looking at other projects for this round of funding because the timeliness test couldn't be met with this project.

Council Member Gartin asked at what point did the three-year time line manifest itself. Mr. Jensen said it was always in the discussions. He believes he has spent a lot of money, a lot of time, and has already taken a lot of risk. It was stated by Mr. Jensen that it appears that some people are not confident that the project can be done, and that does not motivate him to want to

move forward. Mr. Jensen said that he has asked staff to include one sentence, which is to look at the program after three years and come up with some other alternatives; however, staff refused. Mr. Jensen thinks that if there are no homebuyers and the houses aren't selling after 36 months, there is a problem with the program. He said he needs some commitment to a schedule. In answer to Council Member Gartin's inquiry, Mr. Jensen believes that something can be worked out. Mr. Jensen indicated that it would be a deal-breaker for him if a time line was not put into the Agreement.

Vanessa Baker-Latimer answered the question of Council Member Corrieri that the City does have the ability to set the recapture provisions. HUD has guidelines about affordability.

Director Diekmann pointed out that to put language in the Developer's Agreement that states something might be considered in the future if something doesn't happen would not be binding.

Council Member Martin noted that both Director Diekmann and Mr. Jensen have indicated that perhaps more work can be done.

Summarizing, Mayor Haila said that if the houses are not sold within a certain time frame, e.g., three years, four years, five years, the developer wants to be absolved from his obligations and compensated for the costs that he has put into the project. Mr. Jensen acknowledged that he felt that the time frame should be three years. Director Diekmann indicated that because CDBG funding is being used, the City can't guarantee a time line. He pointed out that the market-rate homes can't all be built before the LMI housing.

Council Member Gartin asked Mr. Jensen if he had worked on similar projects. Mr. Jensen answered that he had not.

Council Member Betcher said she felt there was no reason to prolong this any longer if the end result would be the same. She reiterated her concerns that the City would not be able to find qualified buyers.

Moved by Corrieri, seconded by Betcher, to approve Alternative 2: to decline to enter into a Developer's Agreement and reject the bid for the public improvements.

Joanne Pfeiffer, 3318 Morningside Street, Ames, asked to speak. Mayor Haila noted that public input on this issue had closed; however, he asked Council if there were any objectives to taking additional public input. The Council indicated its consent to allow it. Ms. Pfeiffer stated that there is such a thing as taking a risk; however, perhaps that isn't possible for the City Council to do. She noted how much time and effort the neighborhood residents had put into this project; they had gathered data and done everything that staff had asked them to do. Ms. Pfeiffer believes that there will be qualified buyers. Council Member Gartin commented that it is a matter of the size of the risk exposure; the Council is safeguarding the money of the entire community.

Marilyn Clem, 3306 Morningside, Ames, referenced the previous decision Council had made on the location of Franklin Park. It was decided not to move it to 321 State Street. She suggested an

alternative might be to move the Park and put affordable housing where the Park is now. To her, it appeared that there would be a need for less infrastructure, which would mean less cost.

Council Member Martin said that the developer had commented that it had been difficult to bring all the stakeholders in a room at one time.

Council Member Betcher said that when discussing severing ties, she hoped that there would be some discussion about sharing the costs that have already been expended by the developer.

Director Diekmann noted staff's concern about whether buyers can qualify and whether the developer actually produces a product for which the City has buyers.

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

**HEARING ON REZONING PROPERTY AT 3504 GRAND AVENUE:** City Planner Ray Anderson explained that the property owner, Heartland Baptist Church, is requesting rezoning of a single parcel of land located at 3504 Grand Avenue from Residential High Density to Neighborhood Commercial. The site is located on the east side of the intersection of Grand Avenue and Bloomington Road and includes 1.83 acres. On September 19, 2017, the City Council directed that a rezoning application was the preferred option for consideration of changing use of the site compared to a Highway-Oriented Commercial LUPP change application.

According to Planner Anderson, Habitat for Humanity of Central Iowa proposes to relocate its main office, presently located at 401 Clark Avenue, and its retail store, presently located at 402 E. Lincoln Way, to the site at 3504 Grand Avenue. Stand-alone offices and retail sales and service uses, as proposed for this site, are not permitted in the RH zoning District. Rezoning of the site to Neighborhood Commercial allows the proposed uses in the pre-existing buildings on a lot with a maximum lot area of 100,000 square feet, subject to approval of a Special Use Permit by the Zoning Board of Adjustment. The Special Use Permit requirement is triggered by the size of the property exceeding 20,000 square feet. If the rezoning is approved, the applicant would proceed with a Special use Permit application for use of the site to address operational aspects of the business. Mr. Anderson said that the site contains a now-vacant building; however, it was previously occupied by Heartland Baptist Church. The applicant intends to establish its planned uses with the existing structures without any alterations to the exterior or changes to the parking areas.

The Council was told by Planner Anderson that, at the December 20, 2017, Planning and Zoning Commission meeting, the Commission voted unanimously to recommend approval of the rezoning.

The public hearing was opened by Mayor Haila. After no one else came forward to speak, the Mayor closed the hearing.

Moved by Nelson, seconded by Betcher, to pass on first reading an ordinance rezoning property at 3504 Grand Avenue from Residential High Density (RH) to Neighborhood Commercial (NC).

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Martin, Nelson. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Motion declared carried.

Mayor Haila brought the Council's attention to the letter received from Habitat for Humanity requesting suspension of the rules necessary for the adoption of an ordinance and asked if there was any interest on the part of the City Council to do so. None of the Council members recommended suspending the rules.

**HEARING ON NORTH RIVER VALLEY PARK LOW-HEAD DAM IMPROVEMENTS PROJECT:** Christina Murphy, Assistant Director of Water and Pollution Control, indicated that she was available if there were any questions.

Mayor Haila opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Nelson, seconded by Betcher, to reject the bid.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**COUNCIL COMMENTS:** Moved by Gartin, seconded by Betcher, direct staff to come back with some options for providing some type of compensation to JCorp for the investments they have made on the 321 State Street, including historical and setting a precedent.

Council Member Corrieri asked how this would be different than when other developers have requested a rezoning or project. Council Member Gartin said he believes there have been additional items since the issuance of the RFP.

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

**ADJOURNMENT:** Moved by Nelson to adjourn the meeting at 9:47 p.m.  
Vote on Motion: 6-0. Motion declared carried unanimously.

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Diane R. Voss, City Clerk

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John A. Haila, Mayor